TOTALITARIANSM - GENERAL

1986

Sept — Nov

'Nincompoops don't make good censors'

CAPE TOWN — Not anyone can be a censor — as advertisements placed by the Directorate of Publications clearly indicate.

You have to be under 65 with academic or professional qualifications and be civilised and balanced.

Or to put it in the words of Professor A Coetzee, director of the Directorate of Publications: "We don't want a complete nincompoop."

For the first time the directorate has placed advertisements in newspapers across the country appealing for volunteers to join its *ad hoc* committees which scan publications and films.

The pay is good: chairmen earn R24,23 an hour — or R193,82 for an eight-hour day — while committee members get R19,13 an hour or R153,05 a day.

The major qualification needed is that you must want to be a censor. — Sapa

Cape Times 1/9/86

'Scapegoat' PFP member resigns

JOHANNESBURG. — Mrs Del Kevan, the former PFP city councillor who is at the centre of the Soweto eviction controversy, claims she is being made "a scapegoat" for last week's bloody violence which left 21 people dead.

Mrs Kevan, who represented the PFP in the Randburg Town Council until December last year, resigned from the PFP on Friday, saying she appreciated she was putting the party "in an embarrassing position".

She is employed as Director of Housing by the Soweto Council and is responsible for issuing eviction notices.

Mrs Kevan said a reported claim by the Soweto Civic Association that last week's deaths "lay on her conscience — if she has one" was "ridiculous."

"The evictions were not my decision — everything is discussed by the council," she said, adding that the action was taken only "after warning and warning people who took no notice".

Mr Gary Cooney, the PFP's Southern Transvaal regional director, confirmed her resignation.

Both the Bureau for Information and the Town Clerk of Soweto, Mr Nico Malan, have denied that evictions of rent boycotters sparked the unrest.

Asked if evictions would continue, Mrs Kevan said it was "obvious we will have to look at the whole policy". However, Mr Malan has said evictions will continue if people fail to pay rents. — Sapa

Soweto killings: 'No warning'

Staff Reporter

THE latest edition of the independent Weekly Mail carries the first eye-witness account of last week's killing of 20 people in White City, Soweto, and the report alleges that Soweto council police fired without warning on a crowd, some of whom were chanting "We are not fighting".

Reporter Sefako Nyaka's account differs from the official version put out by the Bureau for Information, and contradicts the bureau's report that security forces first opened fire after a hand-grenade was thrown at a police patrol, wounding four men.

His report said that before the battles, residents had been at meetings on every street to discuss action against rent evictions.

Mr Nyaka said he was standing near a crowd when a Soweto Council police van sped up and "the occupants of the van fired at the fleeing crowd".

"The crowd reassembled and a hasty decision was taken to march to the rent offices to inquire why police were shooting at them.

"Police vans appeared from the opposite direction. A few people in the front of the crowd started chanting: 'We are not fighting' and at the same time making the peace sign.

"Suddenly all the front lights in the street went out and police started firing on the crowd without warning. I could hear groans and screams from people who had been hit by birdshot, fired apparently at random by council police."

Mr Nyaka then heard a loud blast, which he said he presumed was the explosion of the hand-grenade reported by the Bureau for Information, then saw a group of youths advancing and providing cover for a man — "a trained guerilla, I suspect, probably using an AK47" — firing on the council police.

Police Casspirs arrived and as shots were fired, he saw a youth run into a yard. "Figures appeared from the back yard and opened fire. The youth tried to run back into the street. The youth was later found dead in the yard."

Cape Times 1/9/86

'Scapegoat' PFP member resigns

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Bureau under heavy media fire

Cape Times 1/9/86

By MAX DU PREEZ

THE severe criticism of the Bureau for Information and the way in which it has treated news of the violence in black townships has now spread to inside the ruling National Party and its supporting media.

Their handling of the Soweto killings last week of 21 people angered many, including several NP MPs, and was criticized by the two biggest Afrikaans dailies, Beeld and the Burger.

Mr Neil Ross, co-ordinator of the PFP's nationwide unrest monitoring services, said yesterday that it was clear from their monitoring teams in virtually every township that white South Africans have "no idea whatsoever" of what is going on in the townships, because of the Information Bureau's "selective and distorted" handling of the news and the legal restrictions on newspapers to find out for themselves.

PFP leader Mr Colin Eglin called the bureau's way of informing the SA public "dangerous" when he cited an example of how it allegedly misrepresented the deaths of a municipal policeman and a soccer player in Adelaide last month.

Rural areas

Mr Ross said the public have no idea of the scope of SADF and SAP actions, especially in the rural areas. Paging through the extensive unrest monitoring files of the PFP, he pointed to unreported security force action in towns such as Oudtshoorn, Queenstown, Parys, Kroonstad, Graaff-Reinet, Upington, De Aar, Willowmore, Worcester, Ashton, Fort Beaufort and Carnarvon. "White South Africans think it is relatively quiet in the black townships of SA. But what we have seen and heard is amazing," Mr Ross said.

The files tell stories that do not correspond with the public view of what is going on in South Africa today. There are many stories, some accompanied by affidavits, others not, of young children spending long periods in detention, of alleged victimization, of the police closing the entrances to supermarkets and detaining most black shoppers inside and of alleged assaults.

Beeld and the Burger's influential political commentator, Dawie, wrote on Saturday that there were now doubts about the bureau's "ability to play an effective information role".

Mr Ross said the PFP's files showed that Law and Order Minister Mr Louis le Grange's list of detainees tabled in Parliament was incorrect and unreliable. According to PFP calculations, there should have been some 14 000 names on the list, not 8 551.

KATLEHONG FOUR ARE RELEASED

FOUR senior members of the Katlehong Action Committee, who were detained under the state of emergency on June 23, have been released from custody.

They are Mr John Mphole, chairman; Mr Isaac Setwaba, vice-chairman; Mr Tshepang Mika and Mr Dumisane Simelane, both members of the executive committee.

All except Mr Simelane are also members of the Azanian Peoples' Organisation. Mr Simelane is a member of the Azanian Youth Congress.

Important

Mr Mphole, Mr Setwaba and Mr Mika were released last Thursday and Mr Simelane on Friday.

All except Mr Simelane were arrested at the Benoni Magistrate's Court. They together with 29 other people were appearing on charges of assault.

Speaking on behalf of the four, Mr Mphole said: "We feel great to be out but at the same time sad to have left other people behind.

"The state of emergency will not solve the problems of this country. All the Government has to do is to meet the true leaders of the black people and discuss their problems," Mr Mphole added.

(ee) Practising attorney and member of the Commission of Inquiry into Township Establishment and Related Matters.

(ff) Retired Town Clerk of Welkom with wide experience of housing at local government level.

(d) The Chairman receives R219,40 per meeting and the other members receive R156,67 per meeting of the Board and R176,14 per meeting of the Regional Committees of the Board.

(2) No.

(3) Falls away.

Transport of pupils

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

Whether the various provincial education authorities have differing policies on the financing of the transport of pupils to and from school; if so, (a) why, and (b) what are these policies, in each case?

†The MINISTER OF HEALTH SERVICES AND WELFARE (for the Minister of Education and Culture):

Yes,

(a) because transport schemes are administered in each province in terms of the provisions of the ordinance of that province, and

(b) the policies have already been furnished in the reply to oral question no. 2 dated 24 June 1986.

Technikons: race quotas/restrictions

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

Whether technikons under the control of his Department are required to observe a policy of race quotas or restrictions in regard to the admission of students; if so, what is the policy of his Department in the case of each technikon?

The MINISTER OF HEALTH SERVICES AND WELFARE (for the Minister of Education and Culture) (Question laid upon the Table with leave of House):

Yes. According to the policy laid down in August 1984 by the Minister of National Education after consultation with the other Ministers responsible for education, the admission of Coloureds, Indians and Blacks as students to the formal teaching programme of a technikon is at the discretion of the Council of the technikon, with the proviso that for a specific year the ratio of the total number of White full-time equivalent students enrolled to the total number of full-time equivalent students enrolled is at least larger than the percentage prescribed per individual technikon (Cape 98%; Natal 94%; Witwatersrand 98%; Pretoria 99%; Port Elizabeth 91%; Vaal Triangle 99% and OFS 99%); the admission of Coloureds, Indians and Blacks as students to the individual national diploma courses is at the discretion of the Council with the proviso that for a specific course the ratio of the head-count of White students to the head-count of the total number of students by the middle of each semester is at least larger than 80%; the admission of Coloureds, Indians and Blacks as students to the non-formal teaching programmes on the campus or elsewhere, is also at the discretion of the Council with the proviso that for a specific course the ratio of the head-count of White students to the headcount of the total number of students is at least larger than 70% at the beginning of the course; the technikon Council may, with full explanation of the circumstances which apply, approach the Minister with a view to the adaptation of the above-mentioned percentages.

The Department is at present revising the policy in the light of section 14 of the Constitution Act and item 14 of Annexure 1 to the Constitution Act.

Libraries/museums

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

Whether libraries and museums under the control of provincial administrations have been transferred to his Department; if so, with effect from what date; if not, under which State Departments does the control of such libraries and museums fall at present?

†The MINISTER OF HEALTH SERVICES AND WELFARE (for the Minister of Education and Culture):

The Cabinet has decided that libraries and museums under the control of provincial administrations which have been identified as White own affairs, be transferred to the Administration: House of Assembly. Furthermore the Ministers' Council, Administration: House of Assembly has decided that such services be temporarily allocated to the Department of Education and Culture. No date for such transfer has as yet been set.

For written reply:

General Affairs:

State of emergency: persons killed/injured

1192. Mrs H SUZMAN asked the Minister of Law and Order:

(1) Whether he will furnish statistics on persons involved in incidents related to the current state of emergency; if not, why not; if so, how many persons (a) had been (i) killed and (ii) injured by (aa) members of the South African Police and (bb) any other specified persons and (b) had been (i) detained and (ii) arrested by the South African Police in connection with such incidents since 12 June 1986 as at the latest specified date for which information is available;

(2) whether any members of the South African Police were (a) killed and (b) injured in unrest during the abovementioned period; if so, how many in each case;

(3) what were the causes of the (a) deaths and (b) injuries in respect of (i) civilians and (ii) policemen during this period?

The MINISTER OF LAW AND ORDER:

(1) to (3) No, because I do not deem it in the public interest to furnish this information.

Electrified fences

1193. Mr P A MYBURGH asked the Minister of Defence:

(1) Whether, with reference to his reply to Question No 31 on 19 March 1985, any further electrified fences have been constructed on the borders of the Republic; if so, (a) in what areas, (b) when in each case, (c) where do these fences (i) begin and (ii) end in each case, (d) what is the voltage carried by these fences, (e) who constructed them and (f) what was the total cost involved;

(2) Whether notices warning that the fences are electrified have been erected on both sides of the fences; if not, (a) why not and (b) what steps are taken to warn members of the public; if so, (i) at what intervals are the warnings placed and (ii)(aa) in what languages or (bb) by what means are these warnings conveyed;

(3) whether any persons have died as a result of coming into contact with any of these fences; if so, (a) how many, (b) when and (c) what was the nationality of these persons?

The MINISTER OF DEFENCE:

(1) Yes, only one.

(a) Eastern Transvaal.

REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

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Government Gazette

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Vol. 255 PRETORIA, 2 SEPTEMBER 1986 No. 10428

GOEWERMENTSKENNISGEWING

MINISTERIE VAN WET EN ORDE

No. 1866 **2 September 1986**

BEVELE KRAGTENS DIE REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by regulasie 7 (1) (d) van die regulasies kragtens die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), afgekondig by Proklamasie R. 109 van 12 Junie 1986, soos gewysig, reik ek, Gideon Pienaar Laubscher, Afdelingskommissaris van die Suid-Afrikaanse Polisie, hierby die bevele in die Bylae uiteengesit uit.

BYLAE

1. In hierdie Bylae het 'n woord of uitdrukking waaraan in die Regulasies 'n betekenis geheg is 'n ooreenstemmende betekenis, en beteken—

"Afdelingskommissaris" die Afdelingskommissaris van die Suid-Afrikaanse Polisie in die Afdeling Soweto;

"die Regulasies" die regulasies afgekondig by Proklamasie R. 109 van 12 Junie 1986, soos gewysig deur Proklamasies R. 110 van 17 Junie 1986, R. 121 van 27 Junie 1986, R. 125 van 8 Julie 1986 en R. 140 van 1 Augustus 1986;

"gespesifiseerde gebied"—

(a) die gebiede in die landdrosdistrik van Johannesburg bekend as—

(i) Soweto, soos afgebaken en omskryf in Goewermentskennisgewing 1506 van 17 Augustus 1956, soos gewysig;

(ii) Diepkloof en Meadowlands, soos afgebaken en omskryf in Goewermentskennisgewing 2603 van 24 Desember 1954, soos gewysig;

(b) die gebied in die landdrosdistrik van Roodepoort bekend as Dobsonville, soos afgebaken en omskryf in Goewermentskennisgewing 1551 van 24 Oktober 1958, soos gewysig;

GOVERNMENT NOTICE

MINISTRY OF LAW AND ORDER

No. 1866 **2 September 1986**

ORDERS UNDER THE REGULATIONS MADE UNDER THE PUBLIC SAFETY ACT, 1953

Under the powers vested in me by regulation 7 (1) (d) of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 109 of 12 June 1986, as amended, I, Gideon Pienaar Laubscher, Divisional Commissioner of the South African Police for the Soweto Division, hereby issue the orders set out in the Schedule.

SCHEDULE

1. In this Schedule any word or expression to which a meaning has been assigned in the Regulations shall have a corresponding meaning, and—

"ceremony", in relation to a funeral, means any ceremony associated with a funeral, including any memorial service, commemorative service or any other service held in connection with a funeral, and also a funeral procession;

"Divisional Commissioner" means the Divisional Commissioner of the South African Police for the Soweto Division;

"security action" means any action by a Force or a member of a Force, whether such action took place before or after the publication of this Government notice;

"specified area" means—

(a) the areas in the Magisterial District of Johannesburg known as—

(i) Soweto, as demarcated and described in Government Notice 1506 of 17 August 1956, as amended;

(ii) Diepkloof and Meadowlands, as demarcated and described in Government Notice 2603 of 24 December 1954, as amended;

(b) the area in the Magisterial District of Roodepoort known as Dobsonville, as demarcated and described in Government Notice 1551 of 24 October 1958, as amended;

"seremonie", met betrekking tot 'n teraardebestelling, enige seremonie wat met 'n teraardebestelling gepaard gaan, met inbegrip van 'n roudiens, gedenkdiens of ander diens wat gehou word in verband met 'n teraardebestelling, en ook 'n begrafnisstoet;

"veiligheidsoptrede" optrede deur 'n Mag of 'n lid van 'n Mag, hetsy sodanige optrede plaasgevind het voor of na die publikasie van hierdie Goewermentskennisgewing.

2. Geen teraardebestelling, en geen seremonie in verband met die teraardebestelling, van 'n persoon wat in of tydens veiligheidsoptrede gesterf het, word in 'n gespesifiseerde gebied gehou nie behalwe op die volgende voorwaardes, naamlik dat—

(a) die teraardebestelling en enige sodanige seremonie slegs mag plaasvind op 'n ander dag as 'n Saterdag, Sondag of openbare vakansiedag en op 'n tyd, datum en plek skriftelik deur die Afdelingskommissaris goedgekeur;

(b) geen sodanige seremonie, in soverre dit 'n roudiens, gedenkdiens of 'n ander diens behels, in die ope lug gehou mag word nie;

(c) slegs 'n geordende leraar van 'n godsdienstige denominasie of organisasie as spreker tydens die teraardebestelling of enige sodanige seremonie mag optree;

(d) die persone wat die teraardebestelling bywoon slegs per voertuig vanaf die plek waar enige roudiens, gedenkdiens of 'n ander diens gehou is na die plek waar die betrokke persoon teraardebestel word, mag beweeg en wel langs 'n roete deur die Afdelingskommissaris goedgekeur;

(e) geen vlae, baniere, plakkate, pamflette of aanplakbiljette by of tydens so 'n seremonie of teraardebestelling vertoon of versprei mag word nie;

(f) geen luidspreker by of tydens die teraardebestelling of so 'n seremonie gebruik mag word nie;

(g) die teraardebestelling of so 'n seremonie nie bygewoon word deur meer as 200 persone nie; en

(h) die teraardebestelling, met inbegrip van so 'n seremonie, nie langer as drie uur mag duur nie.

3. Geen gesamentlike teraardebestelling, en geen gesamentlike seremonie in verband met die teraardebestelling, van twee of meer persone wat in of tydens veiligheidsoptrede gesterf het, word in 'n gespesifiseerde gebied gehou nie.

4. Die Afdelingskommisaris kan op die voorwaardes wat hy bepaal, bepaal dat 'n voorwaarde in klousule 2 vermeld, of die bepalings van klousule 3, nie ten opsigte van die teraardebestelling van 'n bepaalde persoon of persone of ten opsigte van 'n seremonie of seremonies in verband met die teraardebestelling van 'n bepaalde persoon of persone van toepassing is nie.

"the Regulations" means the regulations published by Proclamation R. 109 of 12 June 1986, as amended by Proclamations R. 110 of 17 June 1986, R. 121 of 27 June 1986, R. 125 of 8 July 1986 and R. 140 of 1 August 1986.

2. No funeral, and no ceremony in connection with the funeral, of a person who has died in or during security action, shall be held in a specified area otherwise than on the following conditions, namely that—

(a) such funeral and any such ceremony shall only take place on a day other than a Saturday, Sunday or public holiday and on such time, date and place as may be approved in writing by the Divisional Commissioner;

(b) no such ceremony, in so far as it involves any memorial service, commemorative service or any other service, shall be held out of doors;

(c) only an ordained minister of a religious denomination or organisation may act as speaker during such funeral or any such ceremony;

(d) persons attending the funeral shall only travel by vehicle from the place where any memorial, commerative or other service was held to the place where the person concerned is to be buried, and along a route determined by the Divisional Commissioner;

(e) no flags, banners, placards, pamphlets or posters shall be displayed or distributed at or during such funeral or any such ceremony;

(f) no public address system shall be used at or during such funeral or any such ceremony;

(g) such funeral or any such ceremony shall not be attended by more than 200 persons; and

(h) such funeral, including any such ceremony, shall not last for more than three hours.

3. No joint funeral, and no joint ceremony in connection with the funeral, of two or more persons who have died in or during security action, shall be held in a specified area.

4. The Divisional Commissioner may, on such conditions as may be imposed by him, determine that a condition specified in clause 2 or that the provisions of clause 3 shall not apply in respect of the funeral of any particular person or persons or in respect of any ceremony or ceremonies in connection with the funeral of any particular person or persons.

INHOUD

No.		*Bladsy No.*	*Staatskoerant No.*
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Wet en Orde, Ministerie van			
Goewermentskennisgewing			
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10428—1

Prof quits over 'conflict'

Education Reporter

THE president of the Society of University Teachers of Law, Professor Reinhard Zimmerman, has resigned his position over conflicting law faculty approaches to the state of emergency.

Professor Zimmerman, acting dean of the Faculty of Law at the University of Cape Town, said in a letter published in UCT's Monday Paper that his position had become untenable and that he felt he could no longer represent the society.

He said that at the last meeting of the executive committee it had been decided that a public statement would be made on behalf of the society, expressing its concern at the effect of the state of emergency on legal education.

Concern

The statement, circulated among council members, expressed "grave concern" at the implications of the state of emergency for "the quality of legal education in South Africa".

The state of emgergency inhibited the research of law and stultified the teaching of law. It generally prevented the free exchange of ideas and further eroded respect "which we as teachers of law try to imbue in our students for the law as a vitally important regulatory mechanism in our society", the statement said.

The society had decided not to publish the letter in July when there were five negative and two positive responses. However, by the end of July nine faculties were in favour and six opposed.

From the answers received, he gathered that at least some faculties felt very strongly about the matter and were not prepared to accept even an amplified version of the statement.

Political

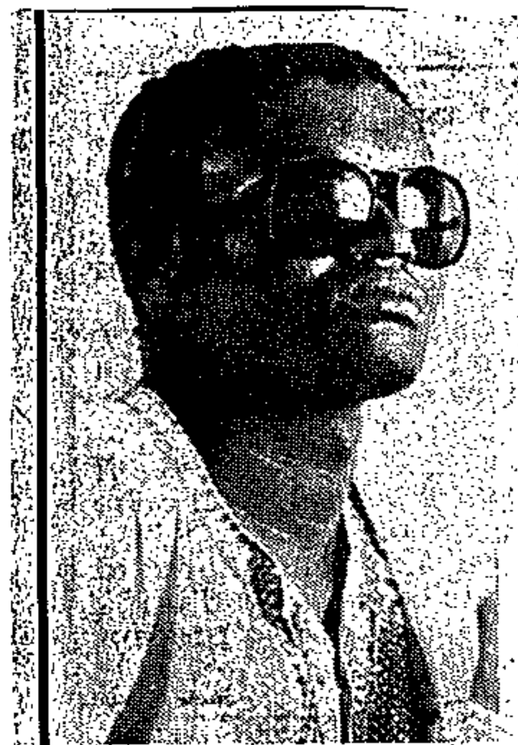
"The statement was said to be one-sided and of a political nature. Its issuing on behalf of the society would be regarded as an entirely inappropriate and unprecedented step by many members," Professor Zimmerman said.

He said he did not think the proposed statement was a political one because it gave expression to a concern about the effects of "certain political actions on our work at the South African universities and deals with something which is central to our professional existence: The integrity of law and the teaching of law".

Professor Zimmerman said he had come to the conclusion that it would not be possible to take the matter further without endangering the existence of the society.

Cape Times 2/9/86

Kekana: I'm no sell-out



Steve Kekana

Own Correspondent

JOHANNESBURG. — Singer Steve Kekana yesterday defended his participation in the Bureau for Information's "song for peace", saying he would not forgive himself if he did not try every avenue to bring peace to South Africa.

He appealed to the public not to think of participants as "sell-outs" as this was the first big chance for musicians to promote racial conciliation.

And in another development, the Deputy Minister of Information, Mr Louis Nel, is to answer Opposition questions on the controversy surrounding the song in Parliament today and will issue a statement.

Much of the controversy has centred on the amounts paid to singers taking part. It is believed there were 10 "front" singers who were each paid R8 000 a day, while the 40-odd chorus singers were paid R4 000 each.

Kekana, Abigail Kubeka and Blondie Makhene are among the black singers alleged to have participated.

Kekana said yesterday that if singers were to be accused of taking "blood money" from the government, then all anti-apartheid campaigners should refuse any benefit derived from government-funded projects.

He said he preferred money being spent on an attempt at peace rather "than on rubber bullets and teargas canisters".

Before agreeing to participate, Kekana, who has won international acclaim, said he had checked that the lyrics were not a way of getting musicians to canvass for the government.

There has been no mention to date of when the public can expect to hear the music or see the video-recording of the song as no media spots have yet been booked, according to The Agency, the advertising agency responsible for much of the project.

Curbs on Soweto mass funeral

BUSDAY 3/9/86.

Business Day Reporter

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GOVERNMENT last night imposed restrictions on a planned mass funeral and stayaway tomorrow to bury those killed in Soweto last week.

An organising committee, including Cosatu, the UDF, Azapo and Cusa, had planned to bury 27 people.

The following restrictions in terms of the Public Safety Act were promulgated by Gideon Laubscher, divisional commissioner (Soweto) of the SAP:

☒ No joint funerals;

☐ No funerals to be held at weekends or on public holidays;

☐ Funerals can take place only once the divisional commissioner has given permission in writing;

☐ No outdoor services;

☐ Only ministers of religion may speak;

☐ The funerals can only be attended by up to 200 people;

☐ Public address systems are not to be used, and flags and banners may not be displayed.

Urgent talks on Soweto funeral

Urgent meetings are being held in Soweto today to discuss plans for the mass funeral of unrest victims after the Government placed clamps on the funeral.

The meeting, attended by priests who were to have conducted the service, is seeking alternatives to overcome the ban.

In the meantime there are plans for a huge stayaway in the township as a mark of respect for those who died.

This morning one of the Reverend Stephen Mbande of St Matthew's Anglican Church was served with a government notice prohibiting the holding of the funeral tomorrow.

Policemen from Protea arrived at his house as he was speaking to a reporter from *The Star*.

The restrictions say that not more than one unrest victim may be buried at a time, funerals may not take place at weekends or on public holidays, funerals have to be held indoors, only 200 people may attend, no flags, banners or placards can be displayed, no marches or processions are allowed, mourners may not follow the procession on foot.

DISPUTE

There is dispute about the number of people who died in Soweto, but the Bureau for Information says six of these are victims of "normal crime".

Political Correspondent David Braun reports from Cape Town that the Progressive Federal Party is to call on Law and Order Minister Mr Louis le Grange today to withdraw restrictions on the funerals.

Mrs Helen Suzman, the party's spokesman on law and order, said the restrictions were unrealistic and showed no understanding of the situation in Soweto.

"People have made preparations, hired buses and a stadium and now they have been told only 200 may attend a funeral and that there is to be no joint funeral.

"The best thing the Government could do is to let the people have the funerals they want and for the police to stay away.

"If that is not done I believe there may be tragic consequences," she said.

Mrs Suzman will be reporting to Parliament what witnesses have told her of the incidents in Soweto last week.

POLICE BAN BURIAL

Funeral of 22 victims can't be held

Unrest stories

THIS issue of the *Sowetan* has been produced under conditions that amount to censorship.

Some stories that relate to unrest, the state of emergency and the activities of the security forces have been heavily vetted by our lawyers to conform with emergency regulations.

Additional facts of information which we may have had relating to unrest had to be approved by the bureau or cannot be published.

THE mass funeral of 22 unrest victims in Soweto has been effectively banned.

But the *Sowetan*'s lawyer, Mr Peter Reynolds, last night said the proclamation which banned the mass funeral was invalid, unless "properly promulgated in terms of the regulations".

He said the restrictions on the funeral would not be valid unless published in a Government Gazette, or in full in a newspaper in circulation in the area or over SABC Radio or TV "in sufficient detail to be understood".

The 22 were shot dead last week in Soweto after pitched battles erupted when council law enforcement officers attempted to evict rent defaulters.

Arrangements had been made for them to be buried in a mass ceremony.

But late last night Soweto's Divisional Commissioner of Police, Brigadier Gideon Loubscher, issued orders which severely restricted the holding of funerals of persons who had been killed because of security forces action in Soweto.

The restrictions apply to funerals in Soweto, Diepkloof, Meadowlands and Dobsonville.

In terms of the restrictions:

- Not more than one unrest victim can be buried at a time;
- The funeral service cannot be held outdoors;
- Only an ordained religious minister can address the funeral;
- No more than 200 people are allowed to attend the funeral;
- Mourners are only allowed to travel by vehicle from the memorial service to the burial, and only along a route determined by the divisional commissioner;
- No flags, banners, placards, pamphlets or posters can be displayed or distributed at the funeral; and

The committee arranging the funeral said last night no official had told them about the restrictions. They heard the news from the media, reports **LANGA SKOSANA.**

"We were holding a meeting last night to finalise our plans about how the burial will take place. As far as the committee is concerned we will have to bury our dead in the best way we deem fit," said the Rev S K Mbande, one of the committee members.

CM6 Times 3/9/86

Bishops' 'urgent message'

Staff Reporter

THE Southern African Catholic Bishops' Conference (SACBC) has sent an eight-page letter to the State President, Mr P W Botha, criticizing the state of emergency and calling for the total dismantling of apartheid.

The letter was given to the press yesterday and bore the names of all Southern African archbishops and bishops, including the president of the SACBC, Archbishop Denis Hurley.

It said the letter arose from a compulsion to express the bishops' views on the South African situation of conflict, violence and bloodshed.

Headed "An Urgent Message to the State President", the letter said the state of emergency was one of the principal obstacles to the process of rapprochement and negotiation between the contending parties in South Africa.

Although the emergency might, as an interim measure, suppress conflict to some extent, it was treating symptoms and not causes.

The conference's assessment of the state of emergency was based on experience gained from personal knowledge of its effects and from reports from various parts of the country where oppression and reaction to it had been most intense. It said that a disturbing picture emerged.

The SACBC deplored the actions of the security forces against people opposed to government policy, especially church personnel.

"We are dismayed too by the instances of the violation of religious freedom, such as interference with church services, disregard for the sacred character of church buildings and the detention of whole congregations."

One of the consequences of the present state of emergency was the people's reaction to primary violence on the part of the state.

"We deplore in the strongest possible terms the summary trial and 'execution' of those suspected of collaborating with the state. Sadly, the unspeakable cruelty of the 'necklace' continues. These tragic developments emphasize how mistrust grows and polarization intensifies," the letter said.

CNA Times. 3/9/80

Newsman in court

Court Reporter

CAPE TIMES photographer Mr Alan Taylor appeared in the Bellville Magistrate's Court yesterday in connection with the taking and subsequent publication of a picture of a man being apprehended by soldiers at the University of the Western Cape on October 1, last year.

The State alleges that he took the picture without the permission of the Commissioner of Police. The picture appeared on the front page of the Cape Times on October 2, with the words: Picture: Alan Taylor.

The prosecutor, Mr B R Buys, asked that the matter be postponed to October 30, as there were certain admissions that the State had understood were going to be made by Mr Taylor but it was now apparent that he was not going to admit anything.

He said that further investigation was needed and certain State witnesses had to be subpoenaed to appear. "It will probably be referred to the Attorney-General," Mr Buys said.

Mr M Donen, for Mr Taylor, said he could not confirm that there had been an agreement to make admissions.

The charge sheet indicates Mr Taylor had "presumably been arrested for public violence", attending an unlawful gathering or failing to disperse after being told to do so by a police officer.

Mr F Bolleurs was the magistrate. Mr Donen was instructed by Findlay and Tait.

Anglicans denounce anti-Tutu 'front' body

Cape Times 3/9/86 (327)

By ROGER WILLIAMS
Chief Reporter

THE Anglican Church yesterday denounced an apparent attempt by the Gospel Defence League to discredit the new Archbishop of Cape Town, the Most Rev Desmond Tutu, on the eve of his enthronement — and implied that the League might be a "front" organization.

Mrs Dorothea Scarborough, secretary of the League, confirmed that 10 000 copies of the League's booklet, "The Archbishop and the Bible", were to be distributed at the open-air celebration eucharist at Goodwood on Sunday afternoon, following the enthronement in St George's Cathedral.

But she denied that the booklet had been funded from outside sources and that the League was a front for a government or other agency. She would not say how much it had cost to produce the booklet but said: "It's not all that expensive — but I can't tell you why it's not expensive."

The booklet was printed by Mills Litho of Maitland.

A statement issued at a press conference at Church House yesterday said the literature of the Gospel Defence League and its tenor "is remarkably similar to that distributed a few years ago by the thoroughly-discredited Christian Action League, which during the so-called 'Information Scandal' was revealed to have been funded by the Department of Information.

"Again we query, who and what is the Gospel Defence League — and who funds it?

"We are fairly sure of the answers."

Mrs Scarborough, speaking from the League's office in Regent Road, Sea Point, conceded that a newsletter issued a few months ago by the League contained a cartoon depicting "a little clergyman" carrying an AK-47 rifle

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over his shoulder, but she denied this was meant to be Archbishop Tutu.

At the Church House press conference Mr Terry Crawford-Browne, media liaison officer for the enthronement, said the cartoon had been interpreted as depicting Archbishop Tutu.

The statement he issued said copies of "The Archbishop and the Bible" had been distributed last Sunday outside the cathedral, and copies had also been mailed to clergy of the Church of the Province of Southern Africa (CPSA).

"This booklet is a very much more expensively produced version of crude leaflets distributed by the Gospel Defence League earlier this year," the statement added.

"The Anglican Church is not embarrassed by, nor do we intend to apologise for, any of the sayings attributed to Archbishop Desmond Tutu. More particularly, the Anglican Church holds that the Gospel stands on its own and needs no defending, least of all by organizations such as the Gospel Defence League."

Questioned by the Cape Times about the League, Mrs Scarborough said it had no fixed membership, but was "a loose, interdenominational association of Christians concerned about alien ideological thinking which is coming into the church of Jesus Christ, and to direct Christians to the fact that they must not tamper with the word of the Bible and interpret it in humanistic and political terms".

● Archbishop Tutu, who officially became Archbishop of Cape Town and Metropolitan of the Church of the Province of Southern Africa on Monday, will attend a private "collation" in St George's Cathedral this morning.

Order restricting funerals

JOHANNESBURG. — Police last night issued an order restricting funerals of unrest victims in Soweto, but a legal expert said the proclamation would not be valid unless "properly promulgated".

The orders specify there may be no "joint" funerals or ceremonies; that only an ordained minister may address a funeral; the ceremony may not be held outdoors, and the number of mourners is limited to 200, according to a statement from the South African Police public relations division in Pretoria.

A legal adviser to the news media, Mr Peter Reynolds, said the proclamation would not be valid unless published in a Government Gazette, or in full in a newspaper in circulation in the area to which the order applies, or over SABC radio or TV. — Sapa

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PFP accuses Malan of cover-up

HOUSE OF ASSEMBLY. — Mr Tian van der Merwe (PFP Green Point) yesterday accused the Minister of Defence, General Magnus Malan, of hushing up the existence of an SADF report on police conduct in Eastern Cape townships "for the sake of political expediency".

And, he added, he had "reliable information" that personnel of the SADF were "so disturbed with some of the actions they had seen the police take in the townships that they had submitted a comprehensive report about it to their superiors in the hope that matters can be put right".

He was commenting on a reply given by General Malan to a question on whether a report had been compiled and submitted by members of the SADF stationed at Eastern Cape Command on the conduct of members of the SAP on duty in Eastern Cape townships during unrest.

General Malan said that where two forces "with different doctrines and training" were involved in a situation, it had to be conceded that differences in the method of approach might occur.

> General Magnus Malan: Differences in approach might occur between two forces "with different doctrines and training".

He added that he did not consider it to be in the public interest to make public particulars of departmental action taken with regard to such differences.

Mr Van der Merwe said the minister's response "does not even attempt to answer my question" and was "defensive and apologetic in its tone and evasive in substance".

Accusing General Malan of being contemptuous of Parliament, Mr Van der Merwe said he found it "extraordinary" that a minister of state could be so politically ham-handed as to try to explain in a defensive way an answer which he was not prepared to give.

He added that if anything, the minister's reply had confirmed that his information was "spot on" and as such it was to the credit of the Defence Force that they had produced the report.

Replying to another question from Mr Van der Merwe as to whether members of the SAP had been instructed to investigate police conduct in East Cape townships, the Minister of Law and Order, Mr Louis le Grange, said this occurred whenever accusations were made.

He said that all allegations reported to the SAP in a "responsible manner" were investigated. He was not, however, prepared to divulge information about such accusations.

He said in general that some accusations were found to be false, in some the culprits could not be traced while in others members of the police were criminally charged or had departmental steps taken against them.

CM6 Times 3/9/86

Bishops' 'urgent message'

Staff Reporter

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emergency was based on experience gained from personal knowledge of its effects and from reports from various parts of the country where oppression and reaction to it had been most intense. It said that a disturbing picture emerged.

The SACBC deplored the actions of the security forces against people opposed to government policy, especially church personnel.

"We are dismayed too by the instances of the violation of religious freedom, such as interference with church services, disregard for the sacred character of church buildings and the detention of whole congregations."

One of the consequences of the present state of emergency was the people's reaction to primary violence on the part of the state.

"We deplore in the strongest possible terms the summary trial and 'execution' of those suspected of collaborating with the state. Sadly, the unspeakable cruelty of the 'necklace' continues. These tragic developments emphasize how mistrust grows and po-

 Cape Times 3/9/86



Govt refuses to reveal death toll

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By BARRY STREEK
Political Staff

HOUSE OF ASSEMBLY. — The Minister of Law and Order, Mr Louis le Grange, yesterday refused to disclose the number of people killed and injured during the current state of emergency.

Mr Le Grange also refused to answer questions on the number of people who had been detained and arrested during the emergency.

He said he did not deem it to be in the public interest to furnish this information.

He also refused to say how many people were being held under the 14-day detention clause of the Internal Security Act.

Mrs Helen Suzman, the PFP spokesman on civil rights, strongly condemned Mr Le Grange's refusal to answer her questions on the emergency and detentions.

"I consider it disgraceful that the public is being deprived of information about events in their own country which they are fully entitled to have," she said.

"What is more is that the minister is now refusing to provide information which he has always provided — that is the number of people held under section 50 of the Internal Security Act, the 14-day detention clause.

"One can only assume the figure is so high that the minister hesitates to give this information ...

"This is all part of the secrecy syndrome which is enveloping South Africa and must be condemned," Mrs Suzman said.

Policemen

She had asked Mr Le Grange how many people had been killed and injured during the current state of emergency and how many people had been detained and arrested during the emergency.

She also wanted to know how many policemen had been killed and injured in unrest during the emergency, as well as the causes of death of policemen and civilians.

In reply to other questions by Mrs Suzman, he said 132 were being held under Section 29, the interrogation provisions, of the Internal Security Act on August 24, but none were being held under Section 28, the preventive detention clause, of the law.

● **Ebrahim Moosa** reports that the majority of MPs in the ruling NPP did not endorse the view of the Chairman of the Minister's Council, Mr Amichand Rajbansi, in supporting the state of emergency, according to Mr Mahmoud Rajab (Sol Springfield).

NP 'game'

Mr Rajab said this after two Solidarity private-member motions to debate the state of emergency and the release of political prisoners — both scheduled to be debated yesterday — were relegated to the bottom of the order paper.

Mr Pat Poovalingam (Sol Reservoir Hills) said he was informed yesterday that legislation and government business enjoyed precedence and therefore the two motions could not be debated.

"It is unfortunate that the NPP plays the game of the National Party," Mr Poovalingam said.

R73m Hex River tunnel

Political Staff

HOUSE OF ASSEMBLY. — The cost of the Hex River Tunnel has overrun the original contract cost by R46,2 million, the Minister of Transport Services, Mr Hendrik Schoeman, told Major Reuben Sive (PFP Bezuidenhout) in reply to a question yesterday.

In July 1985 it was estimated that completion of the tunnel would cost R73 017 000. The original 1980 contract price was R26 770 082.

CMC Times 3/9/86

'Witdoek' leader held

Staff Reporter

OLD CROSSROADS "witdoek" leader Mr Johnson Ngxobongwana, 42, was arrested early yesterday morning after about a dozen police arrived at his home.

Yesterday a police spokesman for the Western Province confirmed that "a community leader from Crossroads was arrested and will appear in court soon on charges under the Firearms and Ammunition Act".

His wife, Mrs Millicent Ngxobongwana, alleged that police pushed her husband around when they arrived at their home after midnight and "said they would shoot him".

She said more than ten policemen came into the house and took Mr Ngxobongwana from their home to the Community Services Offices in Nyanga East.

She followed the police vans "because they said they would shoot him ... I did not know what they were going to do".

The police spokesman said that if Mrs Ngxobongwana had any complaints she could make a statement and it would be investigated.

Govt gags Press with new curbs on unrest reports

By Sue Leeman

The Government has imposed a new set of clamps on the Press which prevent it from reporting on or being at the scene of any unrest, security force action or restricted gathering without the permission of the Commissioner of Police or a commissioned officer in a "force".

The new orders, which have been made in terms of regulation 7(1) of the emergency regulations published under the Public Safety Act, were promulgated on the eve of judgment in the Maritzburg Supreme Court today in a case in which newspapers have challenged the validity of existing media clamps.

The English-language Press has asked that certain of the emergency regulations, including regulation 7, be declared null and void.

The Bureau for Information indicated yesterday that the new orders had been published following an admission by the State earlier in the Maritzburg case that the existing orders were invalid because they had not been properly promulgated.

The first orders were merely telexed to the South African Press Association.

ON EVE OF MASS FUNERAL

The new clamps have been promulgated just in time to prevent newspapermen from covering a mass funeral today for more than 20 people killed in violence in Soweto last week.

Earlier this week, the divisional commissioner announced that the mass funeral had been banned, and restrictions on the time, place and conditions of funerals for the Soweto funerals were imposed.

In an extraordinary *Government Gazette* last night, the Commissioner of Police, General Johann Coetzee, barred anyone from "announcing, disseminating, distributing, taking or sending any comment on or news in connection with any security action".

No journalist, news reporter, news commentator, correspondent, newspaper or magazine photographer, cameraman, operator of sound or other recording equipment, assistants carrying cameras or equipment, or any other person covering events for the dissemination or publication of news here or abroad, may be near or within sight of any unrest, restricted gathering or security force action.

This does not apply to anyone who happens to be on the scene of unrest, a restricted gathering or security force action, or who happens to arrive there for purposes other than news gathering after the action has begun, provided such people leave the scene immediately.

The regulations do not prevent someone living in an area of unrest or security action from being in his home or from travelling to and from his home.

Legal and anti-apartheid organisations yesterday condemned the restrictions on the Press, saying they were undemocratic, an infringement of freedom of the Press and a serious inroad into human rights.

Mr Azhar Cachalia, national treasurer of the UDF, said the intention behind the orders was to conceal incidents like the killing of people in Soweto last week.

Mr Jules Browde, chairman of Lawyers for Human Rights, called the restrictions a "step back into the Middle Ages".

"If it weren't so serious an inroad into human rights, it could be classified as a bizarre piece of legislation," he said.

Professor Dion Basson of the Department of Constitutional Law at the University of Pretoria said the new orders made provision for even stricter measures against the Press than the original emergency regulation.

"THE VITAL VIEWPOINT"

Police slap another ban on 'security action' reporting


● COETZEE

THE Commissioner of Police has re-issued orders banning reporting of "security action".

General Johan Coetzee ordered yesterday that no journalist may be on the scene or "within sight" of any unrest, restricted gathering or security action.

Previous orders banning unrest coverage had not been properly promulgated, counsel for the Minister of Law and Order conceded in the Natal Supreme Court recently.

The court action was brought by the country's English-language newspapers challenging those sections of the emergency regulations covering reporting of unrest.

The latest police orders will in fact be challenged today when the Press case resumes in Maritzburg.

A full bench of the Natal Provincial Division of the Supreme Court is expected to rule on the application that emergency regulation 7, under which yesterday's orders were issued, be declared invalid.

Yesterday's orders were published in *Government Gazette* No 10429, however, and were issued in terms of emergency regulation 7 (1).

The orders prohibit reporting — or commenting — on any security action without written consent from the Commissioner or a commissioned officer of a force.

Security action was defined as:
☐ Any action to terminate, or which contributes to the termination, of any unrest;
☐ Any action to protect life or property in consequence of any unrest;
☐ Any follow-up action after any unrest had been terminated or ended, including any pursuit or tracking down of, or any other action taken against a person who participated or who is suspected of having participated in, unrest; and
☐ Any action taken under emergency regulation 2.

Regulation 2 empowers force officers to order people to proceed to a place and to apply force if such an order is not obeyed.

"Security action" was further defined as any action involving the arrest of a

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Police chief bans unrest reporting

● From Page 1

person:
☐ On a charge of having committed an offence under the emergency regulations or the Internal Security Act;
☐ In connection with an offence committed during the course of any unrest or any incident arising therefrom or connected therewith; or
☐ Under a provision of the emergency regulations or of the Internal Security Act.

"Security action" was further defined as any action by a force or a member of a force which on reasonable grounds appeared to be actions such as referred to above, or any deployment of a force, or of any vehicles, armaments, equipment or any accessories, for or in connection with any action referred to above or which on reasonable grounds appeared to be for or in connection with any such action.

The Commissioner ordered that any journalist "gathering news material" on the scene or within sight of any unrest, restricted gathering or security action leave the scene or remove "himself to a place outside sight of that unrest, gathering or action within such time as is reasonably required under the circumstances for such purpose . . ."

However, the provisions of this order should not prevent a person from being in his residence or from being on his way to or from his residence.

"Restricted gathering" meant any gathering in respect of which a condition had been determined under Section 46 (1) (ii) of the Internal Security Act, or a restriction or condition had been imposed or determined under Regulation 7 of the emergency regulations. — Sapa.

ONLY 4 AT A TIME - COPS



RELATIVES of the Soweto unrest victims leaving Protea police headquarters yesterday after they had been told no mass funeral will be held today.

FAMILIES of 22 Soweto unrest victims were yesterday told by police to bury their dead four at a time, starting tomorrow.

Those who spoke to the *Sowetan* after leaving the Protea police headquarters yesterday expressed anger.

They said arrangements to hold the mass funeral today were at an advanced stage.

By SOWETAN Reporter

The families said senior police officers told them the mass funeral could not be held today because of a call for residents to stay away from work.

Ms Miki Shuping, a relative of one of the victims, said police yesterday served them with a government notice banning the funeral.

They were told to report at Protea at 1pm to sign some documents.

"To our surprise, we were told only four people can be buried on any weekday starting tomorrow. We made it clear to the officers that we were unhappy with the orders.

"I do not understand why we should be harassed this much and not even be allowed to bury our dead on a day of our choice," said Ms Shuping.

• A Rand Supreme judge last night dismissed an urgent application challenging the banning of a mass funeral for more than 20 people intended to take place in Soweto today.

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Court bid to remove curbs

VALID TO 3 DECEMBER '86
You don't have to buy no name . . .

Court bid fails

From Page 1

The application, heard before Mr Justice O'Donovan was brought by the Rev David Nkwe, co-ordinator of the group of priests who were to officiate at the funeral, against the Soweto Divisional Commissioner of Police, Brigadier Gideon Laubscher.

Father Nkwe had submitted the order was invalid as it was not clear to who it is binding or who it was intended to bind; it was vague and overreaching; and it is grossly unreasonable and should not have been issued in the first place,

The judge ruled in favour of the police and added that the order was issued in the interest of public safety and for the maintenance of law and order. The application was dismissed with costs.

Archdeacon loses court battle over mass funeral

4/9/86.

3x27 SMM

By Estelle Trengove

A Soweto clergyman has failed in his Rand Supreme Court bid to set aside restrictions on today's planned mass funeral, but in an affidavit he indicated he and other ministers were set to proceed with the funeral, whatever the ruling of the court.

In the urgent application brought yesterday evening, Anglican Archdeacon the Ven David Nkwe challenged an order made by the Divisional Commissioner of Police in Soweto laying down conditions for funerals of people killed in security action.

The order, made under the emergency regulations, states that no joint funerals may be held for two or more people; that funerals may not be attended by more than 200 people; and that ceremonies may not be conducted in the open air.

Father Nkwe said in an affidavit he was the co-ordinating minister of the clergymen who would be officiating at the mass funeral of 24 people who were killed last week during conflict between members of the security forces and Soweto residents.

"The concept that there should be no ceremony out of doors or at the burial place is contrary to my upbringing as a Christian minister. I consider such a restriction on my functions as a minister in a Christian country to be intolerable. I will have no alternative but to obey the word of God in performing a proper burial ceremony at the graveside."

Father Nkwe warned that delaying the funeral would escalate feelings of tension in the township.

"It is necessary to defuse feelings of anger in Soweto as soon as possible. This can best be done by an orderly religious service which has been planned," he said.

The order restricting funerals of people killed in security action was "vague and overreaching in its operation and grossly unreasonable", he said, asking the court to set it aside.

In his judgment, Mr Justice O'Donovan said that it was not sufficient to say that the order was unreasonable.

The court could only interfere if it could be shown that the person who had made the order had acted *mala fide* or with an ulterior motive, or had not applied his mind to the situation.

"In the present case, whether one agrees with the desirability and reasonableness of the order or not, the matter is not justicable in this court unless one can show that the Minister of Law and Order or the commissioner acted *mala fide* or had an ulterior motive or did not apply his mind.

"In the circumstances I am constrained to dismiss the application with costs," he said.

'Soweto deaths won't bring new Africa'

CAPE Times 4/9/86 327

HOUSE OF ASSEMBLY. — Shooting black people in the townships would not bring the new hope to Africa talked about by the State President, Mr P W Botha, at the Free State National Party congress, Mrs Helen Suzman (PFP Houghton) said yesterday.

Speaking in support of her motion calling for a judicial commission of inquiry into the 21 deaths in White City, Soweto, on August 26, she said the official version of what happened that day differed greatly from eyewitness accounts.

According to the Department of Information, police had fired on the crowd after a hand-grenade attack but residents said police had fired on them at random.

Mrs Suzman said she and Mr Rupert Lorimer, a former MP, had spoken at length to residents in the area. They had done so in different areas and at different times, so there was no possibility of collusion, and had been given similar accounts.

Residents all said there had been no stone-throwing or petrol bombs but they heard a loud bang, which they were told was a hand grenade. This was three hours after the police had first opened fire. There had also been reports of a youth firing with an AK47.

She said residents had told of teargas being fired into houses and streets blocked off by police Casspirs. No warnings to disperse had been given and shots were fired from police vans.

"The people we spoke to were very bitter about the shootings and we heard over and over again 'they are killing our people — why do they kill our people?'

"Many people were taken to a private clinic in Diepkloof where it was alleged that police or soldiers had pulled kids out of vehicles and beaten them. Many others refused to go to hospital because it is the practice to place persons shot in unrest-related situations under arrest."

She said Soweto residents were caught in a terrible dilemma because if they paid their rent they were threatened with arson and if they did not pay they were threatened with eviction.

Evictions should stop immediately and the government should arrange discussions with the leaders of the Soweto community.

The restrictions placed on the funeral of the victims would lead to terrible trouble if they were not changed, Mrs Suzman said.

She said that to forbid a mass funeral in a tightly-knit community and to insist on separate funerals at which only 200 people might be present was challenging the people of Soweto to commit civil disobedience.

"Do you want a political show?" the Minister of Law and Order, Mr Louis le Grange, interjected.

Mrs Suzman replied that as long as black political organizations were banned, blacks, and especially those from a sophisticated community such as Soweto, would use events such as funerals as political meetings.

● Coverage by the SABC of the recent Soweto deaths had been disgraceful and showed that the lives of blacks had become cheap, Mrs Suzman said.

The SABC had carried the news as its last item whereas the BBC had used it as its main lead story. — Sapa



Mr Rupert Lorimer



Mrs Helen Suzman

Drive to get voter addresses

BLOEMFONTEIN. — An advertising campaign to persuade voters to advise the Department of Home Affairs of their change of address during the next two months is to be launched soon, the Minister, Mr Stoffel Botha, said yesterday.

He was speaking at the Free State National Party congress where a motion called on the government for a more up-to-date and complete voters' roll.

Mr Botha explained the workings and problems inherent in the registration procedures of the Electoral Act which made provision in 1984 for voters' rolls to be compiled from the population register.

The immediate result had been that voters' rolls were complete regarding names, but addresses which had not been updated in the population register, were inaccurate. — Sapa

Heunis: Clearly not a 'spontaneous revolt'

Cape Times 4/9/86 327

HOUSE OF ASSEMBLY. — The government would have approached a call for the appointment of a judicial inquiry into last week's deaths and injuries in Soweto differently if the situation was one of calm, total stability and order, the Minister of Constitutional Development and Planning, Mr Chris Heunis, said yesterday.

Rejecting the call for an inquiry made by Mrs Helen Suzman (PFP Houghton), he said the climate was revolutionary, as the state of emergency clearly indicated.

Mr Heunis rejected claims that the violence was caused by inadequate housing, education, unemployment, a rejection of local government institutions by blacks, or the lack of facilities such as transport and health.

If these were the reasons why did certain blacks — "by name the UDF's comrades" — burn other people's houses down, he asked.

"If it is the so-called poor education system, then we must accept that is the reason why the ears of children who want to go to school are cut off."

Clinic burned down

If it was unemployment then it had to be accepted this was the reason why people who did not want to participate in stayaways were sentenced to 30 strokes in a so-called "people's court".

If it was health services, why did people burn down clinics?

"It is clear that we are not dealing with a spontaneous revolt, and dissatisfaction with poor conditions, because the comrades' actions against law-abiding citizens who want to lead a normal life have no relation to the reasons dished up so readily."

On the claim that the threat of evictions for non-payment of rent had been a cause of last week's violence, he said only seven defaulters had been evicted so far by the Soweto Council.

In March, 79,6 percent of the total rentals had been collected, with the figure dropping to 83,1 percent in April and 65,3 percent in May.

In June — "and take note of this month" — only 6,1 percent of the total rent had been collected.

Boycott announced

Also, defaulters were given five to six weeks notice of an impending eviction and requested to make arrangements for the payment of their rents.

The comrades and certain other radical organizations had openly announced a boycott of rent and services fees at the start of June and demanded that the council resign before the end of September.

It was known that people who wanted to pay their rents were threatened with physical violence, and even death.

Referring to the deaths last week, he said notices of rental arrears had been served on renters in Jabavu, a Soweto suburb, on August 25. No mention of eviction had been made and the defaulters were encouraged to make arrangements to pay the arrears.

"During the day radicals spread rumours that the SA Police and municipal police were going to summarily evict these people."

His information was that: "While the SAP and municipal police were busy with normal foot and vehicle patrols that evening, they were attacked with a shotgun, revolvers and even a hand grenade ... they returned the fire." — Sapa

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Unrest news banned

THE Commissioner of Police yesterday reissued orders banning reporting of "security action".

General Johan Coetzee ordered that no journalist may be on the scene or "within sight" of any unrest, restricted gathering or security action.

Previous orders by him banning unrest coverage had not been properly promulgated, counsel for the Minister of Law and Order conceded in the Natal Supreme Court recently.

The new ban will be contested in the Natal Supreme Court today in an application by English-language newspapers.

New ban on news of security action

Copy Tom's 4/9/86 327

PRETORIA. — The Commissioner of Police yesterday reissued orders banning reporting of "security action."

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Previous orders by him banning unrest coverage had not been properly promulgated, counsel for the Minister of Law and Order conceded in the Natal Supreme Court recently.

The court action was brought by the country's English-language newspapers challenging those sections of the emergency regulations covering reporting of unrest.

Judgment expected

The case resumes in Maritzburg today when judgment is expected.

Yesterday's orders were published in Government Gazette number 10 429 and were issued in terms of emergency regulation 7 (1).

The orders prohibit reporting — or commenting — on any security action without written consent from the Commissioner or a commissioned officer of a force.

Security action was defined as:

- Any action to terminate, or which contributes to the termination, of any unrest.
- Any action to protect life or property in consequence of any unrest.
- Any follow-up action after any unrest has been terminated or ended, including any pursuit or tracking down of, or any other action taken against a person who participated or who is suspected of having participated in, unrest.
- Any action taken under emergency regulation 2.

Regulation 2 empowers force officers to order people to proceed to a place and to apply force if such order is not obeyed.

"Security action" was further defined as any action involving the arrest of a person:

- On a charge of having committed an offence under the emergency regulations or the Internal Security Act.
- In connection with an offence committed during the course of any unrest or any incident arising therefrom or connected therewith.
- Under a provision of the emergency regulations or of the Internal Security Act.

"Security action" was further defined as any action by a force or a member of a force which on reasonable grounds appeared to be actions such as referred to above, or any deployment of a force, or of any vehicles, armaments, equipment or any accessories, for or in connection with any action referred to above or which on reasonable grounds appeared to be for or in connection with any such action.

The commissioner ordered that any journalist "gathering news material" on the scene or within sight of any unrest, restricted gathering or security action leave the scene or remove "himself to a place outside sight of that unrest, gathering or action within such time as is reasonably required under the circumstances for such purpose..."

However, the provisions of this order should not prevent a person from being in his residence or from being on his way to or from his residence.

"Restricted gathering" means any gathering in respect of which a condition has been determined under section 46 (1) (ii) of the Internal Security Act, or a restriction or condition has been imposed or determined under regulation 7 of the emergency regulations.

Soweto funerals

A lawyer said last night that the latest restrictions on news coverage of unrest and security action appeared to be more extensive than previous orders issued by the Commissioner.

He said it appeared that the orders had been promulgated to black out news on any unrest incidents at today's funerals in Soweto for those who died during last week's riots.

It was also unclear whether the funerals could be reported at all, he said.

This was because restrictions had been imposed on the funerals by the Sowetan Divisional Police Commissioner yesterday. This may cause them to be classified as "Restricted gatherings."

In terms of yesterday's orders, journalists are prohibited from being on the scene or within sight of unrest, security action or restricted gatherings. — Sapa

Soweto student, youth bodies blamed

Political Staff

HOUSE OF ASSEMBLY. — The Minister of Law and Order, Mr Louis le Grange, yesterday blamed two Soweto-based organizations for last week's violence in the township which left 21 people dead.

In the special debate on the events of (Tuesday) August 26 proposed by the Progressive Federal Party, Mr Le Grange named the organizations as the Soweto Students' Congress (Sosco) and the Soweto Youth Congress (Soyco).

The PFP proposal called for the appointment of a judicial commission of inquiry.

'Intensive'

The minister said he was quoting from the latest intensive police investigation which showed that 21 people had been killed and 98 injured.

At the same time, Mr Le Grange turned down a request from the MP for Houghton, Mrs Helen Suzman, to relax the restrictions on the funerals of the dead which are to take place today.

The minister said the restrictions were there to prevent further violence. He said such restrictions had been successful in recent months in preventing funerals being taken over by the ANC and UDF.

Outlining the events of August 26 as shown by the police investigation, which he stressed might not be totally accurate at this stage, Mr Le Grange said Soyco and Sosco had agreed on August 13 as the date on which to attack the security forces, set up roadblocks and if possible seize arms and ammunition.

The organizations had decided to set up street committees which would keep out the security forces on August 26.

Bystanders had been instructed on that night to set up roadblocks and try to seize arms.

Mr Le Grange said that at the meetings of Soyco and Sosco mention had been made of arms hid-

From page 1

den in White City and Jabavu in Soweto.

The PFP motion was introduced by Mrs Suzman, the Opposition spokesman on law and order, who said life had become cheap in South Africa — "black lives anyway".

Attacking the restrictions placed on the Soweto funerals, she predicted that they would lead to further confrontations with the police who had to enforce them.

Mrs Suzman said it was from this that the whole "dreary spiral of tragic events" developed,

"And I lay the blame at the feet of the minister," she added.

Turning to the underlying causes of discontent, Mrs Suzman said that to a great extent the present mood of hostility could be attributed to "grievances long endured".

Earlier, the government's constitutional architect, the Minister of Constitutional Development and Planning, Mr Chris Heunis, adopted a hard-line pose in opposing the motion calling for a judicial inquiry.

He said the present climate was clearly revolutionary as had been demonstrated by the state of emergency.

Turning to the question of the non-payment of rents, Mr Heunis said that in June this year only 6,1 percent of the total rents due in Soweto had been collected.

The Deputy Minister of Information, Mr Louis Nel, accused Mrs Suzman of being "unpatriotic" when she stated last week that the action by the police in Soweto had been "unprovoked".

The PFP motion was defeated after a division in which the Conservative Party and New Republic Party voted with the government.

STAR 5/9/86

Powers against Press declared invalid

Emergency powers which allow the Minister of Law and Order to seize and ban any publications which he feels contain a subversive statement were declared invalid yesterday by a full Bench of the Natal Supreme Court.

Also declared void was a regulation which prohibits the possession of a subversive statement, and a regulation which allows the Commissioner of Police to prohibit anything which, in his opinion, is necessary for the maintenance of public order.

The judges used strong language in criticising aspects of the emergency regulations, using phrases such as "objectionable and unduly excessive", "so far-reaching and horrendous", and "oppressive and gratuitous interference".

UNANIMOUS

In an unanimous judgment handed down today, Mr Justice Leon, Mr Justice Kumleben and Mr Justice Nienaber upheld with costs the substantial part of an application brought by four English-language newspapers groups to invalidate six emergency regulations affecting the Press in South Africa.

The Argus Printing and Publishing Company, South African Associated Newspapers, Natal Newspapers and the Natal Witness had applied for an order declaring regulations 7, 8, 9, 10, 11 and 12 of the emergency regulations invalid, and also declaring void two orders issued by the South African Police on June 16 and June 21 restricting the publication of news and prohibiting journalists to be in certain areas.

The Supreme Court held that regulations 7(1)(d), 10(b), 11 and 12 were invalid, as were the two police orders.

MAINTENANCE

Regulation 7(1)(d) allows the Commissioner of Police to prohibit anything which, in his opinion, is necessary for the maintenance of public order.

The judges said he by giving the commissioner carte blanche to take any action he pleased, the State President was abrogating his function not only to legislate but also to determine the specific matters on which the commissioner ought to take appropriate executive action.

"To entrust the commissioner with such wide and untrammelled powers, it seems to us, falls outside the State President's powers," the judgment said.

The consequences of the application of regulation 10 (b), which makes it an offence to possess any subversive statement, were found to be "so far-reaching and horrendous that we must conclude that it could never have been intended nor would be countenanced by Parliament".

EXCESSIVE

The provisions of regulation 11, which allows the Minister of Law and Order or a commissioned police officer to seize a newspaper if, in his opinion, it contains a subversive statement, were "objectionable and unduly excessive", the judgment said.

Regulation 12, which empowers the Minister of Law and Order to close down a newspaper if it is, in his opinion, "of a subversive nature", was declared void not only for uncertainty, but also because the Minister was given greater powers than the State President himself was given.

The regulation involved "oppressive or gratuitous interference" and went beyond Press censorship because it introduced "catastrophic consequences far out of proportion to the Act involved and the interests of public safety".

● See Page 11.

Court rules against 'oppressive' Press regulations

Own Correspondent

A FULL Bench of the Supreme Court in Maritzburg yesterday struck down two "far-reaching and oppressive" emergency regulations relating to the seizure and confiscation of newspapers, in a unanimous judgment delivered yesterday.

Mr Justice Leon, with Mr Justice Kumleben and Mr Justice Nienaber concurring, declared Regulations 11 and 12 of the emergency regulations published in the Government Gazette on June 12 as amended to be void and of no force and effect in law.

The judges also ruled Regulations 7 (1) d and 10 (b) to be void.

The Full Bench further declared the orders issued in terms of Regulation seven on June 16 and June 21 to be void and of no force and effect.

Natal Newspapers, the Natal Witness, the Argus Printing and Publishing Company and South African Associated Newspapers brought an urgent application against the State President, the Government, the Minister of Law and Order and the Commissioner of Police last month challenging six emergency regulations, Regulations seven to 12.

In his 55-page judgment, Judge Leon dealt at length with the provisions of Regulation 11, as amended, (in which the Minister of Law and Order or a commissioned officer may seize a publication which in his opinion contains a subversive statement) and Regulation 12, which relates to the seizure and confiscation of publications of a subversive nature.

The judges viewed the provisions of Regulation 11 as "objectionable and unduly excessive" for a number of reasons.

The definition of "publication" in the regulation made not only newspaper proprietors but other persons vulnerable to seizure of their publications.

Judge Leon added that the fate of any publication or copies seized depended on directions issued by the Minister or a person authorised by him. An "unfettered and unlimited power" was thus conferred on unspecified persons, other than the Minister, to decide on what was to happen to, say, a painting or text book.

"These far-reaching powers of seizure, with the attendant consequences, are not conferred on the Minister alone but also on any commissioned officer of the Force.... It means thus that a second lieutenant in the railway police or a young man who has been commissioned at the end of his first year of National Service can 'under his hand' authorise the seizure of all copies of an issue of a national Sunday newspaper."

● The Bureau for Information said yesterday the government could get round the Supreme Court ruling invalidating some of the curbs on the Press by "reformulating" them.

Court rules emergency detention laws valid

Own Correspondent

GRAHAMSTOWN — A full bench of the Supreme Court ruled yesterday the detention provisions of the emergency regulations valid.

This follows the conflicting judgments delivered by the Supreme Courts in Durban and Maritzburg recently. Both Natal cases are on appeal, and the Appellate Division in Bloemfontein is expected to hear argument on Wednesday.

In an 88-page judgment handed down yesterday, Mr Justice Kannemeyer considered both Natal cases and found the regulations valid.

At issue were applications by seven emergency detainees for their release. The seven include three freelance journalists, Phila Ngqumba and Mxolisi Jackson Fuzile, both operating a small news agency in King William's Town, and Mike Loewe, of Port Elizabeth.

The other applicants were Congregational Church minister and chairman of the Border Council of Churches executive, the Rev Colin Jooste, who has already been released, Gary Damons, a schoolboy, Prince Mhamhe and Brian Osteridge, all of King William's Town.

Mr Justice Kannemeyer said he found himself in agreement with the ruling in the Maritzburg case, as the other was "based upon grammatical reasoning which in my view, does not give effect to the intention of the legislature".

He found the sections could not be set aside on grounds of unreasonableness, or of vagueness, or on the grounds that Parliament could never have intended the State President to make such regulations.

Court rejects two emergency press curbs

Dispatch Correspondent

PIETERMARITZBURG — A Full Bench of the Supreme Court here struck down two "far-reaching and oppressive" emergency regulations relating to the seizure and confiscation of newspapers yesterday.

In a unanimous judgment, Mr Justice Leon, with Mr Justice Kumleben and Mr Justice Nienaber concurring, declared regulations 11 and 12 of the emergency regulations published in the Government Gazette on June 12, as amended, to be void and of no force and effect in law.

The judges also ruled regulations 7 (1) d and 10 (b) to be void, along with orders issued in terms of regulation 7 on June 16 and June 21.

Natal Newspapers, the Natal Witness, the Argus Printing and Publishing Company and South African Associated Newspapers brought an urgent application against the State President, the government, the Minister of Law and Order and the Commissioner of the SA Police last month, challenging emergency regulations 7 to 12.

In his 55-page judgment, Mr Justice Leon dealt at length with the provisions of regulation 11, as amended, in which the Minister of Law and Order or a commissioned officer may seize a publication which in his opinion contains a subversive statement, and regulation 12 which relates to the seizure and confiscation of publications of a subversive nature.

The judges were of the view the provisions of regulation 11 were "objectionable and unduly excessive".

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Lawyer societies deny neglecting detained attorneys

Civil rights lawyers have accused their law societies of failing to defend the interests of nine lawyers held under Emergency regulations. The Association rejects the claims, reports PAT SIDLEY

THE Association of Law Societies and its constituent bodies, the four provincial law societies, have been criticised by a number of lawyers for failing to defend their interests, and the interests of some of their clients, during the State of Emergency.

The lawyers are from practices with many Emergency detainee clients and, in some cases, practices where lawyers themselves have been detained. In order to practise, all attorneys have to belong to a provincial law society; the association is the umbrella group.

The lawyers' accusation is that the Association and the law societies should have become more involved during the State of Emergency by bringing applications to the Supreme Court to have lawyer-detainees released. Lawyers have also voiced their dissatisfaction at arrangements made between the Association and the police for the access of lawyers to detainee clients. Some of the lawyers say they do not want to be bound by these arrangements.

But the Association, which regulates the profession and sees to it that lawyers can practise their profession without hindrance, believes it is not its job to apply to court for its members' release and finds other criticism unfounded.

Nine lawyers were detained during the Emergency; the last two were released on Tuesday. They are Dudley van Heerden and John Smith of Smith, Tabata and Van Heerden in King Williams Town, detained near the beginning of the Emergency in June.

Rishi Thakurdin, the Port Elizabeth attorney from Krish Naidoo, was released late last month after spending nearly three months in detention.

He had been detained outside court in Dordrecht where he was defending Aliwal North youths on trial for public violence.

An application for his release and that of the two King Williams Town lawyers was turned down by the Grahamstown Supreme Court.

On the day of Thakurdin's release, the Port Elizabeth office of Krish Naidoo was burgled. No cash was taken — but all the files concerning hundreds of detainees disappeared. And in Johannesburg, Krish Naidoo's office has twice been burgled — and on neither occassion has money been taken.

After the first bid for Thakurdin's release was rejected, Naidoo had wanted the law society to join him in a second application to the Supreme Court to have his attorney released. The law society declined.

The vice president of the Transvaal Law Society, Stan Treisman, told Weekly Mail the Association of Law Societies had received an assurance from the Commissioner of Police that no lawyers had been detained by reason of their position as attorneys, nor had they been detained because of the causes espoused by their clients.

He said at this point there was no evidence from law societies' members that they had been detained because of their duties as a lawyer.

One lawyer had stated in an affadavit that he had been detained while he was in a township with clients.

"But I'm not totally convinced about this," said Treisman. The lawyer had been in an unrest situation and when arrested was found with pamphlets which he said belonged to his client. He should, according to the rules of the profession, have been consulting in his offices, unless it was absolutely essential that he be elsewhere, said Treisman. But if members felt aggrieved he would take the issues up with the Commissioner.

Treisman said the Commissioner had agreed to treat the cases of professionals in detention as a priority. The release this week of the last two known to be in detention was, "I would like to think," he said, "because of the interview I had with the deputy commissioner of police last week," adding that "I am absolutely satisfied with the *bona fides* of the Commissioner of Police."

Treisman did not believe the Association had *locus standi* (the legal ability) to make representations to a court for detained members to be released. The Association might ask a court to appoint a curator if it believed the member's practice was suffering because of his detention.

Asked if it was not a matter worth testing to see if the society had *locus standi*, Treisman said: "This is something we have not considered.

"If we felt the (Emergency) regulations were *ultra vires* (not validly passed), we might have gone to court for a declarator. And we could probably be criticised for not having done so," he said.

Dealing with the problems attorneys faced when seeking access to detainees, he said the position in Natal was different to the rest of the country. The courts had secured access to detainees in that province on the same basis as access to convicted prisoners.

The Association had arranged with the Commissioner for access to be applied for in writing in the other provinces and addressed to the local divisional commanders of the Security Police. Initially the Association had arranged for all requests to be routed through Pretoria, and this had cause a log-jam and long delays for attorneys to get to see their clients. The attorneys had been assured they would have requests dealt with in 72 hours.

But said Treisman, "It's all very well for me to go and bang on the table and say 'Look, you're obstructing us'. The police have tremendous logistical problems."

He explained that when attorneys, for instance, sent cheques for their clients, they were returned as police stations simply did not have facilities to deal with cheques. Additionally police had showed him a batch of requests "half an inch thick" from one attorney for access to all his detainees. This could not be done in 72 hours.

Treisman told Weekly Mail the function of the Association would be to ensure people were entitled to consult with their attorneys and to assist members in seeking to assure lawyers had not been detained by reason of their position.

More broadly, the law societies ensured that members were not in any way precluded from carrying out their professions. This had included investigating and seeking redress for matters like "ordinary discrimination", he said.

The law societies were also to oppose any matter which tended to encroach on the rights of the profession.

The Association had opposed security legislation and saw this as its duty. But Treisman was not sure it was in a position to judge the necessity for a State of Emergency in order to oppose it.

"We must encourage things like human rights," Treisman said. "But there are two sides to this story. There are also obligations. We represent a broad spectrum of ideas and thoughts." While some members thought not enough was being done about the Emergency, others believed enough or even too much was being done, he said.

SOWETAN
Daily Mirror

Funeral ban 'invalid'

THE order banning the holding of a mass funeral for the Soweto unrest victims is invalid in terms of the judgment handed down by the full bench of the Natal Supreme Court, according to legal opinion.

The order was issued in terms of Regulation 7 (d), which was found to be invalid by the court. Legal opinion is that this ruling was binding throughout the country unless, or until, a judgment to the contrary is given.

Newspapers win court battle

EMERGENCY powers which allow the Minister of Law and Order to seize and close down any publication which he feels contains a subversive statement have been declared invalid by a Full Bench of the Natal Supreme Court.

In a judgment handed down yesterday by Mr Justice van Heerden, the Full Bench consisting of Mr Justice Leon, Mr Justice Kumleben and Mr Justice Nienaber found regulations 11 and 12 to be void and without force and effect in law.

The judgment described emergency regulations related to the Press as "objectionable" and "unduly excessive".

Regulation 7 (1) (d), which authorises the Commissioner of Police to make orders related to anything which in his opinion is necessary for maintaining public order or terminating the state of emergency, was also declared void.

The Full Bench also found that Regulation 10 (b) which prohibits the possession of a subversive statement was void and without force and effect in law.

The urgent application challenging emergency regulations 7 to 12 was brought last month by South African Associated Newspapers, The Argus Company, Natal Newspapers and the *Natal Witness* against the State President, the Government the Minister of Law and Order and the Commissioner of Police.

In the 54-page

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OTHER PEOPLE

It's trouble once more for the 'torture' Bishop

A powerful Catholic Bishop has accused police of torture. A cabinet minister has in turn accused him of undermining the state. Father Smangaliso Mkhatshwa has won both the respect of black unionists and community leaders and the enmity of the government, who have detained him several times and banned him twice.
SEFAKO NYAKA reports

FATHER Smangaliso Patrick Mkhatshwa does not fall into the category of Newsmaker of the Year. He is too modest for that.

But still the ebullient Secretary General of the powerful Southern African Catholic Bishops' Conference never fails to make the headlines.

Two weeks ago the prelate brought an urgent application in the Pretoria Supreme Court restraining the Security Forces from assaulting him.

Mkhatshwa's allegations that he had been stripped and tortured while being interrogated for 30 hours non-stop brought a sense of outrage and numb shock to those who know him.

In replying affidavits, the Minister of Law and Order, Louis le Grange, said "It had been known to the Security Police since 1973 that Mkhatshwa had actively endeavoured to overthrow the existing order in South Africa."

But it is Mkhatshwa's uncompromising, lifelong resistance to injustice that has earned him the respect of political, trade union and community leaders throughout the country.

Born in Barberton in the Eastern Transvaal 47 years ago, Mkhatshwa is a widely travelled man, having attended international congresses and addressed seminars in South Africa and abroad.

Ordained in 1965 in Lydenburg, he studied at the University of Louvain in Belgium, where he obtained his Master's degree in Theology in 1973.

In 1974 he became organising secretary of the Black Renaissance Convention, a meeting of black church leaders.

Although an active supporter of Black Consciousness movements, Mkhatshwa warned that leftwing thinking among black people in South Africa had shallow roots and little substance.

"Youthful bellicose howlers who yell slogans and words devoid of coldly analysed ideological content are not leftists.

"A leftist's qualification is not only a good pair of lungs, but a fine analytic mind and total ideo-political commitment," he told journalists after a Black Renaissance Convention gathering in 1974 at Hammanskraal.

In August 1976 he was detained for the first time and held without trial for 136 days at Modderbee prison.

In June 1977 Mkhatshwa was served with a five-year banning order, confining him to the magisterial district of Pretoria and Soshanguve. The order placed him under house arrest between 6pm and 6am and restricted him from attending social gatherings as well as entering educational institutions or publishing houses.

In October the same year, Mkhatshwa was detained during the clampdown on Black Consciousness organisations and spent five months at Modderbee.

Two years later, he successfully appealed against a R50 fine for the possession of banned literature.

There was a time in 1979 when Mkhatshwa owed the Soshanguve authorities rent totalling R136. He was locked out of his house for four days, but his eviction order was rescinded by the township manager. Mkhatshwa had refused to pay rent on the grounds that he was staying in the house forcibly because applications to stay elsewhere had failed.

In 1980 he was charged with having contravened his banning order, but the charges were dropped two months later.

Mkhatshwa has been the target of the right-wing Wit Kommando. In August 1980 he received an anonymous death threat.

The same year he was refused permission to attend the funeral of Bishop Mandlenkosi Zwane in Swaziland.

Apart from the fact that he was to officiate, his sister is married to Dr Ambrose Zwane, a former Swaziland politician and brother of the late bishop.

His first banning order was to have expired in 1982, but in April it was extended for another three years.

The same year he was refused permission to say Mass at St John Vianney seminary in Pretoria.

On May 1, 1983 he was appointed Secretary-General of the Catholic Bishops' Conference, which serves 33 dioceses and a Catholic population of over two million.

In 1983 Mkhatshwa spent four months in the Mdantsane Prison cells in Ciskei. This was after he had addressed a prayer service at Fort Hare. He was accused of subversion, incitement and addressing an unlawful gathering. He was later acquitted on all charges.

In addition to his pastoral duties and his role as a patron of the United Democratic Front, Mkhatshwa played a pivotal role in getting pupils to return to class when schools reopened this year.

Delivering the keynote address at the Education Crisis Committee meeting at the University of the Witwatersrand last December, Mkhatshwa told delegates that "We have a chance to experiment and create and exploit a truly civilised and democratic system of education.

"The current schools must be taken over and transformed, but ultimately this cannot be done without access to national resources and power to plan on a national basis for a new education."

Early this year Mkhatshwa was charged with unlawful possession of a fire-arm. The charges were dropped because by then Mkhatshwa was a detainee under the Emergency regulations.

THE WEEKLY MAIL
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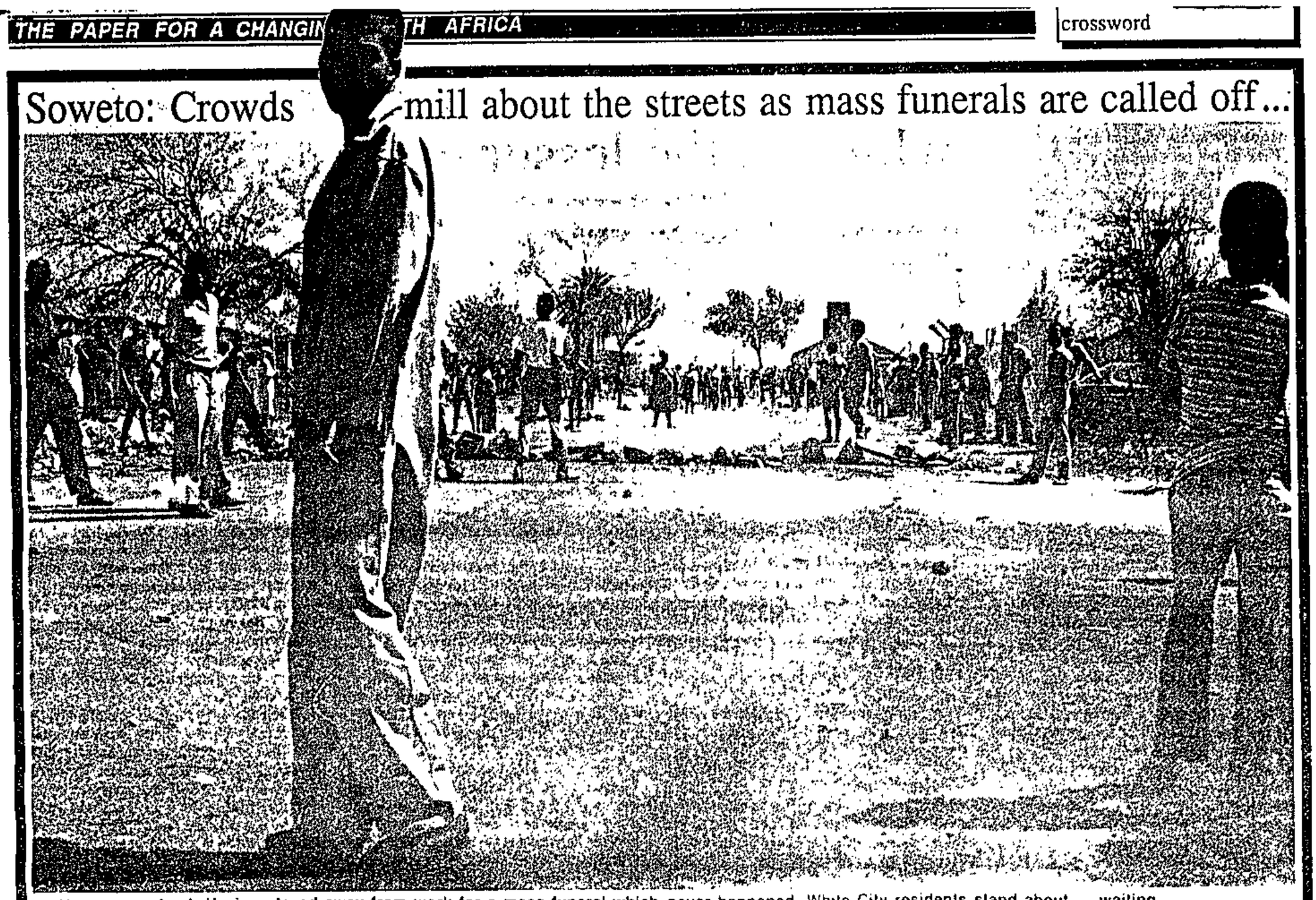
JOHANNESBURG



Never-never land: Having stayed away from work for a mass funeral which never happened, White City residents stand about .. waiting Picture: by Afrapix

Shooting victims buried in secret

By SEFAKO NYAKA

SECURITY Forces yesterday prevented the funerals of victims of last week's "battle of Soweto" from taking place — and then watched as at least four of the bodies were secretly buried.

The families only heard of the burials when they were given the grave numbers of their relatives.

The four were among an estimated 27 people killed by police in White City, Soweto, more than a week ago when residents resisted attempts by Soweto Council police to evict them.

A planned mass funeral was banned on Wednesday in a Government Gazette.

Although only four families could confirm this, it is believed more than 12 bodies were buried yesterday without the consent of relatives. In at least two cases, the cemetery workers who lowered the coffins did not fill the graves.

Although General Johan Coetzee prohibited the reporting of "security action" in a special gazette on Wednesday night, the Weekly Mail has been advised that this only applies to a limited category of Security Force actions, because of the narrow definition of "security action" in the new gazette. We can accordingly give you an account of yesterday's events in Soweto including certain of the actions of Security Forces.

The burials took place while clergymen and organisers of the mass funeral were engaged in delicate negotiations with the authorities over the possibility of holding a memorial service for the deceased after the funeral was banned outright.

Earlier, police had served a gazette on the families telling them the funeral could not take place without written permission from the Divisional Commisioner of Police.

The Mazibuko family in White City Jabavu only learnt about their son's burial when family friends presented them with Themba's grave number.

"When we reached the Moroka Jabavu Stadium, we were turned away by the Security Forces and the funeral undertaker told us that he was taking the body back to the mortuary and would await further instructions from us," Themba's mother, Gladys Mazibuko said.

Late in the afternoon her daughter, in tears, burst into the house and asked her if she had been present when Themba was buried.

"Before I could answer, some family friends came in and gave me the grave number."

When the family raced to the Avalon cemetery, they were barred from entering by a heavy contingent of armed Security Force members — including mounted police.

"We told them that all we wanted to do was to sprinkle soil on the grave as blacks traditionally do when burying their dead," the sobbing mother said.

They were allowed in while three helicopters hovered above.

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Biggest boycott in ten years

YESTERDAY'S stayaway in Soweto was the biggest in the township since 1976, according to the Labour Monitoring Group (LMG).

Their survey showed that about 78 percent of Soweto's workers did not report for duty.

The retail industry was hardest hit with an 85 percent stayaway in Soweto and a 27 percent stayaway in Johannesburg generally.

In the manufacturing industry, there was a 72 percent stayaway, and 38 percent in Johannesburg generally.

BLACKOUT ON EVENTS

Massive new clamps on the Press

MASSIVE new gags were imposed on the Press on the eve of the planned burial of last week's Soweto unrest victims — resulting in an almost total blackout of events in the township yesterday.

The gags included a ban on the presence of news reporters "near or within sight of any unrest, restricted gathering or security force action".

A stayaway called by organisations in Soweto was enforced by youths from early yesterday morning, and commuters were forced to return home.

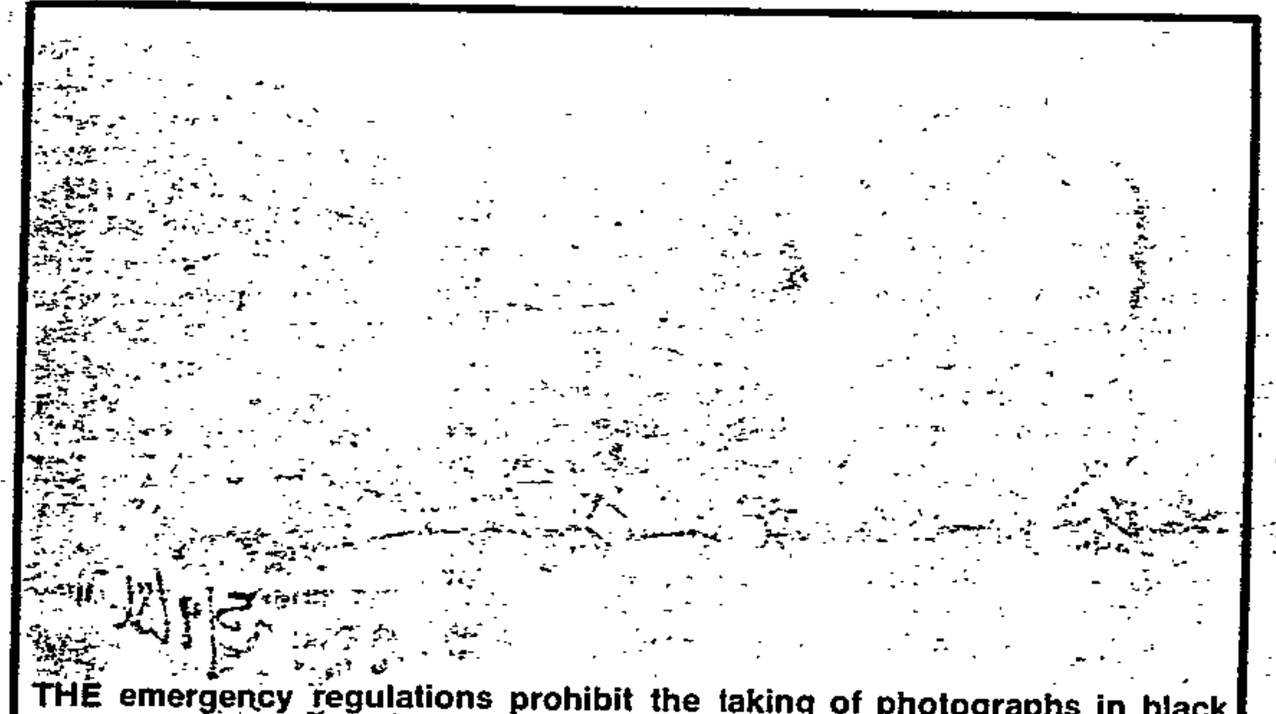
In one incident, at Orlando West, a woman was reported to have died when she was chased across a railway line and was struck by a train.

A man was said to have been injured when he jumped out of a train that was being stoned.

At the Avalon Cemetery, where four of the victims were buried, teargas was fired soon after the arrival of the fourth coffin. The bodies had been brought to the cemetery from different points.

A crowd which had gathered at the Jabavu Stadium for a service was dispersed, and teargas was fired at the Ipelegeng Centre.

A spokesman for Putco said that violence broke out in deep Soweto at about 6am.



THE emergency regulations prohibit the taking of photographs in black townships. The latest gags further make it impossible for the Press to record news and pictures of the day. We would have used a photograph of the events in Soweto in this space, but cannot.



Emergency: Court rules 'opp

Pietermaritzburg Bureau

A FULL Bench of the Supreme Court, Pietermaritzburg, struck down two 'far-reaching and oppressive' emergency regulations relating to the seizure and confiscation of newspapers, in a unanimous judgment yesterday.

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The Full Bench further declared the orders issued in terms of Regulation 7 on June 16 and June 21 to be void and of no force and effect.

Natal Newspapers, the Natal Witness, the Argus Printing and Publishing Company and South African Associated Newspapers brought an urgent application against President Botha, the Government, the Minister of Law and Order and the Commissioner of the South African Police last month, challenging six emergency regulations, Regulations seven to 12.

In his 55-page judgment, Mr Justice Leon dealt at length with the provisions of Regulation 11, as amended (which says the Minister of Law and Order or a commissioned officer may seize a publication which in his opinion contains a subversive statement) and Regulation 12, which relates to the seizure and confiscation of publications of a subversive nature.

'Objectionable'

The Judges saw the provisions of Regulation 11 as 'objectionable and unduly excessive' for a number of reasons.

Mr Justice Leon said the applicants had explained the financial loss and other prejudice they would inevitably suffer should but one edition of a daily paper be seized.

The definition of 'publication' in the regulation made not only newspaper proprietors but other people vulnerable to seizure of their publications and perhaps financial ruin — for instance, the author of a book.

Mr Justice Leon added that an 'unfettered and unlimited power' was conferred on unspecified people.

What was more, his right to do so was not determined or circumscribed by any objective yardstick, the Judge said.

Mr Justice Leon said the Court had chosen to base its decision on the validity of this regulation 'on the simple ground that its provisions are so far reaching and its consequences so drastic, particularly when viewed in relation to the purpose it is sought to serve, that the legislature could never have contemplated that such a measure be countenanced'.

The Judge said the Court's reasons for holding Regulation 11 to be ultra vires applied with equal force to Regulation 12.

'Indeed, the latter regulation is much more far-reaching and oppressive than the former,' he said, adding later that it was also 'far more drastic in its consequences'.

Regulation 12 (1) was not limited to subversive publications but extended to any publication containing any matter which in the minister's opinion was subversive.

The Judges observed that a contravention of Regulation 12 (2) was punishable in terms of Regulation 14, which provided for a fine of up to R20 000 or imprisonment of up to 10 years, or for imprisonment without the option of a fine.

They considered that Regulation 12 was ultra vires because the minister was given greater powers than the State President himself was given under the Act.

Uncertainty

It was also void for uncertainty.

Referring earlier in his judgment to sub-regulation 10 (b), which makes it an offence for any person to possess any subversive statement, Mr Justice Leon said the consequences of its application were 'so far-reaching and horrendous' that the Court had to conclude that they could never have been intended nor would be countenanced by Parliament.

The Judges considered that the applicants' attack on the validity of Regulation 9 — which relates to the prohibition of the taking or publishing of photographs of unrest — failed.

Mr Justice Leon concluded that the applicants had been substantially successful and were entitled to their costs.

Newspapers better off but by no means free, says prof

Mercury Reporter

PROF Tony Mathews, head of the University of Natal's Law Department, said yesterday that the judgment in the Pietermaritzburg Supreme Court did not overtake the new gazetting of Section 7 (1) of the emergency regulations on Wednesday.

'Although it is a substantial victory for the Press, one must be disappointed that the regulation dealing with visual and sound material has been declared valid.

'Newspapers are now considerably better off, but they are by no means free to report independently on the emergency and the related events. This means that the security forces are not publicly accountable, even after this judgment,' he said.

'What is of particular importance is the part of the judgment which invalidates the clauses which authorise the minister to seize newspapers or to prevent newspapers from being published.

'For that, South Africans should be grateful.'

Although the Court had gone just about as far as it could, it was unfortunate that the regulations which allowed the Commissioner of Police to keep journalists out of unrest areas and to prohibit news or comment about the conduct of the security forces had been upheld, Prof Mathews said.

'Newspapers will once again have to refer to the Bureau for Information.'

Mr Stephen Mulholland, SAAN's managing director, said the company was 'delighted' with the Supreme Court decision.

State 'will probably get around judgment

Political Staff

Legal experts yesterday welcomed the Natal Supreme Court judgment which declared invalid several emergency regulations, but warned that the State would probably circumvent the ruling by issuing new orders.

A leading Johannesburg advocate said the judgment "constitutes further proof that much of the emergency has proceeded along unlawful lines".

"The authorities have in the past sought to circumvent court decisions dealing with the emergency, and they will probably do so again," he said.

Another Johannesburg lawyer said: "Although this judgment is very encouraging, it is clear the State has no interest in allowing the courts to dictate to it."

It was likely that the Government would issue new, clearer regulations in future.

Media lawyer Mr Peter Reynolds said the judgment would give "a huge sense of relief to a large section of the English-language Press which has fought the restrictive legislation".

Newspapers now had clear guidelines as to what they could and could not publish.

There was low-key reaction to the judgment from the Government yesterday.

Mr Louis Nel, Deputy Minister of Information, issued a brief statement saying: "We have taken note of the judgment and are studying the detail.'

PFP MP Mrs Helen Suzman said: "It is a great pity that the positive effects of the judgment could well be offset by the tremendously wide new restrictions placed on the reporting of unrest situations last night."

● Events in Soweto highlight the "draconian" effects of remaining and new Press censorship measures, the Southern African Society of Journalists (SASJ) said yesterday.

"The public should be under no misapprehension that with the latest clamps announced by the Commissioner of Police, the information they are receiving is by definition only police-sanctioned hearsay and cannot be independently verified," the SASJ statement said.

"The public should also know that journalists are still incarcerated without charge or trial."

It said the SASJ regretted that an application for the release of three journalists in the Eastern Cape had failed yesterday. — Sapa.

Boesak: emergency a sign of weakness

HARARE — The state of emergency in South Africa was a sign of weakness, the president of the World Alliance of Reformed Churches, the Reverend Allen Boesak, said yesterday.

Discussing the "internal workings" of apartheid at the Non-Aligned Movement's summit here, he said South Africa had "a government afraid of children".

"If the light of a candle is a symbol too powerful for the government, that explains a great deal."

Mr Boesak said not a single day had passed in South African since 1984 without some violent incident occurring.

Political awareness in the country had not been created by intellectual debate but by confrontation, oppression and suffering, he said. — DDC

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Curbs ruled invalid

Own Correspondent

MARITZBURG. — A Full Bench of the Supreme Court here yesterday declared invalid two "far-reaching and oppressive" emergency regulations relating to the seizure and confiscation of newspapers.

Mr Justice Leon, with Mr Justice Kumleben and Mr Justice Nienaber concurring, declared void and of no force and effect in law Regulations 11 and 12 of the emergency regulations published in the Government Gazette on June 12 as amended.

The judges also ruled Regulation 7 (1) d and Regulation 10 (b) to be void.

They also declared the orders issued in terms of Regulation 7 on June 16 and June 21 to be void and of no force and effect in law.

Regulation 7 (1) d authorizes the Commissioner of Police to make orders related to anything which, in his opinion, is necessary for maintaining public order or terminating the emergency. Regulation 10 (b) makes it an offence to possess a subversive statement.

Natal Newspapers, the Natal Witness, the Argus Printing and Publishing Company and South African Associated Newspapers brought the urgent application challenging emergency regulations 7 to 12.

'Excessive'

In his 55-page judgment, Mr Justice Leon dealt at length with the provisions of Regulation 11, as amended (in which the Minister of Law and Order or a commissioned officer may seize a publication which in his opinion contains a subversive statement), and Regulation 12, which relates to the seizure and confiscation of publications of a subversive nature.

The judges were of the view that the provisions of Regulation 11 were "objectionable and unduly excessive" for a number of reasons.

The definition of "publication" made not only newspaper proprietors but other persons vulnerable to seizure of their publications and perhaps financial ruin: For instance the author of a book.

Mr Justice Leon added that the fate of any publication or copies seized depended on "directions issued from time to time by the Minister or a person authorized thereto by him". An "unfettered and unlimited power" was thus conferred on unspecified persons — other than the minister — to decide on what was to happen to, say, a painting or textbook.

"These far-reaching powers of seizure, with the attendant consequences, are not conferred on the Minister alone but also on any commissioned officer of the Force ... It means thus that a second lieutenant in the Railway Police or a young man who has been commissioned at the end of his first year of National Service can 'under his hand' authorize the seizure of all copies of an issue of a national Sunday newspaper."

What was more, his right to do so was not determined or circumscribed by any objective yardstick.

Mr Justice Leon said the court had chosen to base its decision on the validity of this regulation "on the simple ground that its provisions are so far-reaching and its consequences so drastic, particularly when viewed in relation to the purpose it sought to serve, that the Legislature could never have contemplated that such a measure be countenanced".

The judge said the court's reasons for holding Regulation 11 to be ultra vires applied with equal force to Regulation 12.

"Indeed the latter regulation is much more far-reaching and oppressive than the former," Judge Leon said, adding later that it was also "far more drastic in its consequences".

Regulation 12 (1) was not limited to publications of a subversive nature but extended to any publication containing any matter which in the opinion of the minister was of a subversive nature.

"If the minister finds in any one issue of a newspaper or in any 'publication' something which he believes to be of a subversive nature, he may publish a notice which applies not only to the particular issue but to all subsequent publications of the same newspaper or 'publication'. Thus he may close down a newspaper permanently."

The judges said that a contravention of Regulation 12 (2) was punishable in terms of Regulation 14 which provided for a fine of up to R20 000 or imprisonment of up to 10 years, or for imprisonment without a fine.

Seizure

The seizure and confiscation of a publication would therefore in effect constitute an additional punishment.

The judges considered that Regulation 12 was ultra vires because the minister was given greater powers than the State President himself was given under the Act. It was also void for uncertainty.

"It goes far beyond press censorship for it introduces catastrophic consequences far out of proportion to the act involved, and to the interests of public safety, which this measure is intended to secure."

The judges considered that the applicants' attack on the validity of Regulation 9 — which relates to the prohibition of the taking or publishing of photographs of unrest — failed and that its provisions were intra vires.

Successful

Mr Justice Leon concluded in his judgment that the applicants had been substantially successful and were entitled to their costs.

Mr Sidney Kentridge, QC, and Mr D J Shaw, QC, appeared for the newspapers. Mr J Conradie, SC, appeared for the State President and the government. Mr Jan Combrink, SC, appeared for the Minister of Law and Order and Commissioner of Police.

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Cape Times 5/9/90

Only 5 Zolani children jailed

Staff Reporter

THE Attorney General of the Cape, Mr D J Rossouw, said yesterday that only five, and not 14, of the 33 residents of Zolani, Ashton, who were sentenced on Tuesday to a total of 258 years' jail for public violence were minors.

Mr Rossouw said he had investigated the sentences after being "inundated" with calls following a Cape Times report on Wednesday which reported the sentences.

He said that once the birth certificates of the accused had been examined, it emerged that the youngest accused, aged 16, had been sentenced to seven cuts with a light cane.

Four 17-year-olds were sentenced to seven years in jail each. The magistrate, Mr A J van Wyk, had used the ages reflected on the birth certificates for the purpose of sentence.

Mr Rossouw said the ages of the accused recorded on the charge sheet used by the magistrate, which was given to the Cape Times by the prosecutor, Mr W Bouwer, had been incorrect.

"Those were apparently rule of thumb ages, and were not the proven ages," he said.

He said the Cape Times had been correct in using the charge sheet as its source of information and the fact that the ages had not been amended on the charge sheet was "unfortunate".

Mr Rossouw said an accused who had given his age as 13 was proved to be 18 once his birth certificate was produced, and another who had given his age as 16 was proved to be 23.

8 die in Soweto funerals violence

Own Correspondent

JOHANNESBURG. — At least eight people died in Soweto yesterday as monitoring groups said the township was hit by one of the biggest stayaways since 1976.

Residents — including doctors — said they experienced some of the most tense moments since the 1976 uprising.

The stayaway was called by community organizations to mourn the victims of last Tuesday's shootings in White City.

Developments yesterday included:

● The burial of 15 of 29 unrest victims — some in defiance of the government ban on mass funerals.

● The 15 coffins were splashed with purple dye. Tearsmoke dispersed about 8 000 mourners — who sang freedom songs and chanted slogans — at the Avalon Cemetery. The mourners scattered in different directions, momentarily abandoning some coffins and leaving others half-buried.

● At least four black undertakers were arrested at Avalon Cemetery after the burials. They were questioned, threatened with court action, and later released.

● Three people were allegedly killed in a shootout at the Phomolong station. In another incident, a woman died under the wheels of a moving train after she and a man were apparently assaulted and whipped by youths for trying to ignore the stayaway.

There were claims that a second person, a man, died after being forced off a train.

● Residents also reported that three boys died after being shot on the Soweto highway. They had allegedly forced vehicles to stop, and ordered those inside to get out. Four men ordered out of a car fired shots at the boys, killing three.

Residents claimed several people received bullet wounds in other incidents.

● A meeting of the committee in charge of the burials yesterday decided to bury the other 14 White City victims in a mass funeral today.

Tension gripped Soweto yesterday as groups of youths — some armed with sjamboks — drove around the township enforcing the stayaway at stations, bus stops and taxi ranks.

Streets were barricaded with drums and boulders.

All taxi and bus services were withdrawn from inside Soweto yesterday and went only as far as the outskirts.

A group of clergy led by Bishop Suffragan Simeon Nkoane and Dr Nthato Motlana intervened when there was a threat to shoot at thousands of youths gathered near Jabavu Stadium.

The Bureau for Infor-

From page 1

mation said no injuries were reported to security forces. Officially no deaths were reported as a result of "unrest-related incidents", the bureau said.

The woman's death under the wheels of a train is regarded by the police as "ordinary crime involving assault" and not "unrest related".

The bureau confirmed that about 5 000 people were dispersed at Jabavu Stadium with tearsmoke.

The Labour Monitoring Group said worker attendance in the manufacturing sector was down by 38 percent and the proportion of workers from Soweto was down by 72 percent.

In the retail sector attendance was down by 27 percent and the proportion of Sowetans who stayed away was 85 percent.

Chamber of Commerce general manager Mr Marius de Jager confirmed stayaways but, while he had no official figures, said they varied from area to area.

Several undertakers claimed they were charged. Others said they were turned back with corpses before they could reach the cemetery.

All Soweto shops were closed. Youths stoned trains and buses earlier in the day, setting alight one bus and hijacking another which was later recovered by Putco.

Although Putco's senior public relations officer Mr Pat Rogers had promised that limited bus services would be operated, hundreds of people returning from work were forced to walk.

● Sapa-AP reports that the United States yesterday criticized the government for banning the mass funeral, calling it a violation of freedom of assembly.

"It will only exacerbate the legitimate grievances of South African blacks," said Charles Redman, a State Department spokesman.

He also deplored the press restrictions issued on Wednesday.

New press curbs: More restrictions

Staff Reporter

THE new curbs on press reporting on unrest and security force actions appear to be far more sweeping than earlier curbs, which fell away on August 20 after counsel for the Minister of Law and Order conceded in the Natal Supreme Court that they had been incorrectly promulgated.

The previous regulations prohibited the distribution of any comment on or news of any conduct of the security forces relating to public safety and order, or "terminating the state of emergency" without the permission of the Commissioner of Police.

In addition, the regulations prohibited the presence of journalists for the purpose of reporting in any black or other residential area in which unrest was taking place, without the permission of the divisional commissioner of police.

In essence, the new press curbs contain the same restrictions, although journalists now have to remove themselves to a point out of "sight" of unrest taking place.

The major difference in the new restrictions is that journalists may not be present at any "restricted gathering". This means that where restrictions have been placed on township funerals, as has become the norm, they may no longer be reported.

The new prohibitions on reporting security force actions now include a ban on reporting the circumstances surrounding the arrest or detention of people, under both the emergency regulations and the Internal Security Act.

Previously, only detentions under the emergency regulations could not be reported.

Also tightened up are reports on any actions or deployment of the security forces which can in any way be construed as taking place for the purpose of ending unrest, protecting life or property in unrest situations, or follow-up actions following unrest.

This means that, where some newspapers have previously reported security force actions like house-to-house searches, road-blocks, or cordons, these reports now appear to be banned.

Decision of court on curbs welcomed

Cape Times 5/9/86 (327)

Own Correspondent

MARITZBURG. — The decision by a Full Bench of the Supreme Court to strike down two "far-reaching and oppressive" emergency regulations relating to the seizure and confiscation of newspapers, was welcomed yesterday.

However, the head of the University of Natal's Law Department, Professor Tony Mathews, warned yesterday that the judgment did not overtake the new gazetting of Section 7 (1) of the emergency regulations on Wednesday.

'Substantial victory'

"Although it is a substantial victory for the press, one must be disappointed that the regulation dealing with visual and sound material has been declared valid.

"Newspapers are now considerably better off, but they are by no means free to report independently on the emergency and the related events. This means that the security forces are not publicly accountable even after this judgment," he said.

"What is of particular importance is the part of the judgment which invalidates the clauses which authorize the minister to seize newspapers."

Mr Stephen Mulholland, SAAN's managing director, said the company was "delighted" with the Natal Supreme Court decision.

"The threat of seizure was a particular worrying factor for those on the management side. Naturally, we also wanted our editorial colleagues to enjoy the maximum amount of freedom.

"It's important to note that this decision is evidence that the judiciary is vigorous and independent and it would be a great pity if the government was to act in a way which indicated that it didn't feel that this judgment is of considerable importance and needs to be respected and observed."

Asked how the judgment might affect the latest emergency regulations promulgated this week by the Police Commissioner, General Johan Coetzee, Mr Mulholland said editors would have to be governed by their legal advisers in their decisions about what could or could not be published.

"Our approach is that we will do everything in our power to seek the widest measure of freedom for our editorial departments, but it would be imprudent not to seek and be guided by expert legal opinion in a very difficult situation."

Mr Mulholland said it was possible that further legal steps might be taken by the company to challenge General Coetzee's latest regulations.

'Reject the criticism'

"Our attitude in this respect is reflected in our actions and I reject the criticism made against us by unions that claim they had to make the running in this regard.

"We planned this action carefully and went about it in a logical and patient way — we reject any suggestion that we have not been doing all we could to preserve and protect the freedom of the press, which is one of the highest values in any society which wishes to be called free," he said.

Ormande Pollok reports that the Bureau of Information said yesterday the government could get round the Supreme Court ruling by "reformulating" the regulations.

● **Curbs ruled invalid, page 5**

Some rules out, some more in

AS the Commissioner of Police, General Johan Coetzee, imposed even harsher restrictions on the press this week, the Natal Supreme Court threw out several key aspects of the Emergency regulations governing the media.

On the restrictive side, Coetzee's new ruling:

- Reimposed restrictions on the reporting of Security Force action and unrest
- Widened the definition of Security Force action
- Banned journalists from being "within sight of" Security Force action and unrest.

On the positive side, the courts:

- Threw out the police power to confiscate and close down "subversive" publications
- Threw out the commissioner's blanket power to issue orders relating to anything which in his opinion is necessary to maintain public order or terminating the Emergency.
- Described the right to seize a publication as "objectionable" and "unduly excessive".

The full bench of the Natal Supreme was ruling on a case brought by SA Associated Newspapers and the Argus Company.

E Cape judges uphold detentions

By FRANZ KRUGER AND JO-ANN BEKKER

A FULL bench of the Grahamstown Supreme Court yesterday found the Emergency regulations' detention provisions valid and upheld the detention of the seven applicants, including three freelance journalists.

The ruling comes days before the Bloemfontein Appeal Court is expected to decide on earlier conflicting judgements by Natal courts on the legality of detentions under the State of Emergency.

Meanwhile, applications for the release of detainees have been postponed in the Transvaal, after a Pretoria Supreme Court judge indicated detention-related applications would not be heard until after the Bloemfontein ruling.

The seven detainees who applied to the Grahamstown Supreme Court for their release included Mike Loewe, who runs a freelance news agency in Port Elizabeth and contributes regularly to the Weekly Mail, and freelance journalists Phila Ngqumba and Mxolisi Jackson Fuzile, who work together in a small news agency in King William's Town.

The other applicants, all of King William's Town, were the Reverend Colin Jooste, a Congregational Church minister and the chairman of the Border Council of Churches' executive, Gary Damons, a schoolboy, Prince Mhamhe and Brian Osteridge.

In an 88-page judgement handed down in Grahamstown, Justice Kannemeyer said the detention clauses could not be set aside on grounds of unreasonableness or vagueness, or that Parliament could never have intended the State President to make such regulations.

His ruling is the first Eastern Cape decision on the detention regulations.

It follows the contradictory judgements delivered by Natal courts: the Durban Supreme Court decision which ordered the release of United Democratic Front publicity secretary Lechesa Tsenoli, on the grounds that the State President had acted beyond his powers in promulgating the detention provisions; and the Pietermaritzburg Supreme Court, which upheld the detention of church worker Peter Kerchhoff, and said its Durban colleagues had erred in striking down the detention provisions.

Kannemeyer said he found himself in agreement with the ruling in the Kerchoff case, as the other was "based upon grammatical reasoning which, in my view, does not give effect to the intention of the legislature".

Dealing with the applicants one by one, Kannemeyer found that in each case there was no proof the arresting officer had acted in bad faith.

Kannemeyer accordingly found their detentions lawful and dismissed the application with costs. Jooste was released before yesterday's ruling.

Meanwhile, lawyers acting for detained Bishop Sigisbert Ndandwe told the Weekly Mail Justice TJ van der Walt of the Pretoria Supreme Court had indicated it would be pointless to consider Ndandwe's application for his release, or other detainees' applications, since the Appellate Division would be pronouncing on the validity of all detentions in the near future.

Other applications for the release of detainees have accordingly been postponed, the lawyers said.

The Bloemfontein Appeal Court is expected to hear argument on the Tsenoli and Kerchhoff cases on Wednesday.

SA will go up in flames, West is told

The Star's Africa News Service

HARARE — The West has been warned that its massive investment in South Africa would "go up in flames" if it did not pull out of the country immediately.

Speaking at a special dinner hosted by Zimbabwean Prime Minister Mr Robert Mugabe, Dr Allan Boesak, patron of the United Democratic Front, made perhaps the most outspoken attack on the South African Government and its policies heard at the Non-Aligned Movement summit this week.

NAM leaders listened in silence as Dr Boesak gave his account of what was happening in South Africa today.

He said the "apartheid monster" had to be fought with more than just moral indignation.

HORRORS

If little white children were dying like little black children, Britain and the United States would be up in arms, he said.

He spoke of the "atrocities" perpetrated by the security forces in the townships while Pretoria suppressed the truth by restraining the Press and silencing the people — to hide the horrors of apartheid.

He spoke of "gross violations of human rights", including the refusal to allow people to bury their dead in peace, the killing of children at point-blank range, the detention without trial of more than 15 000 people, the breaking up of protest meetings, and the "systematic assassination" of blacks.

"The South African Government is waging war against defenceless people who do not have the guns to shoot back ... people are dying like flies," he claimed.

Mr Mugabe said the choice for the West was now either justice or losing the gold and the other goods needed from South Africa.

Zambian President Dr Kenneth Kaunda said that when the people of South Africa said "enough is enough", the West's investments would go up in flames, and gold would flow no more to Washington, London, Bonn, Paris and Tokyo.

The leaders of two of the NAM countries with the closest economic links with South Africa both told the summit they would do everything in their power to end apartheid.

Botswana's President Quett Masire urged more effective measures on the world to obviate a bloodbath in South Africa.

"If the West is not going to implement sanctions, then they owe it to the international community to say what other peaceful measures can be taken to abolish the evil system of apartheid," he said.

King Moshoeshoe II of Lesotho said more than 100 000 people had already died as a result of apartheid. He added that Lesotho's vulnerability meant its survival depended on the help it could get from NAM states.

OUTBURST

Meanwhile, Libyan leader Colonel Muammar Gaddafi's vitriolic outburst against French-speaking African states has outraged Zaire, Cameroon and the Ivory Coast.

In a statement expressing indignation at the "senseless attack", the three countries said: "We greet with disdain this crazy declaration of Gaddafi."

The Libyan leader termed the francophone states as puppets of Paris and a shame to Africa.

The counter-statement said the three countries had always upheld the principles of non-alignment and their oppostion to subjugation by blackmail.

Their governments always pursued a policy of non-interference in the affairs of other countries.



Palestine Liberation Organisation leader Mr Yasser Arafat and Mr Robert Mugabe stand to attention while the Zimbabwe national anthem is played at Harare Airport.
● Photograph: Mark Peters of Newsweek.

CAPT Times 6/4/86

Last of Soweto unrest victims buried

JOHANNESBURG. — The last of the victims of the Soweto shooting was buried yesterday at the township's Avalon Cemetery.

It is believed that nine bodies were buried without incident.

A group of priests led by the Johannesburg East Bishop, Bishop Suffragen Nkoane, conducted the service at the gravesides. About 200 mourners were present and there was singing. Bodies were allowed to be brought in in twos and threes.

Fifteen bodies of the 24 unrest victims were buried in a mass funeral on Thursday.

Some families of the deceased said they were bitter because their dead were buried without their knowledge.

● The Bureau for Information spokeswoman, Miss Ronelle Henning, yesterday said there were no confirmed reports of any deaths or injuries in Thursday's unrest in Soweto.

She was reacting to reports that up to eight people had died

The bureau said incidents reported had been mainly stonings and gatherings.

"Some funerals did take place, but at this stage the Bureau for Information cannot confirm the number of people buried.

Stayaway

"In most cases the actions of the security forces were limited to the firing of tearsmoke."

● Meanwhile Sowetans flocked back to work yesterday after Thursday's massive stayaway, enforced rigidly in some places by gangs of youths.

Last night Soweto was quiet but tense, with the streets deserted.

● The restrictions on funerals ordered by the Soweto Divisional Police Commissioner on Tuesday would still be enforced by the SAP, its Public Relations Directorate said in Pretoria yesterday.

A Full Bench of the Natal Supreme Court on Thursday voided emergency regulation 7 (1) (d) under which Brigadier Gideon Laubscher issued the orders.

Asked whether the SAP considered the court's voiding of certain emergency regulations binding outside Natal, the directorate said: "It is not a question of how the police interprets the ruling. It is a question of what is now binding by the law and where it is effective."

● In Tantyi, Grahamstown, Mr Baks Kati, of 29 E Street, Fingo, was stoned. He fired four shots at the group, but was stoned to death and set alight, the bureau said. — Sapa

● Leading article, page 6

CAPE Times 6/9/86

Ages of jailed minors: A correction

THE Cape Times believes it is imperative in fairness to all concerned to draw prominent attention to the fact that a seriously misleading impression was given by a report on the front page of the newspaper on September 3 headed "Children jailed for public violence", which said that 32 residents of Zolani township, Ashton, including 14 children aged 13 to 17, were sentenced to terms of imprisonment totalling 258 years for public violence.

As reported yesterday, the factual position is that only five of the accused were minors, one of them a 16-year-old who was sentenced to seven cuts with a light cane, and four 17-year-olds who were sentenced to seven years in jail each.

Accused

The error in the report, as noted yesterday, was due to the fact that the ages of the accused as given on the charge sheet before the court were incorrect. The charge sheet is invariably used by the press as the source of information about the accused and the charges before the court.

It has been brought to the attention of the Cape Times, however, that the correct ages of the accused were admitted by the defence in the course of the court proceedings, which evidence was unfortunately missed by the Cape Times reporter. The ages were not amended on the charge sheet.

The Cape Times, while noting that the question of jailing 17-year-olds remains highly controversial, recognizes that front-page prominence was given to the original report suggesting that 14 children aged from 13 to 17 were sentenced to terms of imprisonment and that the report has aroused widespread reaction and so hastens to put the record straight with appropriate prominence.

Man dies in G'town

PRETORIA — An unidentified man has died in hospital after a group of people allegedly tried to kill him in Tantyi, Grahamstown.

In announcing the death, the Bureau of Information in its daily report said one other death were reported in the 24-hour period until 6am today.

The other death was that of Mr Joseph Mstweni, 28. His body was found in Kwandebele by security forces at about midnight.

He had been murdered in an open field, the bureau said.

The police investigation into Saturday morning's explosion in Walvis Bay found that Russian manufactured explosive were used. — Sapa

courts throw out four more

EMERGENCY LAWS

BLACKOUT

Blackout !

But from Soweto: A deafening silence

CITYPRESS Reporters

TWELVE victims of the "White City War" were buried at Soweto's Avalon cemetery yesterday – despite a blanket police ban on mass funerals in the township.

The massive township ground to a halt yesterday, with hundreds of thousands of workers answering the call for a one-day stayaway to mourn the 27 people killed in White City during last week's rent protests.

Thousands of residents flocked to the stadium for the funeral, which was originally planned for 27 people.

Police banned the mass funeral on Tuesday, and told relatives that only one person was to be buried at a time, from today.

But much of the activity in Soweto went unrecorded, following a Wednesday ban by police commissioner Johan Coetzee on reporting of "security action" – a ban which outlaws the presence of journalists "within sight" of any unrest, restricted gathering or security action.

Early yesterday the Labour Monitoring Group estimated that at least 66% of Soweto residents yesterday stayed away from work – but said the real figure was probably higher. A statement from Putco that their buses were running with just 20% of their normal load backed this up. LMG reports that nine out of ten of the companies contacted in their survey indicated they would not "victimise" workers who stayed away yesterday.

In one incident when police fired teargas the coffin of a 13-year-old Abednigo Sibisi went missing.

● No deaths or injuries had been reported due to the unrest in Soweto yesterday, the Bureau for Information said in Pretoria.

There had been a number of illegal gatherings however which had been broken up by police using teargas.

In one incident 300 youths were dispersed when police fired teargas.

Many Soweto streets were barricaded with an assortment of materials including drums and large stones, apparently to prevent police vehicles from driving around.

● But while police used their emergency powers to stop Press coverage on events in Soweto yesterday, a full bench of the Natal Supreme Court threw out four sections of the government's emergency regulations. They ruled invalid the section – 10(b) – allowing Law and Order Minister Louis le Grange to seize and ban publications which he feels contain "subversive statements".

In a judgment on an application brought by Argus, SA Associated Newspapers and Natal Newspapers, handed down yesterday by Judge Van Heerden, Judges Leon, Kumleben and Nienaber found regulations 10(b), 11 and 12 to be void and without force and effect in law. These sections cover the right of security forces to seize and suspend publications which, in the opinion of the Minister, contain "subversive" statements.

They retained section 7(1)(c) which grants the police commissioner the right to ban reporting on security force activity, but threw out regulation 7 (1)(d), which allows the commissioner of police to make orders prohibiting anything which in his opinion is necessary to maintain public order or terminate the state of emergency.



● **The silent city: Johannesburg's usually busy taxi ranks were deserted yesterday morning. There were no passengers – as thousands of Soweto residents had observed the call for a stayaway.**

Pic MIKE MZILENI

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New unrest laws stand says prof

Dispatch Correspondent

DURBAN — The head of the University of Natal's law department, Professor Tony Mathew, says the judgment in the Pietermaritzburg Supreme Court does not overtake the new gazetting of Section 7 (1) of the emergency regulations.

"Although it is a substantial victory for the press, one must be disappointed that the regulation dealing with visual and sound material has been declared valid.

"Newspapers are now considerably better off but they are by no means free to report independently on the emergency and related events. This means that the security forces are not publicly accountable even after this judgment," he said.

"What is of particular importance is the part of the judgment which invalidates the clauses which authorise the minister to seize newspapers or to prevent newspapers from being published.

"For that South Africans should be grateful."

Prof Mathews said that although the court had gone almost as far as it could, it was unfortunate that the regulations which allowed the commissioner of police to keep journalists out of unrest areas and to prohibit news or comment about the conduct of the security forces had been upheld.

"Newspapers will once again have to refer to the Bureau for Information."

SPOTLIGHT ON CENSORSHIP

JOURNALISTS, publishers and other people in the book trade are to meet tomorrow night at the University of the Witwatersrand to form the Anti-censorship Action Group.

The meeting which will be held in Room W2 in the basement of the Wartenweiler library will draw attention to the crisis censorship is creating in the country. It starts at 7.30pm.

A spokesman for the group said yesterday that the crisis had become more acute with the declaration of the state of emergency.

SOWETAN Reporter

Although the Action Group has been started by people in the writing trade other concerned people have been invited to attend.

The group aims to monitor the effect censorship has on the country and to muster support from all those opposed to censorship.

The group wants the abolition of all laws restricting the free flow of news, the gathering of information and free expression.

Conflicting Natal cases heard

Outcome of appeals will effect detainees

The Appeal Court in Bloemfontein was hearing appeals today against two conflicting Natal Supreme Court judgments which materially affect the status of emergency detainees.

The first was the appeal by the State President and the Ministers of Law and Order and of Justice against a judgment ordering the release from detention of Mr Solomon Lechesa Tsenoli, the Natal publicity secretary of the United Democratic Front.

The Durban and Coast Local Division made this order on the basis that the State President had acted beyond his powers when he promulgated emergency regulations 3(1) and 3(3).

In a judgment given on August 11, the court declared those regulations invalid, but three days later the Natal Supreme Court in Maritzburg rejected the Tsenoli decision and refused an application for the release of Mr Peter Kerchhoff, the organiser of the Pietermaritzburg Association for Christian Social Awareness (Pacsa).

If the Appellate Division upholds the Durban and Coast Local Supreme Court's decision that Mr Tsenoli's detention was unlawful, it is likely that courts in every province will be flooded with applications for the release of emergency detainees.

Pace wants h

Teachers at Pace College held a meeti
unanimously decided that the suspend
Oswald Mtshali, should report for work

A spokesman for the teachers said the
that the school would not be able to oper
that pupils needed to get an explanation
sion.

Schools re-opened today.

Mr Mtshali resigned in August "due
members of the SADF and Pace students

Mr Mtshali's resignation was accep
American Chamber of Commerce (Amch

[illegible] their children, all waiting for

At Pietersburg Station, pas-
sengers apparently pointed out

Riddle of book on ANC

Cape Times 11/9/86

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By MAX DU PREEZ

A MYSTERIOUS and very expensively produced publication aimed at discrediting the African National Congress (ANC) has appeared in Cape Town.

The names of the printer, publisher and author do not appear anywhere in the publication.

A source in the Cape Town printing business said yesterday that the publication, titled *Face to Face with the African National Congress*, was funded by a government agency. The printer was ordered to destroy the original plates used for the printing, the source said.

No confirmation of this claim could be obtained yesterday. A senior spokesman for the Bureau of Information said: "I have absolutely no knowledge of the publication. But I can tell you that we are an open bureau, and as Deputy Minister Louis Nel has said repeatedly, we do not engage in covert operations. If this were our publication, it would have been stated clearly."

The publication, in full colour, was described by an experienced printer yesterday as "a very professional, top-quality printing and obviously tremendously expensive job". He could give no estimate of the possible cost, as that would depend on how many copies were printed.

'Return to old Info days'

Progressive Federal Party spokesman Mr Peter Soal said: "If this publication was sponsored by government, then it would mean that we have returned to the old Info days of secret projects. I hope the authorities will crack down on the printer in terms of the law."

The 68-page publication, in the format of an international news magazine, is in contravention of several laws. It is illegal not to mention the publisher or printer of a publication. Several banned publications and people are quoted in it, and it also contains a photograph of a jailed person, Mr Nelson Mandela.

The preface to the publication states: "It is the intention of this publication to expose the falsehoods lurking beneath the ANC's carefully conjured image and to reveal the hidden machinations of this terrorist organization."

The publication was obviously well researched and there are many quotes from Radio Freedom and banned ANC and SA Communist Party publications such as *Sechaba, Mayibuye, Umsebenzi* and *The African Communist*.

It also quotes from "captured ANC documents".

There are many gruesome pictures, mostly in full colour, of the victims of necklacings, bomb explosions and landmines.

NGK supports emergency, but warns of abuse

Religion Reporter

THE Ned Geref Kerk supports the emergency — but warns against abuse of power.

According to an editorial in Die Kerkbode, the official mouthpiece of the church, large-scale attempts have been made recently to "overthrow" the Government by revolutionary means.

The editorial says: "In such a time the State surely has the right to use emergency powers to protect itself and the community and to preserve lives."

It warns that extraordinary powers given to the Government placed on it a responsibility to ensure this power was used with justice and reason.

"There is wide appreciation in our country for the work done by the security forces under great pressure and provocation. When we ask that the emergency powers be applied with care and also that the treatment of people held as a result of the emergency regulations at all times be reasonable, we are not implying that this is not happening."

It was, however, essential that it be continually impressed on the authorities that it was at such a time that the Christian demands of loving one's neighbour and justice should not be suspended.

"The danger of the abuse of power is now also greater than normal and a warning against this is necessary.

"We pray for wisdom for the Government in the execution of its especially difficult task in these stormy times."

Emergency detainees wait for decision

Judgment on appeals reserved

STAR 11/9/86 327

By Estelle Trengove

The Appeal Court in Bloemfontein has reserved judgment in a hearing which could affect the status of thousands of emergency detainees countrywide.

The Appellate Division yesterday heard the appeals — in a special session due to the urgency of the matter — against two conflicting judgments on the emergency regulations pertaining to arrests and detentions. It is not known when the judgment will be given.

In the two opposing Natal Full Bench decisions, one court ruled that clauses 3(1) and 3(3) of the Emergency Regulations were invalid and ordered the release of Mr Solomon Lechesa Tsenoli. The other court rejected this decision and refused to make a similar order for the release of Mr Peter Kerchhoff.

If the Appeal Court rules that regulations 3(1) and 3(3) are invalid, the implication would be that all emergency detainees are being held unlawfully. All courts in the country will be bound by the Appelate Division ruling.

The Natal judgments were made last month. Had the Appellate Division not heard the appeals on an urgent basis, it could have taken up to two years to come to court in the normal course of events.

The State President had been given "wide and awesome powers by the legislature to enable him to cope with the situation in South Africa", council representing the State President, Mr P W Botha, the Minister of Law and Order, Mr Louis le Grange, and the Minister of Justice, Mr Kobie Coetsee, Mr J H Combrink SC, argued in defence of the regulations.

He said the court was dealing with a discretion which was the widest he had come across in case law.

Council representing the two Ministers in the Kerchhoff appeal, Mr J H Conradie SC, argued that the Appeal Court could not limit the State President's powers.

"The State President must act bona fide and he cannot make regulations that Parliament would never have contemplated. Other than that there are no restrictions on his powers," Mr Conradie said.

Council representing Mr Tsenoli and Mr Kerchhoff, Mr M J D Wallis SC argued that the State President had delegated power improperly in the emergency regulations which governed the arrest of detainees.

To illustrate this he sketched the following hypothetical situation: If a detainee brought an application for his release, supported by an affidavit made by Mr P W Botha himself, saying that he knew the detainee and did not regard his detention necessary, yet a constable said that in his opinion the detention was necessary, then the application would fail.

Appearances: on the Bench were the Chief Justice, Mr Justice P J Rabie, Mr Justice E L Jansen, Mr Justice M M Corbett, Mr Justice C P Joubert, Mr Justice G Viljoen. Mr M J D Wallis SC for Mr Tsenoli and Mr Kerchhoff was assisted by Mr R Seggie and Mr L Gering. Mr J H Combrink SC for the State President, the Minister of Law and Order and the Minister of Justice in the Tsenoli case and Mr J H Conradie SC for the two Ministers in the Kerchhoff case, were both assisted by Mr R C Himstra.

The Natal judgments: Court to decide later

Case 1 in 11/9/86 327

BLOEMFONTEIN. — The Appeal Court here has reserved its judgment after hearing argument in the appeals yesterday against the two judgments in Natal that gave conflicting decisions on the validity of some emergency regulations.

One appeal was against the decision of the Durban and Coast Local Supreme Court which, on August 11, ruled that regulations 3(1) and 3(3) were invalid, because the State President had acted beyond the powers conferred on him by the Public Safety Act.

Because of this decision, Mr Solomon Lechesa Tsenoli, the Natal publicity secretary of the United Democratic Front, was released from detention.

The second appeal was by Mr Peter Campbell Kerchhoff, organizer of the Maritzburg Association for Christian Social Awareness, and his wife, Mrs Joan Lynette Kerchhoff.

Their appeal was against the refusal of the Natal Supreme Court in Maritzburg — four days after the decision affecting Mr Tsenoli — to order Mr Kerchoff's release from detention after that court had held that the decision in Mr Tsenoli's case was wrong.

The appeal was heard by the Chief Justice, Mr Justice Rabie, Mr Justice Jansen, Mr Justice Corbett, Mr Justice Joubert and Mr Justice Viljoen.

The argument centered on the power given to the State President in terms of Section 3(1)(a) of the Public Safety Act (No 3 of 1953) to make regulations as appear to him to be necessary or expedient to provide for one or more of: The safety of the public, maintenance of public order, adequate provision for termination of the state of emergency and dealing with any circumstances which, in his opinion, may have arisen from the state of emergency.

The judges of appeal will now have to decide whether the regulations 3(1) and 3(3), as promulgated by the State President on June 12, 1986, exceed the power granted to the State President, or not. — Sapa

New group aims to fight SA censorship

About thirty people attended the official launch of the Anti-Censorship Action Group at the Witwatersrand University last night.

The group — formed to oppose censorship in any form — adopted its official constitution and elected a committee.

Mrs Nadine Gordimer, Mr Anton Harber, Mr Mathobe Mothloatse, Miss Dorothy Weaver, Miss Pat Sidley, Mr Duncan Innes and Mr Achmat Dangor were nominated to the executive committee of the group.

Some of the objectives of the group are:

- "Creating a sense of unity and purpose among those subject to censorship.
- "Educating the public about the dangers of censorship.
- "Defending support and extending solidarity to the victims of censorship.
- "Embarking on joint action to prevent the extension of censorship.
- "Monitoring the effect and implementation of censorship in South Africa.

Cape Times 12/9/88 (327)

Probe into anti-ANC book

By MAX DU PREEZ

POLICE have started an investigation into the origins and backers of the mystery anti-ANC publication called "Face to Face with the ANC".

Police asked for a copy of the expensive 68-page colour propaganda booklet printed in Cape Town without mention of the printer, publisher or author — which is in contravention of the law.

In Pretoria, the Bureau for Information yesterday released a formal statement again stating that it had nothing to do with the publication.

A source in the Cape printing business has alleged that the publication was commissioned by a government agency or the National Party.

It "exposed" the ANC as a "fully-fledged terrorist organization manipulated by the Soviets", and accused the UDF as being its internal arm.

Aida Parker, publisher of the right-wing Aida Parker Newsletter (APN), denied any knowledge of the booklet yesterday. She confirmed that she had also published a pamphlet "exposing the ANC's Soviet links and alliances", but said that this was done openly under the name of the APN.

A suggestion that the publication could have been prepared for British and overseas distribution, is supported by the fact that one chapter deals with the ANC's "London Connection" and "How the West was won".

Details are given of "key ANC/SACP members responsible for terrorist operations who maintain residence in the UK, some even owning property and travelling on UK documents". Solly Smith, Ronnie Kasrils, Stephanie Kemp (Sachs), Aziz Pahad, Irene Ginwala, Renfrew Christie, John Hosey, Alexandre Moumbaris and David Kitson are mentioned.

Cape Times 12/9/86 (327)

Get your Casspir here



Constable Nicky van Dyk with one of the toy Casspirs.

By RENEE MOODIE

ONE thousand Casspirs are on their way to Cape Town and will soon be available to the public at local police stations — at R21 each.

But these are not the variety so familiar in certain areas of the Cape Peninsula. They are miniature toy versions.

The mini-Casspirs are manufactured at a Ventersdorp factory under agency from the South African Police and are distributed both through the SAP and private toyshops.

But at toyshops the Casspirs cost around R40.

The toy factory also makes Ratels and Buffels — also types of armoured vehicles — which cost R25 and R27,50 if bought from the police.

Colonel C J Olivier of Police Headquarters in Pretoria said yesterday proceeds from the sales of the toys went to the SAP's Elderly Care Fund.

They had been on the market for about three years and there was generally a "good demand, especially over the Christmas period".

He said that in July and August this year R21 823 had been raised by sales of the three toy vehicles, and the manufacturer Mr Jannie Moss, said yesterday he had made about 25 000 toy Casspirs in the past year.

"We sell them throughout the country with the police as the main outlet, and about 20 to 25 percent are sold direct to the public through toy shops," Mr Moss said.

A survey of Cape Town toy shops brought to light only two sources of Casspirs, and both were selling the toys for about R40.

He said he did not mind the fact that the police also sold the Casspirs, as it was "not really a big line".

Comment: Page 6

REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

Staatskoerant
Government Gazette

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GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN STAATKUNDIGE ONTWIKKELING EN BEPLANNING

No. 1956 **12 September 1986**

PLAASLIKE BESTURE.—REGULASIES BETREFFENDE WETSTOEPASSINGSBEAMPTES—WYSIGING VAN GOEWERMENTSKENNISGEWING R. 1900 VAN 31 AUGUSTUS 1984

Ek, Jan Christiaan Heunis, Minister van Staatkundige Ontwikkeling en Beplanning, wysig hierby, kragtens die bevoegdheid my verleen by artikel 56 (1) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982), die regulasies afgekondig by Goewermentskennisgewing R. 1900 van 31 Augustus 1984, ooreenkomstig die bygaande Bylae.

J. C. HEUNIS,
Minister van Staatkundige Ontwikkeling en Beplanning.

BYLAE

1. Regulasie 1 word hierby gewysig—

(a) deur die invoeging van die volgende omskrywing voor die omskrywing van "bevelvoerende offisier":

" 'bevelvoerder' 'n bevelvoerder kragtens regulasie 1A aangewys;";

(b) deur die invoeging van die volgende omskrywing na die omskrywing van "die Wet":

" 'dros' een of meer van die handelinge of versuime bedoel in regulasie 1E deur enige wetstoepassingsbeampte;";

(c) deur die invoeging van die volgende omskrywing na die omskrywing van "gebied":

" 'noodtoestand' enige situasie wat onmiddellike optrede verg maar nie 'n noodtoestand verklaar ingevolge veiligheidswetgewing nie;".

2. Die volgende regulasies word ingevoeg na regulasie 1:

"BEVELVOERDER

1A. (1) 'n Plaaslike owerheid moet in oorleg met die bevelvoerende offisier 'n bevelvoerder aanwys om bevel te voer oor sy wetstoepassingsbeamptes.

GOVERNMENT NOTICES

DEPARTMENT OF CONSTITUTIONAL DEVELOPMENT AND PLANNING

No. 1956 **12 September 1986**

LOCAL AUTHORITIES.—REGULATIONS REGULATING TO LAW ENFORCEMENT OFFICERS—AMENDMENT OF GOVERNMENT NOTICE R. 1900 OF 31 AUGUST 1984

I, Jan Christiaan Heunis, Minister of Constitutional Development and Planning, do hereby, under and by virtue of the powers vested in me by section 56 (1) of the Black Local Authorities Act, 1982 (Act 102 of 1982), amend the regulations promulgated by Government Notice R. 1900 of 31 August 1984, in accordance with the accompanying Schedule.

J. C. HEUNIS,
Minister of Constitutional Development and Planning.

SCHEDULE

1. Regulation 1 is hereby amended—

(a) by the insertion of the following definition after the definition of "area":

" 'commander' shall mean a commander designated in terms of regulation 1A;";

(b) by the insertion of the following definitions after the definition of "commanding officer":

" 'desertion' shall mean any one or more of the acts or omissions referred to in regulation 1E by any law enforcement officer;

" 'emergency' shall mean any situation which requires immediate action but not an emergency declared in terms of security legislation;".

2. The following regulations are hereby inserted after regulation 1:

"COMMANDER

1A. (1) A local authority shall in consultation with the commanding officer designate a commander to exercise command over its law enforcement officers.

(2) 'n Bevelvoerder word aangewys uit die geledere van—

(i) wetstoepassingsbeamptes;

(ii) persone beskikbaar gestel aan die plaaslike owerheid kragtens artikel 35 van die Wet; of

(iii) persone beskikbaar gestel aan die plaaslike owerheid kragtens artikel 14 van die Staatsdienswet, 1984 (Wet 111 van 1984).

(3) Gelees met regulasie 6 (1) (b), oefen 'n bevelvoerder bevel uit ooreenkomstig riglyne neergelê deur die plaaslike owerheid.

WERKSAAMHEDE EN PLIGTE VAN BEVELVOERDER EN WETSTOEPASSINGSBEAMPTES

1B. (1) Die bevelvoerder is aan die hoof- uitvoerende beampte verantwoordelik vir die doeltreffende verrigting van die werksaamhede van die wetstoepassingsbeamptes soos in artikel 34 van die Wet omskryf, die handhawing van dissipline, doeltreffende administrasie en die behoorlike gebruik en versorging van uitrusting en toebehore.

(2) 'n Wetstoepassingsbeampte moet sy werksaamhede op die plek verrig deur die bevelvoerder aangewys.

ORDERS EN VOORSKRIFTE

1C. (1) Die bevelvoerder kan in oorleg met die plaaslike owerheid sodanige orders en voorskrifte uitvaardig wat hy nodig en dienstig ag ten einde doeltreffende administrasie, beheer en dissipline van wetstoepassingsbeamptes te bewerkstellig.

(2) Orders en voorskrifte van 'n blywende aard word as 'Staande' uitgevaardig.

(3) Orders en voorskrifte uitgevaardig kragtens subregulasies (1) en (2), word gehoorsaam deur elke wetstoepassingsbeampte.

GEREGVERDIGE OPTREDE IN 'N OOMBLIK VAN NOODTOESTAND

1D. (1) Indien 'n noodtoestand ontstaan binne die gebied van 'n plaaslike owerheid kan die bevelvoerder, ondanks die bepalings van regulasie 1C, enige redelike maatreël tref en enige bevel gee wat hy redelikerwys noodsaaklik ag of 'n afwyking van hierdie regulasies magtig ten einde die toestand die hoof te bied: Met dien verstande dat sodanige maatreël, bevel of afwyking gerig moet wees op—

(a) die beskerming van die eiendom van die plaaslike owerheid;

(b) die bewaring van die veiligheid van die inwoners van die gebied van die plaaslike owerheid; en

(c) die herstel van of die handhawing van wet en orde.

BESONDERE VORME VAN WANGEDRAG VAN WETSTOEPASSINGSBEAMPTES

1E. (1) Sonder om afbreuk te doen aan die bepalings van die regulasies afgekondig by Goewermentskennisgewing R. 2568 van 25 November 1983, is 'n wetstoepassingsbeampte skuldig aan wangedrag en daar kan ooreenkomstig die bepalings van regulasie 13 of 13A van gemelde regulasies met hom gehandel word indien hy—

(a) hetsy aan of van diens af, willens en wetens, 'n wapen, embleem, vaandel, kleure, saluut, groet, onderskeidende gebaar of teken, van watter aard ook al, of, homself gedra op 'n wyse wat die onpartydigheid, aansien of agting van 'n wetstoepassingsbeampte of sy meerdere, wetstoepassingsbeamptes in die algemeen, of die plaaslike owerheid of enige lid, werknemer of departement daarvan, in 'n ongunstige lig of moontlik ongunstige lig mag stel;

(2) A commander shall be designated from the ranks of—

(i) law enforcement officers;

(ii) persons placed at the disposal of the local authority in terms of section 35 of the Act; or

(iii) persons placed at the disposal of the local authority in terms of section 14 of the Public Services Act, 1984 (Act 111 of 1984).

(3) Read with regulation 6 (1) (b), a commander shall exercise command in conformity with guide-lines laid down by the local authority.

FUNCTIONS AND DUTIES OF COMMANDER AND LAW ENFORCEMENT OFFICERS

1B. (1) The commander shall be responsible to the chief executive officer for the efficient performance of the functions of the law enforcement officers as defined in section 34 of the Act, the maintenance of discipline, efficient administration and the proper use and care of equipment and requisites.

(2) A law enforcement officer shall exercise his functions at the place designated by the commander.

ORDERS AND INSTRUCTIONS

1C. (1) The commander may in consultation with the local authority issue such orders and instructions as he deems necessary and expedient in order to accomplish efficient administration, control and discipline of law enforcement officers.

(2) Orders and instructions of a permanent nature shall be issued as 'Standing'.

(3) Orders and instructions issued in terms of subregulations (1) and (2) shall be obeyed by every law enforcement officer.

JUSTIFIED ACTION IN A MOMENT OF EMERGENCY

1D. (1) If an emergency arises within the area of a local authority the commander may, notwithstanding the provisions of regulation 1C, take any reasonable measure and may give any order which he deems reasonably necessary or may authorise a departure from these regulations in order to overcome the emergency: Provided that such measure, order or departure shall be directed at—

(a) the protection of the property of the local authority;

(b) the preservation of the safety of the residents of the area of the local authority; and

(c) the restoration of or the maintenance of law and order.

PARTICULAR FORMS OF MISCONDUCT OF LAW ENFORCEMENT OFFICERS

1E. (1) Without derogating from the provisions of the regulations promulgated by Government Notice R. 2568 of 25 November 1983, a law enforcement officer shall be guilty of misconduct and may be dealt with in accordance with the provisions of regulation 13 or 13A of the said regulations, if he—

(a) whether on or off duty, knowingly and deliberately wears, exhibits or uses any badge, emblem, standard, colours, salute, greeting, distinctive gesture or device of any kind or behaves himself in a manner which adversely reflects upon or is likely to adversely reflect upon the impartiality, prestige or reputation of a law enforcement officer or his superior, law enforcement officers generally or the local authority or any member, employee or department thereof;

(b) op enige wyse aktief die kandidatuur van 'n kandidaat vir verkiesing as 'n lid van die plaaslike bestuur bevorder behalwe deur sy stem uit te bring of sy werksaamhede en ampspligte in verband met 'n verkiesing uit te voer.

(2) 'n Wetstoepassingsbeampte word, totdat hy die teendeel bewys het, geag te gedros het indien hy—

(a) weier of versuim om aan te hou met werk (hetsy die stopsetting volkome of gedeeltelik is) of om sy werk te hervat of om aan die bedinge of voorwaardes van diens wat op hom van toepassing is te voldoen of indien hy die vooruitgang van werk vertraag of belemmer; of

(b) sy dienskontrak verbreek of beëindig het deurdat—

(i) sodanige weiering, versuim, vertraging, belemmering, verbreking of beëindiging plaasvind na aanleiding van 'n samespanning, ooreenkoms of verstandhouding met enigiemand, hetsy uitgedruk of nie; en

(ii) die doel van daardie weiering, versuim, vertraging, belemmering, verbreking of beëindiging is om die plaaslike owerheid by wie hy of enige ander persoon in diens is of was te beweeg of te dwing om—

(aa) toe te stem tot of te voldoen aan enige eise of voorstelle in verband met bedinge of voorwaardes van diens of ander aangeleenthede wat gestel of gemaak is deur of namens hom of enige ander persoon wat in diens is of was; of

(bb) na te laat om gevolg te gee aan enige voorneme om bedinge of voorwaardes van diens te verander, of, as so 'n verandering aangebring is, die bedinge of voorwaardes te herstel tot wat hulle gewees het voor die verandering aangebring is.

(3) Enige handeling, versuim of deelneming beoog in subregulasie (2) is *prima facie* bewys dat 'n wetstoepassingsbeampte gedros het.".

3. Regulasie 6 word hierby gewysig deur die skrapping van paragraaf (a) van subregulasie (2).

No. 1957 **12 September 1986**

PERSONEELREGULASIES VIR SWART PLAASLIKE BESTURE.—WYSIGING VAN GOEWERMENTSKENNISGEWING R. 2568 VAN 25 NOVEMBER 1983

Ek, Jan Christiaan Heunis, Minister van Staatkundige Ontwikkeling en Beplanning, wysig hierby, kragtens die bevoegdheid my verleen by artikel 56 (1) van die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982), die regulasies afgekondig by Goewermentskennisgewing R. 2568 van 25 November 1983, ooreenkomstig die bygaande Bylae.

J. C. HEUNIS,
Minister van Staatkundige Ontwikkeling en Beplanning.

BYLAE

1. Die volgende woordomskrywings word onderskeidelik na paragrawe (xv) en (xxxi) van regulasie 1 ingevoeg:

"(xvA) 'munisipale polisiebeampte' enige persoon kragtens artikel 34 van die Wet deur die plaaslike owerheid aangestel;";

(b) in any way actively promotes the candidature of a candidate for election as a member of the local authority beyond recording his vote or carrying out his functions and official duties in connection with an election.

(2) A law enforcement officer shall be deemed, until he has proved the contrary, to have deserted if he—

(a) refuses or fails to continue to work (whether the discontinuance is complete or partial) or to resume his work or to comply with the terms or conditions of employment applicable to him or retards or obstructs the progress of work;

(b) has breached or terminated his contract of employment in that—

(i) such refusal, failure, retardation, obstruction, breach or termination occurred in pursuance of any act of collusion, agreement or understanding with any person, whether expressed or not; and

(ii) the purpose of that refusal, failure, retardation, obstruction, breach or termination is to induce or compel the local authority by which he or any other person is or has been employed to—

(aa) agree to or comply with any demands or proposals concerning terms and conditions of service or other matters made by or on behalf of him or any other person who is or has been employed; or

(bb) refrain from giving effect to any intention to change terms or conditions of service, or, if such a change has been made, to restore the terms or conditions to those which existed before the change was made.

(3) Any act, omission or participation contemplated in subregulation (2) shall be *prima facie* proof that a law enforcement officer has deserted.".

3. Regulation 6 is hereby amended by the deletion of paragraph (a) of subregulation (2).

No. 1957 **12 September 1986**

BLACK LOCAL AUTHORITIES STAFF REGULATIONS.—AMENDMENT OF GOVERNMENT NOTICE R. 2568 OF 25 NOVEMBER 1983

I, Jan Christiaan Heunis, Minister of Constitutional Development and Planning, do hereby, under the powers vested in me by section 56 (1) of the Black Local Authorities Act, 1982 (Act 102 of 1982), amend the regulations promulgated by Government Notice R. 2568 of 25 November 1983, in accordance with the accompanying Schedule.

J. C. HEUNIS,
Minister of Constitutional Development and Planning.

SCHEDULE

1. The following definitions are inserted in regulation 1 after paragraphs (xx) and (xxiv) respectively:

"(xxA) 'municipal police officer' shall mean any person appointed by the local authority under section 34 of the Act;";

"(xxxiA) 'voorsittende beampte' die persoon kragtens regulasie 13A (1) aangewys uit die geledere van die senior werknemers van die plaaslike owerheid of persone kragtens artikel 35 (2) van die Wet of artikel 14 van die Staatsdienswet, 1984 (Wet 111 van 1984), aan sodanige plaaslike owerheid afgestaan;".

2. Die volgende subregulasie word ingevoeg na subregulasie (r) van regulasie 12 (1):

"(s) met iemand anders saamsweer om 'n staking, oproer of opstand te veroorsaak, of indien hy 'n staking, oproer of opstand begin, daarby aansluit of iemand daartoe aanhits, of indien hy, terwyl 'n staking, oproer of opstand in sy teenwoordigheid plaasvind, versuim om alles in sy vermoë te doen om dit te onderdruk, of indien hy, terwyl hy weet of vermoed dat iemand anders by 'n sameswering tot staking, oproer of opstand betrokke is of daarby aangesluit het, in gebreke bly om sonder versuim al die feite waarvan hy kennis dra aan sy departementshoof te rapporteer.".

3. Die volgende subregulasie word ingevoeg na regulasie 12 (3):

"(4) Sonder om afbreuk te doen aan die ander bepalings van hierdie regulasie is 'n munisipale polisiebeampte skuldig aan wangedrag en kan daar ooreenkomstig die bepalings van regulasie 13 of 13A met hom gehandel word, indien hy—

(a) met iemand anders saamsweer om muitery te pleeg of om 'n muitery, staking, oproer of opstand te veroorsaak, of indien hy 'n muitery, staking, oproer of opstand begin, daarby aansluit of iemand daartoe aanhits, of indien hy, terwyl 'n muitery, staking, oproer of opstand in sy teenwoordigheid plaasvind, versuim om alles in sy vermoë te doen om dit te onderdruk, of indien hy, terwyl hy weet of vermoed dat iemand anders by 'n sameswering tot muitery, staking, oproer of opstand betrokke is of daarby aangesluit het, in gebreke bly om sonder versuim al die feite waarvan hy kennis dra aan sy departementshoof te rapporteer;

(b) sy meerdere aanrand, hom met geweld dreig, dreigende of beledigende taal teenoor hom besig, homself met woord of daad teen hom verset of 'n minagtende, weerspannige of parmantige houding teenoor hom aanneem;

(c) 'n valse aantyging van onbetaamlike handelswyse of wangedrag teen 'n meerdere maak;

(d) 'n ondergeskikte op 'n tirannieke of onderdrukkende wyse behandel;

(e) welwetende 'n valse beskuldiging teen enige ander munisipale polisiebeampte maak of tydens 'n ondersoek, verhoor of navraag 'n valse verklaring aflê of opsetlik tersaaklike feite verswyg of verberg;

(f) versuim om sonder 'n geldige en afdoende rede vir diens aan te meld op 'n bepaalde tyd en plek of enige ander plek deur sy meerdere aangewys;

(g) strydig met die bevele of voorskrifte van sy meerdere van diens gaan voordat hy afgelos is of sonder dat hy vooraf toestemming van sy meerdere verkry het;

(h) strydig met die bevele of voorskrifte van 'n meerdere, van sy kwartiere of woning afwesig is sonder verlof of 'n ander geldige rede;

(i) malinger of veins of voorgee dat hy siek, ranklik, ongesteld of beseer is of aan pyn ly;

"(xxivA) 'presiding officer' shall mean the person appointed under regulation 13A (1) from the ranks of the senior employees of the local authority or persons seconded under section 35 (2) of the Act or section 14 of the Public Service Act, 1984 (Act 111 of 1984), to such local authority;".

2. The following subregulation is inserted after subregulation (r) of regulation 12 (1):

"(s) conspires with any other person to commit or to cause a strike, riot or revolt or if he starts, or joins in any strike, riot or revolt or incites any person to do so or if he, while a strike, riot or revolt, takes place in his presence, fails to do his utmost to suppress it, or if he, while knowing or suspecting any other person to be involved in any conspiracy to cause a strike, riot or revolt or to have joined in it, fails to report all the facts which he knows without delay to his departmental head.".

3. The following subregulation is inserted after regulation 12 (3):

"(4) Without derogating from the other provisions of this regulation a municipal police officer shall be guilty of misconduct and may be dealt with in accordance with the provisions or regulation 13 or 13A if he—

(a) conspires with any other person to commit mutiny or to cause a mutiny, strike, riot or revolt or if he starts, or joins in any mutiny, strike, riot or revolt or incites any person to do so or if he, while a mutiny, strike, riot or revolt, takes place in his presence, fails to do his utmost to suppress it, or if he, while knowing or suspecting any other person to be involved in any conspiracy to cause a mutiny, strike, riot or revolt or to have joined in it, fails to report all the facts which he knows without delay to his departmental head;

(b) assaults his superior, threatens him with violence, uses threatening or insulting language towards him, resists him by word or action or adopts towards him a disdainful, recalcitrant or insolent attitude;

(c) falsely imputes improper demeanour or misconduct to a superior;

(d) treats an inferior in a tyrannical or oppressive manner;

(e) knowingly makes a false accusation against any other municipal police officer or during an investigation, trial or inquiry makes a false statement or wilfully suppresses or conceals material facts;

(f) fails without good and sufficient cause, to report for duty at a stipulated time and place or any other place appointed by his superior;

(g) contrary to any orders or instructions by his superior goes off duty before being relieved or without having first obtained permission from his superior;

(h) contrary to any orders or instructions by a superior absents himself from his quarters or dwelling without leave or other valid cause;

(i) malingers or feigns or pretends to be ill, infirm, indisposed, injured or suffering from pain;

(j) vrystelling van diens verkry of poog om dit te verkry deur 'n valse of oordrewe verskoning op grond van siekte, krankheid, ongesteldheid, besering of pyn aan te voer;

(k) opsetlik 'n siekte, krankheid, ongesteldheid, besering of pyn veroorsaak of homself of enige ander munisipale polisiebeampte opsetlik vermink of beseer, hetsy op versoek van so 'n beampte of nie, of homself opsetlik deur iemand anders laat vermink of beseer met die bedoeling om homself daardeur ongeskik vir diens of vir die verrigting van sy werksaamhede te maak;

(l) aan diens slaap;

(m) versuim om sy uitrusting netjies in voorkoms te hou;

(n) 'n gevangene of ander persoon wat in sy bewaring of in hegtenis is, sonder behoorlike magtiging vrylaat of opsetlik of nalatiglik toelaat dat hy ontsnap;

(o) onnodige geweld gebruik teenoor 'n gevangene of 'n ander persoon wat in sy bewaring of in hegtenis is of hom op 'n ander manier mishandel;

(p) in die uitvoering van sy werksaamhede growwe onbeleefdheid teenoor enigiemand openbaar;

(q) met die opset om iemand te bedrieg, te bevoordeel of te benadeel 'n verslag, opgawe, register, boek, aantekening, vorm, vordering, brief of enige ander dokument met betrekking tot sy werksaamhede of pligte, onderdruk, verberg, weerhou, skend, verander, vernietig, wegdoen, iets daarin uitwis, of 'n ander valse, misleidende, onvolledige of onnoukeurige verklaring, aantekening of inskrywing daarin maak, laat maak, toelaat of oogluikend toelaat dat dit gemaak word;

(r) nadat hy behoorlik gewaarsku of aangesê is om op 'n bepaalde tyd en plek as 'n beskuldigde, verweerder of getuie aanwesig te wees by 'n verhoor, raad van ondersoek, of enige ander ondersoek, hetsy uit hoofde van sy werksaamhede en pligte al dan nie, sonder grondige rede versuim om op die tyd en plek aldus bepaal, aanwesig te wees of, indien hy aanwesig is, weier om 'n eed af te lê of 'n plegtige bevestiging te maak of om 'n vraag te beantwoord wat regtens aan hom gestel mag word of om 'n dokument of saak voor te lê wat in sy besit of onder sy beheer is;

(s) hom op onbehoorlik wyse gedra of op 'n wyse wat nie vir 'n munisipale polisiebeampte betaamlik is nie; of

(t) hom op 'n wyse gedra of 'n daad begaan of versuim om enigiets te doen, of dit in hierdie regulasies omskryf word al dan nie, welke gedrag, daad of versuim tot nadeel van die goeie orde, doeltreffende administrasie, beheer of dissipline van die munisipale polisie-afdeling strek of mag strek.".

4. Die volgende regulasie word na regulasie 13 ingevoeg:

"ALTERNATIEWE PROSEDURE IN GEVALLE VAN WANGEDRAG VAN MUNISIPALE POLISIEBEAMPTES

13A. (1) Indien, na die mening van die departementshoof onder wie 'n munisipale polisiebeampte werksaam is, redelike gronde bestaan om te vermoed dat sodanige beampte skuldig is aan wangedrag van 'n aard in regulasie 12 bedoel

(j) obtains or attempts to obtain exemption from duty by advancing a false or exaggerated excuse on the grounds of illness, infirmity, indisposition, injury or pain;

(k) wilfully causes illness, infirmity, indisposition, injury or pain to or wilfully maims or injures himself or any other municipal police officer whether at the request of such other officer or not, or wilfully causes himself to be maimed or injured by any other person with the intention of rendering himself unfit for duty or the performance of his functions;

(l) sleeps on duty;

(m) fails to keep his equipment tidy in appearance;

(n) without proper authority releases a prisoner or other person who is in his custody or under arrest or wilfully or negligently allows him to escape;

(o) uses unnecessary violence against a prisoner or other person in custody or under arrest or otherwise ill-treats him;

(p) in the performance of his functions, displays gross discourtesy towards any person;

(q) with intent to deceive, benefit or prejudice any person, suppresses, conceals, withholds, defaces, alters, destroys or does away with any report, return, register, book, record, form, claim, letter or any other document in relation to his functions or duties, obliterates anything therein or makes, causes or allows to be made or connives at the making of any false, misleading, incomplete or inaccurate statement, record or entry therein;

(r) after having been duly warned or ordered to be present at an appointed time and place as an accused, defendant or witness at a trial, board of inquiry or any other investigation, whether or not by virtue of his functions and duties, fails without just cause to be present at the time and place so appointed or, being present, refuses to be sworn or to make a solemn affirmation or to answer any question which may be lawfully put to him or to produce any document or thing in his possession or under his control;

(s) conducts himself in an improper manner or in a manner not becoming a municipal police officer; or

(t) conducts himself in any manner or commits any act or omits to do anything, whether or not defined in these regulations, which is or may be prejudicial to the good order, efficient administration, control or discipline of the municipal police section.".

4. The following regulation is inserted after regulation 13:

"ALTERNATIVE PROCEDURE IN CASES OF MISCONDUCT OF MUNICIPAL POLICE OFFICERS

13A. (1) If, in the opinion of the departmental head under whom a municipal police officer is employed, reasonable grounds exist for suspecting that such officer is guilty of misconduct of a nature referred to in regulation 12 and

en wat na die mening van die departementshoof by veroordeling nie 'n vonnis van meer as R150 sal regverdig of stappe kragtens regulasie 13 (25) (d) of (e) sal noodsaak nie, kan sodanige departementshoof, ondanks andersluidende bepalings van hierdie regulasies, 'n voorsittende beampte aanwys om ondersoek in te stel na sodanige vermoede.

(2) (a) 'n Aanklag van wangedrag kragtens hierdie regulasie bevat 'n aansegging of gaan vergesel van 'n aansegging waarby die munisipale polisiebeampte aangesê word om, binne 'n tydperk in sodanige aansegging vermeld, welke tydperk nie minder as een dag moet wees nie, 'n skriftelike erkenning of ontkenning van die aanklag te stuur aan of af te lewer by sy departementshoof en, indien sodanige munisipale polisiebeampte dit verlang, ook 'n skriftelike verklaring van die wangedrag waarvan hy aangekla word.

(b) 'n Aanklag van wangedrag bevat ook 'n aansegging of gaan ook vergesel van 'n aansegging waarby die betrokke munisipale polisiebeampte gelas word om op 'n bepaalde tyd, datum en plek te verskyn vir doeleindes van die ondersoek.

(c) Die departementshoof laat die aanklag op die betrokke munisipale polisiebeampte beteken deur 'n werknemer gelyk aan of hoër in rang as dié van die beampte wat aangekla staan te word.

(3) Die voorsittende beampte stel 'n werknemer of 'n beampte, kragtens artikel 35 (2) van die Wet of artikel 14 van die Staatsdienswet, 1984 (Wet 111 van 1984), afgestaan, aan wat gelyk aan of hoër in rang is as die betrokke munisipale polisiebeampte, om by die ondersoek teenwoordig te wees en om getuienis en argumente ter stawing van die bewerings in subregulasie (2) bedoel, aan te voer en om enige persoon wat getuienis afgelê het om daardie bewerings te weerlê, in kruisondervraging te neem.

(4) Indien die betrokke munisipale polisiebeampte die aanklag erken, kan hy summier voor die voorsittende beampte gebring word wat die pleit van skuldig en die getuienis van die wangedrag moet aanteken en, nadat hy kennis geneem het van die aard van die beweerde wangedrag, die betrokke beampte òf waarsku òf berispe òf vonnis tot 'n boete van hoogstens R150.

(5) (a) Indien die munisipale polisiebeampte die aanklag ontken, moet die voorsittende beampte die pleit van onskuldig en die getuienis wat tydens sodanige ondersoek gelei is, aanteken.

(b) Indien die voorsittende beampte aan die einde van die ondersoek die munisipale polisiebeampte skuldig bevind aan die wangedrag moet hy die munisipale polisiebeampe òf waarsku òf berispe òf vonnis tot 'n boete van hoogstens R150.

(6) Die voorsittende beampte moet die oorkonde van die ondersoek gehou kragtens subregulasie (4) of (5) aan die einde van die ondersoek aan die departementshoof voorlê.

(7) (a) By ontvangs van die oorkonde van die ondersoek bedoel in subregulasie (6) moet die departementshoof onverwyld die uitslag van die ondersoek by die plaaslike owerheid aanmeld.

(b) Die departementshoof moet in sodanige verslag die volle naam van die munisipale polisiebeampte, die klag, die feite wat daartoe aanleiding gegee het, die getuienis afgeneem, die vonnis opgelê en sodanige beampte se vorige veroordelings ingevolge hierdie regulasies, indien enige, verstrek.

(c) Die plaaslike owerheid oorweeg genoemde verslag en ander dokumente, en daarna moet sodanige plaaslike owerheid die bevinding in sy geheel of gedeeltelik bevestig of tersyde stel of wysig en die vonnis bekragtig of wysig, en kan hy, voordat hy tot 'n finale beslissing geraak, enige vraag in verband met die ondersoek na die voorsittende beampte terugverwys en die voorsittende beampte gelas om daaroor verslag te doen en by ontvangs van sodanige verslag die bevinding in sy geheel of gedeeltelik bevestig of tersyde stel of wysig en die vonnis bekragtig of wysig of gelas dat die aanklag van wangedrag kragtens regulasie 13 van nuuts af ondersoek word.".

which in the opinion of the departmental head, will upon conviction not merit a fine in excess of R150 or necessitate action under regulation 13 (25) (d) or (e), such departmental head may, notwithstanding anything to the contrary contained in these regulations, appoint a presiding officer to investigate such suspicion.

(2) (a) A charge of misconduct under this regulation shall contain or shall be accompanied by a direction calling upon the municipal police officer concerned to transmit or deliver, within a period specified in such direction, which period shall not be less than one day, to his departmental head a written admission or denial of the charge and, if such municipal police officer so desires, a written explanation of the misconduct with which he is charged.

(b) A charge of misconduct shall also contain or shall also be accompanied by a direction calling upon the municipal police officer concerned to appear at a given time, date and place for the purposes of the investigation.

(c) The departmental head shall cause the charge to be served upon the municipal police officer concerned by an employee equal or senior in rank to that of the officer who is to be charged.

(3) The presiding officer shall appoint an employee or an officer seconded under section 35 (2) of the Act or section 14 of the Public Service Act, 1984 (Act 111 of 1984), equal or senior in rank to the municipal police officer concerned, to attend the investigation and to adduce evidence and arguments in support of the allegations referred to in subregulation (2) and to cross-examine any person who has given evidence to refute such allegations.

(4) If the municipal police officer concerned has admitted the charge he may summarily be brought before the presiding officer who shall record the plea of guilty and the evidence of the misconduct and, after having taken cognisance of the nature of the alledged misconduct, either caution or reprimand the officer concerned or sentence him to a fine not exceeding R150.

(5) (a) If the municipal police officer concerned has denied the charge the presiding officer shall record the plea of not guilty and the evidence adduced at such investigation.

(b) If at the end of the investigation the presiding officer finds the municipal police officer guilty of the misconduct he shall either caution or reprimand the municipal police officer concerned or sentence him to a fine not exceeding R150.

(6) The presiding officer shall at the conclusion of the investigation under subregulation (4) or (5) submit the record of the investigation to the departmental head.

(7) (a) The departmental head shall, upon receipt of the record of the investigation referred to in subregulation (6), forthwith report the result of the investigation to the local authority.

(b) The departmental head shall in such report state in full the names of the municipal police officer, the charge, the facts which gave rise thereto, the evidence recorded, the sentence imposed and such officer's previous convictions under these regulations, if any.

(c) The local authority shall consider the said report and other documents, and thereafter such local authority shall uphold, wholly or in part, or set aside or alter the finding and shall confirm or alter the sentence and may, before arriving at a final decision, remit any question in connection with the investigation to the presiding officer and direct the presiding officer to report thereon and on receipt of such report uphold, wholly or in part, or set aside or alter the finding and confirm or alter the sentence or direct that the charge of misconduct be investigated afresh in terms of regulation 13.".

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IN MY OPINION

JOEL MERVIS

'A very remarkable judgment'



The Natal Supreme Court has handed down its judgment in the case in which SA Associated Newspapers *(Saan)* the Argus Group, Natal Newspapers and the *Natal Mercury* challenged the emergency regulations relating to the press. Joel Mervis, a former *Sunday Times* editor, analyses the implications of the judgment.

Last week's decision by three Natal judges — Leon, Kumleben and Nienaber — declaring emergency laws affecting the press to be invalid, may come to be seen as a watershed in relations between the executive, parliament, the courts and the people.

For a parallel one may need to go back about 30 years to the Appellate Division's dismissal of the notorious "High Court of Parliament" as void, invalid and of no effect.

The legal points in last week's Natal case were clear enough. In drawing up the emergency regulations, the State President exceeded the powers granted to him by the Public Safety Act. President Botha gave the Commissioner of Police a free hand to take whatever action he pleased, thereby granting to the commissioner greater powers than the president himself possessed.

A regulation that possession of a subversive statement was an offence was described by the court as so far-reaching and horrendous as to be void and of no effect. Regulations providing for the "seizure" of a newspaper and for closing down a newspaper were also declared invalid. All these findings are explicit, and were reached after a careful and thorough scrutiny of the law.

It is the implicit part of the judgment — the unspoken affirmation — that raises it to a summit of eminence. One is irresistibly drawn to what appears to be some basic, fundamental assumptions of the court.

The first would seem to be that although a court has no power to invalidate an Act of parliament, the court is nevertheless bound to ensure that parliament and the government exercise their sovereign power according to law.

Running like a thread through the judgment was the concept that not only the law, but the rule of law, must be applied strictly and correctly. What does rule of law entail? In a civilised community, based on natural justice, the rule of law demands the recognition and acceptance of civil liberties, of free speech, of respect (by the lawmaker) for the law, and of an unswerving allegiance (by the lawmaker) to the rule of law itself.

One could add that the rule of law includes also a recognition of, and a respect for, the democratic process.

The Natal judges, in my view, may not have been unmindful of these considerations as they went carefully through their task of a strict, formal, logical interpretation of the law.

All these factors may possibly help people to realise that a court is not necessarily a cabal of austere, aloof intellectuals, far removed from the hurly-burly of life, delivering their judgments from some kind of cloistered academe.

The Natal court, in its meticulous legal analysis, did not hesitate to speak out in fact as well as in law. When the court described regulations as "so far-reaching and horrendous" it spoke its mind. Significantly, it added that such regulations "could never have been intended, nor would be countenanced by parliament.

That test — what parliament would or would not have intended — is applied on several occasions. What it suggests is that the court puts parliament in the role of that well-known legal character, "a reasonable man."

Would "a reasonable man" have drawn up such regulations? If he would not have done so, one must assume parliament would not have done so either.

One surmises, therefore, that the court might have had under consideration questions such as these: would "a reasonable man" suppress free speech, or impose harsh and outrageous penalties on newspapers, or arm the Commissioner of Police with powers greater than those of the State President? Would "a reasonable man" give these his approval?

From these assessments and evaluations, the judgment gives the impression of having two prongs, one visible, the other not. The visible prong interprets and sets out the law with abundant, convincing clarity. The invisible prong would seem to accept that the rule of law, civil liberty, free speech, and the public's right to know, are an integral, inseparable part of the civilised, democratic process.

Would it be right to suggest that it is the invisible prong which carries the real sting of this very remarkable judgment?

(32) DD 13/9/86

Brink-manship

by Richard Wallis

Andre Brink's latest idea for a book is about a writer who struggles to set a novel down on paper while his country is burning around him.

The dilemma is Brink's own under South Africa's state of emergency where every day he sees reality outstripping fiction. He says this pressure — rather than censorship or fear — threatens to silence him and other South African writers.

"Reality is changing so fast that it's almost impossible to withdraw and write a novel about it," he said in an interview during a visit to Stockholm.

Brink, 51, caused a sensation in 1973 when his novel Looking on Darkness became the first book written in Afrikaans to be banned by South Africa.

The ban has been lifted, but Brink has continued his campaign against apartheid, exploring through his writings the roots of racial conflict and its effect on human beings.

"For three years I have not written anything,"he said."I am desperately worried about it because I have things I want to write and I have not got the energy and the time to get them down on paper."

He says it is an experience he shares with other white South African writers, some of whom he describes as deliberately turning their backs on the political situation in the country because it is so corrosive an influence on their writing.

"Events (in South Africa) are sucking dry your creative energy,"he said." So much is sapped by your involvement in the everyday lives of people who need your help.

'For three years I have not written any thing . . . I am desperately worried because I have things I want to write and I have not got the energy and the time to get them down on paper.'

"Someone has a child who is killed or detained by the police. You've got to go to find a lawyer and a priest and arrange for parents to see their children in detention.

"The scale on which this is happening is so staggering that just trying to help on the most basic level means that in terms of time and energy you hardly have anything left to give when you sit down to start writing.

"Up to a certain point it is stimulating to write in a state of siege . . . We don't need to go in search of themes. If anything, we wish to get away from them for a while."

"Whatever you write in a situation like South Africa, you get a response — an immediate and violent one. It is both positive and negative. It means that the terrible solitude which generally surrounds a writer is broken .

"If I see terrible things happening to people surrounding me, then just as a citizen and a human being, I've got try to respond to that and help. These things tap one's creative energy to such an extent that sometime you are literally too exhausted to write two words," he said.

Brink said he had managed to write about 100 pages of his "novel about writing a novel" between the end of 1985 and last February when he gave it up "because events just ran at such a dizzying speed that it seemed impossible to keep up with them."

He said he had deliberately distanced himself from the writing to assess it better.

Brink, who lectures on literature at Rhodes University grew up without questioning apartheid until he went to Paris in 1959. Brink said it was "extremely dangerous if a writer thinks he can be a spokseman for an oppressed majority, especially if that writer is white."



Brink ... if violence threatens my family.

"I can't tell black people what it's like to be black in South Africa. They know it much better than I can ever hope to."

Brink sees his mission as telling the whites something of the black man's experiences in South Africa, especially now that emergency regulations have cut whites off from information about what is happening in black townships.

But writing remains something he says he is doomed to do, not for any political cause, but to understand and interpret his own experiences.

His last novel The Wall of the Plague in 1983 was about a South African white writer who goes into exile in Europe. It is a fate Brink said he would seek only if there was no other alternative, either because he could not get through to his readers in South Africa or because mounting violence was endangering his family.

"There may come a time when you simply feel you can no longer function as a writer. If that moment comes, I would have no choice, but exile to me means cutting me off from everything that sustains, feeds and shapes me and makes writing worthwhile," he said.

Police silent on 'spy' claims

Own Correspondent

PRETORIA. — Police would not comment yesterday on reports that two security policemen had allegedly harassed a receptionist at the Australian Embassy here because she would not spy for them.

South African Miss Vanessa Twine, 23, and her hairdresser friend were followed and evicted twice from their hotel rooms after she had refused to spy for "a Mr Nick Pietersen from security".

An Australian Embassy spokesman told Sapa his embassy had protested to the South African Government about two security policemen who allegedly harassed Miss Twine.

The spokesman said the matter had also been reported to the Australian Foreign Minister, Mr Bill Hayden.

The police public relations directorate said: "The vague allegations made by Miss Twine ... will be investigated if an official complaint is received."

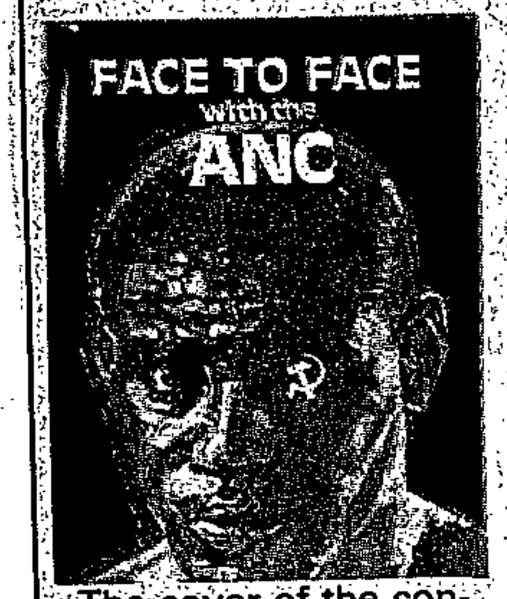
Miss Twine, who works in the immigration section, said she had asked policemen friends for advice but had not yet received any.

She would not lodge a complaint unless she was harassed again.

Miss Twine said she had no plans to emigrate to Australia as a result of the incidents.

Cape Times 13/9/86 (327)

Printer backs anti-ANC mag



The cover of the controversial magazine.

By TONY WEAVER and HILARY VENABLES

INVESTIGATIONS by the Cape Times indicate that the mystery anti-ANC publication, Face to Face with the ANC, was printed by Derek Butcher and Company of Maitland, Cape Town.

Mr Butcher yesterday denied any knowledge of the publication, but later admitted it could have come from his press.

Two separate sources in the printing industry yesterday told the Cape Times they had proof that the booklet was printed at Mr Butcher's works.

Although they did not know who had commissioned the booklet, they believed the entire print order was being sent overseas.

A Cape Times news team attempted to interview Mr Butcher outside his company's premises yesterday, but all he would say was that the information was "entirely wrong".

He objected to being photographed.

"I know nothing about it. If it did come off my press, then the last thing I would do is tell the Cape Times about it.

"It would be fatal to say whether or not I printed it."

Mr Butcher, however, defended the publication of the booklet.

"Isn't the government permitted to put our case overseas? You are trying to sabotage the government's attempts to put our case overseas," he said.

"I do not see this as a major public issue. Surely it is time we were doing this kind of thing overseas? Surely it is time we see these kind of people being exposed overseas?

"You are puttting 200 people at risk, because if you publicise this then the ANC will come and bomb my factory.

"If we have printed this, then that is our problem."

He then put the phone down.

'ANC infiltrated by SAP'

Cart Trips 15/9/86 327

POLICE have infiltrated the African National Congress "from top to bottom" and can anticipate almost every move by the outlawed movement, says General Johan Coetzee, Commissioner of Police.

He told a leading British newspaper that the major threat to South Africa was turmoil in the townships and not the ANC's insurgency drive.

The SAP's record in tracking down and capturing ANC activists was "the best in the world", said General Coetzee in an interview published in yesterday's Sunday Telegraph.

He claimed police knew who was responsible for the Amanzimtoti blast last Christmas within 30 minutes of the explosion, which left five people dead and more than a score injured.

But local political experts have challenged the general's comments, writes **Barry Streek**.

Mr Tian van der Merwe, PFP spokesman on law and order, said General Coetzee was contradicting both the Minister of Law and Order, Mr Louis le Grange, and the State President, Mr P W Botha, who blamed the ANC for township violence.

The PFP MP for Green Point said General Coetzee seemed to be giving "a more balanced picture than Mr Le Grange — who seems to select those facts which fit into his theories".

And ANC expert Dr Tom Lodge of the University of the Witwatersrand said General Coetzee's claims should not be taken too literally.

The general told the Sunday Telegraph there were only three unsolved bomb attacks in South Africa.

All information obtained from or about ANC guerillas was computerised and a pattern of the organization's actions had been built up.

Even the most trivial data about the ANC — obtained from captured guerillas, and presumably from police agents — was fed into the computer.

The police could easily contain guerilla attacks, said General Coetzee.

The disturbances in the black townships, and unemployment which helped fuel it, were more worrying, he said.

Asked whether the current turmoil in the black townships was not a bonus to the ANC in that it caused young black men to flee the country and end up in ANC training camps, General Coetzee said fewer young blacks had left South Africa during the latest outbreak of violence than during the 1976-77 riots.

Well-off blacks have high regard for ANC — Page 2

Dr Lodge said it was true that the ANC was not in control of the youth in the townships "although I think they have a loyalty to the ANC in a loose way".

As a result of the large number of emergency detentions it was probable that the police had obtained new information about ANC activities inside South Africa.

"But I have not seen any evidence that they infiltrated the command structures of the ANC, either inside or outside South Africa."

Dr Lodge said police were still unable to anticipate ANC attacks.

He said youth in the townships was not organized in the same way as the ANC and it would be very much more difficult to infiltrate them, particularly on a local level. — Own Correspondent and Political Staff.

30, two youths of 17 and

Curbs on East Cape funerals renewed

16/9/80
Eye
Post

327

By JOHANN NEL
Crime Reporter

ORDERS restricting funerals of victims of unrest or those whose death was due to unnatural causes, have been renewed by the East Cape Divisional Commissioner of Police, Brigadier Ernst Schnetler.

The original order issued on August 16 in terms of the Public Safety Act, expires at midnight.

Brig Schnetler's renewal of the orders means they will remain in force until December 17.

The magisterial districts affected are those of Port Elizabeth, Uitenhage, Albany, Fort Beaufort, Humansdorp, Hankey, Kirkwood, Somerset East, Bedford, Adelaide, Alexandria, Cradock and Bathurst.

They cover funeral ceremonies, including any memorial service, commemorative service, funeral procession or burial of any person who has apparently died as a result of unnatural causes.

The PE townships where the orders apply are New Brighton, Kwazakele, Zwide, Walmer, Motherwell, Kwamagxaki and Kwadwesi.

In terms of the orders, no memorial or commemorative service in connection with the funeral of someone who apparantly died of unnatural causes may be held out of doors.

Only an ordained minister of a religious denomination or organisation may act as a speaker during any proceedings at any such funeral.

Those attending must travel by vehicle from the place where the memorial or commemorative service has taken place to the cemetery along a route determined by the Divisional Commissioner.

No flags, banners, placards, pamphlets or posters may be displayed or distributed.

No public address system may be used at or during the funeral ceremony. A particular funeral ceremony may not be held for more than one deceased person, attended by more than 200 people or last longer than four hours.

Bus drives into crowd

ANTANANARIVO, Madagascar — Eleven people died yesterday when a bus drove into a crowd near a youth fair here.

Nine died instantly in the accident, which was caused by a failure of the bus's braking system. — Sapa-Reuter

E Cape funeral bars extended

Pretoria Bureau

Eastern Cape funeral restrictions have been extended, divisional police commissioner Brigadier Ernest Schnetler announced yesterday.

Restrictions apply to all funerals, memorial or commemoration services for people who died of unnatural causes.

The August 16 orders were due to expire. New orders apply until December 17 in Port Elizabeth, Uitenhage, Albany, Fort Beaufort, Humansdorp, Hankey, Kirkwood, Somerset East, Bedford, Adelaide, Alexandria Cradock and Bathurst.

The orders stipulate only one person be buried at a time, services take place indoors, that only an ordained minister speak, and mourners travel by vehicle on a pre-determined route without flags, placards, pamphlets or posters. Public address systems are banned and mourners may not number more than 200.

Anti-censorship group launched

AN Anti-Censorship Action Group (Acag), including a number of leading publishers and writers, was formally launched at the University of the Witwatersrand last week.

The group grew out of concern among book publishers about the repercussions of Emergency regulations on their trade and aims to "oppose censorship in whatever form".

Among its members are authors Nadine Gordimer and Mewa Ramgobin, representatives of publishers Ravan Press, David Philip and Taurus, lawyers Geoff Budlender and Norman Manoim, and journalists Pat Sidley and Ameen Akhalwaya.

Acag's aims are to create a sense of unity and purpose among those subject to censorship, to educate the public about the dangers of censorship and to defend, support and extend solidarity to its victims. It plans to embark on joint action against censorship, monitor its effects and its implementation and engage in solidarity with groups opposing censorship locally and internationally.

The group has already made representations to Tony Bloom of the Premier Group about the handling of books by stores within his company. At least two publishers reported their books had been taken off the shelves by some over-cautious bookstore managers.

The meeting was told they had received assurances that bookstore managers had been instructed not to do this without proper reason.

Doonesbury

Little evidence opposition to Govt has been crushed

Emergency marks its first 100 days

19/9/86 SDDR 327

By Kym Hamilton, Pretoria Bureau

The national state of emergency is 100 days old today.

Official spokesmen claim violence is down and its geographical spread has shrunk, but there is little hard evidence that opposition to the Government has been crushed.

In the past three months, nearly 300 people have died in political violence. Bomb blasts in white urban centres are on the increase.

According to official figures, between January and June this year 565 people died in political violence.

Shortly after midnight on June 12, police swooped on the homes of hundreds of activists around the country detaining them initially under the Internal Security Act.

Only hours later was the country told that a general state of emergency had been in force from midnight. Since then, between 12 000 and 14 000 people have been held under the emergency regulations.

The Detainees' Parents Support Committee (DPSC) estimates that at least 8 000 people are in detention — a third are believed to be under 18 — and a further 1 500 are thought to be detained under the Internal Security Act.

One hundred days later, the state of emergency and its sweeping powers remain virtually intact, despite a flurry of attacks on the regulations in the courts.

A few have been thrown out by the courts as being too vague and sweeping, and the release of detainees has been secured in some instances.

Hundreds of restrictions and orders have been issued and en forced by the security forces.

BUREAU ATTACKED FOR LACK OF 'CREDIBILITY'

A total clamp has been imposed on the media, and the Bureau for Information is the sole official spokesman on the emergency and all its ramifications.

It has come under attack increasingly for its lack of "credibility" and officials have gone on record attempting to rectify the impression.

However, in the black communities, where the emergency takes a daily toll on lives, resistance to the Government has hardened, observers of the political scene believe.

Parents with conservative views are increasingly coming out in support of their children.

This has been shown by the unified resistance towards rent evictions in townships on the Vaal and Witwatersrand. In Soweto recently, 21 people died in the aftermath of rent evictions.

On the education front, 33 schools in Johannesburg and in the Eastern Cape have been closed by the Department of Education and Training. Pupils had to re-register when they returned to school for the third time.

Observers are reluctant to speculate on what the national state of emergency has achieved or what could happen if it was lifted.

Some said they did not believe much would change, the Government would invoke even wider powers under amendments to the Internal Security and Public Safety Acts.

It would be no cause for jubilation, they remarked.

On the other side of the coin, Professor Mike Hough of the Institute for Strategic Studies at the University of Pretoria points to the decrease in boycott and stayaway campaigns. This could be attributed to increased policing and less intimidation.

Another probability is less organisation, particularly as many community leaders are in detention.

Although violence has decreased, many of the causes, such as unemployment, the housing problem, education and other issues remain.

Government leaders have consistently said the state of emergency will be lifted only when normality has returned

288 dead in 100 days of emergency

Staff Reporter

ONE HUNDRED DAYS ago today Mr P W Botha declared a national state of emergency saying "I have been advised by security experts that the entire Republic is a target area" for "radical and revolutionary elements".

Since the State President's June 12 proclamation, 288 people have died in unrest-related incidents nation-wide and at least 15 bombs have exploded, killing three people and injuring about 123.

Officially, 9 337 people have been detained under emergency regulations, but monitoring organizations estimate the figure to be as high as 14 000.

The Repression Monitoring Group says this is an increase of 269 percent on the first 100 days of last year's emergency.

Camps for detainees

A controversy has broken out over the sending of young detainees to training camps organized by the Department of Education and Training. Critics say the camps are "re-education" centres to "brainwash" youths.

Restriction orders have been slapped on at least 20 released detainees, including Cosatu president Mr Elijah Barayi; Wits SRC president Ms Claire Wright; trade unionists Ms Rae Lazarus, Ms Liz Abrahams, Ms Elizabeth Erasmus, Ms Joyce Sedibe, Mr Alex Mahlatjie and Mr Jerry Thibedi; Port Elizabeth Black Sash member Ms Sandy Steward; freelance journalist Mr Mike Loewe; and the Rev Abe Visagie, chairman of the Midlands Council of Churches.

Press reporting of the emergency and unrest has been restricted. A series of court applications has left many of the gags either invalid or partly valid.

Ban on photos of unrest

The most stringent curb on press reporting bans the media from reporting any actions of the security forces without official permission, bans reporters from being in sight of unrest or security force action and bans all photographic, video or sound coverage of unrest or police actions.

All news of unrest now comes through the Bureau for Information, an agency which has come under fire from both the opposition media and the government-supporting press for its often inadequate and under-stated reports.

Internationally, South Africa remains one of the world's most-watched countries as pressure for trade sanctions mounts. Selective measures have already been imposed by many of the Republic's major trading partners.

There is no indication when the state of emergency will be lifted, and technically, to speculate on a date is in itself a contravention of the emergency regulations.

Cosas is to plead for unbanning

By Estelle Trengove

An attempt to have the Congress of South African Students (Cosas) unbanned will proceed in the Natal Supreme Court on Monday.

The student organisation was banned by the Minister of Law and Order in a notice in the Government Gazette of August 28 last year.

The application for its unbanning was launched by a member of its national executive, who may not be named because he is a minor.

He claimed there was no lawful reason for the Minister of Law and Order to ban Cosas.

He said Cosas was dedicated to attaining a society where free and compulsory education would cease to be a privilege, but a right.

It pursued this aim in a peaceful, open, orderly and constructive manner at all times, he said.

Cosas was never given an opportunity to put information before the Minister before the banning.

Cases in Court

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Weekly Mail 19/9/86

Called outside — and shot dead

'Why couldn't they just detain him? Did they have to kill him?' asked a relative of a man whom police say they shot dead outside his house, trying to escape. SEFAKO NYAKA reports

A WITBANK student, Thomas Mahlangu, who has been on the run since the State of Emergency was declared, was shot outside his house last week.

According to his cousin, five white policemen arrived at Mahlangu's home in Ackerville last Thursday morning at about 9am.

He said they asked, several times, "Who is Thomas?" and each time Thomas identified himself.

Then, he said, they ordered Mahlangu to step outside and forced his cousin to stay indoors.

The cousin heard someone tell Thomas to turn around and there was a single shot.

An SA Police liaison officer in Pretoria confirmed the shooting but said Mahlangu, who was a suspect in two murder cases, was shot as he tried to escape from the police.

A neighbour who was watching from across the street reports she saw Thomas turn and face the house with his hands in the air as though he were going to be seached.

Then she said she saw one of the policemen shoot him in the back. There was no sign of a struggle beforehand, and she said Thomas was clearly not attempting to run.

The neighbour said there were other people in the street and around the perimeter of the property during the entire incident, telling people who had gathered to "voetsek".

A crowd of policemen gathered around the body, said family members, and then proceeded to search the house, confiscating a photo album, a geography book and a video machine.

Family members said police had come to the Mahlangu home several times in the past few months, saying they were looking for Thomas because he was a "comrade" who was burning other people's property.

On the day the State of Emergency was declared, everyone in the house (six adults, a four-month-old baby, a seven-month old baby and a three-year-old) was detained for 24 hours and questioned about Thomas' whereabouts.

The family claimed the police threatened them, insulted them and spit in their faces.

Initially the police accused Thomas' uncle of being Thomas, according to family members, and beat him, breaking one of his fingers, which is still visibly misshapen. The beating stopped only when some of the other detainees confirmed the man was not Thomas.

One of Mahlangu's cousins, detained on August 10, was allegedly threatened with death if he did not show police where Thomas was. Over a period of four days he was taken to Nelspruit, Lydenburg, Groblersdal and Kwaggafontein in the KwaNdebele homeland. He was released on August 14.

Early this year the Mahlangu home was rocked by a powerful explosion that cracked the front wall of the house. Family members said after the explosion there was a strong smell of teargas and several pieces of household furniture were burnt.

Police arrived on the scene immediately after the explosion, the family said, and asked if anyone had been killed. They left without further investigation.

The family said Thomas returned home because he was tired of hiding and because he was confident he had done nothing wrong.

He was expecting the police to come and was prepared to go with them.

"Why couldn't they just detain him? Why did they have to kill him?" a relative asked.

The Bureau for Information said the incident was not unrest-related.

Meeting ban just not on

By TONY WEAVER

USING "the powers vested in me" in terms of the state of emergency, the Divisional Commissioner of Police for the Western Province, Brigadier Christoffel Anthonie Swart, yesterday banned a meeting that no one had planned.

In terms of the ban, the meeting was allegedly planned for this Sunday in the Lentegeur Civic Hall, Mitchells Plain and organized by the United Democratic Front.

The UDF yesterday denied all knowledge of the meeting as did the caretaker of the Lentegeur Civic Hall who said "no organizations at all have booked the hall for this Sunday".

Brigadier Swart was unavailable for further comment.

However, not only was the UDF non-meeting was banned, but also any by any UDF affiliate. The ban also covered "any other place within the Western Province Division of the South African Police at any time on the 21st September 1986".

ELEC CONTR NATAL

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September 21, 1986

THE 100-DAY WAR

TODAY marks the 100th day of the current state of emergency.

And very few people are celebrating.

Since it was declared by State President PW Botha on June 12, an average of 15,5 people a day have been detained.

In the first three months of the emergency about 14 000 people were detained, a Repression Monitoring Group report says.

Most of them were trade unionists and political activists.

Many were school kids.

About 6 000 detainees have since been released.

Compared with the first three months of the 1985 state of emergency, 269 more people were detained, the RMG said.

Restrictions have been placed on 20 people.

The emergency has seen a number of Supreme Court battles challenging the validity of the emergency regulations according to which people have been detained and the restrictions imposed on the Press.

Certain regulations have been described in court as badly drawn up, vague and confusing.

The state has responded by rephrasing certain regulations.

The Appeal Court in Bloemfontein is at present hearing appeals against two Supreme Court judgments in Natal that gave conflicting decisions on the validity of certain regulations.

Detainees held for long periods have been released after Supreme Court orders, or pending an application for their release being heard in the high court.

"The present state of emergency is undoubtedly the most severe repression in SA history," a Detainees' Parents Support Committee spokesman said.

"It is our contention that it is designed to crush the United Democratic Front."

The DPSC has 16 000 names of South Africans who have been detained during the present emergency, he said. Of these, 9 500 have been in detention for over 30 days, he said.

The DPSC estimates that 22 000 South Africans are at present in detention. Of these, 79% are members of organisations identified with the UDF and 18% trade unionists. The rest belong to community and youth organisations.

"More and more reports are reaching us of detainees' abuse and torture," the spokesman said.

"It's a gloomy anniversary," Progressive Federal Party Transvaal chairman Douglas Gibson said.

"The emergency has affected every single South African as some basic freedoms do not exist while the emergency continues."

He cited the provision that it's a criminal offence to cast doubt upon the lifting of the state of emergency.

"One of the most pernicious aspects is the management of news – which heavily reduces the public's right to know what is going on," Gibson said.

"We demand the right to know what's happening in our country – and to speak what we believe is the truth," Black Sash national president Mary Burton said.

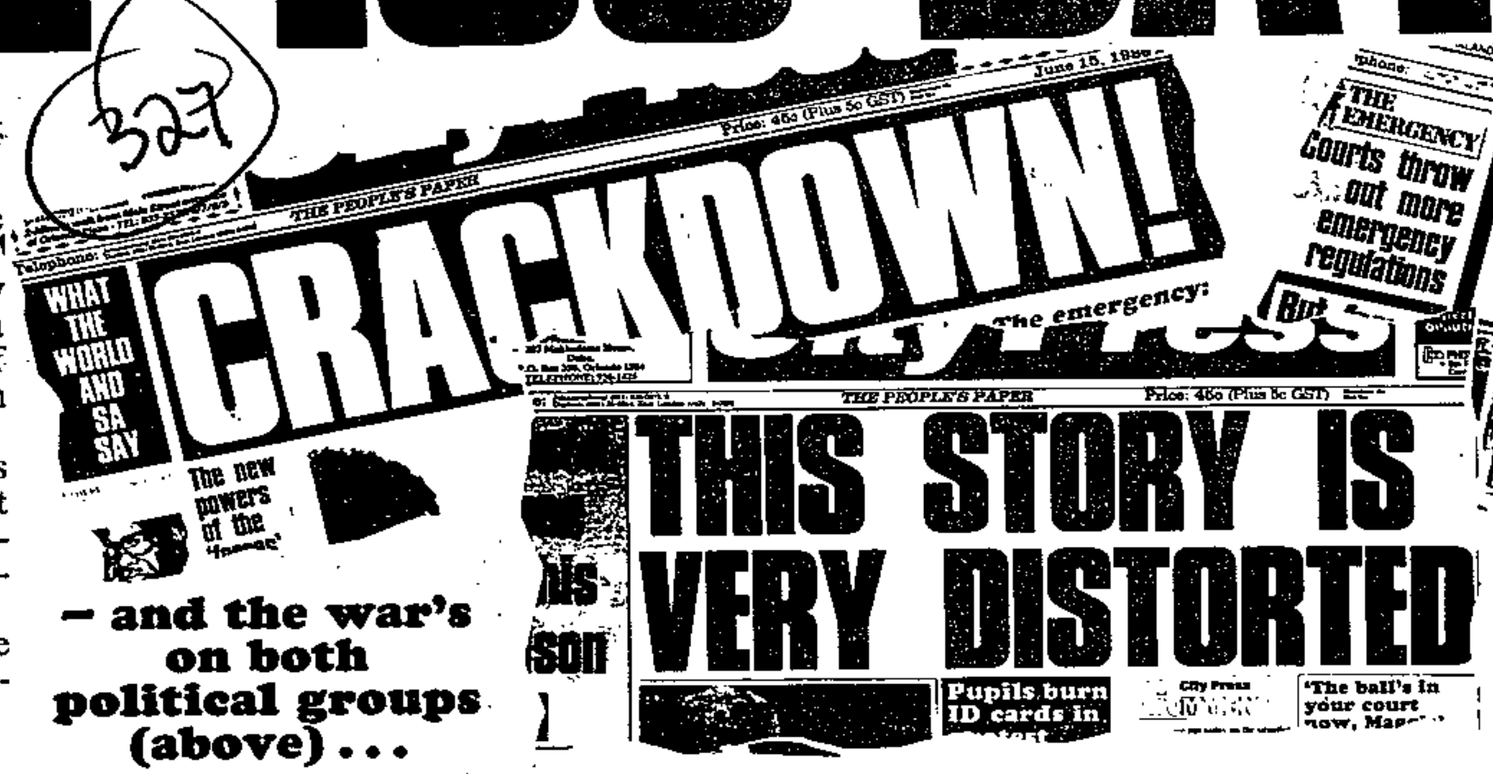
A number of Sash members were detained – some of whom are still in detention, she said.

Sash Pretoria branch member Monica Gylswyk was deported.

● Today a number of US Congressmen will launch a campaign to "Adopt a 'Prisoner of Apartheid'.

This campaign will spread across the US and is modelled on Amnesty International campaigns.

"This will help Americans understand the circumstances of individual South Africans," US Congressman Steve Gejdenson said.



– and the war's on both political groups (above) . . .

and the media (left).

Judgment on Cosas banning reserved

NM 23/9/86

Court Reporter

JUDGMENT was reserved by Mr Justice Leon in the Supreme Court, Durban, yesterday in an application by the Congress of South African Students to have its banning order reversed.

The organisation was banned by the Minister of Law and Order in August last year.

The second applicant against the minister was Mr Glen Gabriel Goldstone, former Cosas national treasurer and regional chairman and a member of the national executive committee.

In an affidavit Mr Goldstone said the organisation was formed in 1979. It was dedicated to attaining a society where free and compulsory education would cease to be a privilege but would become a right.

'No warning'

In his affidavit he said no office bearer had been convicted of any unlawful activity.

Certain members, acting as individuals, had fallen foul of the law.

Mr Goldstone said no advance warning of the action was given before it was taken and neither had the first applicant or any of its office bearers been given any chance to put information to the minister before the banning order.

He said the first applicant had not received any written notice from an advisory committee as required by Section 7 (5) of the Internal Security Act.

Mr I Mahomed SC, instructed by Pampallis and Randles, appeared for the applicants and Mr J H Combrink, instructed by the State Attorney's office, for the minister.

Judgment reserved in Cosas bid to reverse its banning

DURBAN — Judgment was reserved by Mr Justice Leon in the Supreme Court yesterday over an application by the Congress of South African Students (Cosas) to have its banning order reversed.

The organisation was banned by the Minister of Law and Order in August last year.

A second applicant against the Minister was Mr Glen Gabriel Goldstone, former Cosas national treasurer and regional chairman and a member of the national executive committee.

In an affidavit, Mr Goldstone said the organisation was dedicated to attaining a society where free and compulsory education would cease to be a privilege and become a right.

He said no office bearer had been convicted of unlawful activity. Certain members, acting as individuals, had fallen foul of the law.

Mr Gladstone said no advance warning of the action was given and neither Cosas nor its office bearers had a chance to put information to the Minister before the banning order.

He claimed Cosas had not received written notice from an advisory committee as required.

He said Cosas had been openly carrying on its activities for several years. — Sapa.

Sowetan 24/9/86 327

We can survive onslaught — UDF

THE United Democratic Front has shown that it can survive in the face of apartheid in spite of the state of emergency.

The organisation said this in a statement to mark 100 days of the state of emergency.

The movement said most of its leaders have been detained, many have gone underground and harassed, in attempts by the Government to crush it.

In the past three months, nearly 300 people have died in political violence. Bomb blasts in white urban centres are on the increase, it said.

After the state of emergency was declared on June 12, between 12 000 and 14 000 people have been held under the regulations.

The UDF said according to its information, backed by the Detainees' Parents Support Committee, at least 16 000 people have been detained — 79 percent of them members of the movement — this means that 13 000 UDF activists have been detained at one or other time.

It said 100 days later, the state of emergency and its sweeping powers remained virtually intact, despite a flurry of attacks on the regulations in the courts.

Referring to education, 33 schools in Johannesburg and in the Eastern Cape have been closed by the Department of Education and Training. Pupils had to re-register when they returned to school for the third term.

Hundreds of parents, even those with conservative views, are increasingly coming out in support of their children's demands for a better education and to scrap the Bantu Education, the UDF said.

Referring to homelands, the UDF said opposition has continued and forced removals have been resented.

A rare peep inside the banning machinery

A court case in which the outlawed student organisation Cosas is contesting its banning order, has provided a rare glimpse of the elaborate process by which the state monitors and bans organisations. JO-ANN BEKKER reports

DETAILS of how the government monitors political organisations and sets about banning them were revealed in papers before the Natal Supreme Court this week, when the Congress of South African Students (Cosas) contested its banning.

Cosas, which was banned on August 28 last year, is the first organisation in South African history to fight a banning order.

Its national treasurer Glen Gabriel Goldstone, who brought the application, said Cosas "was dedicated to attaining a society where free and compulsory education would cease to be a privilege but would be a right". Its aims were pursued peacefully, and no office bearer had been convicted of any unlawful activity in his or her official capacity, he added.

The respondent, Law and Order Minister Louis le Grange, said in papers before the court that Cosas had been involved in boycotts, intimidation and violent acts which endangered public security and threatened the lives of individuals.

Le Grange revealed that, since its formation in 1979, Cosas had been monitored by the SA Police's Security Branch, the National Intelligence Service, Military Intelligence, "the information sections of government departments" and the Security Branch of the SA Railways Police.

He said "a point was reached during November 1984" when he asked the Minister of Justice to request the State President to form an advisory committee to investigate whether Cosas should be declared a banned organisation — a procedure required by the Internal Security Act.

The three-person committee was chaired by a former president of the Industrial Court and Northern Transvaal regional magistrate, Benjamin Parsons. Its other members were M E Tucker, SC, former Attorney General of the Orange Free State, and J A Venter, a Northern Transvaal magistrate.

After 84 day-long sessions which began on February 20, 1985 and ended on August 12, the committee recommended that Cosas be banned.

A major point of dispute in the application hinges on the fact that Cosas was not informed that the investigation was under way, nor was it given an opportunity to put its case to the committee.

Goldstone claims this ommission invalidates the committee's findings and thus the banning order.

Parsons, in his affidavit, says the decision was taken in the public interest after careful thought. And Le Grange states that he had already come to an independent decision to ban Cosas, when he received the advisory committee's 224-page report.

In his affidavit, Le Grange states Cosas was one of three groups which called a meeting in the Vaal Triangle on September 3, 1984, the day the current wave of unrest began. At this meeting, he said, a section of the audience, "where people wearing Cosas T-shirts were sitting", called out that community councillors should be killed and their property burnt.

In his replying affidavit, Goldstone said these allegations were among the most serious made by Le Grange. Although these claims overlapped with the substance of the Delmas treason trial, where the accused are charged with instigating the Vaal unrest, not one member of Cosas was among the 22 accused or had even been charged.

Justice Leon will also have to rule on two ouster clauses. The State argues that the applicants should have contested their banning within 14 days, and that no court may challenge an advisory committee.

Goldstone contests the 14-day deadline and argues that only the functions of the advisory council cannot be challenged, not its decision to keep its investigation into Cosas from the organisation itself.

Judgement was reserved.

APARTHEID BAROMETER

EMERGENCY DETENTIONS

Today is the 107th day of the current State of Emergency. The Minister of Law and Order, Louis le Grange, has refused to release the names of all those detained under the Emergency regulations, claiming this is not "in the public interest". The names of 9 337 Emergency detainees have been released. According to the Detainees' Parents Support Committee, between 16 000 and 20 000 people have been detained so far under the Emergency regulations.

DETENTIONS BY ORGANISATION

The following is a breakdown of detainees identified by the Detainees' Parents Support Committee. Although the list is not comprehensive, it gives an indication of which areas and which interest groups are most affected by the Emergency.

	PWV	Tvl country	E-Cape	N-Cape	W-Cape	Natal	OFS	Unknown*	Total
Students/ scholars/ teachers	320	129	162	26	72	154	59	4	929
Unionists/ workers	138	46	52	16	23	67	50	42	434
Community/ Political	300	150	400	30	65	125	50	4	1204
Clergy/ churchworkers	29	17	28	7	30	14	1	4	130
Media	4	1	9	0	6	0	0	0	20
Other/Unknown*	578	407	1707	118	748	305	165	49	4077
TOTAL	1440	750	2444	197	944	665	331	103	6874

*Other/Unknowns applies to people whose organisational affiliations or place of abode are not known

EMERGENCY DEATHS

According to figures released by the government's Bureau for Information, 288 people were killed in the unrest during the first 98 days of the current State of Emergency. This figure does not include unrest deaths in the "independent homelands". In the same period at least 15 bombs exploded, killing three people.

UNREST DEATHS AND INJURIES

A total of 1 832 people have been killed in unrest in the two years since September 1, 1984, according to the Minister of Law and Order, Louis le Grange. Of those killed, 1 776 were civilians and 56 were members of the Security Forces, he said. In this period, 5 614 civilians and 711 members of the Security Forces were injured, he said.

EMERGENCY COURT APPLICATIONS

The Minister of Law and Order, Louis le Grange, said last week that 248 applications had been lodged in the courts against the Emergency regulations and there were many new applications in the pipeline.

CRIME RATE

According to the Minister of Law and Order, Louis le Grange, from July 1985 to June 1986 a total of 1 405 000 serious crimes were reported. In this period, he said, the theft of firearms had increased by 28 percent, motor thefts by 22 percent, burglaries by 18 percent and shoplifting by seven percent. According to a private security source quoted by Business Day, 80 percent of the South African Police force is involved in the townships, leaving 20 percent for other areas. By 1994 the SAP will be increased from its present size of 48 000 to more than 86 000.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

Message of the National Executive Committee of the African National Congress on the occasion of 8th January 1986, delivered by Comrade President OR Tambo: Attack, Advance, Give the Enemy No Quarter (not stated); SACP Fighting in the Frontline for National Liberation, Peace, Socialism (not stated); Workers to the Front (not stated); SACP 1921-1986 For Freedom, Peace, Socialism (not stated); Khumbulani Igazi Lamadela Kufa, Akuphangelwa Nge June 16 (not stated); Swapo Information Bulletin (Swapo Department of Information and Publicity, Luanda, Angola); The City (Richard Haigh)! Sexual Happiness — A Practical Approach (Maurice Yaffe/Elizabeth Fenwick); Stolen Moments (John Peterson); First Love First Sex: A Practical Guide to Relationships (Kaye Wellings); Young, Gay and Proud (Alyson Publications, Inc, Boston); The Wanton (Rosemary Rogers); Militant Issue 791 28 March 1986 (not stated); Voice of the Youth (Muslim Students Association); Die Sexuellen Phantasien Der Frauen (Nancy Friday); Photo no 224 May 1986 (L'Union Des Editions Modernes, Paris); Bunny Girl — Vol 3 No 4 August 1986 (Republican Press, Mobeni); Object: Keyring — Your Criticism is Appreciated (Made in Taiwan); Fascism: What it is and how to fight it (Leon Trotsky) and National Action 1-4 May — pamphlet (Azapo, CAL, Azasm, Soya and Associated Organisations, Johannesburg).

Banned for possession:

Selected Writings on the Freedom Charter 1955-1985 (ANC, London); Gangbanged Girl Scouts (Star Distributors Ltd, New York); Fourth Loony's Stag Dinner Menu (Terry Dempsey).

Unbanned:

A Life for Africa: The Story of Bram Fischer (Naomi Mitchinson); Single (Harriet Frank); Run for the Trees (James S Rand); Blues for Mister Charlie (James Baldwin); Learn and Teach — No 3, 1986 (Learn and Teach Publications, Johannesburg); Becoming Orgasmic (Julia Heiman and Leslie and Joseph LoPiccolo); Lesbian Images (Jane Rule); Marxism, Socialism, Freedom (Radoslav Selicky); Palestinians: From Peasants to Revolutionaries (Rosemary Sayigh); Cunene Dam Scheme (World Council of Churches); Essential Works of Marxism (ed Arthur P Mendel) (unbanned for possession, still banned for distribution).

PRISONER OF CONSCIENCE

SIPHO KUBHEKA, 34, Transvaal Branch Secretary of the Paper Wood and Allied Workers Union (PWAWU) and delegate to the Cosatu Central Executive Committee, was detained under the Emergency regulations on June 12 and has been held in solitary confinement ever since. A court application for the release of Kubheka and UDF leader Raymond Suttner was unsuccessful. According to papers presented to the court, Kubheka was severely assaulted by Security Police while in detention.

After completing his schooling, Khubeka worked in several factories for four years before being employed as an organiser by the Industrial Aid Society in 1974. He was a founder member of the Metal and Allied Workers Union (Mawu) in the Transvaal and was banned for five years in 1976 after helping organise the Heinemann strike in March that year. Between 1976 and 1981 he was employed in a woodworking factory. In 1984 he was employed by PWAWU as an organiser and was elected Transvaal branch secretary last year. He also played a central role in the formation of the Alexandra Action Committee. He is married with four children.

New information clamp draws strong criticism

21/9/85 STAR 327

Pretoria Bureau

A new restriction by the Bureau for Information on access to information about the national state of emergency has come under attack from various organisations who believe the move will result in a further loss of confidence in the authorities.

As the national state of emergency enters its 16th week today, the bureau has stated that its media centre would close from noon today and, in future, would respond only to media inquiries received by telex.

The bureau added that replies would be furnished "only when in possession of all salient and verified facts".

But the bureau would continue to issue daily unrest reports and have an after-hours service.

In exceptional cases such as acts of terror, the bureau would respond to questions by telephone.

The statement announcing these moves said they were a response to the media's concern about the accuracy of the information on the state of emergency.

The South African Society of Journalists' president, Miss Pat Sidley, said: "The only way to improve the quality of information is to close the Bureau for Information and let journalists do their work without restriction."

A spokesman for the Detainees' Parents Support Committee severely criticised the move and said: "The Government is withdrawing from answering questions as they are finding it increasingly embarrassing to give the glib answers that the public no longer believes."

The Progressive Federal Party's information spokesman, Mr Peter Soal, said the bureau had become a "minefield of misinformation".

The bureau's media briefings had become a farce and the bureau itself an embarrassment, he added.

Cape Times 27/9/86

Swart explains ban on meeting

Staff Reporter

THE Divisional Commissioner of Police for the Western Province, Brigadier C A Swart, said yesterday that a United Democratic Front meeting he banned last Friday had definitely been scheduled to take place.

On Saturday, September 20, the Cape Times carried a report headlined "Meeting ban just not on" in which the UDF and employees at Lentegeur Civic Centre denied the hall had been booked for a meeting that Sunday.

Brigadier Swart said in a letter to the Cape Times yesterday that the meeting had been advertised by spray-painted graffiti at Mitchells Plain railway station and in a pamphlet.

In addition, he said, the rent for the Lentegeur Civic Centre was "paid for by an incumbent of the said organization".

Distribution of the pamphlet, "printed by a local printer", was "cancelled as a result of the banning order", Brigadier Swart said.

He attached a copy of the pamphlet, "UDF meets!", which advertised the meeting as starting at 2pm.

At the foot of the pamphlet are the words: "Printed by UDF Mitchells Plain".

'No cause to hide'

By S'BU MNGADI

MOST leaders and activists of anti-apartheid organisations went into hiding when the emergency was declared, but United Democratic Front president Archie Gumede chose to stay in the open.

And he challenged the emergency regulations in court, under which detainees – including UDF members – have allegedly been severely assaulted and tortured at Durban's Westville Prison.

Gumede's Clermont home has been raided several times since June 12, but he has stood firm and declared: "I won't go into hiding."

Through regular consultations with emergency detainees – mostly members of UDF affiliated organisations – Gumede was instrumental in legal assaults on the emergency regulations.

The latest is the applications of 24 detainees at Westville prison which sought Durban Judge Didcott to restrain policemen from assaulting and interrogating them unlawfully.

One of those he's representing is 20-year-old Vusumuzi Ndwandwe, who said he was arrested on June 22 by security forces "for no apparent reason".

He was taken into a tent manned by SADF members at KwaMashu police station, he said, and policemen and soldiers took turns in assaulting him.

When the assault stopped, "an Indian SADF member placed a tyre over my head and poured petrol over the tyre".

"He then gave me a box of matches and said I must set myself alight.

"I gave him the matches back and said that I could not.

"At that point, he asked me to follow him," said Ndwandwe.

Ndwandwe said they walked outside to a drum in which refuse was being burnt.

The soldier ordered him to climb into the drum.

At this point, a black trainee policeman he knew intervened and persuaded the soldier to leave him alone.

"I was thereafter taken to an office where a uniformed policeman pushed his sjambok into my mouth, threatening to make me eat it.

"He shook the sjambok while it was in my mouth, causing my mouth to bleed profusely," his affidavit said.

The SADF man then searched him and took R10 from his pocket.

He was taken to Westville prison where he was further assaulted while being interrogated by a white security policeman, who forced him to sign a statement which had already been prepared.

Another detainee, Samuel Makhathini, 22, said on arrival at the Westville prison, he was immediately taken to Project One, which is the security branch interrogation centre in the Westville prison complex.

He was taken into an empty room.

The two black security policemen, known to him as Bheki Msomi and Sibiya, asked him to remove his leather belt and wrist watch.

He was questioned at length by Msomi about his involvement with the Umlazi Youth League.

"Before I could answer Msomi, he tripped me and threw me onto the floor.

"At that point, both Msomi and Sibiya kicked me in the ribs while I was lying on the floor.

"At some point, Sibiya stood on my chest while Msomi continued to kick me," said Makhathini.

He said he was then instructed to walk into another room. As he attempted to stand and carry out the instructions, he stumbled. "This enraged Msomi who immediately slapped me across the face," he said

"Later that morning, a Supreme Court judge visited the cells and after seeing that I was in pain, he instructed that I be examined by the district surgeon.

Similar statements were made by other applicants.

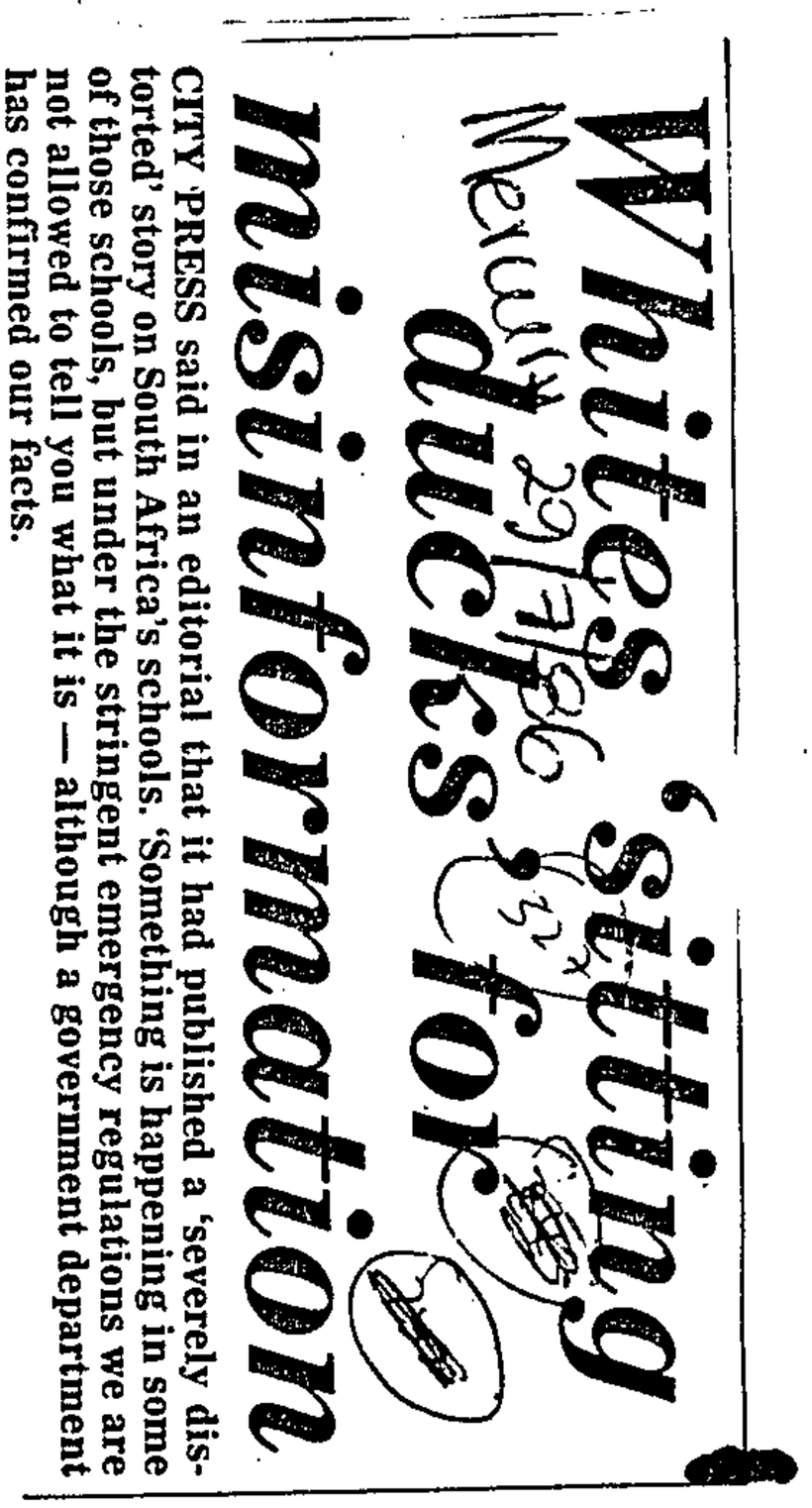
UDF president Archie Gumede has refused to go into hiding and has challenged the emergency regulations in court.



We are not free -

Whites 'sitting ducks for misinformation'

CITY PRESS said in an editorial that it had published a 'severely distorted' story on South Africa's schools. 'Something is happening in some of those schools, but under the stringent emergency regulations we are not allowed to tell you what it is — although a government department has confirmed our facts.



'The refusal of a second government department to confirm or deny our facts has rendered us powerless to tell our readers what is really happening.

'The whole thing is ridiculous. If there was any logic at all to the process of controlling the flow of information then at least one could begin to untangle the jigzaw puzzle of government thinking.

'But there is no logic — all black communities already know what is happening in schools, because they are affected. Their children and teachers give daily accounts of these happenings. Our reporters encounter these events almost daily.

'So if our people know what is happening what is the point of clamping down on that information?

'It is to enable the bulk of the white community to float through life with an Alice-in-Wonderland self-delusion that everything is under control — leaving them sitting ducks for the misinformation handed out daily by the SABC.

'And the international community is being told of the success the new security clamp-downs have achieved.

'We do not believe this contributes in any way to a solution to the crisis facing this land. Honest and intelligent evaluation of our problems is essential if we are to formulate intelligent responses.

'We cannot even begin to do that when we do not have information — the correct information — available to us.

'Does it surprise anybody that so many white people, especially employers, are privately welcoming the state of emergency? They do this because there is no information reaching them. This circle of ignorance poses the greatest problem for this country's future.

'Any pretence that newspapers are free to publish what is happening in the country bears no credibility in the light of our experiences. The less the Government and its Bureau for Information trumpet their claims that the Press is free, the better for all concerned.

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Press editor, Percy Qoboza, said in the signed editorial.

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THE Natal Supreme Court judgment that certain sections of the emergency regulations were void was 'a major victory for the rule of

ine fact that the state of emergency itself stays is not a victory for the Government. Indeed, this judgment must be viewed as a serious indictment of the Government itself.

'One wonders how lawmakers in this country could possibly have put together such a regulation, variously described as 'nonsense' and 'unintelligble' by Mr Justice Didcott. He said one section was 'hopelessly uncertain, and that no ascertainable meaning can be derived from it'.

'We would have told the Government just that right at the onset. But we were prohibited by these same regulations from saying it. Does this perhaps explain why there has been a prohibition on criticising the state of emergency?

'Clearly, what we have in these regulations is an attempt by an overzealous group of bureaucrats desperately trying to implement the every whim of politicians whose legal knowledge is at best dangerous.

'The lesson the Government hopefully will have learnt from this is that repression has never solved problems,' the Sowetan said.

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ILANGA said readers wondering how newspapers were coping with the regulations would, hopefully, have gained insight from the judgment.

The decision of the three judges was historic, it said.

'The landmark ruling virtually drilled holes into the 40-day-old state of emergency. It must have given the decision-makers some anxious moments, although one of them, the Minister of Law and Order, Mr Louis le Grange, tried to put a brave face to it.

'His interpretation was that the court finding had left the regulations virtually intact. Hmmm ... we wonder about that.

'There is still an awful lot that we do not understand about these regulations. It makes the business of editing this newspaper more delicate and more dicey than it has ever been. It also means, as far as we can tell, that certain liberties which traditionally have been regarded as sacrosanct can no longer be taken for granted. One of these liberties is Press freedom,' Ilanga said.

THE Natal Post said the proposal by the KwaZulu/Natal Indaba for a Bill of Rights, which balanced individual liberty against wider political interests, had 'shown a commitment by the participants to contribute to a non-racial democracy for South Africa.

'Unlike the three-tier constitution which was foisted on to the majority, the Indaba is an attempt to formulate an acceptable arrangement based on the will of the people. Herein lies part of our solution.

'The involvement of the majority in shaping South Africa's future is pivotal to the move towards the society sought by apartheid's opponents. A Bill of Rights helps to plot the contours of the new order.

'The Indaba is a seminal initiative in this direction,' Post said.

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IN ITS reaction to the Indaba, Ilanga said: 'The government of Mr P W Botha has squandered so many opportunities for peaceful change that we have actually lost count.

'South Africans of courage and good will and representing various shades of political opinion have come up with a host of options, ideas and initiatives, all designed to get the country out of the quagmire of unjust policies.

'They have been slapped down and dismissed in cavalier fashion as meddlesome trouble-makers.'

With the Bill of Rights, the Indaba had come up with an idea that 'appears to all intents and puposes to be flawless'.

'Will the Government give its stamp of approval for this option which is born out of a commonly felt desire by a cross-section of the people of Natal/KwaZulu for peaceful change leading to a new and just society? Or will the Government in typical fashion, balk at the courage and farsightedness of all who are involved with the Indaba. These people are saying 'Hamba Apartheid', 'Woza Non-Racial Society'. Will the Government join in the happy chorus?

'Unhappily, we see very little evidence of the Government's willingness to change unless it is expressly in its own sweet time.

'We support this Bill of Rights. We see it not only as reasonable but most essential as part of the foundation upon which to build a new South Africa. If the Government, which must ultimately take the final decision, should reject it, it will stand accused by future generations of having refused to give peace a chance,' Ilanga said.

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CITY PRESS said that although Zwelakhe Sisulu, the editor of New Nation, had been released from detention there were 'some very disturbing aspects about the way he was arrested'.

'At the time of his arrest this newspaper, and indeed the entire Press, described how four men — two of them allegedly clad in balaclavas — burst into his house.'

After his release Mr Sisulu had repeated the allegation: 'The stories of balaclavas are a disturbing feature which have been with us for months now. We believe Law and Order Minister Louis le Grange owes the country an explanation: Why must members of the police force use balaclavas.

'Respect for the forces concerned with the maintenance of law and order can only come about if those forces conduct themselves, at all times, with respect and dignity.

'Wearing balaclavas, as the Sisulus allege, is hardly the type of thing that will encourage that respect.

'Balaclavas are the sole trademark of bank-robbers, bandits and people involved in anti-social behaviour.

'Certainly not respectable members of a police force — and this is why we

'I often call people kaffir' says accused

By MARTIN NTSOELENGOE

A NERVOUS white man accused of burning a black man alive told the Rand Supreme Court this week he had used the term "kaffir" from youth – at home, at military camp and at work.

Anton Werner Stoop of Luipaardsvlei is appearing with Willem Jansen, 22, of Krugersdorp and Francois Johannes Bester, 22, of Witpoortjie, for the murder of David Ofentse Mthutang.

Jansen and Bester pleaded not guilty – but admitted being on the scene.

Prosecutor BL Ferreira cross-examined Stoop on an affidavit he made before a Krugersdorp magistrate. In it, Stoop said he saw a "kaffir" running past his car as he drove in Witpoortjie on February 24 this year.

He stopped and chased the "kaffir". He punched and kicked him before he was joined by two others.

Ferreira asked Stoop what came into his mind when he saw the black man. Stoop just shrugged.

"You specifically chased and assaulted him because he was black. You didn't care a hoot what could happen to him even if he died," Ferreira said.

Ferreira asked him what kind of a person he was if he could drive a car over a man lying on the ground and set him alight while still alive.

Stoop became more nervous and shrugged. Deputy judge president Gert Coetzee warned him to answer questions and not use his shoulders.

● Bester's defence is that he was drunk and vomitted while Mthutang was set alight.

Jansen's defence is that he tried to stop Stoop from assaulting Mthutang.

● Dr Vernon Kemp said Mthutang was set alight while he was still alive. His charred body was found near Sterkfontein Mental Hospital on February 25.

● Patronella Venter, who lives in a Witpoortjie flat, said the sound of screeching car tyres woke her up shortly after 11pm on February 24.

She saw a tall white man chasing another man. A car kept pace with the runners and cut between them.

The tall man started punching and kicking the man who had fallen. Two other men joined and also started punching and kicking the man, she said.

Venter later heard someone shout: "Bring the car."

She phoned the police. She saw the car drive over the body, which was then lifted into the boot.

● Stoop told the court he could not remember hitting Nthutang with a stone and became aggresive when Jansen tried to stop him. He said Jansen told him not to drop the body in the middle of a street in Chamdor.

But he admitted that in Sterkfontein, the three of them took the body out of the boot and placed it on the ground.

He said they all agreed when Jansen suggested that they burn the body. He said Jansen set the body alight.



Willem Jansen, 22, leaves the Rand Supreme Court, where he is standing trial with two others for the murder of David Ofentse Mthutang.

Speech ban at Masibi's funeral

By DAN DHLAMINI

A BAN on political speeches and the revealing of events leading to Joseph Masibi's death were imposed at his funeral at Wolmaranstad's Tswelelang township on Saturday.

Masibi was allegedly murdered by his employer, a hotel owner, on October 1.

Police would not disclose events leading to Masibi's death, saying the matter was sub judice. A Pretoria police headquarters spokesman said the death was still being investigated.

Western Transvaal police spokesman Colonel Floris Mostert said a murder charge was being investigated.

Scrap Mpetha funeral restrictions, urges PFP

Political Staff

CAPE TOWN — Efforts were being made today to scrap restrictions on the funeral of Mrs Rose Mpetha, wife of imprisoned trade unionist Oscar Mpetha.

The funeral is due to take place tomorrow.

Among the restrictions imposed were that the funeral may not be attended by more than 200 people, that it may not last for more than three hours, that the Government or any of its actions or policies may not be criticised and that only ordained ministers may take part.

Mr Tian van der Merwe, MP for Green Point and PFP spokesman on Law and Order matters, said today he would approach the Minister of Law and Order, Mr Louis le Grange, to have the restrictions scrapped.

He said if the Minister was really concerned with maintaining peace and order he should not allow offensive restrictions of this nature to stand.

The Government's refusal to allow Mpetha (77) to attend the funeral has been condemned by the Congress of SA Trade Unions (Cosatu).

Cosatu spokesman Mr Frank Meintjies said such actions by the Government made workers even more determined to remove it and replace it with a humane Government.

SA 'uprising' nipped in bud

Mercury Reporter

THE state of emergency was declared just in time to save the country from a well-organised spate of bombings, boycotts, flag burnings and marches in Durban and Cape Town and on the Union Buildings in Pretoria.

This was said yesterday at a Press briefing in Durban by the deputy director of the Bureau for Information's Research Division, Mr David Venter, who added that the incidents had been geared to creating a climate for a people's uprising.

According to Mr Venter, the United Democratic Front — which, he said, was really a legal front for the banned African National Congress — had planned stayaways, student and worker unrest, mass meetings, and the burning of the South African flag and the hoisting of the ANC and banned South African Communist Party flags, for the period June 16 to 26.

The organisation had also planned marches in Durban and Cape Town.

Intimidation campaign

Mr Venter said a large group was to have taken part in the march on the Union Buildings and the instruction to the crowd would have been that had they been hindered in their march they were to disperse, move into residential areas 'and destroy life and property at will'.

Other organisations had also planned carefully co-ordinated and massive strikes and stayaways, in order to do serious damage to the economy, bomb attacks, and a campaign to intimidate people into not paying rent and service charges.

The unrest situation in South Africa had escalated to such an extent prior to June 12 'that we had moved possibly into a pre-revolutionary phase'. Had drastic steps not been taken and the state of emergency not declared, 'we would possibly have seen a fully-fledged revolution', he said.

Mr Venter said stability was slowly returning to the country under the present state of emergency.

However, both he and Mr Leon Mellet, the bureau's director of media liaison, refused to speculate as to when the state of emergency would be lifted, saying that it was the State President's prerogative to lift it.

Media curbs, which were 'married' to the state of emergency, would be lifted when it was lifted, they said.

It had been absolutely necessary that the Government take steps to restore stability in order that normality could return and ongoing change could continue to take place, Mr Venter said, adding that change against a backdrop of chaos was meaningless.

Emergency clause on detentions is upheld

BLOEMFONTEIN — The Appeal Court yesterday confirmed the validity of the emergency regulations detention clauses in a landmark judgment which has been anxiously awaited in legal circles.

It ruled in favour of a decision by the Natal Supreme Court and dismissed an appeal by Mrs Lynette Kerchoff and her husband Mr Peter Campbell Kerchoff against the Maritzburg decision which refused to release Mr Kerchoff from detention.

The court upheld the appeal of the State President and Ministers of Law and Order and of Justice against an earlier decision by the Durban Supreme Court that certain of the regulations were invalid.

On August 11 the Durban court, finding that the President had acted beyond the powers conferred on him by the Public Safety Act and that regulations 3(1) and 3(3) were invalid, ordered the release from detention of the Natal publicity secretary of the United Democratic Front, Mr Solomon Lechesa Tsenoli.

Four days later the court in Maritzburg refused an application for the release of Mr Kerchoff, who is organiser of the Maritzburg Association for Christian Social Awareness.

Chief Justice Mr Justice Rabie, with the concurrence of Mr Justice Jansen, Mr Justice Corbett, Mr Justice Joubert and Mr Justice Viljoen, set aside with costs — including those of two counsel — the order of the Durban Supreme Court in the Tsenoli case.

The Durban Supreme Court ruling was regarded as a breakthrough by all lawyers, said a human rights legal representative, who may not be named. Had the Appellate Division upheld the judgment, every emergency detention would have been invalidated.

Bureau says emergency laws led to decrease in unrest violence

Own Correspondent

STABILITY was slowly returning to SA as the emergency regulations continued to decrease violence.

That was said yesterday by Dave Venter, deputy director of the Bureau for Information's research division, at a Press conference in Durban.

Although there had been a sharp increase in unrest in the months preceding the emergency, this had tapered off gradually in the past few months.

Charts showed that since the start of the emergency on June 12, until September 25, only 6,1% of the unrest occurred in Natal. Soweto, at 25,6%, had the highest number of incidents, he said.

Next came the Witwatersrand (23,9%) and Eastern Province (20,7%). The rest of the Transvaal suffered 8,4% of all unrest during the period, followed by Western Province (5,3%), OFS (3,4%), Boland (2,7%) and South Western Districts (2%).

Black agitators, it was claimed, had been responsible for 64% of unrest-related deaths and 50,4% of injuries. Security forces were responsible for 30,3% of deaths and 29,7% of injuries. "Others" were behind 5,5% of deaths and 19,9% of injuries.

Nearly half of those killed by terrorists were black, 30% white, 15,8% security force members, 2,3% coloureds and 2,3% Indians, Venter added.

Stone-throwing during the period accounted for 38,1% of unrest, followed by petrol-bomb attacks at 18,4%.

Board lifts ban on Marxist book

CAPE TOWN — A publications committee has, on review, ruled that possession of Karl Marx's Theory of Revolution, Part 1, by Hal Draper, is not undesirable and is no longer prohibited, the Directorate of Publications announced yesterday.

Two publications produced by the Swapo Department of Information and Publicity, Luanda, Angola, titled Let My Country Go, and the May 1986 issue of the Swapo Information Bulletin, have been declared undesirable.

Other publications declared undesirable include Where Sixpence Lives by Norma Kitson, My Spirit is not Banned by Zimbabwe Publishing House, Harare, and Militant Issue 814, 12 September 1986, produced by Militant Publications, London. — Sapa

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Might alone won't end the unrest, says Le Grange

Carl Trifts 2/10/86

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EAST LONDON. — Townships were in such a decrepit state that it was no wonder police were being stoned, the Minister of Law and Order, Mr Louis le Grange, said yesterday.

He also said there would be a revolution if blacks were not given their "place in the sun".

The situation could not be controlled through the security forces alone.

Mr Le Grange was replying to a resolution at the Cape National Party congress calling for an analysis of the reasons for the current unrest and wanting to know what the government was doing to end it.

Mr Le Grange said it was a sweeping request which he would try to handle as briefly as possible.

But, he said, the unrest could not be stopped unless political and socio-economic development went hand in hand.

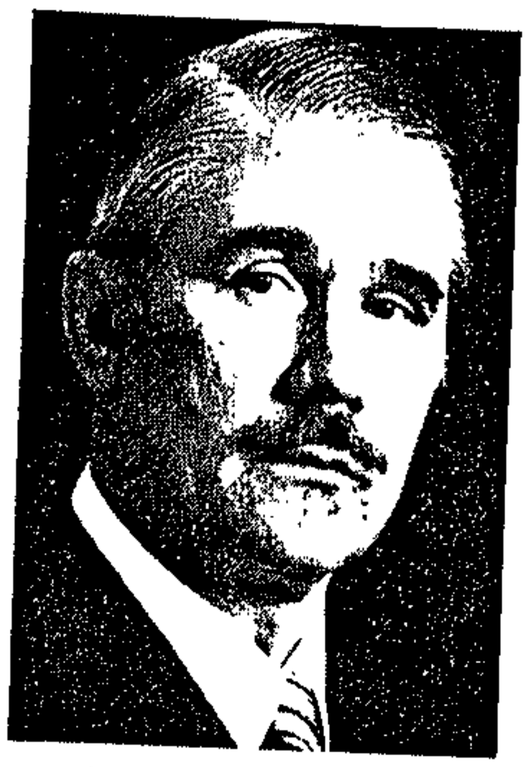
He said that might alone would not solve the country's problems.

"We have to apply security measures along with social upliftment," he said.

"Black and coloured townships are often so decrepit that it's no wonder they are throwing stones."

Many of them had no water, street lights and refuse removal.

"They come and point out to you their new cars which they have bought on a small salary and say to you it's impossible to drive a car because the streets are washed away and full of stones.



Mr Louis le Grange

"They have to take buckets and bath-tubs and walk miles because for eight days there has been no water in their township and they have to go and fetch it from far away.

"No wonder people are so resentful that they want to throw stones whenever they see a police or an official or a Putco bus in their area."

Mr Le Grange said that in his own town, Potchefstroom, where he was familiar with circumstances, the local black township was a typical example.

It was built 25 years ago and today, although the backyards and gardens were neat, due to a total absence of refuse removal, the pavements were trash heaps.

It often just took a minor effort to rectify the situation.

He said the government had voted millions of rands for the upgrading of townships and training of people.

He believed the unrest would end as soon as a political system which everyone wanted could be achieved.

The National Party's policies had always aimed to the upliftment of people.

Barry Streek reports that Mr Ray Swart, MP, said yesterday that the Mr Le Grange's speech was an indictment of his own government.

Mr Swart, chairman of the PFP's parliamentary caucus and spokesman on black affairs, said Mr Le Grange had now finally recognized that social and economic conditions in the townships were the cause of the unrest.

"In view of his late discovery, the government must stop dragging its heels and get cracking with real change to improve the quality of life of the people to whom he refers.

"Certainly, the state of emergency won't achieve this," Mr Swart said. — Political Staff and Sapa



line houses. 260 000 miners stayed away from work. A

Cape Times 3/10/86

Court dismisses media application

Own Correspondent

PORT ELIZABETH. — The Grahamstown Supreme Court yesterday dismissed with costs an application to review and set aside a decision by a local magistrate that subpoenas served on four newsmen and the government notice under which they were served were valid.

The applicants were the editor of the Eastern Province Herald and editor-in-chief of the Herald and Evening Post, Mr J C Viviers, the Herald's news editor, Mr Andre Erasmus, the Post's deputy editor, Mr Trevor Bisseker, and its news editor, Mr Clifford Foster.

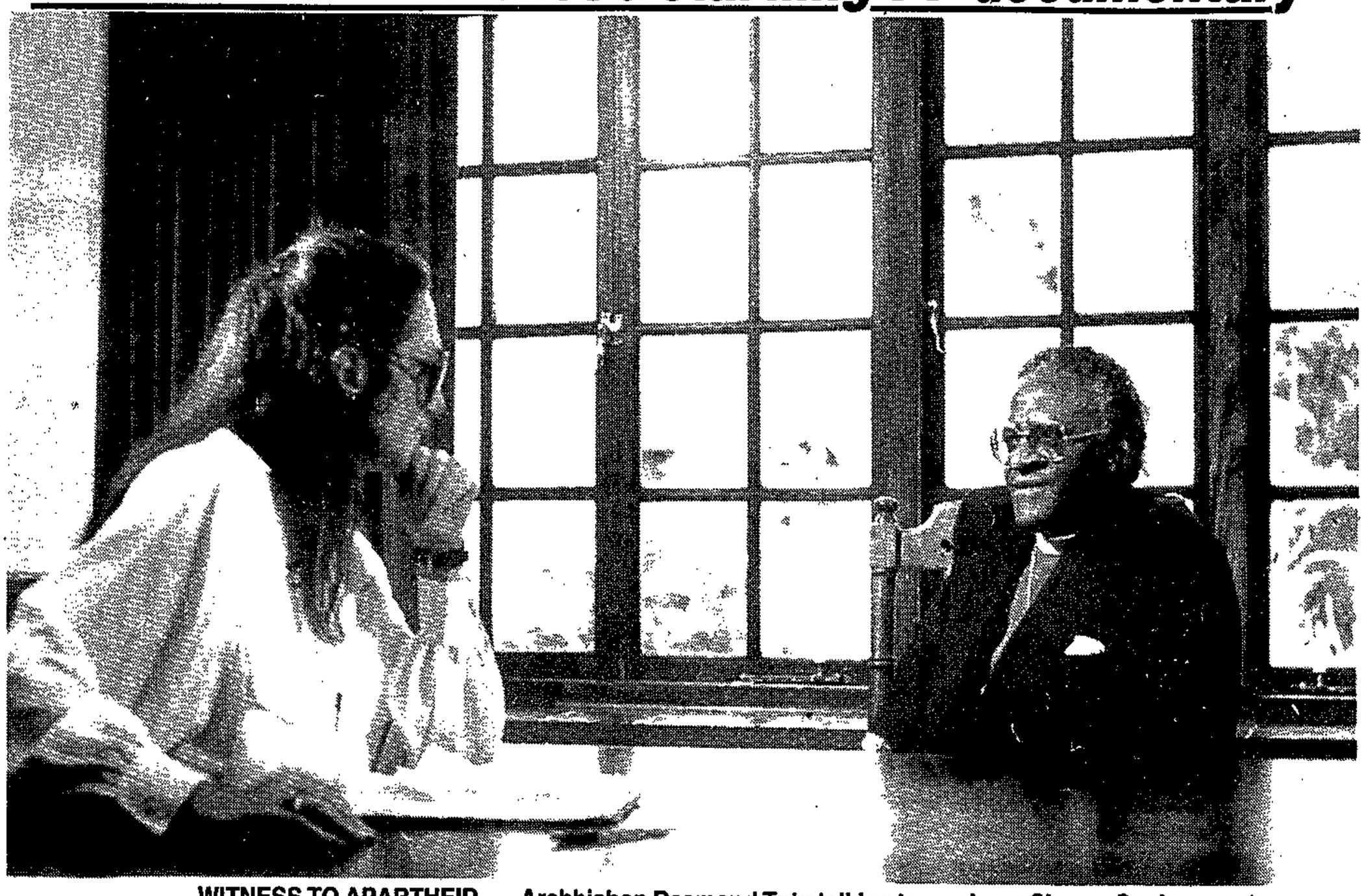
The respondents were magistrate Mr P Rothman and the Attorney-General of the East Cape Division, Mr J A d'Oliveira.

The hearing arose out of an inquiry held when the four newsmen were called on to appear before Mr Rothman to give material evidence concerning an offence allegedly committed by Mr Mkhuseli Jack and others, and to testify and declare all they knew concerning the offence.

The newsmen were required to produce photographic material taken by freelance photographers Mr Brian Sokutu and Mr Elijah Jokazi. They also had to produce notes taken by Mr Sokutu at a meeting at Zwide's Dan Qeqe Stadium on March 31.

SOWETAN Thursday October 2
AN, Thursday, October 2, 1986

JOE THLOLOE watches a startling TV documentary



WITNESS TO APARTHEID . . . Archbishop Desmond Tutu talking to producer Sharon Sopher.

Damning evidence . . . but we can't see it

2/10/86 Sowetan FOCUS

THE Public Broadcasting Service (PBS) will be screening *Witness to Apartheid*, a damning documentary made here during the 1985 state of emergency, for American audiences this coming Sunday.

The people who should be seeing it, South Africans themselves, will not have the privilege of seeing it.

Privilege?

Perhaps another word would be more appropriate: it is the kind of electric prod that would jolt this country to sanity.

Instead, our Department of Foreign Affairs tried to stop the film being screened by Britain's Channel 4.

When the *Sowetan* this week spoke to Mr Chris Badenhorst, the department's Press officer, he told us that the screening of *Witness to Apartheid* by PBS "will have consequences for other people who might want to work in South Africa".

Angry

Mr Badenhorst says it is not the content of the film that his department is concerned about, but the way the film was made. "they did not have the necessary authority to come here for purposes of filming," he said.

I had to cross the Atlantic Ocean to see the film in a small studio in New York.

My mask of cynicism, born of years as a journalist in a frustrating world, was cracked as I went on an emotional rollercoaster. I was angry that man could treat man this way; I was frustrated because I have seen us banging against granite, getting jailed, shot and dying; I felt hope because systems of Government like the one we have cannot last forever.

Naïve

Like almost all black journalists in this country, I have spoken to people just released from detention; I have interviewed naïve whites who believe in one solution, that of force; I have interviewed children with sjambok weals after police action; I have inhaled teargas; I have interviewed doctors; I have interviewed human rights campaigners; I have interviewed the Archbishop of Cape Town, the Most Rev Bishop Desmond Tutu.

Every South African reads these reports that we give them. But journalists and readers are so immersed in the events around them that we have become numb.

And of course I get the illusion of normality because after seeing the victims and writing the stories, I get home to play with my children, and possibly make love for the night. Love? Probably a desperate clinging to each other.

American journalist Sharon Sopher came here and covered the same stories, and then collated them into an eloquent statement.

Cripple

South African newspapers, including the *Sowetan*, have carried the story of Johnny Mashiane of Alexandra Township.

On his release from detention, he was admitted to the psychiatric ward of the Hillbrow Hospital. We interviewed him on his release from the hospital, a once bright youngster turned into a shuffling cripple, with a tongue obstructing the making of words when it should be creating them.

In the film we see him struggling to talk to Sharon through an interpreter. He is trying to form Zulu words, but strange sounds that have a vague relation to the language come out.

He explains that he was normal before his detention.

Sharon talks to Bishop Tutu, she talks to leaders to the United Democratic Front, and also talks to innocent Afrikaners.

One particularly interesting woman says: "We have the right to keep surviving, otherwise whites will totally disappear and become brown".

Police

Sharon spoke to doctors and the people they were treating for injuries.

I must quickly add that she did not have the Police Act or the Prisons Act to contend with. She did not have to contend with possible seizure of her publication

STATE OF EMERGENCY

The right to detain

The high court in Bloemfontein this week turned back legal challenges to government's wide powers to detain people under the State of Emergency regulations.

In a unanimous decision, the Appellate Division rejected an appeal for the release of a detained social worker, Peter Kerchhof, and struck down a decision by Judge David Friedman that had released United Democratic Front activist Lechesa Tsenoli (*Current affairs*, August 29). The Tsenoli case had hinged on a grammatical point and many advocates expected the decision to be overturned. But they hoped the court would delineate limits to the government's powers of dentention.

Instead, Chief Justice Pieter Rabie said the language of the Public Safety Act was unambiguous.

The ruling dashes the hopes of thousands of detainees for early release, and ends a string of court decisions that had restricted the State President's emergency powers. ■

Allied disciplinary action after detention

By CLARE HARPER

THE Allied Building Society last night said disciplinary action had followed the misuse of its computer system which led to the detention of an Internal Security detainee.

In a statement, the managing director of the Allied, Mr Allan Tindall, said it "regretted the incident in which Mr Christopher Tyawana was detained after an automatic teller machine swallowed his card".

"To the extent that our computer system was misused was unfortunate and unauthorized. Suitable disciplinary and remedial action has been taken," he said.

The statement follows repeated calls this week from the Progressive Federal Party for the Allied to make public its involvement in the detention of Mr Tyawana, 24. The Cape Town-based Allied Shareholders Against Apartheid (ASAA) joined the PFP yesterday in criticizing the building society.

Mr Tindall said: "The official concerned acted on an instruction from the police to render assistance and acquiesced, being obliged to comply with the law.

"The Allied would like to stress however that Mr Tyawana was not forcibly detained by any employee of the Allied and was free to leave the premises at any time."

Mr Tindall added that the official "did not disclose financial information regarding our client's affairs".

Earlier the PFP MP for Claremont, Mr Jan van Eck, said the controversy would not end until the Allied made a public statement.

Before the Allied statement a spokesman for the newly formed ASAA, Dr Martin Nichol, said it demanded that the Allied:

☐ Undertook to stop collaborating with the security police in the arrest of their account holders under the security laws.

☐ Placed notices in papers in which it advertised to apologize for its involvement in Mr Tyawana's arrest, and called for his immediate release from detention.

☐ Paid fair compensation to Mr Tyawana and his family and met any legal costs arising out of his detention.

STATE OF EMERGENCY —

Bombs and info

Another wave of bomb attacks — apparently from the Left and the Right to judge by their targets — hit the country in the past week.

The Bureau for Information has, however, made it even harder for the media to publish information they may receive independently by closing its media centre last Friday. Only in exceptional cases, such as terror attacks, it said, would it respond to telephone inquiries. Its daily reports, which are as bland as ever, would continue. Telexed queries will be investigated.

According to bureau reports, the level of political violence is declining. Four people died in unrest-related incidents — including a woman, Monica Strydom, who was injured in a limpet mine blast at the Montclair, Durban, branch of Pick 'n Pay on September 1. This brought the total number of people killed during the current State of Emergency to 299 by Tuesday morning.

Two of the victims were burnt to death. One accidentally blew himself up with a handgrenade which was dug up outside his house in Khayelitsha. Three children — Lumka Tsheke (6), Shatanathi Aziya, (5), and Buntu Mpakati (15) were injured when the grenade exploded.

The township rent boycott crisis took a frightening new turn with the bombing of the homes of two white local government officials associated with attempts to break it. Both Soweto housing director Del Kevan and Lekoa town clerk Nic Louw have been closely linked with the eviction of families in rental arrears in Soweto and Vaal townships. Kevan's home in Craighall Park was damaged by a limpet mine in the early hours of Wednesday last week. Louw's Vanderbijlpark house was petrol-bombed early on Saturday morning. No one was injured.

On Sunday night, a fire damaged the office of Wits University political studies lecturer Tom Lodge, who is a frequently-quoted academic expert on the ANC. The cause of the fire was not known but firemen apparently found papers soaked in an inflammable substance.

Three men were injured in an explosion at the Devonshire Hotel in Braamfontein, Johannesburg; and three more people were injured when a handgrenade was thrown into the entrance of a nightclub in Eden Park. The bureau reported that the grenade used was of local origin, and that the incident was probably not unrest-related.

A limpet mine exploded at the Mobeni power station south of Lamontville causing slight damage on Tuesday. And in a land-mine explosion days earlier in northern Natal, Themba Mapembe and his two female passengers narrowly escaped injury when the light truck in which they were travelling detonated a bomb on the Mjindi experimental farm in the Ubombo district.

The bureau confirmed petrol bomb attacks on private homes in Thabong at Welkom and in Mamelodi, Pretoria.

Bureau for Information reports continue to merely list an unspecified number of unrest-related incidents. The bureau rarely supplies any details of the circumstances surrounding the incidents.

Some detail was given in incidents involving damage to school property. In Soweto, the Aurora Girls' School was set alight by an unknown group. At New Brighton, Port Elizabeth, damage amounting to R10 000 was caused when unknown persons threw a petrol bomb at the David Vuka School.

In another incident in Soweto, a security vehicle was stoned by a group of about 600 blacks when security forces came to the rescue of a man being attacked. One shot was fired and the crowd dispersed.

In Soweto in the eastern Cape, two security force members were slightly injured after being shot at by unidentified attackers. ■

FINANCIAL MAIL OCTOBER 3 1986

Unions, UDF plan mass resistance campaign

SOUTH AFRICA'S major extra-parliamentary opposition groups yesterday defiantly thrust their heads above the Emergency parapet.

In their first concerted effort to regain the political initiative from the government since the Emergency was declared, they launched a nationwide resistance campaign.

At a press conference in Johannesburg — hurriedly convened for security reasons — prominent leaders of the United Democratic Front, the Congress of South African Trade Unions and the National Education Crisis Committee emerged from hiding to announce a "momentous" campaign for National Unity Against Apartheid and the Emergency.

The joint call represents a "reorganisation and galvanisation of our forces which have been besieged in the months of the State of Emergency", said Murphy Morobe, acting national publicity secretary of the UDF.

"After discussions, consultations and arguments between us, we have assessed our strengths and found ourselves ready to launch this campaign," he said.

Morobe was joined on the campaign launch platform by Sydney Mufamadi, Cosatu assistant secretary, and Eric Molobi, an executive member of the NECC.

The official campaign statement read: "There has never been a greater need for united action against the State of Emergency which seeks to destroy our democratic organisation, and against the apartheid government and

By SHAUN JOHNSON and SEFAKO NYAKA

its supporters who are intent on destroying the economic and social fabric of our society."

Ten crucial issues will serve to focus the campaign.

The UDF/Cosatu/NECC alliance calls on "all patriots" to fight for: the lifting of the Emergency; the release of Mandela and other political prisoners; the unbanning of organisations; the establishment of "people's education" and the reopening of schools; the halting of rent evictions; freedom of expression and association; a living wage for all workers; jobs for all; adequate social security; and the right to strike.

Morobe was reluctant to specify precise actions likely to characterise the campaign. His hesitancy might have been due to security considerations. But he also stressed that "local structures are right now deciding on forms of action. We don't want to prescribe to or pre-empt them."

Two new dynamics would emerge from the campaign, said Morobe. "We are drawing in new sectors of our community which may not up to now have identified themselves openly with the democratic movement. People like taxi-drivers, ministers and even ordinary township shebeeners have been affected by the Emergency and need to come out clearly.

"We are also implementing a 'fence-shaking process' — people who support this campaign must come out publicly and distinguish themselves from forces still operating under President Botha's scheme of things. It is no longer good enough for people to pledge support in the dark. This campaign will result in the clearer drawing of the battle lines in the country."

The campaign will involve a concerted media and propaganda strategy "to undo the negative aspects of the Bureau for Information's propaganda machinery".

It is also seen as a major step towards unity of extra-parliamentary forces. Morobe hopes that "a process is now starting whereby we can attain the kind of unity we crave — disparate forces in the political spectrum can be brought in. We seek unity not only at the leadership level, but amongst the masses."

Asked specifically whether this unity drive could embrace other resistance tendencies like the Azanian People's Organisation (Azapo), Morobe said he was "open to the question (of co-operation) with Azapo and other groups outside of government-created structures. But unity based on action, not leaders, is our foremost consideration," he stressed.

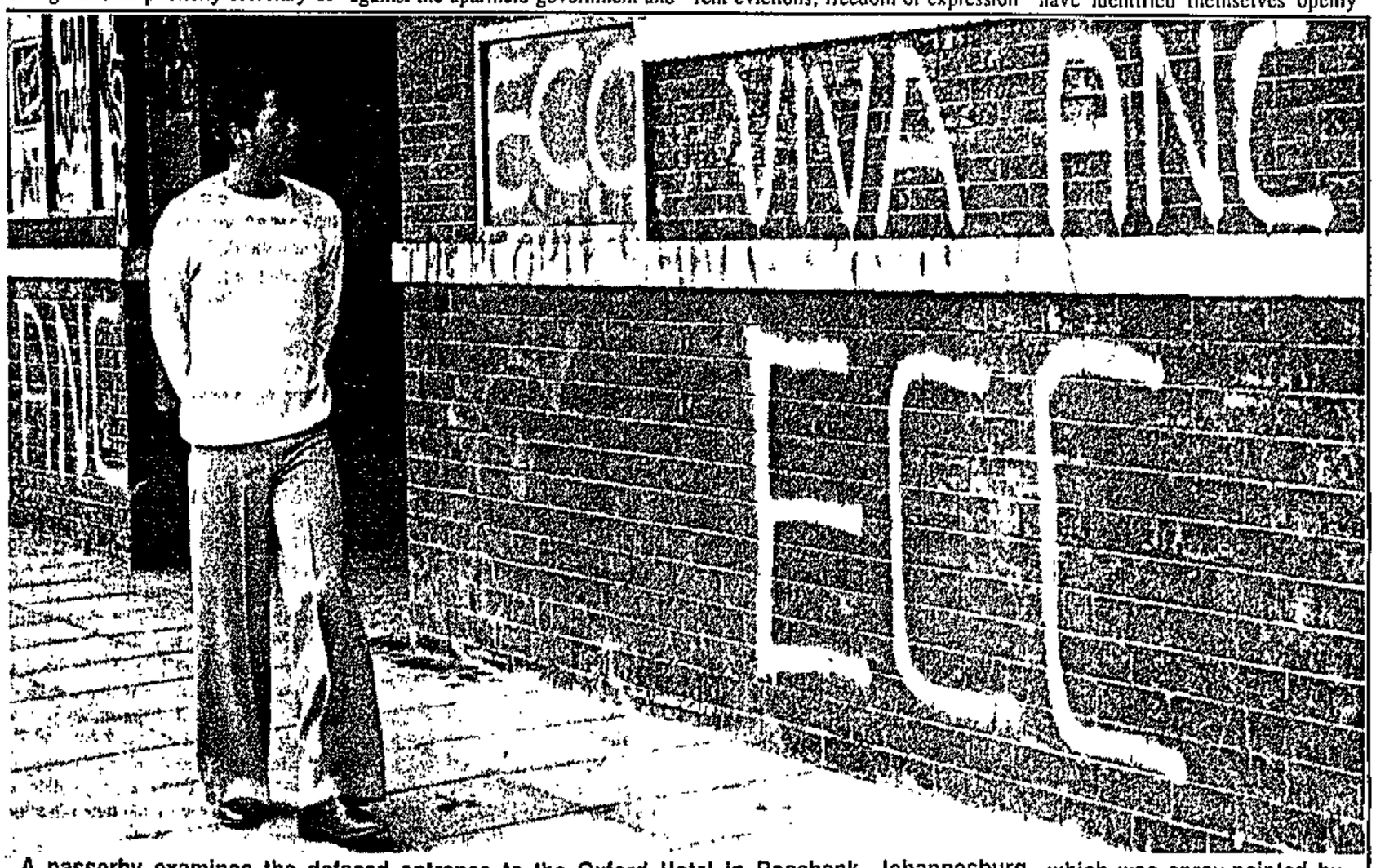
Morobe estimated the three organisations responsible for the launch of the campaign represented "at least three million South Africans".

Cosatu's Mufamadi said people were "simply sick and tired of the Emergency", and he felt that "objective reality" meant the time was ripe for massive support for the campaign

Morobe admitted the UDF had suffered under the Emergency, but said the organisation was "still functional. We have intensified local organisation to ensure our survival. Street activity has never been better than it is now in some areas. There is a fair amount of national co-ordination taking place, enough for us to initiate this campaign, and to focus it.

"We are not over-confident about this campaign", he said, "but know that we can pull something significant off."

No duration was specified for the national campaign, but it can be taken to be underway already — the national action by students and pupils planned for Monday is seen as part and parcel of the national unity call.



A passerby examines the defaced entrance to the Oxford Hotel in Rosebank, Johannesburg, which was spray-painted by vandals the night before a politically controversial cabaret was to be performed at the venue

Picture: Anna Ziominski

Verwoerd satire actors in hiding

ACTORS Robert Colman and Matthew Krouse, whose satirical cabaret *Famous Dead Man* was banned this week by the personal

By CHARLOTTE BAUER

Sun in Berea, where the show has already run for eight weeks, and a

Tuesday, at the request of Stoffel Botha, Minister of Home Affairs. Neither members of the committee nor Botha have seen the revue.

Despite this, the committee

tolerance of the average balanced person".

However, in his condemnation, Stoffel Botha thought the cabaret far more personal than symbolic.

Troops 'occupy' black varsities

By SHAUN JOHNSON and SEFAKO NYAKA

MAJOR black universities in South Africa — known as "bush colleges" by their students — today resemble battlefields more than academic enclaves.

Reports reaching the Weekly Mail tell a bizarre story of military "occupation" at Turfloop, army and police "charges" at Fort Hare, and the closure of several campuses, including three Vista universities.

To Turfloop students at least, "academic freedom" refers more to the right to walk freely around their campus than to notions of unfettered intellectual pursuit.

According to the Azanian Students Organisation (Azaso), the crisis of tertiary institutions has deepened dramatically since the declaration of the latest State of Emergency. "Broadly speaking, administrations have been conniving with police, or else they are taking advantage of the State of Emergency to make life unbearable for students. These authorities will have to account for whatever might happen in the institutions — because in actual fact they are giving students a licence to revolt," said an Azaso official.

The Turfloop campus seems worst affected, and if the sustained allegations of virtual "military occupation" are borne out, this will represent an unprecedented inroad into the "autonomy" of black universities.

An Azaso office-bearer maintained that after a "massive combined raid by soldiers, the South African Police and the Lebowa Police" on June 12, Turfloop was closed for a period and is now "virtually under the management of the SADF.

"They have two camps inside the campus," he said, "students have to produce special identity cards bearing the emblems of the SADF, SAP and Lebowa Police in order to get in and out — and communication with the outside world has been curtailed.

The Azaso official said students are required to wake up at 6am each morning and report to the Great Hall. "Even if you've got a lecture at 2pm, you must report to the Great Hall at 6am." Students found outside the Hall during lecture periods are allegedly liable to be arrested.

"The only option is the library, which is absolutely packed. None of this is conducive to learning: people say to us 'how can you read when your enemy is sitting right here with an R1?'"

The organisation claims the campus has been pinpointed for special security attention "because Security Police think all activity in the Northern Transvaal is engineered from Turfloop. They think they can curb resistance by controlling the campus — but what they don't realise is that they'd have to detain everybody in the area, not just the students."

Fort Hare is also closed, says Azaso, following student campaigns against a "racist history lecturer" which were followed by an "army and police charge onto campus". The university is now closed and the students' representative council has been suspended.

The Weekly Mail also learns that residences at the University of Bophuthatswana were shut this week after three days of class boycotts. The boycotts were in support of a demand that a senior administration officer be fired or at least suspended pending an inquiry into his alleged complicity with the homeland's government in its expulsion of a group of staff and students earlier this year.

Azaso has accused the Unibo administration of being "part of the overall scheme to subdue us so that Bophuthatswana can once again be regarded as the cream of Verwoerd's bantustan policy".

The Vista institutions in Soweto, Bloemfontein and Port Elizabeth have also been closed in the current chaos gripping black tertiary institutions.

Emergency saved SA says official

DURBAN — The present state of emergency was declared just in time to save the country from a serious and well-organised spate of bombings, boycotts and marches.

This was said here yesterday at a press briefing by the deputy director of the Bureau for Information's research division, Mr David Venter, who added that these incidents had been geared towards creating a climate for a "people's uprising".

According to Mr Venter, the United Democratic Front — which he said was a legal front for the banned African National Congress — had planned stayaways, student and worker unrest, mass meetings, and the hoisting of the ANC and banned South African Communist party flags for the period June 16 to 26. It had also planned marches in Durban and Cape Town and on the Union Buildings in Pretoria.

Other organisations had planned carefully co-ordinated strikes and stayaways in order to do serious damage to the economy, bomb attacks and a campaign to intimidate people into not paying rent. Had drastic steps not been taken and the emergency not declared, "we would possibly have seen a fully-fledged revolution."

Mr Venter said stability was slowly returning to the country. — DDC.

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5/10/86 CITY PRESS

No news is not good news: PFP

A PROTEST campaign against government curbs on the free flow of news was launched by the Young Progressives this week.

The campaign is aimed at "bias" in state-controlled SABC radio and TV news and at the Bureau for Information's "restrictive" role.

Posters with the heading *Public Health Warning* are being distributed to hit at the bureau. Members of the public are being invited to join in a letter-writing campaign to Deputy Minister Louis Nel, political head of the bureau.

Stickers reading *SABC news is biased* will be distributed.

Young Progressives national chairman Andrew Miller said the decision to launch the campaign was taken at a PFP national executive meeting.

"We believe a liberal political party has a commitment to the freedom of the Press. This fundamental right of the public to know has been severely restricted since the state of emergency." – Sapa.



Members of the NUM carry a coffin into this week's memorial service at Cosatu House in Johannesburg for the Kinross dead. Pic: EVANS MBOWENI.

Uniting against emergency

By MONO BADELA

IN an unprecedented demonstration of unity, the United Democratic Front, Congress of SA Trade Unions and the National Education Crisis Committee made a joint call yesterday for a national campaign against the state of emergency.

UDF spokesman Murphy Morobe said it was the first time major anti-apartheid groupings had embarked on a major joint campaign primarily to fight the emergency.

"We have come to the conclusion that national united action must be taken against apartheid – and the emergency in particular."

The organisations have the SA Council of Churches' full support, and are determined to initiate a campaign for national unity of all forces opposed to apartheid and the government, Morobe said.

A joint statement issued by UDF, Cosatu and NECC said: "Government, in its desperate attempts to cling to power, has wrecked the economy and caused massive unemployment and increased hardship all round; completely disrupted and destroyed the future of thousands of young South Africans through their persuit of Verwoedian education policies; detained thousands; behind the cover of 'law and order' brutalised our people through killings in Langa, Mamelodi and White City; and uprooted millions through forced removals."

They demanded:

- Lifting of the emergency.
- Release of all political prisoners and unbanning of ANC and other political organisations.
- Repeal of controls imposed on students, the establishment of democratic "people's education" and the reopening of schools.
- Halt to rent evictions and meeting of residents demands.
- Freedom of expression and a living wage for all workers.

Matanzima warns on hitmen

UMTATA. — Transkei's President George Matanzima warned President Lennox Sebe of Ciskei on Saturday that any armed Ciskeians deployed inside the borders of Transkei would "never return alive".

Speaking at a rally at E'Zibeleni near Queenstown, Chief Matanzima said he had received information that Chief Sebe had formed a hit squad to assassinate Transkeian citizens.

He told Chief Sebe "not to play with fire".

Chief Matanzima confirmed that Major-General Kwane Sebe, the son of President Sebe, and his second-in-command, Colonel Zandisile Ngwanya, are in prison in the Transkeian capital of Umtata.

He said he did not know how they came to be in prison.



President Matanzima

The two police officers were edly kidnapped at Bisho in C about the time of the dramati cape by the former head of Ci security forces, Major-Ge Charles Xhanti Sebe.

Chief Matanzima said there strong evidence that the two C police officers were involved attempt to abduct Mr Namba Se former Ciskei transport min who was granted political asyl Transkei after skipping bail o ruption charges and fleeing Ci

Chief Matanzima said Pre Sebe had a weak police force that explained why Mr Charles was able to escape from the M drift maximum-security priso

Sapa

Sapa.

WCHA: 'Police halted meeting'

POLICE disrupted a meeting of several hundred people organized by the Western Cape Hostel Association ((WCHA) in Langa on Saturday, the WCHA said yesterday.

Mr Johnson Mpukumpa, WCHA publicity secretary, said police arrived at the Langa Presbyterian Church hall about 2.30pm and told the organizers that the meeting was being halted in terms of the state of emergency.

"The youth got very angry but we managed to calm everybody down and people eventually went home without incident," said Mr Mpukumpa.

He said that at the meeting a brewery had handed over a mini-bus for use on a WCHA health project and speeches were made by United Democratic Front and Western Cape Civic Association officials.

Mr Super Nkatazo, WCHA general secretary, said the incident was "yet another example of the government not wanting people to voice their opinions. You open your mouth and they take action regardless of what you are saying".

A Bureau of Information spokeswoman, Miss Ronelle Henning, said last night that police had acted on a report of an illegal gathering. After arriving and speaking to brewery officials at the hall, police had left, she said.

Govt urged to keep emergency in force

Religion Reporter

The Hervormde Kerk has urged the Government to keep the present state of emergency in force until security has been restored in all areas.

The leadership of the Hervormde Kerk, the second largest of the Dutch reformed church groups, called on "all responsible citizens" to support the Government's efforts to ensure and improve the safety and quality of life of all the people in this country.

The commission of the general assembly, which is the church leadership, examined the state of emergency and found there were still areas where the safety of people and property could not be fully guaranteed, the Hervormde Kerk said in an official newsletter.

"The commission is worried about the scores of people who are being prevented from living and from earning a living in peace. Therefore the commission requests the Government not to lift the state of emergency until the threats to life and property have stopped," the church said.

The church leadership thanked the security forces for the "responsible manner" in which they tried to protect lives and property.

● The controversy over Article III, the church law which keeps the Hervormde Kerk exclusively white, continues.

Hervormde Kerk leader Professor Bart Oberholzer emphasised that the church did not "stand or fall by Article III" — it was merely a practical arrangement formulating the way in which the church functioned.

Article III had nothing to do with party politics and it did not indicate that some people were inferior to others, Professor Oberholzer said.

Charges dropped

THE case against a Cape Times reporter, Mr Peter Dennehy, who had been arrested for possessing a banned book, was withdrawn in the Magistrate's Court yesterday. Mr Dennehy, 28, of Oxford Road, Observatory, was arrested in August.

Mr M J C Tolken was the magistrate. Mr C Gavin prosecuted. Mr Dennehy was not represented.

Capt Times 8/10/86

SABC 'bid to start conflict'

By BARRY STREEK
Political Staff

SEVERAL black leaders and the PFP have challenged an alleged smear of Archbishop Desmond Tutu and three other black leaders on television involving the SABC's controversial Cliff Saunders.

The PFP's media spokesman, Mr David Dalling, yesterday accused the SABC of contriving to start new conflict and said Mr Saunders, "who in any event does not have a very impressive track record", could have endangered the lives of the four leaders.

One, Dr Ntatho Motlana, the chairman of the Soweto Civic Association, said the SABC was attempting to distract people from the collapse of the education system in Soweto.

Another, Mr Percy Qoboza, editor of City Press, said the government, through the SABC, was "trying to discredit me and my friends".

On Sunday night, Mr Saunders interviewed Mr John Gogotya, chairman of a little-known body, Operation Advance and Upgrade.

Mr Gogotya said "radical" pupils insisted that political leaders from organizations such as the UDF enrol their children in "troubled" township schools before the end of 1987 and threatened to act if they did not.

Asked by Mr Saunders which leaders these were, Mr Gogotywa named Archbishop Tutu, Dr Motlana, Mr Qoboza and Mr Stan Motjuwadi, editor of Drum magazine.

However, Archbishop Tutu does not have any children at school, his chaplain, the Rev Heinz Wolff, said yesterday. The archbishop's youngest child Mpho, was studying in the US and his other children were married.

Dr Motlana said "my two sons are in exile and involved in the liberation movement. I would like to ask anyone how they can get back".

Mr Motjuwadi could not be contacted yesterday, but the other three leaders denied that they had received any threats from students.

Qoboza denies school threat

JOHANNESBURG. — Mr Percy Qoboza, the editor of City Press, yesterday denied claims that he had been warned to send his children back to school in the townships.

"I must emphasize that nobody has recently made any threats against me or my family," he said. He claimed the government, through the SABC, was trying to discredit him and his friends.

In a statement, Mr Qoboza said: "In a television interview, which I did not see, nor any of my family — we do not watch TV1 in my family — a certain Mr John Gogotya, speaking to the arch-apartheid propagandist Cliff Saunders, alleged that 'radical' students have threatened me for sending my children to overseas schools.

"First of all, it is a lie that my children are overseas. None of my children possess a passport. And is is untrue that my daughters — Simangele and Ntulikazi — were sent home by Woodmead School." He said they had returned home voluntarily. — Sapa

Ripped up: The Berlin barb passes

FIRST they sealed off Port Elizabeth's New Brighton township with blade-wire fencing. Now Security Forces are issuing residents with a "dompas" which they need to enter or leave the area.

But the "comrades" are tearing up these new identity cards as fast as they are being handed out by Security Forces.

The Weekly Mail reported in August that residents of New Brighton had woken up one morning to find their township surrounded by a hastily-erected blade-wire fence.

Swiftly dubbed the "Berlin Wall", the fence allowed for only one entrance and one exit to the township and long queues gathered at these security points.

Now police have confirmed the new documents — on which the name and address of each resident is displayed, along with an official signature and the coat of arms of the black local authority, the Ibhayi Town Council — were being issued as part of a Security Force operation in the township.

And on Tuesday pamphlets headed "Message to the People of New Brighton" were distributed to residents, informing them the fence around the township had been erected to keep criminal elements out.

"We know that all these actions (the fence and road blocks) have caused you a lot of inconvenience but we are doing this for the benefit of all law-abiding citizens of New Brighton.

"All these measures have been taken not to fence you in but to keep the criminal elements out," it said.

One resident said he was told that failure to produce the document on demand would mean access to the township would be denied.

"Just when you thought it was safe to throw away your dompas ... But mercifully (the card) carries no picture," he said.

Although the card carries the Ibhayi coat of arms and telephone numbers, neither the town clerk, El Pullen, nor the mayor, Jimmy Nako, could confirm its existence.

Meanwhile, according to residents, hundreds of the cards were destroyed by "comrades" going from door to door, in the footsteps of Security Forces, explaining why they rejected the cards.

Mike Xhego, acting spokesman for the Port Elizabeth Consumer Boycott Commitee, slated the documents.

"If the government lifted the State of Emergency and released all detainees there would be no need for the cards," he said.

The pamphlet distributed on Tuesday listed alleged actions of "radicals" and said: "We are here to prevent all these things. One way to achieve this is by means of the powers given to Security Forces through the State of Emergency. As soon as all these things have ended in this country, the State of Emergency will stop."

It concluded: "And now we have spoken our minds and want you to think of what we have said, because we have spoken the truth. May God give us the wisdom to understand one another."

WEEKLY MAIL REPORTER
Port Elizabeth

UDF action call runs into a campus banning

WEEKLY MAIL 9/10/86

327

By SEFAKO NYAKA and SHAUN JOHNSON

The first rally called in support of the joint UDF-Cosatu-NECC National United Action Campaign yesterday ran into the brick wall of state hostility.

Two hours before the meeting was scheduled to start on the University of the Witwatersrand campus, acting magistrate of Johannesburg, George Schoeman, issued a banning order in terms of the Internal Security Act.

It is believed to be the first time that an indoor meeting has been prohibited at Wits.

A large contingent of riot police converged on the university lawns after disgruntled students gathered to register their protest against the banning.

Tension ran high as crowds singing freedom songs gathered in front of the student union and faced the police. Students scattered on a number of occasions as the police appeared to move forward, but the intervention of deputy vice-chancellor Professor Mervyn Shear led to their eventual withdrawal.

The meeting, organised by Wits-based UDF affiliates including the Azanian Students Organisation (Azaso) and the National Union of South African Students (Nusas), was intended as "the first of many", according to Wits SRC president Etienne Marais.

Marais said the banning was an "attempt to criminalise and silence the opposition of the UDF, Cosatu and the NECC to the government" and that these efforts "had failed, and would continue to fail. By banning this meeting the government has displayed its fear of united action by the ordinary people of this country."

At a hastily called press conference to explain the cancellation of the meeting, Wits Black Students Society vice-president and Azaso official Thami April said the morning's events "clearly show that the university is not isolated from the wider society, and faces similar repression.

"We slam the banning of this meeting, and believe it is a reflection of what is happening countrywide in schools, universities, and the communities," he said.

The Reverend Molefe Tsele, who was to have addressed the rally on behalf of the NECC, also condemned the magistrate's action, calling it "a desperate and abhorrent measure. The state talks glibly of students being 'frustrated', but it is they more than anyone who is frustrating not only students but all reasonable efforts by the community to resolve the country's crisis."

He called on academics and students in particular to "get down to the mass organisations, identify with them and offer their expertise."

Speaking on behalf of the administration, Shear said the university was "shocked by the banning of this democratically-called and peaceful meeting".

He committed the university "completely to the aspirations of the NECC", saying Wits would "do whatever we can to support those aims".

Acting magistrate Schoeman prohibited the gathering because he "had reason to believe that the public peace would be seriously endangered".

Shear and senior colleagues acted as intermediaries between the police and the crowds of students. Police reportedly requested that students cease singing "provocative" songs before they would leave the campus.

According to Professor Keith Beavon, the officer in command said he "would not take offence if the students sang 'Sarie Marais'". Beavon said he doubted his students would comply.

REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

Government Gazette
Staatskoerant

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Vol. 256 PRETORIA, 9 OCTOBER OKTOBER 1986 No. 10486

PROCLAMATION

by the

State President of the Republic of South Africa

No. 190, 1986

DECLARATION OF AN ORGANIZATION TO BE AN AFFECTED ORGANIZATION

Under the powers vested in me by section 2 (1) of the Affected Organizations Act, 1974 (Act 31 of 1974), I hereby declare the organization known as the UNITED DEMOCRATIC FRONT to be an affected organization.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Sixth day of October, One thousand Nine hundred and Eighty-six.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

L. LE GRANGE,
Minister of the Cabinet.

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. 190, 1986

VERKLARING VAN 'N ORGANISASIE TOT 'N GEAFFEKTEERDE ORGANISASIE

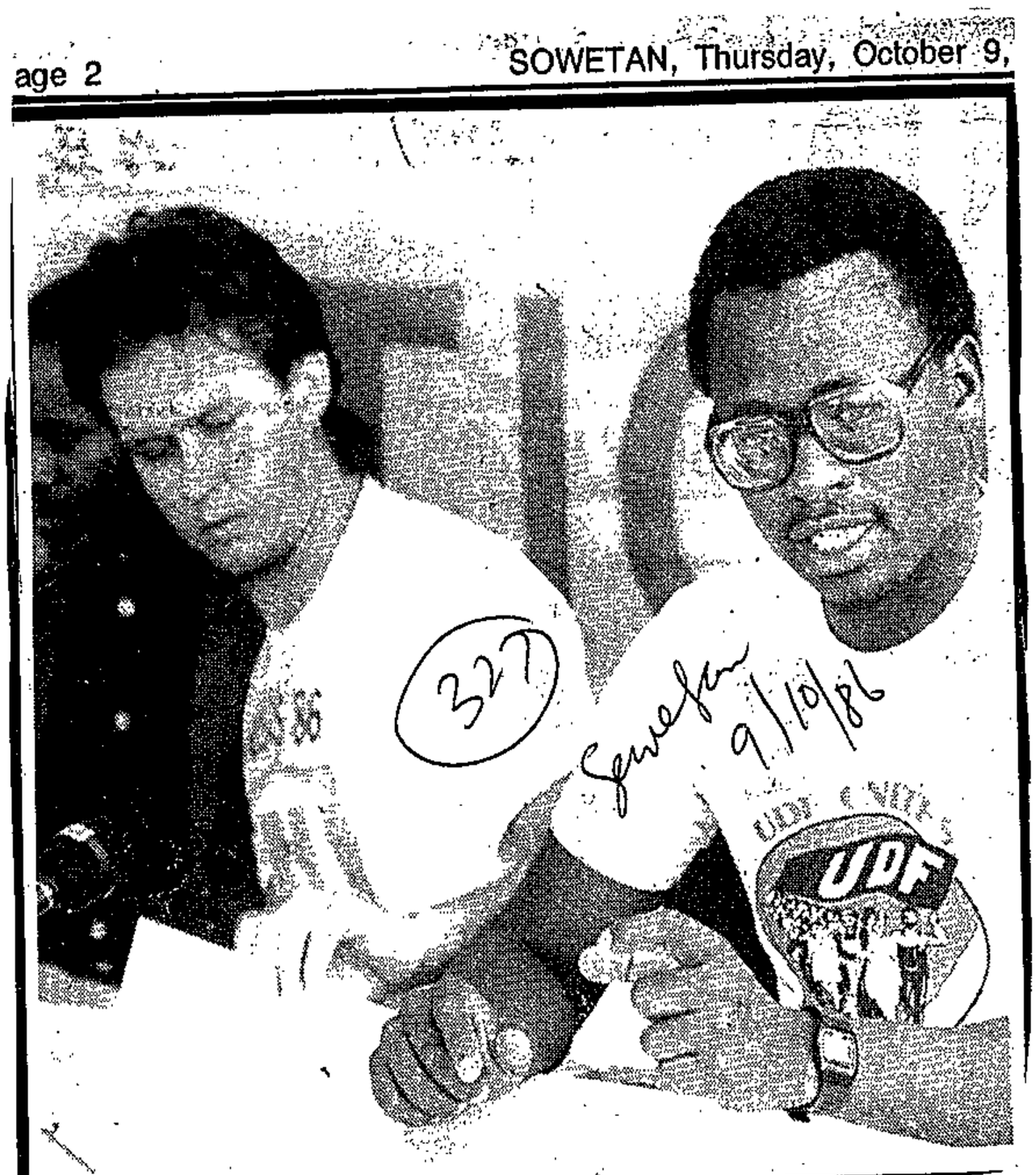
Kragtens die bevoegdheid my verleen by artikel 2 (1) van die Wet op Geaffekteerde Organisasies, 1974 (Wet 31 van 1974), verklaar ek hierby die organisasie bekend as die UNITED DEMOCRATIC FRONT tot 'n geaffekteerde organisasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sesde dag van Oktober Eenduisend Negehonderd Ses-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

L. LE GRANGE,
Minister van die Kabinet.



Mr THAMI April of the Black Students' Society at Wits University and Mr Etienne Marais, president of the SRC at Wits, at yesterday's Press conference.

PROTEST LAUNCH BANNED

A MEETING to launch a national protest campaign was yesterday banned by Johannesburg's acting chief magistrate, Mr George Johannes Schoeman.

The meeting, to have been held at the University of the Witwatersrand, was organised by the United Democratic Front, the Congress of South African Trade Unions and the National Education Crisis Committee.

A Press conference was called soon after the ban on the meeting. Speakers from some of the organisations explained its purpose and condemned the banning.

Mr Schoeman banned the meeting in terms of Section 46 (1) of the Internal Security Act 74 of 1982.

GOVT ACTION

Govt acts against UDF

PRETORIA. — The United Democratic Front was today declared an affected organisation in an attempt by the Government to sever the Front's links with the world.

President P W Botha signed the order in terms of the Affected Organisations Act of 1974 and this was published in a special issue of the Government Gazette.



Declared an affected organisation —

foreign funds cut off

In terms of the Act the President may declare an organisation to be affected only after the Minister of Law and Order has considered the report of a special investigation committee comprising three magistrates, of which at least one must be a chief magistrate or a regional magistrate.

"Arbitrary"

Progressive Federal Party spokesman on Law and Order Mrs Helen Suzman said the Government move would have a crippling effect on the UDF.

"It adds to the other punitive measures the State has taken against this organisation through its vast powers to ban and detain office-bearers."

Mrs Suzman said she was totally opposed to such arbitrary action, which was a gross invasion of freedom of association.

If the UDF had committed any illegal action the Government had a statute book full of remedial laws it could have used.

Mr Louis Theunissen, law and order spokesman for the Conservative Party, said his party gave the declaration unqualified support.

"We have always believed the activities of the UDF and similar organisations should be

(Turn to Page 3, Col 8)

The move cuts off the UDF's foreign funding but does not affect its internal activities.

UDF national treasurer Mr Azar Cachalia said he was not yet sure what effect the declaration would have.

"The Government wishes to destroy the UDF without formally banning it. It shows the Government is in principle not opposed to the use of sanctions against its political opponents," said Mr Cachalia.

"Nobody should need any convincing that this Government is not interested in peaceful change."

"Emasculate"

The action was part of a "pattern" over the last year of "effectively trying to emasculate the UDF".

The only other organisation declared affected is the National Union of South African Students (Nusas).

Originally certain Nusas affiliates were also declared affected but they have disbanded.

The Christian Institute of South Africa was declared affected before it was banned.

The Minister of Law and Order, Mr Louis le Grange, said in a statement the Affected Organisations Act gave the President the power to declare an organisation affected only if he was convinced that such an organisation was engaged in politics or was being used for political ends in collaboration with, or under the influence of, an organisation or person outside South Africa.

History of Govt-UDF confrontation — Page 12

Today's declaration does not prevent the UDF, which claims to represent two million members in more than 600 affiliated organisations, from continuing its activities.

The Government Gazette names only the UDF and makes no mention of its affiliates.

The order makes it illegal for the UDF to receive financial aid from outside the country, whether in the form of money or anything else which can be exchanged for or used as money.

Mr le Grange did not say what foreign funding the UDF had been receiving.

Sources say the Government must be satisfied the UDF is receiving such aid before invoking the Act.

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said that in 1985 only

Bid to strangle funding from foreign sources

Govt puts claim on UDF overseas links

By David Braun, Political Correspondent

The United Democratic Front has been declared an affected organisation. It is an attempt by the Government to sever the organisation's links with the outside world.

President Botha signed the order in terms of the Affected Organisations Act of 1974. It was published in a special Government Gazette today.

The move effectively cuts off the UDF's foreign funding, but does not affect its internal activities.

Declaring the UDF an affected organisation is the latest of several actions by the Government against the organisation. In several magisterial districts in the Western Cape, publications of the UDF and many of its affiliates may not be distributed, which hamper its activities. Many meetings planned by the UDF round the country have also been banned in recent months.

The only other organisation at present declared affected is the National Union of South African Students (Nusas).

The Christian Institute of South Africa was declared affected before it was banned.

Law and Order Minister Mr Louis le Grange said in a statement this morning that the Affected Organisations Act gave the State President the power to declare an organisation to be affected only if he was convinced that an organisation was engaged in politics, or being used for political ends in collaboration with or under the influence of an organisation or person outside South Africa.

Today's declaration does not prevent the UDF — which claims to have two million members in more than 600 affiliated organisations — from continuing with its activities.

More pressure

The Government Gazette order makes it illegal for the UDF to receive any funding from outside South Africa, whether that be in the form of money or anything else which can exchanged for or used as money.

Mr le Grange did not mention in his statement what foreign funding the UDF had been receiving.

The UDF recently celebrated its third birthday, facing more Government pressure than at any other time in its short history.

Thousands of its members are in detention and most of its public activities have been curbed by the state of emergency which has been in force since June 12.

Today's declaration comes three months after Mr le Grange warned that the notion in some quarters that the UDF would never be banned was without foundation.

"The Government is quite adamant that it will apply the law, if necessary," he said at the time.

● See Page 15.

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" he said.—
d Reuter

The forester in charge at Hood Nek ... spoke
dral Peak, Mr Bill Small, said Mrs Jacqueline Schindler, 53, of Sy-
the Tseketseke River about thre
kilometres from the Cathedra

UDF curbs condemned

Conc Trials 10/10/86 327

By BARRY STREEK
Political Staff

THE government's new curbs against the United Democratic Front unleashed a storm of local and international protest yesterday.

The Leader of the Opposition, Mr Colin Eglin, said the declaration of the UDF as an affected organization receiving money from abroad "will do nothing to solve the fundamental problems of our country".

He said it was symptomatic of the deteriorating political situation in South Africa.

The British Foreign Secretary, Sir Geoffrey Howe, called on the South African Government to "find the courage to accept real change" in the country and described the action taken against the UDF "a step in the wrong direction".

Sir Geoffrey's reaction was contained in a three-pronged rebuke which also appealed to South Africa not to go ahead with the intended repatriation of 70 000 Mozambican workers in South Africa.

Britain singled out the Minister of Defence, General Magnus Malan, for "making threats which can only serve to increase tension in the region".

The Foreign Office said the British Government was still studying the "full implications and practical effect" of the move against the UDF.

"It appears inconsistent with President Botha's reported statements of his readiness to negotiate with non-violent organizations," the spokesman said.

South African government sources claimed the UDF had received vast sums of foreign money, possibly as much as R5 million on one particular day.

The sources said the major backers of UDF were the World Council of Churches, the Union of Swedish Trade Unions, the Netherlands Organization for International Development Co-

To Page 2

From Page 1

Conc Trials 10/10/86 327

operation, the Lawyers for Human Rights Under the Law in Washingtown and various European trade unions.

Yesterday's announcement, which was published in the Government Gazette, means that the UDF will not be able to get any foreign funds in the future and its accounts will have to be inspected every six months by a government-appointed inspector.

Government sources said the move did not necessarily imply that this was a first step towards banning the UDF.

The UDF's national treasurer, Mr Azar Cachalia, said: "The government wishes to destroy the UDF without formally banning it."

The visiting Liberal Party leader, Mr David Steel, said: "Legitimate political activity of blacks is being choked and suppressed."

Archbishop Desmond Tutu said: "Very sadly we have people at the helm here who are not statesmen at all. They give us the knee-jerk reaction that you expect from little men that do not respond in a way that is for the good of the country."

The government was trying to strangle the UDF, a spokesman for the Southern African Catholic Bishops' Conference said.

The action was a form of "coercive control" into which the country was drifting and reflected the hardening situation of increasing polarization, the former leader of the PFP, Dr Van Zyl Slabbert, said.

The chairman of the PFP's Unrest Monitoring and Action Committee in the Western Cape, Mr Jan van Eck, said the move was "a desperate and vindictive act by a government which is being scared at the way UDF has succeed in mobilizing opposition to the National Party government".

The Call of Islam said: "The government is way off the mark if it thinks it can destroy the UDF by cutting it off from overseas funds. They will not succeed because the strength of the front does not depend on overseas funding."

Sources close to the government indicated that yesterday's move against the UDF was not a sudden decision based on any specific recent development. It is understood to have been under consideration for some time and that the final decision was taken a few weeks ago but announced only now.

UDF to challenge Govt declaration in Supreme Court

JOHANNESBURG. — The United Democratic Front intends to challenge in the Supreme Court the Government's proclamation that it is an affected organisation.

Addressing a Press conference here, Mr Azhar Cachalia, UDF treasurer, said the Front would take legal action as soon as possible.

"This proclamation will certainly hurt the UDF, but not to such an extent that it will be crippled," he said.

"We have grave fears that the next steps to will be to ban the UDF," he said.

The British and American governments have condemned the South African Government's action. In terms of the proclamation the UDF will be barred from receiving funds from overseas.

"Infringement"

A Foreign Office spokesman in London said it was a move in the wrong direction, "inconsistent with President Botha's repeated statements of readiness to negotiate with non-violent organisations".

In Washington State Department spokesman Mr Peter Martinez said it was regrettable decision ... and "a further infringement on the political rights of peaceful opponents of apartheid in South Africa".

Concern was also expressed in London and Washington over the deterioration of relations between South Africa and Mozambique. The South African Government has said it will end recruitment of Mozambican workers because of the alleged use of that country as a sanctuary for guerrillas.

A Foreign Office spokesman said: "We very much hope that the South African Government will not take this step, which can only worsen relations between South Africa and its neighbours and add to suffering in Southern Africa."

The US spokesman said: "It is critically important at this time that the two governments avoid escalating confrontation and resume the dialogue to which they committed themselves in the Nkomati Accord."

Raised overseas

Mr Cachalia said the UDF had a budget of several million rands a year but a large portion was raised by affiliates not affected by the declaration.

Although not all UDF money was raised overseas, it was difficult to distinguish the source. He said about R100 000 was affected by the declaration.

While the UDF's 700 affiliates were not affected by the declaration, they had come to depend on central funds in recent months because the emergency had disrupted normal activities.

Most of the UDF's overseas funds came from the Nordic countries. — The Argus Correspondent, The Argus Foreign Service and Sapa.

Political situation affecting mediation

By Sheryl Raine

The current state of emergency has had widespread negative effects on industrial relations throughout the country, according to the Independent Mediation Service of SA (Imssa).

In its latest review Imssa, a non-profit organisation which arranges mediation and arbitration in labour disputes, said its own work had been directly affected as many trade union leaders were in hiding and others in detention because of the state of emergency.

"A number of mediations and arbitrations have had to be cancelled for those reasons. We have no way of knowing how many others have been frustrated by the rigid controls imposed under the state of emergency and we hope for rapid progress toward normality," the review said.

Despite these difficulties, in the first six months of the year there had been more mediations than during the whole of 1985.

Most of the 70 mediations between January and June this year concerned wages.

ARBITRATOR

Most of the 36 arbitrations conducted from October 1985 to May 1986 concerned alleged unfair dismissals. During the whole of last year there were 60 mediations and 24 arbitrations.

"The increased demand for arbitration has led to the board of trustees approving a proposal to employ a full-time arbitrator who would be available at short notice to conduct arbitrations," Imssa said.

Imssa also published details of its ballotting service.

"There are many industrial relations situations in which a ballot may be essential or useful," said Imssa. A ballot may be required in connection with recognition agreements with a union, verification of union membership, election of trade union officers, rule changes or union affiliation.

"Imssa has staff members who are specially trained to provide a neutral and independent balloting service. Before conducting a ballot we require the consent of all affected parties and agreement on the method of conducting it. Imssa staff will assist in the formulation of the ballot brief."

DD 11/1/82

(327)

SA bars union visit

LONDON — The South African Government has banned a proposed visit by a delegation from the British print workers' union, Sogat, to South Africa.

It had been invited by the Media Workers' Association of South Africa (Mwasa) and would have left tomorrow.

— DDC.

Health worker out of Transkei

By TONY WEAVER

RURAL health worker Ms Melanie Alperstein left the Transkei on Thursday night and will not be able to re-enter the territory for reasons which may not be disclosed in terms of the emergency regulations.

And Mr Peter Wakelin, acting director of the University of Transkei's Institute of Manpower and Development, made an unscheduled departure from his home in Umtata yesterday, again for reasons which may not be mentioned. He has not yet returned home.

Ms Alperstein, 33, a village health work co-ordinator for the Health Care Trust, said from Queenstown late last night she had had to pack up her belongings in one hour.

Ms Alperstein, who has worked in Transkei on and off for three years, said: "I am definitely going to appeal, so that I can return to complete my work."

No further details on Mr Wakelin's whereabouts were available late last night.

94 students in court for 'intimidation'

CP Correspondent

NINETY-FOUR Transkei University students appeared in court this week for the second time on charges under the homeland's emergency regulations.

The students' lawyer said they were charged with "threatening violence and intimidating affected persons in a bid to encourage them not to attend classes".

The Transkei emergency regulations define students as "affected persons" to whom particular provisions apply.

Their appearance is a sequel to a boycott of classes at the university, which was called to mark the first anniversary of the shooting of former Unitra SRC member Batandwa Ndondo on September 24 last year.

Brutality leading to lawlessness, Black Sash warns

JOHANNESBURG. — The Black Sash has warned against the "brutalising" effects on children of alleged torture by security forces.

A 33-page *Memorandum on the Suffering of Children in South Africa* was compiled in April this year, before the state of emergency was declared, but released only now.

An "unfortunate series of events" necessitated the delay in circulating the memorandum, the Sash said without elaborating.

BEYOND CURE

"The ill-treatment ladled out to children is a frightening symptom of a disease which may have already progressed beyond cure," the memorandum says.

Containing more than 30 statements and affidavits from children aged 12 to 18, adults and witnesses, the Sash document calls for the diciplining of the police force, no more detention of children, and the abolition of apartheid.

The Sash's conclusion says: "When security forces are granted indemnity, when whatever they do appears to receive the tacit approval of their masters, and when they themselves show so little respect for the law that they are prepared to abuse their powers to the extent that they do, their victims cannot be expected to respect the law either.

CHAOS

"Thus is an atmosphere of lawlessness created which can only lead to chaos."

The Sash based the memorandum, containing accounts of alleged torture, on statements made by children, the youngest a girl of 12.

It was not a premise of the memorandum that all the children allegedly abused and maltreated were innocent of any misdeeds.

There was no doubt that stones were thrown, arson was committed and people were subjected to the "necklace" treatment, the Sash said.

Others were "coerced with varying degrees of violence to participate in boycotts, work stoppages or to join the 'comrades'."

"Most of these deeds are perpetrated by young people, and it is one of the tragedies of this country that they are being brutalised in this fashion, and in their turn brutalising others," the Sash said.

[redacted]

Children were "intimidated, brutalised, and often scared stiff".

The cause of increased brutality was apartheid. That could not be reformed and had to be abolished.

The document said that in February this year the Minister of Law and Order, Mr Louis le Grange, said in Parliament that 2 016 children under 16 were detained. None was released into the custody of their parents.

The memorandum was signed by the Sash's past president, Mrs Joyce Harris.—Sapa.

Namibian human rights 'milestone'

Cape Times 15/10/86

From BRIAN JONES

WINDHOEK. — A "draconian" section of the Terrorism Act was axed in the Supreme Court here yesterday in a judgment described by a Namibian attorney as a milestone for human rights in Namibia.

Mr Justice Harold Levy found that Section 2 (1)(a) of the Terrorism Act, which places the onus on the accused to prove his innocence of sabotage, was in conflict with the Namibian Bill of Rights.

Article 4 of the Bill provides that "everyone charged with a offence has the right to be presumed innocent until proven guilty according to law".

The Bill of Rights is contained in the South Africa State President's Proclamation R101 of June 17, 1985, which empowers the Namibian Transitional Government.

Mr Justice Levy found that Section 2 (1)(a) of the Terrorism Act which human-rights activists have called "draconian", had been repealed by Proclamation R101.

He was giving judgment on an objection to the charge sheet by eight men charged with 187 offences under the Terrorism Act.

He said the alleged offences included acts in connection with the use of firearms, explosives, incitement to commit acts of violence, acts of violence involving the death of certain people and the destruction of property.

Mr Justice Levy ruled that the alleged offences set out in the charge sheet as having been committed after June 17 last year "are not longer offences for which the accused can be prosecuted".

He said that whether the Attorney General of Namibia intended to prosecute further appeared to be a question of policy and not of law.

He gave the State until Monday to amend the charge sheet against the eight accused.

Mr Justice Levy said the court had the power to test the Terrorism Act against the Bill of Rights despite an amendment by the SA State President to Proclamation R101.

The amendment, promulgated on September 5 this year, prevents the courts from pronouncing on the validity of South African legislation.

Mr Justice Levy said the case against the eight had already been pending when the amendments were made. They had not been asked to plead.

Mr Justice Levy's ruling that Section 2 (1)(a) of the Terrorism Act had been repealed was decribed by defence attorney Mr David Smuts as "an extremely important milestone judgment for the protection of human rights in Namibia".

The ruling overturned an earlier finding by the Windhoek Supreme Court that the Terrorism Act had not been amended by proclamation R101.

Mr Justice Levy emphasized the primacy of the proclamation over existing legislation and said it had been enacted as "a stepping stone to independence".

"The National Assembly is given wide powers which include the power to repeal acts of the Parliament of South Africa and for the first time in the legislative history of Namibia, the fundamental rights of the inhabitants are spelt out and entrenched.

"This is the existing constitution of Namibia . . . ," Mr Justice Levy said.

□ The accused were: Mr Andreas Johnny Haita, 22, Mr Salomo Paulus, 27, Mr Andreas Gideon Tongeni, 23, Mr Gabriel Mathews, 23, Mr Martin Akweenda, 23, Mr Johannes Nangolo, 33, Mr Petrus Kakede Nangombe, 33, and Mr Sagaria Shipanga Balakius Namwandi, 18.

Ban on 'Trojan horse' memorial meetings

By PETER DENNEHY and RENEE MOODIE

POLICE last night banned a church service and a street demonstration to commemorate the first anniversary today of the "Trojan Horse" incident in which three youths died in a hail of shotgun fire from security forces.

The church memorial service, which was to have been held in the AME Church in Hazendal at 7.30 tonight, and the street demonstration at the corner of St Simon's and Thornton roads in Athlone — the site where the three died, were declared unlawful.

Both meetings, regardless of the venue or time of day they were to be held, were banned by Brigadier Chris Swart, Divisional Commissioner of Police in the Western Cape, under Regulation 7 of the emergency regulations in terms of proclamation R109 of June 12, 1986.

Shaun Magmoed, 16, Michael Miranda, 11, and Jonathan Klaasen, 18, died when security forces jumped up from boxes on an unmarked railway truck which was being stoned and opened fire with shotguns into a crowd.

The UDF, Cayco, Call of Islam, Inter-Church Youth and The Ecumenical Action Movement (Team) organized the church service, while Qibla organized the demonstration.

UDF secretary Mr Ebrahim Rassool said his organization had initiated the church service, but the police ban does not name the UDF. It could not be established last night whether the UDF would still hold the meeting.

Mr Rassool condemned the bannings, which he said were a clear sign that the government did not hold religious values sacred.

Moulana Faried Esack, a spokesman for the Call of Islam, said the banning "will not obliterate the memory of the three from our minds and hearts".

I was victimised, claims herbalist

Soweto 16/10/86 327

By MANDLA NDLAZI

A HERBALIST has been forced to quit her business premises in the centre of Johannesburg after complaints from some white traders that she burnt "bones and skin" that produced a bad smell.

But the agents who control the building say she was occupying the premises "illegally".

The herbalist, Miss Iris Zondo, from Soweto, yesterday denied that it was a smell from burning bones and skin. She said it was a sweet smell from Indian incense she had burnt for luck when she moved into her premises.

Miss Zondo said she was angry that she was forced out of the premises on the ground floor at the Old Arcade in Rissik Street, between Market and

To Page 2 ☛



SOWETO herbalist, Miss Iris Zondo . . . holding a small bottle of Indian incense and a roll of lucky sticks.

Herbalist's claim

☛ From Page 1

Commissioner streets in Johannesburg.

She said she had already paid R950 to occupy the premises, but was not refunded when ordered to move out. The matter was now in the hands of her lawyers, she said.

Miss Zondo said she had moved into the premises on October 4 after having signed an agreement with Mrs Y Jordaan, who holds the right of tenancy and had paid her R950 to occupy the place.

Later, she said, Mrs Jordaan told her to move out.

A spokesman of the agents who administer the building said Mrs Jordaan did not have the right to sub-let the premises without the agents' approval.

"I feel sorry for the black woman because she has been prejudiced but I deny that she was moved out because of race," said the spokesman.

Stringent restrictions on activist's funeral

By MZIWAKHE HLANGANI

QUEENSTOWN'S Chief Magistrate, Mr A C van Heerden, today ordered stringent restrictions on the funeral service of an ex-Robben Island prisoner and executive member of the Queenstown Detainees Parents Support Committee.

Mr Mbuyisile Songelwa, 29, a school teacher and prominent Queenstown community leader died in detention after an asthma attack.

The restriction order was issued in terms of Section 46 (1) Act 74 of the Internal Security Act. The funeral was scheduled to be held on Saturday at Mlungisi township.

Mr Van Heerden ordered that the funeral service take place indoors and that only an ordained priest and one close relative of the deceased could deliver an address.

The service may not take the form of a political gathering and no flags, placards, T-shirts, badges, posters, photos or banners of any organisation, movement or person may be displayed. No pamphlets may be distributed during or after the funeral service and no no loudhailer equipment or megaphone may be used during or after the proceedings.

The order also forbids mourners from following the procession from the church to the cemetery and there may be no procession preceding the funeral procession or forming a guard of honour for the hearse.

Persons attending the service may only be conveyed to and from the cemetery in mechanically driven vehicles and via the shortest route.

Mr Songelwa, who was also chairman of the Queenstown Residents Civic Association and a United Democratic Front activist, died on October 5.

ARGUS 17/10/84 (327)

Armed men raid refugee organisation in Swaziland

Argus Africa News Service

MBABANE. — White men firing automatic weapons beat off security guards and fled with documents from the offices of a refugee organisation in the centre of Manzini, Swaziland's second biggest town.

The 10 men escaped in two cars, some firing at a pursuing security vehicle, security guards said.

Assistant Police Commissioner Mnguni Simelane confirmed that the offices were broken into early yesterday but gave no details.

The director of the Ephesus House organisation, Mr F Neilsen, confirmed today the offices had been broken into, and in the same way as in a previous raid in August. Only files containing the names of refugee students had been taken.

Scholarships

Mr Neilsen said he believed the raid was carried out by members of the South African Police.

"It's the South African Police, no doubt about it," he said. "They want to close Ephesus House down."

Ephesus House is a Scandinavian-financed organisation set up to allocate scholarships to South African refugees.

The alarm was given just after midnight and the incident lasted until about 1am. No injuries were reported.

High speed

A guard, Mr Amos Wilmot Zwane, said that as he drove up in his patrol car he saw several white men carrying bundles of files running towards two cars, firing automatic weapons as they ran.

The two cars, each carrying five men, drove off at high speed through Manzini, headed towards Mbabane.

Mr Neilsen said the raiders had taken more up-to-date material than had been taken in the August raid.

This time they had taken all the files, which related to about 800 people, about half of whom were South Africans and half Swazis.

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DD 18/10/86

Songelwa funeral: restriction lifted

Dispatch Reporter

EAST LONDON — One of the restrictions on today's funeral of a Detainees' Parents Support Committee member who died in detention, Mr Mbuyiselo Songelwa, has been dropped.

Mr Songelwa, a teacher, died in prison of respiratory complications on October 5 while awaiting trial in East London.

The chief magistrate of Queenstown, Mr A. C. van Heerden, said yesterday he had withdrawn a clause that funeral-goers at Mlungisi should travel in mechanically driven vehicles. They were free to walk if they wished, he said.

Other restrictions remained. These were: that the number of speakers be limited, that the service should not take the form of a political meeting and that no flags, photos, banners, T-shirts and badges of any organisation, movement or person be displayed during and after the funeral service.

According to the Songelwa family's lawyer, it had been pointed out that the family could not afford to hire enough vehicles for all the mourners.

Mr Songelwa was a former Robben Island prisoner and a United Democratic Front activist.

Let UDF cash flow again, pleads Europe

w/E ARGUS 18/10/86

(~~344~~) 327

From MICHAEL MORRIS
Weekend Argus
Foreign Service

LONDON. — The 12 nations of the European Community have deplored Pretoria's decision to declare the United Democratic Front an affected organisation, freezing the Front's funds from overseas, and has urged the Government to reverse the decision.

The EC statement comes as its Africa working group, meeting here, sought options for future international action on Southern African issues.

"This retrograde step against a leading non-violent group is contrary to the goal of genuine national dialogue for which the Twelve have consistently called.

"The Twelve reiterate that it is essential that freely chosen representatives of the black population should be in a position to take part in peaceful activity if a negotiated solution is to be achieved in South Africa.

"The Twelve urge the South African Government to withdraw without delay their decision to declare the UDF an affected organisation."

"Serious concern"

The EC has also expressed "serious concern" at Pretoria's intention to "deliberately stop the employment of Mozambican workers in South Africa and at reports that South Africa might be contemplating military action against Mozambique.

The statement strongly urges the South African Government to "show full respect for the sovereignty, independence and territorial integrity of their neighbours and to do nothing to worsen relations with those neighbours or add to suffering in Southern Africa".

"They draw attention to the existence of machinery for consultations between South Africa and Mozambique under the Nkomati Accord which provides a means for resolving differences between them."

It is clear that one of the EC's chief concerns is the agenda for the next meeting of foreign ministers, early next month. Events in Southern Africa may force the community to concede that the measures agreed in Brussels only a month ago were not effective enough to persuade Pretoria to change.

Sapa

SAP accused of raid in Manzini

MBABANE. — A raid yesterday on the Manzini offices of a Scandinavian organization dealing mainly with South African refugees in Swaziland was the work of Pretoria's security police, the agency's spokesman said.

However, in Pretoria a South African Police spokesman said the police "deny any knowledge of such a raid".

The director of the Ephesus House organization, Mr F Nielsen, told reporters yesterday: "I have no doubt the raid was the work of South African Police. They took away files and details of about 800 students, most of them South Africans." — Sapa-Reuter-AP

oms empty three weeks

education crisis in Port Elizabeth are

Cape Times 18/10/85

Police brooketh no ANC booklet

By ANDREW DONALDSON

AND IT came to pass that an Oudtshoorn Anglican minister was stopped at a roadblock outside Bongolethu township with a booklet concerning the banned African National Congress on his person.

And the booklet was duly confiscated.

But this perplexed and confused the Rev Archibald Wele Masongo, for the booklet was Deputy Minister of Information Mr Louis Nel's "Talking with the ANC ...". Speaking to the Cape Times this week, Mr Masongo said the incident occurred in late July or August.

"I had driven into town to get my mail and I found it in my postal box. I don't know why it was addressed to me. I certainly didn't order it.

"At the roadblock, my car was searched and when they found the booklet there was quite an argument. 'Where was it from?', 'Why did I have it?' and so on. I told them to take their telephone and ask Mr Nel why I had it."

Mr Masongo said he was also questioned about a diary sent to him by the Southern Cross Fund — the SADF welfare organization — which contained photographs of President P W Botha and other cabinet ministers.

"This I could not understand at all," he said.

The booklet — published by the Department of Information — was confiscated before Mr Masongo was allowed to continue on his way.

But a week later Mr Masongo was stopped at the same roadblock and the booklet was returned to him.

Approached for comment, a Bureau for Information spokesman said the bureau did not comment on security force movements or actions.

"Any individual is, of course, free to file charges should he be of the impression that he had been harassed by security forces."

CTPA call for lifting of emergency

PORT ELIZABETH. — Members of the Cape Teachers' Professional Association called on the government at the weekend to lift the state of emergency and release all detainees.

The call was made through the association's deputy president, Mr Randall van den Heever, at the annual regional conference here.

The CTPA was especially concerned, he said, about "the hundreds of teachers, pupils and community leaders in detention, and asks for the immediate release of these detainees".

Mr Van den Heever referred to the "disturbing deterioration" in the situation at black schools.

He said he wanted to make a friendly call to the Ministers' Council in the House of Representatives to honour the CTPA's right to make independent decisions and recognize the CTPA's status as the "most legitimate" representative of the organized teachers' profession. — Sapa

CAPE TIMES 21/10/86

Ban on shipping info at all ports

Own Correspondent

PORT ELIZABETH. — The restriction on information regarding shipping movements, recently imposed by the Durban port authorities, has been extended to include all South African ports.

This was revealed yesterday by Port Elizabeth's port captain, Captain Ian Harvey, who said the measure had been effective locally since Wednesday.

The move, ordered by the general manager of SATS, Dr Bart Grove, at all ports in the Walvis Bay-Richards Bay range, was designed to counter the sanctions campaign, he said.

Capt Harvey said freight agents would not be affected because they could obtain necessary information directly from shipping lines "and those that need to know will know".

'Affected': An old weapon strikes the UDF

In the week that the UDF launches a national campaign against apartheid, the government digs up a regulation not used since the Seventies. PATRICK LAURENCE reports

THE United Democratic Front faces yet another crisis in its short but dynamic life of barely three years.

It has been cut off from foreign funds by the government's decision to declare it an "affected organisation".

The UDF is the first organisation to be branded "affected" since the mid-1970s, when first the National Union of South African Students and then the Christian Institute were given the status of an "affected organisation".

The Affected Organisations Act was put on the statute book during the final months of the Schlebusch Commission of Inquiry into Certain Organisations.

If, as some observers thought at the time, the Schlebusch inquiry evoked memories of the zealous "patriotism" and hysterical anti-communism of the McCarthy era in the United States, then the Affected Organisations Act was seen as a law designed to curb the political activities of organisations deemed to be "un-South African".

The law's main purpose is to deprive organisations of foreign cash if, in the opinion of the President, they engage in political activities in co-operation with or under the influence of foreign persons or organisations.

The UDF's dependence on foreign funds was admitted by its treasurer, Azhar Cachalia, at a news conference. More than 50 percent of the UDF's money came from abroad, most of it from the Nordic countries, he told dozens of journalists.

Cachalia charged that the UDF's dependence on foreign funds was caused by official harassment ranging from the banning of its meetings to the detention of its leaders and members.

He admitted the latest move would hurt the UDF but predicted the UDF would soldier on towards its aim of a non-racial state in a united South Africa.

Stigmatisation of the UDF, largest of the government's extra-institutional political foes, as "affected" is seen as an attempt to tip the balance in favour of "moderate" blacks — or, as a UDF pamphlet put it, "to create space for puppet and illegitimate leaders".

Last week's move against the UDF, however, was but the latest in a series of blows aimed at the movement.

Its office holders and members, and those of its more than 600 affiliated organisations, have been hardest hit by detentions under the four-month-old State of Emergency.

Cachalia estimated that between 70 and 80 percent of detainees are members of the UDF or its affiliates. His estimate is endorsed by the Detainees Parents' Support Committee.

Scores of Emergency detainees, most of them UDF activists, have been released but immediately placed under restriction orders curbing their movements and barring them from political activity for the duration of the State of Emergency.

The Minister of Law and Order, Louis le Grange, has hinted that a ban on the UDF *per se* cannot be excluded. But as a top UDF official noted, a ban might trigger underground convergence of the UDF with the African National Congress, a move which might compound rather than resolve the problems for the government.

Planned UDF meetings have been banned systematically. At one stage it was an offence to wear UDF T-shirts in certain areas.

The imposition of restraints on the UDF has coincided with favoured treatment for black movements deemed to be "moderate", of which Chief Mangosuthu Buthelezi's Inkatha movement is the most notable.

It is hardly coincidental that the latest move against the UDF came in the wake of the start of another UDF initiative: the national united action campaign against apartheid, launched a fortnight ago in conjunction with two UDF allies, the National Education Crisis Committee and the Congress of South African Trade Unions.

Again, perhaps not accidentally, these developments came in the same week as the launch of the thoroughly co-optable black-led United Christian Conciliation Party, headed by Bishop Isaac Mokoena, a staunch critic of Arehbishop Desmond Tutu, and Tamasanqa Linda, a former mayor of the Port Elizabeth township of Ibhayi.

The government's strategy of trying to tilt the balance of power in the black community toward "moderates" is linked to its objective of forging a deal which will enable it to "share power without losing it".

So far, however, no black leaders of stature have come forward to negotiate.

But the government clearly believes that if it can hold the line strongly and long enough, black leaders, realising the futility of trying to overthrow white rule, will abandon the quest for one-man, one-vote in a unitary state and, consequently, be ready to negotiate a compromise deal.

Gerrit Viljoen, Minister of Education and Training and Development and one of the contenders to succeed President PW Botha, recently neatly encapsulated government thinking.

Warning against "over-heated, inflated and unrealistic expectations", he said: "The whites are not on the point of capitulating. (They) have the will and power to maintain internal security and law and order while proceeding with essential, acceptable reform through negotiation."

Jailed unionist rushed to doctor from Paarl court

Labour Reporter

TRADE unionist Ms Lizzie Phike was rushed to a doctor yesterday morning, immediately after leaving Paarl Magistrate's Court where she was fined R100 for interfering with a policeman in the course of his duties.

Ms Phike, who was described by eyewitnesses as "looking very ill" , had been in jail for a month, and according to evidence at a previous hearing, was interrogated by security police during her imprisonment.

Ms Phike, an organizer for the Food and Allied Workers' Union, pleaded guilty and handed a written statement to the court.

According to the statement, she went to the Paarl police station on May Day when she heard that 20 children, including her adopted 14-year-old daughter, had been detained for throwing stones.

While she was in the charge office, she objected to two policemen pushing the children out of their way.

"I then directed my conversation at the (police) captain and asked him to put himself in our shoes.

"I was speaking loudly and he approached me threateningly and asked me to leave the charge office.

"I shouted: 'I wish God would come down and release us on this Earth'.

"The captain then grabbed me and called other people. Together they pushed me into a cell."

The magistrate found her guilty, but said the incident was not a "usual case" of a policeman being assaulted. She was fined R100 (or 90 days). Well-wishers paid the fine.

The magistrate was Mr G B van Biljon. The prosecutor was Ms C Visser and Ms Phike was represented by Mr Michael Donen, instructed by Mr Ramesh Vassen.

All agree: emergency has curbed violence

Arik Bachar :: Johannesburg

The state of emergency has brought a sharp decline in anti-apartheid agitation after two years of black rebellion, according to the government, its black opponents and independent analysts.

Widespread violence that claimed more than 2 200 lives between February 1984 and the imposition of emergency rule on June 12 had been largely checked, they said.

But they also agreed that the question remained how long the apparent lull would last.

About 320 people have died in politically-motivated incidents in the first four months of the tough crackdown, during which about 20 000 people have been detained, according to the government and civil rights groups.

The Bureau for Information, sole official source of news on unrest since the emergency, said the number of people killed by security force action declined by 64 per cent compared with the first five months.

It reported a 90 per cent drop in deaths resulting from township violence, a major aspect of the revolt that was sparked by black majority demands for political power and better living standards.

The bureau said the September unrest death toll was 28, compared with 161 in June.

Township residents around the country say that scenes of burning cars, exploding petrol bombs and crowds of protesters clashing with security forces, common before the emergency, are now far fewer.

Professor Robert Schrire, senior political scientist at the University of Cape Town, said: "The emergency has been very effective."

But a lull could have followed the prolonged period of violence even without the emergency. "A group of urban blacks have not got the capacity to sustain the revolt."

Pretoria faced the prospect of chronic township violence every few years unless it sought a political settlement acceptable to most blacks.

The bureau also said the revolutionary climate had not abated entirely and in some areas was still intense.

Its latest review added: "We do not regard the data of the past couple of months as comprehensive enough to enable justifiable projections."

Black activists, many of them detained under the emergency, have said Mr P. W. Botha would have to go much further towards full power sharing if he wanted to end strife.

Officials of the United Democratic Front say that while violence has declined in the townships, political awareness is fast growing among residents, many of them hitherto more concerned with improving living conditions than demanding voting power.

They say the decline in agitation was largely due to the detention of middle-rank activists who had established "people's" township administrations, in some cases effectively replacing official systems.

Prof Schrire said that in the longer term, the government would have to decide whether it was serious about reaching an accommodation with the majority of South Africans.

"If not, it will have to tighten the security system, with less emphasis on negotiations and more on law and order." — Sapa-RNS

FMail 24/10/86

STATE OF EMERGENCY

Mounting toll 327

Three security force members were among the eight casualties of political violence announced by the Bureau for Information this week. This took the official death toll to 313 since the emergency was declared on June 12.

In KwaNobuhle, Uitenhage, one shot was fired at municipal police engaged in "escort duty." Constable Z Museli (18) was hit in the chest and later died in hospital.

The body of Constable Johnson Ngokwene, a member of the Transport Branch of the SA Police, was found in a shallow grave near Motherwell, Port Elizabeth. Ngokwene was abducted on October 11.

Detectives in New Brighton found a bundle of charred human bones believed to be those of one of two other policemen kidnapped by "comrades" earlier this month. The two policemen were apparently lured into a trap, in a shebeen, by some women.

There were a number of other attacks on security force members during the week. These, among others, included the bombing of the private home of a force member in Soweto, and a shooting in Tantyi, Grahamstown. Six people were subsequently arrested and two firearms found. In Zwide, petrol bombs were hurled at security force vehicles in four separate incidents in one day. Security forces reportedly retaliated in one of these attacks, which resulted in a man being killed.

A most brutal murder was the killing of political activist Masabata Loate on Friday night. A group of about 20 men attacked and stabbed her to death near her home in Orlando West, Soweto. No arrests have been made.

Loate, one of the best-known student activists during the Soweto 1976 upheavals, was recently released from prison after a five-year sentence in terms of security legislation. She was, reportedly, strongly against "necklacing" and other such actions.

A number of bomb attacks were reported. Early on Monday morning, a limpet mine partially exploded in the yard of the Lamontville police station in Durban. No damage was caused. On the same night, the town of Volksrust was hit by two explosions also believed to have been caused by limpet mines. The first explosion occurred behind the B K B building, causing slight damage to windows and water pipes. The explosive device was apparently hidden in a rubbish tip behind the building. The second explosion, which caused extensive damage, was on the corner of Vrede and Louis Trichardt streets. No one was injured in any of the explosions.

The house of a councillor in Soweto was attacked last Wednesday. Two handgrenades were thrown, but exploded outside the house without causing any damage. A petrol bomb was hurled at a private home in Bonteheuwel injuring six people, and another was thrown at a private home in Zwellentemba near Worcester.

Incidents of "unrest" continue at schools. in Tembisa and Katlehong, schools were set alight, and in Sebokeng desks and books were burnt.

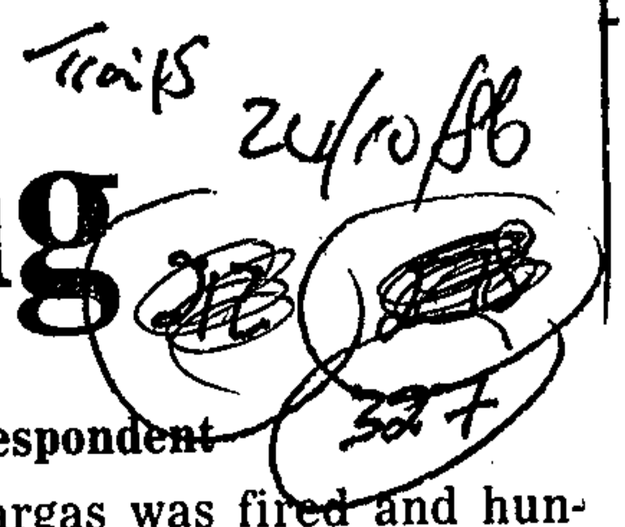
A spokesman for the Department of Education and Training (DET) said there was nothing unusual about these incidents and that they "often occurred at this time of the year." In areas where some students have neglected their school work as a result of their involvement in other activities, they attempt by such methods to justify calls for exemption from, or postponement of, end of the year examinations, the spokesman explained.

With matric examinations due to begin next week, a threatened exam boycott looms in the Transvaal and eastern Cape. The DET hopes that the boycott will not spread to other regions.

The DET liaison officer Peter Mundell confirmed that not a single pupil from Standard three to matric had attended school in Port Elizabeth for the past three weeks. Twenty of the 33 schools closed by the department last month are in the eastern Cape, but none of them is in Port Elizabeth. Mundell announced that unless attendance resumed, the department would have no option but to close all the P E schools as well. ■

Gas, batons after Machel meeting

Charg Trials 24/10/86



Own Correspondent

JOHANNESBURG. — Teargas was fired and hundreds of students were baton-charged yesterday at the University of the Witwatersrand after a memorial meeting honouring Mozambique's President Samora Machel.

The meeting, held in the Great Hall, was addressed by UDF president Mrs Albertina Sisulu, Mr Aubrey Mokoena of the Release Mandela Campaign and the Rev Frank Chikane of the UDF.

After the meeting, students singing freedom songs marched towards the entrance of Wits, but were confronted by police who ordered them to disperse.

Professor Mervyn Shear, deputy vice-chancellor in charge of Student Affairs, tried in vain to mediate between students and the police before the baton charge.

At the lunch-time meeting, Mrs Sisulu said the death of Mr Machel was not only a tragic event but a "setback for the struggle".

"We did not see Samora as a foreign leader, or head of an African state, but one of our own commandos in our struggle against racism and exploitation," she said.

Mr Chikane said Mr Machel had died under "mysterious and controversial" circumstances.

He said blacks were "getting impatient" for change and called on South Africans and Mozambicans to resist the "aggression from Pretoria".

APARTHEID BAROMETER

DETENTIONS

Today is the 135th day of the current State of Emergency. The Minister of Law and Order, Louis le Grange, has refused to release the number or names of all those detained under the Emergency regulations. According to the Detainees Parents' Support Committee (DPSC) at least 23 000 people had been detained by the end of September this year, including about 20 000 under the current Emergency regulations.

RESTRICTION ORDERS

According to DPSC representative, Dr Max Coleman, the number of people to have been issued with restriction orders under the Emergency regulations is "well into the hundreds".

"It is impossible to keep track of the numbers, because the new restrictions — which are basically another form of banning — are not required to be gazetted," he said.

Among those known to have been issued with restriction orders on their release from detention under the Emergency regulations are the following:

Elizabeth Nana Abrahams, Elijah Barayi, Elizabeth Erasmus, Dr Wolfram Kistner, Gert Koenana, Rev LP Kolisang, Rae Lazarus, Mike Loewe, Alex Mahlatjie, Stanley Mathatha, Llewellyn McMaster, Samela Menene, Joe Monchosi, Maxwell Moss, Dali Mpofu, Claire Wright, Busiswe Mabuza, Father S S Masopha, the Right Rev MS Ndwandwe, Sandile Nongxa, Dr Rashid Saloojee, Joyce Sedibe, John Smith, Jerry Thibedi, Petrus Tom, Dudley van Heerden, Father G van den Sompel, Rev Abe Visagie, Bridget Hilton-Barber, Roelien Theron, Sandra Stewart, André Roux and Philip Wilkinson.

The orders include restrictions on the released detainees working in their regular careers, being involved in the activites of various political organisations, attending political meetings and travelling outside of their magisterial districts.

GUERRILLA ATTACKS

South Africa had experienced an unbelievable escalation in "terrorism" in the last 14 years, with the number of incidents of "international significance" rising from 300 a year in 1971 to 3 000 a year in 1985, the Deputy Commissioner of the South African Police, Lieutenant General L P Neethling, said last week.

He said that in the last two years the security forces had recovered weapons worth about R750 000 in arms caches.

EMIGRATION/IMMIGRATION

In the first eight months of this year South Africa's official migration statistics showed a net loss of 4 935 people, compared to a net gain of 5 622 in the same period last year.

According to figures released by the Central Statistical Services 9 743 people emigrated between January and August 1986 — an average of 1 218 per month. A total of 4 808 people immigrated during this period — an average of 601 per month. In the same period last year 7 649 people emigrated (an average of 956 per month) and 13 271 people immigrated (1 659 per month).

In August this year 1 260 people emigrated and 463 immigrated — a net loss of 797. In the same period last year there was a net loss of 332 people.

AMNESTY INTERNATIONAL

According to the international human rights organisation, Amnesty International, there is widespread torture and abuse of political detainees in South Africa.

Their annual report said that several detainees had died while in custody in South Africa and the security forces had murdered several prominent opposition figures and that others had been abducted during the last State of Emergency.

The report also expresses concern about the death penalty in South Africa and mentions that 137 people were hanged at Pretoria Central prison last year. It also states that 90 000 people were jailed under South Africa's pass laws last year.

PRISONER OF CONSCIENCE

PHILA NKAYI, 32, South African Allied Workers' Union (Saawu) Grahamstown organiser and Grahamstown Civic Association (Graca) executive member, was detained under the Emergency regulations on June 12 this year and is still being held.

Nkayi first became politically involved as a high school student in the early Seventies. In 1977 he was convicted for African National Congress activities and sentenced to Robben Island for five years. He was released in 1982 and the following year he played a central role in the formation of Graca and was later elected organiser. He played a central role in the formation of the UDF in the Eastern Cape and has represented Graca on the UDF Regional General Council and the UDF Grahamstown Area Committee. He also helped found the Grahamstown Youth Congress.

In 1984 Nkayi was appointed Saawu Grahamstown organiser and has worked as a trade unionist ever since.

This is his fifth period of detention. Last year he was detained and then held in police custody for allegedly kidnapping a police informer. Charges were later withdrawn. In all he has spent nearly seven years in jail, detention and police custody for his political activities.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

Famous Dead Man — poster (Not stated); Les Dentelles de L'Automne (Chris Nikolson); Starlust The Secret Life of Fans (Fred and July Vermorel).

Unbanned:

More of the Official Doctor's Joke Book (Larry Wilde); UB 40 Rat in the Kitchen — casette (UB 40); The Unquestionable Right to be Free (Skotaville Publishers, Johannesburg).



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a his bedroom window, killing his wife issue, the comm
has and seriously injuring him. At the In conversation
ant night vigil, police hurled teargas frequently inte
ke cannisters at the mourners and comments about
rounded up several known militants stated reform pro
d "I suspect the police played a role in of reform," said M
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y because I was mobilising the apartheid alive."
community against the removal And so Oukasie
threat." forms of expression -
Since then, the State of Emergency, Throughout the
now more than four months old, has township, vacant lots
made activists like Modimoeng into makeshift "peo
extremely vulnerable to police painted junk which

USES VANISH, BUT THE HEDGE

'All we got were 50 nails to reasemble our homes'. JO-ANN BEKKER reports on Despatch, a township razed to the ground

site last week.

"All we got were reassemble our homes."

A representative of delegation said the group and interviewed residents All told the same

In keeping with the government's omise that no more forced removals ll take place, the authorities

Prisons won't let Mpetha bury his wife

327

Cape Times 25/10/86

JAILED trade unionist Oscar Mpetha, 76, has been refused permission to attend the funeral next weekend of his wife, Roselyn, who died on October 18.

The funeral is to be in Cape Town.

His son, Mr Oscar Mpetha Jun, said yesterday that the family had applied to the prisons authorities for permission for Mr Mpetha to be released from Pollsmoor Prison to attend the funeral but this had been refused.

A spokesman for the prisons department said yesterday: "For obvious reasons it is the policy of the South African prisons services not to allow prisoners to attend the funerals of relatives and friends. Mr Mpetha is therefore no exception."

● **ANTHONY JOHNSON** reports that the PFP last night condemned "in the strongest possible terms" the government's "inhuman and petty" decision.

A PFP spokesman on prisons, Mr Tian van der Merwe, said that if the government had any compassion it would not only allow Mr Mpetha to attend the funeral but would release him from prison.

Mr Van der Merwe said the ailing UDF leader — who is a diabetic and had one leg amputated in 1983 — had already been in jail for over a year and had suffered the trauma of his trial and appeal for a period of more than five years.

Courts believed he should not be jailed

Although he was serving a five-year sentence under the Terrorism Act, the courts had consistently suggested that he should not serve a prison term.

"When the Supreme Court in Cape Town imposed the statutory minimum sentence the judge made it clear he would have suspended the sentence in view of Mr Mpetha's failing health if he was allowed to do so."

When leave to appeal was granted, Mr Mpetha was let out on bail of R1. Later the Appellate Division similarly indicated that it would have suspended the sentence if it was possible in law, he said.

"In spite of all this, the Minister of Justice, Mr Kobie Coetsee, did not recommend the remission of sentence." But he did apparently indicate that early parole could be considered later.

"Surely the time has now arrived for Mr Mpetha's release. He should be allowed to attend his wife's funeral and live the rest of his days in peace," Mr Van der Merwe said.

Star Times 25/10/85

Banning of Machel service condemned

Political Correspondent

THE Azanian Student Movement (Azasm) has condemned the banning of a memorial service for President Samora Machel which was due to be held at a Guguletu church last night.

"The banning of the memorial service to pay tribute to Samora Machel makes it difficult to believe that the South African Government is aggrieved by his death," the vice-president of Azasm, Mr Monde Ntwasa, said in a statement last night.

He said 10 000 pamphlets advertising the meeting were confiscated on Thursday night by individuals — "some dressed as Muslims" — who may not be identified in terms of the emergency regulations.

'Our struggle'

"We wish to make it clear that "Samora Machel died fighting our struggle as South Africa was and still is a major enemy to the people of Mozambique," he said.

"His struggle against South Africa as an imperialist proxy is our struggle and we have a duty to pay tribute to him," he said.

The service, which was organized by the Azanian Peoples Organization and Azasm, was to have been held at the Bantu Presbyterian Church in NY 2, Guguletu.

NATIONAL/INTERNATIONAL

'Fate of 20 000 at stake' as Red Cross meets Govt

The Argus Correspondent

PRETORIA. — The fate of 20 000 Mozambican refugees and 300 Southern African "sentenced" prisoners is likely to be high on the agenda of "urgent talks" between the South African delegation of the International Committee of the Red Cross and government officials today, a ICRC spokesman confirmed.

The spokesman said: "More than that I cannot say. We regard the talks as highly confidential and of an extemely delicate nature."

The prisoners include South African Defence Force officer Captain Wynand du Toit, who has been in custody in Luanda since his capture by Angolan forces in May last year and on whose behalf the ICRC has since been negotiating.

The spokesman confirmed that the Government had agreed to today's meeting after the weekend announcement by the Minister of Foreign Affairs, Mr Pik Botha, that the 24-strong Southern African delegation of the ICRC had been ordered to leave South Africa within "an unspecified period".

The banning was a response to the suspension in Geneva of the South African Government delegation to the ICRC's 25th international conference.

Unique

The spokesman said no deadline had been set for the ICRC delegation's expulsion. "This could also be discussed at today's talks," he said.

In response to South Africa's expulsion from the Geneva conference, Mr Botha said: "The International Red Cross movement claims a unique position in the world, based on fundamental principles of humanity, impartiality, neutrality, independence, voluntary service, unity and universality. South Africa's suspension is in violation of these principles.

"The South African Government will now have to consider whether the movement can still play a useful role in this country."

The ICRC says it fears the expulsion of its representatives from South Africa will have "serious consequences" for the people it helps here, including 20 000 Mozambican refugees.

But it took a strong stand against the decision to suspend South Africa, saying the move was "against the rules and procedures of the conference".

ICRC president Mr Alexandré Hay said any state which was party to the Geneva Convention — as South Africa is — was by right a member of the conference. "Therefore the exclusion of the delegation of a member state runs contrary to the statutes as they stand."

The International Conference of the Red Cross is the supreme body of the Red Cross movement and is composed of the 165 states party to the Geneva Convention, 144 national Red Cross and Red Crescent societies, the League of Red Cross and Red Crescent Societies and the ICRC which, like other parties, has a single vote.

In South Africa, ICRC representatives visit prisoners, including about 300 sentenced prisoners, and give aid to the destitute, among them the Mozambican refugees. They also assist the national Red Cross Society.

Mgas 7-7/10/86

Free Oscar Mpetha, says union

Labour Reporter

THE 62 000-member Food and Allied Workers' Union (Fawu) has demanded the unconditional release of jailed unionist Oscar Mpetha.

Prison authorities have refused 77-year-old Mr Mpetha permission to attend his wife's funeral next Saturday.

In a statement today the union said it mourned the death of Mrs Rose Mpetha, and was outraged that she died separated from her husband who, in spite of old age and ill health, was still imprisoned.

"We demand that the authorities allow Oscar Mpetha to attend his wife's funeral. However, this in itself is not enough. He must be released.

"Oscar was at one time general secretary of Food and Canning Workers' Union and at the time of his arrest was a national organiser."

UDF detainee claims police intimidation

By CLARE HARPER

FORMER emergency detainee Mr Clement Sheldon has alleged that the security police are trying to "intimidate" him into working for them.

Mr Sheldon, a 25-year-old SATS employee, said he was taken from his home to Woodstock police station by two security policemen. He said they told him "we know you have financial problems" and offered him R200 if he would work for them.

"They mentioned they had 'skollies' working with them, and I am afraid they will organize these 'skollies' to attack me — but I will not be intimidated," he said.

A police spokesman in Pretoria told the Cape Times: "It is a completely legitimate procedure for the SAP to cultivate informers.

"For this reason we are not prepared to even inquire whether the allegations are true or not. If, however, anyone is of the opinion that there is legal cause for complaint, an affidavit can be filed for investigation."

Mr Sheldon, a father of two young children and a United Democratic Front activist, was detained under the emergency regulations in Port Elizabeth on June 19 and released 58 days later. He lives in Mitchells Plain but travels by train to Port Elizabeth and Johannesburg for his work.

UDF Machel rally prevented

By ANDRE KOOPMAN

MORE THAN 150 people arrived at the Hanover Park Civic Centre on Sunday for a United Democratic Front rally to commemorate the death of President Samora Machel, despite a ban imposed on Saturday.

From about 2pm, people were prevented from entering the hall by a group of about 20 men, who may not be identified in terms of the emergency regulations.

The Bureau for Information confirmed to an afternoon newspaper that these men were, in fact, policemen.

But the bureau's director, Mr Leon Mellet, said in a reply to a telex from the Cape Times: "What do you mean by men who may not be identified? You are obviously referring to the security forces."

He suggested that the Cape Times consult its lawyers on the matter.

A notice was taped to the doors of the hall banning the meeting. Any other meeting of the UDF, or of any of its affiliates at any other place, was also banned on Sunday.

But a group of youths gathered about 100 metres from the hall chanting freedom slogans and singing freedom songs.

There was a warning to them to disperse from a quarter which must remain unidentifiable.

A number of teargas canisters were then fired at the chanting youths and a group of about 15 sjambok-wielding men ran at the youths after they had refused to disperse.

Mr Essa Moosa, an attorney for the UDF, said the front would have contested the banning in court had it been issued earlier.

He said none of the UDF leaders had been informed of the ban.

Another memorial service has been organized by the Western Province Council of Churches, and will be held at the Church of the Resurrection, in David Prophet Street, Bonteheuwel, at 7.30 tonight.

ARGUS 28/10/86 327

All-out bid by Red Cross to stay in SA

The Argus Correspondent

PRETORIA. — The International Committee of the Red Cross would do all it could to have its South African mission continue with its vital work, the acting-head of the mission, Mr Angelo Gnaedinger, has said.

The mission's future is uncertain as a result of an announcement by the Government on Sunday that it intends expelling the ICRC's representatives here.

This move follows a decision at the international conference of the Red Cross in Geneva to oust the South African Government delegation from its ranks.

Opposed to decision

Vital talks between local ICRC representatives and the Department of Foreign Affairs failed to materialise yesterday and have now been rescheduled for today or tomorrow.

Meanwhile, all operations of the ICRC in Southern Africa have been suspended at the request of the department.

Mr Gnaedinger said the ICRC was completely opposed to the decision at the Geneva conference.

Opposition leader Mr Colin Eglin said the rift between the International Red Cross and the Government was "a matter of great sadness".

It was a situation that "produces no winners — only losers" and was further "dramatic" evidence of South Africa's increasing isolation.

The decision by the Geneva conference not to give South African representatives a platform was "deplorable" and the South African Government's reaction was "an emotional knee-jerk reaction rather than a considered act of statesmanship."



Mr Eglin

"I believe sensible people on both sides must do what they can to heal the breach so that important humanitarian work does not suffer," Mr Eglin said.

The Minister of Foreign Affairs, Mr Pik Botha, has said the International Red Cross had jeopardised its own position and function in South Africa by suspending South African representatives from the Geneva conference.

Mr Botha said the IRC had acted unconstitutionally.

SERVICE CANCELLED

A MEMORIAL service organised by the Congress of SA Trade Unions in honour of President Samora Machel was cancelled at the 11th hour yesterday.

Police yesterday maintained a strong presence around Cosatu offices, the venue for the memorial service.

A Cosatu spokesman said the federation was served with a notice signed by the Chief Magistrate of Johannesburg, banning the service to commemorate the death of the Mozambican leader.

Meanwhile Cosatu was represented at yesterday's funeral in Maputo by general secretary Mr Jay Naidoo and executive member Mr James Motlatsi.

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Teargas after Muslim unity call meeting



Picture: STEVE MORTON

Some of the 1 000-strong crowd who attended the Call of Islam rally in Athlone last night to condemn the recent Ned Geref Kerk resolution that Islam is a "false religion".

Staff Reporter

ABOUT 1 000 people leaving last night's meeting, at which Dr Allan Boesak and Moulana Farid Essack, national co-ordinator of the Call of Islam appealed to Muslims and Christians fighting against oppression not to allow their unity to be broken by the Ned Geref Kerk, were dispersed with teargas.

A Bureau for Information spokesman said about 400 people gathered outside the Hanover Park civic centre and that when the police arrived, they were asked to disperse.

Stones were thrown, and teargas was used to disperse the crowd. One policeman was slightly injured in the stoning, the spokesman said.

The NGK synod caused a furore last week when it passed a resolution by the Rev Stoffel Colyn, Chaplain General of the South African Police, denouncing Islam as a false religion.

The Call of Islam, at a meeting at Hanover Park Civic Centre last night, decided to call on Muslims to meet on the Grand Parade at 10 am on Saturday before marching to the Groote Kerk in Adderley Street to hand over notes protesting against the synod's decision.

DR Boesak, who is in Europe, said in a message he stood by the Muslim community in its hour of hurt — "a hurt which is callous because the Muslim community has taken its rightful place in the struggle for justice in this country".

He said the NGK should repent for 40 years of sin and for stubbornly clinging to a false version of Christianity.

Mr Essack said the unity forged between the oppressed people of South Africa was "deeply precious". It had been "forged in blood in the streets of Mitchell's Plain, Athlone, Bonteheuwel and Wynberg. We cannot allow a callous statement to destroy it".

Mr Essack said the NGK was a false church and its God a false God. He dismissed yesterday's NGK statement that its proclamation was not meant to offend Muslims.

He also questioned the NGK statement that there was religious freedom in the country.

He said the NGK was frightened of the type of Islam which wanted to create a new South Africa. The church was happy with a pious Islam which ignored injustice.

The Rev Gerrie Lubbe, an authority on Islam and president of the World Conference for Religion and Peace, said the synod's resolution scared him because it was by the Chaplain General of the SAP.

"We have seen how the church attacked the Christian Institute before the Government acted against it. Do we see something sinister here? Unless it is very clearly stated by the authorities that this is not the case we can expect the worst. The Government must repudiate the NG Kerk."

Messages of support were sent by the Chamber of Muslim Traders, the Western Province Council of Churches, the South African Council of Churches, Jews for Justice and the United Democratic Front.



Picture: ADIL BRADLOW

Two members of the Jewish community, foreground, who attended the meeting. Among the many statements read out was one from Jews for Justice, condemning the NGK resolution.

CAPE Times
31/10/86

Curbs on Mpetha funeral

By BARRY STREEK

EXTENSIVE restrictions have been imposed by the police on Saturday's funeral of Mrs Rose Nomabunga Mpetha, the wife of the jailed trade unionist, Mr Oscar Mpetha, who is 77.

And last-minute appeals by the Food and Allied Workers' Union and the PFP's Unrest Monitoring and Action Committee for Mr Mpetha to attend his wife's funeral were rejected yesterday by the Minister of Justice, Mr Kobie Coetsee.

FAWU said it felt "outraged that Mrs Mpetha should have died separated from her husband, who despite ill health and old age is still imprisoned".

"Even the courts which convicted him made it clear that they had no wish to see him imprisoned," the union said.

UMAC chairman Mr Jan van Eck said yesterday these actions would not reduce tensions in Cape Town, but "on the contrary, they will further fuel the flames of discontent.

'Gross interference'

"This is gross interference in the right of people to show their sorrow and express their sympathy with the Mpetha family and what the family stands for.

The restrictions on Mrs Mpetha's funeral were imposed in terms of the emergency regulations issued under the Public Safety Act. They were announced yesterday by the Divisional Commissioner of Police in the Western Cape, Brigadier Chris Swart.

The curbs are:

The funeral may not be attended by more than 250 people.

No public address system may be used.

The funeral may not continue for more than three hours.

No flags, placards, banners, pamphlets or posters may be displayed or distributed.

Mourners may only go to the graveyard by "vehicle" and the route has to be approved by the Divisional Commissioner of Police.

No one may attend any memorial or commemorative service in connection with Mrs Mpetha's funeral other than at the graveside "if such service is held out of doors".

'Ordained minister'

Only an ordained minister will be allowed to act as speaker "provided that no speech shall be delivered whereby the government of the Republic or any action or policy of the government of the Republic is criticized or undermined".

No one "shall continue attending the funeral or ceremony: if any person other than an ordained minister of a religious denomination or organization or a person who on reasonable grounds appears to be such a minister, acts as speaker at or during the funeral or ceremony".

In Pretoria yesterday, a spokesman for Mr Coetsee's office said Mr Mpetha would definitely not be allowed out on Saturday to attend the funeral.

A few individual requests for his release which had been directed to the minister had also been turned down, the spokesman said.

Police warn of action against Muslim marchers

By ANTHONY JOHNSON
Political Correspondent

THE police yesterday warned that action would be taken against anyone participating in the planned protest march by Muslims from the Parade to the Groote Kerk at 10am tomorrow.

Muslims angered by the Ned Geref Kerk general synod's decision that Islam is a "false religion" resolved at a meeting in Hanover Park on Wednesday night to march on the church to deliver a formal protest.

However, the Divisional Commissioner of Police for the Western Cape, Brigadier Chris Swart, has warned that such a gathering would be illegal "and the police would consequently be obliged to take action".

Brigadier Swart said in a statement that he wished to direct a "friendly but serious" appeal to all concerned not to participate in the planned meeting or procession.

Meanwhile, indications are that "peace talks" may soon take place between Muslim leaders and the NGK in a bid to defuse the growing row over the church's controversial decision.

NGK moderator Professor Johan Heyns yesterday approved such talks and added that he would, if possible, like to participate in such talks.

This followed a conciliatory statement from the president of the Islamic Council of South Africa, Sheikh Abubakr Najaar, proposing a meeting to discuss the issue.

The NGK synod's decision unleashed a torrent of condemnation from Muslims and other religious leaders in South Africa and abroad.

Moulana Faried Esack, national coordinator of the Call of Islam, said yesterday: "The link between the NGK and the SAP is becoming apparent and makes nonsense of denials about (Dominee) Colyn's role."

Jaffer tells of struggle with officer

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By YVETTE VAN BREDA

CLOTHING Workers' Union organizer Ms Zubeida Jaffer told a Wynberg Regional Court yesterday that she had grabbed the lapels of a security policeman to prevent him from shooting and killing her husband, Mr Johnny Issel.

Ms Jaffer, 28, of Ottery Road, Wynberg, is charged with interfering with Lieutenant Frans Mostert in the execution of his duties by grabbing his arm and clothing.

Ms Jaffer said that outside her mother's house on September 3 a vehicle arrived and blocked the van in which her husband and brother were driving off.

Her husband jumped out of the van and ran past her into the house. As he did so, Lt Mostert, who was in the car, "went for his gun".

Thinking he was going to shoot Mr Issel, she "jumped in and grabbed at him". She said she had no intention of preventing Lt Mostert from arresting Mr Issel. "My reaction was instinctive be-



Ms Zubeida Jaffer

cause I feared for his life."

Lt Mostert ordered another policeman to "take me away" and with her baby in her arms, she was dragged across the street, by her arm. Ignoring her promise to walk alongside him, "he persisted in dragging me in front of scores of concerned neighbours", she said.

Ms Jaffer explained to the court why she had no doubt that Lt Mostert would "shoot my husband and shoot to kill".

In September last year Lt Mostert had visited the offices of the CLOWU and warned the administrative secretary that the union would not be allowed to continue its work for long.

He made mention of a vigilante action group which he said she should "watch out for". Two weeks later a fire destroyed the offices and responsibility was claimed by a group called the Vigilante Action Group.

"It was then that I began to understand what a dangerous man Lt Mostert was."

On December 16, last year, Lt Mostert arrested Mr Issel and Ms Jaffer, who was pregnant. She was held in solitary confinement for six weeks.

"In an attempt to force me to give him information about other people, he was extremely abusive towards me and threatened to assault me. He not only ignored the fact that I was an expectant mother, he used my condition to terrorize me.

"In the presence of a security policewoman he threatened to give me a chemical to drink to harm my baby. He threatened to choke me and reminded me that he had already choked other women.

To Page 2

From Page 1

"He later informed me that I would not see my husband alive again. He did not have evidence to bring my husband to court but believed he, (her husband) must be doing something.

"He said he had started a process which would result in my husband hanging himself in his cell by means of pillow cases. He then said he would personally come and inform me of his death. He told me not to think he was joking and said he had already assaulted two women, June Esau and Shahieda Issel.

"He knew that I knew that he had stood on Ms Esau in his drunken state and beat her to such an extent that she was interned in hospital. He told me that despite these assaults and whatever charges I prefer to lay, he knew that he would still retain his job and that nothing would happen to him."

She said Mr Issel, who was released after seven weeks in detention, had told her that Lt Mostert had made similar death threats to him and told him that a decision had been taken to "eliminate" him.

Lt Mostert told the court he had gone to Ms Jaffer's home after seeing a woman, whom he knew was wanted by the Security Police, running in the direction of the Jaffer home.

After calling for reinforcements, he had gone around the back of the house where he saw a vehicle leaving. He had pulled up behind the van and stopped it from leaving.

He said Mr Issel had jumped out of the van. He knew the Security Police had been looking for him for about three to four months in connection with contravening section 54 of the Internal Security Act.

He refused to expound on the charges Mr Issel would face "as the press is present and for other reasons".

He tried to follow Mr Issel but Ms Jaffer had grabbed him by the lapels of his jacket. He warned her that she was hindering him in the execution of his duties. "She said she would not allow me to arrest Johnny.

"She knew we were looking for him and hung on to me in desperation. I did not want to use force, so I warned her again. By that time Johnny was out of sight. The reason why I did not want to use force against her was because I've known her for a number of years and I've been in similar situations where I led to negative publicity."

Lt Mostert said he had drawn his gun inside the house after a colleague had told him that Mr Issel was sitting behind a couch.

Ms Jaffer said she had not told him she would not allow him to arrest Johnny, but "I will not allow you do that" (shoot him).

The hearing was adjourned to November 12.

Mr S K E Liebenberg was the magistrate. Ms H van der Merwe prosecuted. Ms Jaffer was not represented.



Mr Kobie Coetsee ... never before in South Africa had a political system proved to be such a success.

Govt won't apologise for state of emergency

Vereeniging Bureau

The Government would not apologise for declaring the state of emergency, Mr Kobie Coetsee, Minister of Justice and Free State leader of the National Party, said in Sasolburg last night.

He told a public meeting the ANC's plan with necklaces and matches was not only to cause pain and suffering, but to prevent the urban black from being admitted to third level government.

The ANC also wanted to make certain parts of the country ungovernable by taking over these areas itself.

Mr Coetsee said the Government could not "just sit still" in these circumstances and allow its authority to decrease.

Referring to the tricameral parliament, Mr Coetsee said that never before had a political system in South Africa proved to be such a success.

For the first time, the Indian and coloured communities were part of the decision-making process.

Even Dr Andries Treurnicht and his Conservative Party members must admit that the tricameral parliament was a success "and the best guarantee the white man has ever had in the country", said Mr Coetsee.

Earlier in the meeting, the NP announced the appointment of Dr W Odendaal, present nominated MP, as its candidate for the Sasolburg constituency in the next general election.

Hecklers ejected from NP meeting

The Sasolburg meeting addressed by Justice Minister Mr Kobie Coetsee was briefly disrupted by hecklers last night.

It was one of two meetings in the town — a Conservative Party meeting was addressed by CP leader, Dr Andries Treurnicht. Both were in school halls and attracted about 375 people.

Soon after National Party Free State leader Mr Coetsee began speaking, a scuffle developed and about 15, mostly young, hecklers were bundled out.

A large police contingent was outside, but the protesters left peacefully for the CP meeting.

There was a similar clash of meetings earlier this month when the State President and AWB leader Mr Eugene Terre-Blanche spoke in Potgietersrus

● See Page 18.

Park Lane
Baruch Hashem.

NEWMAN
To Lois (nee Thomson) and Ron, a daughter born 30 October 1986. Grateful thanks to Doctor and staff of Parklane Clinic.

SMITH
Sean. To Scott and Sylvia a son born 16 October. Thanks to Doctor and Staff of Marlfont Maternity Home.

mitzvah
mizvah

ADLER
Brett Mark, eldest son of Michael and Beulah, will read a Portion of the Law on Sunday, 2nd November at Pine Street Shul.

DOVE
David Raphael younger son of Jack and Bunny will celebrate his Barmitzvah at the Cyrildene-Observatory Synagogue on Saturday 1st November.

ngagements

BROUWER - HALTMAN
CORKY and Margaret are delighted to announce the engagement of Joanne to Warren second son of Wendy and Tony.

MAIER-COETZER
Clarrie and Norma Maier have pleasure in announcing the engagement of their daughter Heather to Bradley, son of Annette and Joe Coetzer.

WYKES - DE LANGE
Gerry and Vivienne Wykes are pleased to announce the Engagement of their Daughter Sally to Tom, son of George De Lange of Carltonville and Jean De Lange of Sunninghill Park, Tvl.

aths

CAPLAN
passed away peace-
Sadly missed and

neral announcemen
later.

MODA
Guido passed aw
peacefully 28th Octob
Sadly missed and
ways remembered
your brother-in-law
manno, Lia and family

MORGAN
William John (Bill
passed away 29/10/8
To a wonderful dad a
grandpa, you have le
us but you are now wi
mommy and God,
safe hands, always
gether. You were
best and kindest fathe
We will miss you
much, but we hold wo
derful memories of yo
and will never forg
you. Mildred, Joha
Wendy and Helen.

MORGAN
William John (Bill
passed away after a lon
illness bravely born
To us you were the gre
test father and grandf
ther. You were alway
there in times of nee
Your courage and wi
dom will always hee
Your wonderful sens
of humour, we wi
sadly miss and no word
can express our lov
You are now resting an
we are sorry w
couldn't be there to sa
goodbuye. Cecilia, John
ny, Lisa, Dino and N
cole.

MUSSON
Phyllis Helen sadl
passed away 29/10/86
You touched our live
with love. Will mis
Mom. Ernie, Rosemar
and Mavis.

MUSSON
Phyllis Helen die
29/10/86. Goodbye m
pal. Lily, Peter and fam
ily.

PEAVER
Geoffrey, on Octobe
the 25th, 1986, suddenl
in London Commande
Richard Geoffrey John
Peaver. RN. Retired
much loved Husband o
Diana, Father of Ri
chard, Grandfather o
Louisa.

RICHARDSON
Allan. In loving memo
ry of our darling Dad
and grandpa. We mis
you so much. Mannie
Hilary, Nicholas, Justin
and Raoul

On September 3 1984, violence erupt- might have

Suspended sentence for banned literature

Strike Michael Ralegoma (28) was sentenced by a Johannesburg magistrate yesterday to 18 months' jail, suspended for five years, for possessing banned literature.

The magistrate, Mr T J la Grange, said he had found Ralegoma guilty of possessing banned literature disseminated on behalf of the African National Congress, and literature for which a permit was required from the Minister of Law and Order.

The sentence was conditionally suspended on the grounds that Ralegoma is not again convicted of either possessing or distributing banned literature.

Ralegoma, a dispatch department clerk for an outfitting firm, pleaded guilty to possessing the literature at his home in Dube, Soweto, on October 7.

COPIES OF FREEDOM CHARTER

Police seized two copies of the Freedom Charter, possession of which is made illegal by a line at the bottom which noted that it was published on behalf on the ANC; two copies of a message delivered by the ANC president, Mr Oliver Tambo, to the national executive committee of the ANC on January 8 this year; and an untitled booklet containing resolutions taken by the ANC at a national consultive conference in Lusaka in June last year.

The court heard that Ralegoma was a first offender, employed in a responsible position and was needed by his employer to get out orders for the Christmas season.

He is one of nine children and helps to support two of his younger family members.

He said he kept the material not to distribute to others but out of an educational interest and an interest in history.

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Muslims accuse police of siding with NGK

Staff Reporter

THE Call of Islam movement has accused the police of siding with the Ned Geref Kerk by warning Muslims not to march from the Grand Parade to the Groote Kerk in Adderley Street tomorrow.

The march was planned as a protest against the controversial NGK resolution on Islam.

Divisional Commissioner of Police Brigadier Chris Swart warned in a statement yesterday that police would have to act if the march took place.

The Call of Islam statement added: "All we wanted to do was bring our displeasure to the notice of the NGK in an official manner as they demanded."

Outright defence

It added that the organisation regarded the police "ban" as an outright defence of the NGK's allegations about Islam.

Meanwhile, the Call of Islam has attacked the Islamic Council of South Africa (ICSA) for initiating talks with the NGK aimed at defusing "the false religion" issue.

The ICSA move for "face-to-face" discussions with the NGK about the controversial resolution on Islam passed at the NGK's annual synod was condemned in a statement by Moulana Faried Esack, national co-ordinator of the Call of Islam, last night.

No real leader

Referring to a report that the ICSA had written to the NGK requesting a meeting, the statement said: "The Call of Islam totally rejects the notion that Sheikh Abubaker Najaar is the head of the South African Muslim community.

"Our community has not a distinct head in the sense that, for example, Arch-Bishop Desmond Tutu is the head of the Anglican community.

"We further reject the portrayal by the media of the Islamic Council of South Africa as representative of Islam in South Africa."

Hirshon: Man held

(Cont. from Page 1)

till did not think it came from the flat above."

Mr Matz called the police.

Police found Mrs Hirshon still conscious in the hallway. She said a few words to them before losing consciousness.

As she fell she pulled over a statue, which shattered. There was a lot of blood around the spot where she fell.

There was blood on the telephone which could indicate that she tried to call for help.

Police found Mr Hirshon's body in the passageway outside one of the bathrooms, about eight metres from the front door.

He had been stabbed many times in the head and chest.

Mrs Hirshon was attacked in another bathroom.

As she was carried to an ambulance it was apparent she had been seriously injured.

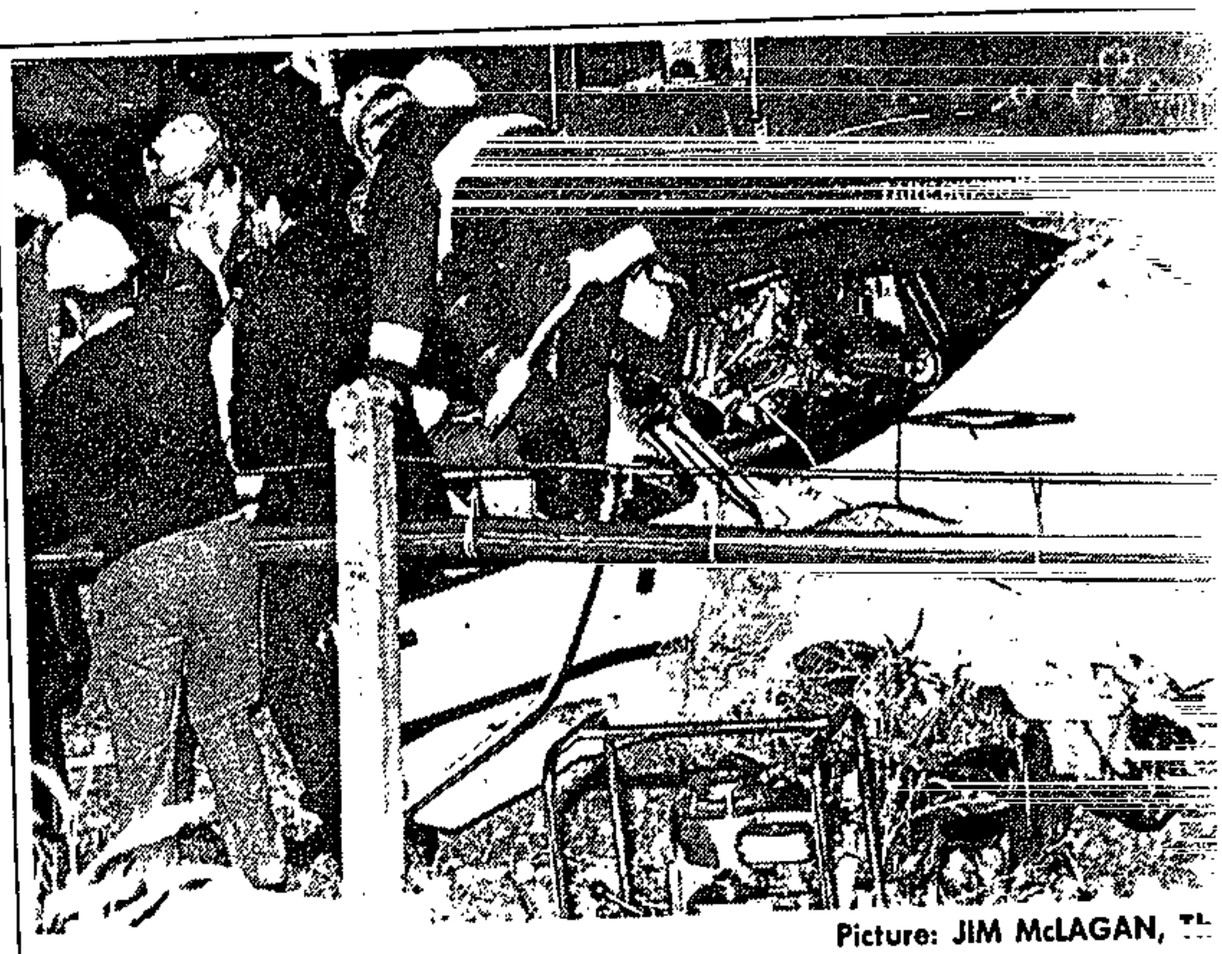
Her face was covered with blood and her hand and fingers were bandaged. She wore a valuable diamond ring on her right hand.

The flat, full of expensive furniture and art works, appeared untouched. There were no signs of a break-in and a security gate on the front door was open.

An official from the Cotswolds questioned domestic workers and visitors in a nearby block of rooms.

As details of the killing unfolded, more policemen were drafted to the area.

The main exits from the complex were watched by members of the uniformed branch as detectives, specialists and forensic experts ar-



Picture: JIM McLAGAN, T

Rescue workers used mechanical jaws to remove the ! of two men from their mangled car after it was struck train and dragged about 300m at the Austell Road crossing near Heathfield about 11pm yesterday.



Picture: PIERRE OOSTHUYSEN,

The crumpled wreck of a sports coupe which was when it struck a bulldozer after leaving Adam Tas R Stellenbosch, about 6.30pm yesterday. A woman w

SA Agulhas catering officer

Staff Reporter

OFFICERS on the polar supply and

mouth resuscitation and ca sage but were unable to sav

Jodac President held in raid

WEEKLY MAIL REPORTER

POLICE raided a meeting of the Johannesburg Democratic Action Committee (Jodac) on Wednesday night and detained its leader, Tom Waspe.

Waspe, who is employed by the SA Catholic Bishops Conference, has been on the run since the beginning of the State of Emergency.

The police briefly held five other Jodac members at the meeting, searched their houses and warned them not to participate in the organisation before releasing them.

A Jodac representative issued a statement saying the raid was "a clear indication that the state will do everything in its power to end all legitimate opposition to its inquitous apartheid policies".

This is the second such raid on a Jodac meeting during the Emergency. Jodac officials Lisa Seftel, Morris Smithers and Rosemary Grealey were detained at a branch meeting during August and are still being held.

Court upholds Cosas ban

By JO-ANN BEKKER

FOLLOWING this week's Appeal Court decision which upheld the Emergency regulations' detention provisions, the Durban Supreme Court struck another blow for the power of the state over individual rights by dismissing the Congress of South African Students' bid to overturn its banning order.

Cosas was banned in August last year after a State President-appointed advisory committee had sat behind closed doors for 84 day-long sessions. The national student organisation had not been told the investigation was underway, nor was it given an opportunity to put its case to the committee.

In his judgement, Justice R Leon said there was nothing in the court papers to suggest the Minister of Law and Order's conduct had been anything but impeccable. He had followed the provisions of the statute and considered the reports and recommendations of the advisory committee and other relevant information and had reached a decision to ban Cosas only after that.

"The notice bears no mark of invalidity upon its forehead," Leon said, "and the applicants are caught in the web of the statute." The application was dismissed with costs.

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R4-m song: Fire Nel, says Soal

MR LOUIS NEL, the Deputy Minister of Information, should be fired because of his incompetent handling of the R4,3-million peace song instead of being 'promoted' to being an ambassador, PFP MP Mr Peter Soal said yesterday.

"It is obscene to spend such vast sums of money on a song when there is so much unemployment, poverty and people are dying of hunger.

"Operation Hunger can't cope but the Nats spend money on a song," said Mr Soal, who is the Progressive Federal Party spokesman on information.

It was also disclosed yesterday that the Bureau for Information's pop song, "Together We'll Build a Brighter Future", will not be sold to the public.

"It's only for TV and radio purposes — much like an advert," a

By BARRY STREEK and ANDREW DONALDSON

source in the record retail industry said yesterday.

The song — already dubbed "apartheid rock" — has been a political "hot potato" within the industry ever since the Bureau for Information first announced they were to spend R1,5-million on the recording.

The source, who did not want to be named, said: "I have been trying to get confirmation on whether it would be distributed to shops for sale but was told today by Terry Dempsey (the song's writer and an industry personality involved in its production) that it 'isn't going to be on record — full stop'.

"Who knows? It might already be on record — maybe for distribution at police stations, but as far as we're concerned the public won't be able to buy it," he said.

But in Pretoria, the head of the Bureau for Information, Mr David Steward, defended the song.

He said yesterday that it was not just a song but a communication effort on the part of the government.

Mr Steward also said it was meant to articulate a message of hope for the future.

While most people wanted a peaceful solution and conciliation, only violence was usually articulated, he said.

But Mr Soal said that while no one could have any real objection with the words of the song because everyone was concerned about peace and reconciliation, it did not get to the nub of the problem, which was apartheid.

"Scrap apartheid and then the whole country will sing," he said.

Press not allowed at Mpetha funeral

Weekend Argus 1/11/86 327

Weekend Argus Reporter

REPORTERS were not allowed to attend the Nyanga funeral today of Mrs Roselyn Mpetha.

Mrs Mpetha, 77, wife of Oscar Mpetha, jailed trade unionist and United Democratic Front patron, died two weeks ago.

Mr Mpetha was denied permission to attend the funeral.

The service was scheduled for the Moravian Church in the township.

Although severe restrictions were placed on the burial by the Divisional Commissioner of Police in the Western Cape, Brigadier Christoffel Swart, several busloads of mourners had converged on the area by noon.

Among the restrictions were that the funeral might not be attended by more than 250 people and that it might not last for more than three hours.

A Weekend Argus team was turned back at the funeral site.

w/e Argus 1/11/86

Police with quirts disperse Muslims

Weekend Argus Reporter

POLICE with quirts dispersed crowds of chanting Muslims who gathered on the Grand Parade today to protest against the Ned Geref Kerk synod's motion denouncing Islam.

Two policemen were injured and nine people were arrested.

The Bureau for Information confirmed that on three separate occasions crowds gathering to protest against the NGK's description of Islam as a "false religion" were dispersed by policemen carrying quirts.

Defiance

About 200 people had gathered to march to the Groote Kerk in Adderley Street in defiance of a police ban. Police gave them five minutes to disperse.

The crowd began leaving but several groups remained in the area and were chased away by police.

Later about 400 people gathered in the area. "Police on the scene were attacked with bottles and stones," a bureau spokesman said.

Another crowd of about 150 regrouped, but dispersed after being warned by the police to leave.

The Muslims were responding to the Call of Islam to protest against the synod's controversial resolution which was proposed by the Rev Stoffel Colyn, Chaplain-General of the South African Police.

Mpetha curbs: PFP appeal fails

Staff Reporters

AN urgent appeal by the PFP for the lifting of the "absolutely crazy" restrictions on today's funeral of Mrs Rose Mpetha, wife of jailed trade unionist Mr Oscar Mpetha, was rejected yesterday by the Minister of Law and Order, Mr Louis le Grange.

His decision came as the Mpetha family consulted lawyers about the possibility of bringing an urgent interdict in the Supreme Court to have the restrictions set aside.

The Progressive Federal Party spokesman on law and order, Mr Tian van der Merwe, who made the appeal to Mr Le Grange, warned yesterday that the restrictions could lead to violent confrontation.

Yesterday, the Mpetha family and the United Democratic Front appealed to the police not to interfere in Mrs Mpetha's funeral.

And the Black Sash as well as the Urban Councils Association of South Africa (UCASA) made new appeals for Mr Mpetha, 77, to be released from prison for his wife's funeral.

MR OSCAR MPETHA is in hospital, the Cape Times has been informed. Last night the Prisons Service confirmed that Mr Mpetha, who suffers from diabetes, was "receiving constant medical care which includes hospitalization from time to time in accordance with the directives of his doctor". They did not specifically confirm that he was in hospital but the information the Cape Times has is that he is being treated in ward D6 at Groote Schuur Hospital under prison guard.

However, Mr Oscar Mpetha Jun said the family's appeal for Mr Mpetha to be released to attend the funeral had been "refused completely".

By yesterday afternoon, no papers had been lodged in the Supreme Court and it seemed last night that the earliest an urgent application could be made would be this morning. In the circumstances, it seemed doubtful whether the restrictions could be set aside before the funeral, which is to be held at the Moravian Church in Nyanga.

Mr Van der Merwe said: "Mr Le Grange's expressed support for the restrictions is both irresponsible and highly provocative.

"He will have to take responsibility for the consequences of any violent confrontation caused by the enforcement of these impossible restrictions."

The restrictions include a 250-person limit on the number of mourners, a ban on any criticism of government policy or actions, and a requirement that mourners leave the funeral should it be addressed by anyone who is not an ordained minister.

The vice-president of the UDF, Western Cape, Mr Christmas Tinto, said the restrictions on Mrs Mpetha's funeral "are unwise, unreasonable and provocative".

"The Mpethas are well-known community leaders and feelings are already running high because of the inhuman refusal to release Oscar Mpetha."

Publishers, SA Library 'helped to unban over 250 books'

By BARRY STREEK
Political Staff

THE restrictions on more than 250 previously banned books have been lifted as a result of applications for review to the Directorate of Publications, at the initiative of publishers and the South African Library.

This is disclosed in the latest edition of the Quarterly Bulletin of the South African Library.

The Bulletin said the lifting of the bans had been done at the initiative of the library "with the directorate's full support".

Between 1984 and July 1986, the bans on 252 "undesirable" books, out of a total of 309 applications for review, were lifted.

These included fiction such as Peter Abraham's Tell Freedom, which was published in 1954, Stuart Cloete's Mamba (1957) and Gazella (1958), Breyten Breytenbach's And Death White as Words (1978), and Mtutuzeli Matshoba's Call Me Not a Man (1979).

They also included non-fiction, such as Joel Carlson's No Neutral Ground (1973), Leo Kuper's Passive Resistance in South Africa (1956) and An African Bourgeoisie (1965) and Ndabiningi Sithole's African Nationalism (1959).

The Bulletin said that on review, 57 books were again found to be undesirable, but on 15 of these the prohibition of possession had been lifted, leaving only one of those submitted still having this restriction.

It pointed out that publications by prohibited and listed people, such as Ruth First's biography of Olive Schreiner, or by banned organizations were excluded from reviews by the Directorate of Publications as they remained prohibited in terms of the Internal Security Act.

The Bulletin said: "The success of this project has been heartening and has meant that the number or books in the Library's banned book room has decreased markedly.

"The use of many publications, however, is still restricted, and what has been achieved so far is but a beginning."

● The Directorate of Publications has announced that a Publications Committee has, on review, ruled that George Ernest Spencer's Apartheid is not undesirable, Sapa reports.

The committee also ruled that possession of Engels by David McLellan was not undesirable and no longer prohibited.

Other publications declared not undesirable on review include: Terror in Tete by International Defence and Aid Fund, London, Bright Feather by Robert Wilder, A Healthy Grave by James Kantor and Assignment: Angelina, by Edward S Aarons.

During the past week five films submitted for examination were unconditionally approved.

From today it will be an offence to import and/or distribute the following publications (name of author/producer in brackets):

Penthouse Psychographics (Frank Donegan), Gazelle Vol 2 No 2 (Viclen Promotions, Turffontein), The Damnation Game (Clive Barker), The President's Son (Krandall Kraus) and a poster No 38 Nude Girl (not stated).

Cape Times 3/11/86 327

Muslims blame NGK for injuries, detentions

THE Ned Geref Kerk and the Police Chaplain General have to bear "full responsibility" for the detention of "12 Muslim students" and the injuries to two policemen at the Grand Parade on Saturday morning, the Muslim Youth Movement said in a statement yesterday.

The movement also said an apology and withdrawal of the resolution by the NGK, which declared Islam a "false religion", and the dismissal of the SAP Chaplain General, Ds Stoffel Colyn, who proposed the resolution, were preconditions to "any futher dialogue between the MYM and the NGK".

According to an eye-witness, the gathering (Takbier) was called on the Parade at 10am, while police kept "a high profile". About 200 people, many in Muslim dress, gathered around the statue of King Edward IV and chanted "Allah Akbar" (God is great).

A police officer warned the crowd that the meeting was illegal and gave them five minutes to disperse. Most of the crowd left, but several groups remained in the area and were dispersed by sjambok-wielding police, he said.

At 10.30am about 400 people gathered in the area, according to another eye-witness. Bottles and stones were thrown at the police, he said.

By RIAAN SMIT

Police reacted with a sjambok charge and nine people were arrested and two policemen injured — one of them was hit on the head by half a brick, the eye-witness said.

A small crowd regrouped on the Parade later, he said.

The Bureau for Information confirmed that "coloured persons held illegal meetings on three separate occasions on the Grand Parade (on Saturday)".

Police, using sjamboks, dispersed crowds during the first two occasions, the bureau said.

The third gathering dispersed voluntarily after a request by security forces, according to the bureau.

The director of the Muslim Youth Movement, Mr Mahomed Farid Choonara, said in a statement: "Ds Stoffel Colyn and the NGK have to bear full responsibility for the conflict in the Cape that has resulted in the detention of 12 Muslim students and injured two SAP policemen.

"We have repeatedly requested an appeal for decisive action from the NGK and Minister Louis le Grange, who has been responsible for Ds Colyn as Chaplain-General, in resolving the crisis facing not only Muslim and Christian relations in South Africa, but also between South Africa and the international Muslim world.

"We are of the opinion that an apology and withdrawal of the resolution by the NGK, together with the dismissal of Ds Colyn, would be a precondition to any further dialogue between the Muslim Youth Movement and the NGK.

"Their decisive action in meeting our requests would be the test as to how sincere the NGK is to dialogue with Muslims," he said.

The Call of Islam last night said: "It was not at all necessary for the SAP to provoke the crowd, whose only intention was to respond with an official letter to the NGK. We call for the scrapping of all charges against the people arrested."

Those arrested are to appear in Cape Town Magistrate's Court this morning.

Muslims decided on Wednesday to gather at the Parade on Saturday morning and march on the NGK offices.

The Divisional Commissioner of Police for the Western Cape, Brigadier Chris Swart, issued a warning on Thursday that such a gathering would be illegal "and the police would subsequently be obliged to take action".



Part of the crowd protest ag

Muslim protest: 10 in court

Court Reporter

NINE men and a juvenile, who were arrested on Saturday during a Muslim protest on the Grand Parade, appeared briefly in the Cape Town Magistrate's Court today. They were warned to appear again on November 21 to plead.

The men are Mr Moegsien Vallie, 40, of Peddie Street, Mount View, Mr Dawood Schloss, 18, of Vaal River Road, Mitchell's Plain, Mr Armien Arnold, 33, of Vink Street, Rocklands, Mitchell's Plain, Mr Nazeem Essack, 19, of Bryant Street, Cape Town, Mr Suleiman Elnie, 34, of Avro Road, Rocklands, Mitchell's Plain, Mr Gesant Petersen, 43, of Ironside Street, Bonteheuwel, Mr Abdullah Sterras, 49, of Bonteheuwel Road, Bonteheuwel, Mr Mohammed Shahied Zoetenberg, 19, of 4th Street, Welcome Estate, and Mr Faizan Brown, 18, of Gladiolus Street, Lentegeur, Mitchell's Plain.

The men, who spent the weekend in police cells, were warmly greeted by a crowd of relatives.

They are expected to be charged with attending an illegal gathering. A 17-year-old youth, who was also arrested during Saturday's protest, appeared in the juvenile court.

Mr M J Tolken was on the Bench, Mr E McEwan appeared for the State and the 10 accused were represented by Mr K Amien.

Muslims blame NGK for injuries, detentions

By RIAAN SMIT

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Part of the crowd of Muslims who gathered on the Grand Parade on Saturday morning to protest against the NG Kerk resolution that Islam was a "false religion".
Picture: ADIL BRADLOW



Mourners, including members of the United Woman's Congress, carry the coffin of Mrs Rose Mpetha from the Moravian Church in Guguletu to the hearse at Saturday's funeral.
Picture: OBED ZILWA.



Archbishop Desmond Tutu addressed 500 people crammed into the Moravian Church for the funeral of Mrs Rose Mpetha.

Gunman flees after shooting

By ANDREW DONALDSON

POLICE are investigating the apparently motiveless murder of a Lentegeur truck driver who was gunned down outside a Woodstock bar about midnight on Saturday.

It is believed that the gunman emerged from the public bar on the corner of Albert and Dublin roads and shot Mr Ganief Jeaven, 33, of Azalia Street, who was walking past.

The gunman then fled, leaving behind a .32 pistol, which police have confiscated.

Wounded in the chest, Mr Jeaven was rushed to Woodstock Hospital, where he died shortly afterwards.

The shooting apparently went unnoticed by residents.

Mr Jeaven's death has shocked his neighbours, who described him as a "quiet person".

A police liaison officer for the Western Cape, Captain Jan Calitz, said no arrests had been made.

Mpetha curbs defied, teargas fired

By CLARE HARPER

RESTRICTIONS imposed by the police on the funeral of Mrs Rose Nomabunga Mpetha were defied on Saturday as thousands of mourners descended on Nyanga and Guguletu for the family and church services.

And as the cortege proceeded from the Moravian Church in Guguletu to the graveyard in Nyanga at 4pm, police fired teargas.

The funeral, which began at the family home in Nyanga at 11am, and later moved to the church in Guguletu, took place without incident until mourners headed for the graveyard five hours later, in buses and cars and on foot.

A spokeswoman for the PFP's Unrest Monitoring and Action Committee, (Umac), Mrs Val Rose-Christie, said the funeral curbs were "unnecessarily stringent" and the police presence "highly provocative".

To Page 2

erlock Holmes

About 1 000 people every year write to Holmes, at his fictional rooms at 221B Baker Street, London, an address that never existed in reality.

Today the letters are answered by Holmes's



P.T.O.

From Page 1

She said "there was a heavy police presence throughout the day with about 20 Casspirs and police vehicles lining the route".

"Earlier at 2.55pm police passed the church warning mourners they had exceeded the three-hour time limit," Mrs Rose-Christie said.

The Progressive Federal Party MP for Pinelands, Mr Jasper Walsh, said he left the church three times and appealed for the police to be patient.

He said he and members of UMAC had been stopped by police on the way to the funeral, but were then allowed to proceed.

Curbs on the number of mourners were ignored as was the time limit and a curb on the content of speeches.

No flags were displayed. The only banner displayed was one honouring the jailed trade unionist Mr Oscar Mpetha, who was refused permission to attend his wife's funeral.

Throughout the church service women of the United Women's Congress, of which Mrs Mpetha was a member, formed a guard of honour.

Archbishop Desmond Tutu and members of the United Democratic Front, the Congress of South African Trade Unions, UWCO and civic and student organizations addressed the crowd.

Archbishop Tutu said: "We have been told we must not speak any politics, but I never speak politics, I preach the Gospel of the Lord Jesus Christ."

Messages of condolence to the Mpetha family were read to the mourners from the United States, Canadian and Australian embassies, the Black Sash, Groote Schuur Hospital workers and numerous organizations.

Mrs Rose-Christie described the police monitoring of mourners at the graveyard and the helicopter flying overhead as "unnecessary and provocative".

A spokesman for the Bureau for Information said he could not comment on the deployment of security forces, but said "police had to take steps in terms of the regulations issued by the Divisional Commissioner of Police".

The bureau's unrest report said: "In Guguletu approximately 1 000 persons followed a hearse. When they refused to disperse, security forces were obliged to use tear smoke. No arrests were made and no injuries were reported although some 300 persons attacked a security force vehicle with stones."

Barry Streek reports that the Black Sash presented flowers and a message of support to Mr Mpetha in hospital shortly before his wife was buried on Saturday.

Campaign to save pupil from jail

By CLARE HARPER

A CAMPAIGN to save a Std 9 pupil from prison has been launched by a group of concerned teachers and students, who intend petitioning the Chief Justice for leave to appeal against his "harsh" sentence.

Support for the campaign has already been pledged by Archbishop Desmond Tutu, the campaign chairman, Mr Esham Palmer, said yesterday.

A similar campaign earlier this year in support of 18-year-old Bradley van Niekerk, a pupil at South Peninsula Senior Secondary School, was successful.

Gregory Arthur, a pupil at Steenberg Senior Secondary School, was convicted last year — when he was 19 — on public-violence charges for throwing a stone at a policeman.

In October last year his four-year sentence was reduced on appeal to the Supreme Court to three years' imprisonment, of which 18 months were conditionally suspended.

He is currently on bail pending the outcome of the legal petition and will have to serve 18 months if his appeal is unsuccessful. Leave for further appeal has been refused.

Mr Palmer, chairman of the Save Gregory Arthur from Prison Committee, said Gregory was a conscientious pupil who wanted to become an electronics technician on completion of his matric. "A term of imprisonment would destroy any chances of Gregory fulfilling his ambition, not to mention the pyschological damage resulting from incarceration.

"Like thousands of his contemporaries he was caught up in an atmosphere of heightened political tension and frustration. A prison sentence will criminalize him, returning him embittered and badly affected by the real criminals inside."

His guidance teacher, Mr Andre Kraak, said yesterday that Gregory was a pupil with potential both in the academic and sporting fields. "It would be a tragedy if his academic career should be cut short by a period of imprisonment."

Mr Palmer said the committee intended highlighting Gregory's plight and said thousands of petition forms were being circulated in the Peninsula.

Robben Island prisoner freed

Staff Reporter

TRADE unionist Mr Duma Nkosi has been released from Robben Island after completing a jail term imposed for refusing to give evidence in a treason trial.

Mr Nkosi, formerly the vice-chairman of the Johannesburg branch of the Commercial Catering and Allied Workers' Union, was freed yesterday.

He spent six months and 16 days on the island, part of a year's sentence for his refusal to give evidence in the trial of Joseph Lepile, Justice Mafa Mgidi and Stanley Sipho Mgwenya in October last year.

REDUCED

His sentence was reduced to nine months because he had already spent six months in solitary confinement under Section 29 during 1984, he said.

"My thoughts are very positive," he said yesterday. "Today is a beautiful day for me."

He would be returning to his job in Johannesburg and was looking forward to being reunited with his family in Soweto, he said.

Aida Parker broadside 'false' and 'misleading'

Cape Times 6/11/86

By HILARY VENABLES

AN ATTACK on the End Conscription Campaign in the right-wing Aida Parker Newsletter earlier this year has been discredited as "false" and "misleading" by the Media Council's committee of inquiry.

The committee, which conducted an inquiry into the April issue of the newsletter after a complaint from the ECC, decided unanimously this week that Miss Parker had:

● "failed to report news truthfully and accurately" and

● "failed to report news in a balanced manner as a result of distortion, misrepresentations and omissions from the newsletter".

In a strongly-worded judgment, the alternate chairman of the council, Mr Justice M Diemont, said Miss Parker's claim that the ECC was linked to the Soviet-backed World Peace Council was clearly "misleading and untrue".

"... nor is there any evidence that the ECC is in any way involved with any Soviet organization or any Russian surrogates," he said.

He described as a "strange misstatement" the allegation by Miss Parker that the ECC had links with Libya.

"It is possible that Libya is a misprint for Namibia or it may be that the misquotation was deliberate since Libya at the time was prominent in world news and in particular associated with international acts of terrorism.

'Never linked with Libya"

"Whatever the explanation, it is clear that the ECC has not and never had any direct or indirect link with Libya," he said.

Mr Justice Diemont criticized Miss Parker for her "considerable zeal" in urging readers to use material in the newsletter "in whatever way they choose".

"Numerous pamphlets emanating from other bodies have been distributed in different parts of the country," he said.

These pamphlets all refer to the allegations made in the APN and perpetuate some of the false statements made in the newsletter.

"A more serious consequence is that extracts from the APN have been used as evidence in affidavits used to oppose an application in the Supreme Court (Eastern Cape Division) for the release of detained ECC members."

"Failed to provide evidence"

He said it was "most unfortunate" that Miss Parker did not attend the hearing "or attempt to substantiate some of the allegations made and that she failed to provide any evidence in support of her statements".

As the newsletter does not belong to the Newspaper Press Union and has not accepted the jurisdiction of the Media Council, the council cannot order Miss Parker "to correct many of the incorrect statements in the publication", Mr Justice Diemont said.

● Miss Parker's attorney, Mr David Feldman, said he could not comment on the judgment until he had studied it.

"To the best of our knowledge, the inquiry was one-sided. The Media Council made no independent inquiries and the finding is based on the evidence of one witness."

Miss Parker had declined to attend the hearing because she was not prepared to submit to the jurisdiction of the Media Council, he said.

● The finding by the Media Council was "a vindication" of the End Conscription Campaign's position and legitimacy, the ECC said yesterday.

Mr David Shandler, national secretary of the ECC, said the finding was proof that the "attack" made on the ECC by the newsletter constituted an attempt to smear the ECC, Sapa reports.

● Miss Parker said last night she did not wish to comment until she had discussed the matter with her lawyers.

STATE OF EMERGENCY

Patterns of unrest

In one of its blandest, most sanitised reports ever, the Bureau for Information described the events of Monday this week as follows: "Few unrest-related incidents were reported during the above-mentioned period. Only isolated incidents of stone-throwing and arson, causing little damage, occurred." This on a day when independent reports suggested general mayhem in Soweto with numerous attacks on Putco buses following a fare increase announced at the weekend.

An attempt to restrict the funeral of Rose Mpetha, wife of jailed trade unionist and United Democratic Front patron Oscar Mpetha, and a wildcat strike by Katlehong municipal policemen, were other sparks to continuing violent confrontation in a week that left two people dead.

This took the official death toll from political violence to 319 since the emergency was declared on June 12.

Lance Corporal Albertus Marthinus le Roux (20) died on Sunday when his horse detonated a landmine on a dirt track about 20 km from Barberton in the eastern Transvaal. The SADF said this was the fourteenth blast in the eastern border region this year. The SADF again blamed African National Congress insurgents operating from Mozambique.

A Mozambican government spokesman said the allegation was "a pretext for new aggression against Mozambique." The spokesman pointed out that the blast occurred 90 km from the Mozambican border, but just 20 km from the Swaziland border, yet Pretoria chose to blame Mozambique.

Detective Warrant Officer M R Sokela was killed after a grenade was thrown into his Umlazi home this week.

Putco's announcement of fare increases was, not surprisingly, met with protests in KwaNdebele. The embattled homeland is a nation of bus commuters; latest estimates put the number of people who commute daily to work in towns outside the homeland at over 30 000.

On Thursday, a crowd apprehended and stoned about 200 Putco buses on the Marble Hall-Pretoria road. The windows of at least 150 buses were smashed. Security force members were stoned when they arrived at the scene. Teargas was used to bring the crowd under control. Since then, reports indicate that people are back on the buses.

The number of bus commuters halved in Soweto as a result of the increases. And, according to a Putco spokesman, damage to buses in the area was extensive. One was destroyed, three were petrol bombed, and six others hijacked. Damage to others included the smashing of 100 windows and the slashing of 15 tyres. Details of Tuesday's events were not available as the *FM* went to press.

Teargas was also fired at the funeral of Rose Mpetha after restrictions imposed by the police were defied by mourners. Among the restrictions was an attempt to limit the numbers attending the funeral to 200. Several thousand in fact turned up. The funeral began at the family home in Nyanga, and later moved to the church in Guguletu. The ceremony went off smoothly until mourners moved to the cemetery. According to the bureau, about 1 000 mourners following the hearse were teargassed after refusing to disperse.

Bereaved husband Oscar (77), was refused permission to attend the funeral.

Municipal policemen were on the receiving end of the arm of the law after 115 were arrested in Katlehong by the SA Police. According to reports, about 300 council policemen stopped work and marched on the council offices where they started burning tyres and stoning Post Office vehicles. The men, who were mainly recruited in Gazankulu, Venda and KwaSulu, were demonstrating in support of wage increases.

Other unrest incidents reported by the Bureau during the week included intimidation at schools, a bomb in Mamelodi and attacks on security force members in Nyanga and KwaZekele.

At two illegal meetings involving coloureds in Cape Town, the security forces "were obliged" to disperse the group with quirts after they refused to move. ■

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Bereaved husband Oscar (77), was refused permission to attend the funeral.

Municipal policemen were on the receiving end of the arm of the law after 115 were arrested in Katlehong by the SA Police. According to reports, about 300 council policemen stopped work and marched on the council offices where they started burning tyres and stoning Post Office vehicles. The men, who were mainly recruited in Gazankulu, Venda and KwaSulu, were demonstrating in support of wage increases.

Other unrest incidents reported by the Bureau during the week included intimidation at schools, a bomb in Mamelodi and attacks on security force members in Nyanga and KwaZekele.

At two illegal meetings involving coloureds in Cape Town, the security forces "were obliged" to disperse the group with quirts after they refused to move. ■

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Night of death in Soweto

Own Correspondent

JOHANNESBURG. — Soweto residents have alleged that police killed five people and wounded dozens on Wednesday night in two hours of gunfire near the homes of anti-apartheid activists Mrs Winnie Mandela and Mrs Albertina Sisulu.

The Bureau for Information last night said police had reported three dead and eight wounded in incidents in Soweto between 9.45pm and midnight on Wednesday, but had not yet confirmed the information.

It said they had used tearsmoke and birdshot in retaliation for petrol-bomb attacks and bottle- and stone-throwing.

Soweto residents said the shooting began in Orlando West about 9pm when police in armoured cars confronted rent defaulters.

The bureau said the incident involved an attack by 100 people who petrol-bombed a security vehicle.

The death toll reported by residents was the highest in Soweto since August 27, when 21 people died in clashes with security forces.

A doctor said employees of Baragwanath Hospital told him they received two people dead on arrival, that two people died at the hospital and one body was brought in from the street.

He said wounded sought treatment elsewhere as they feared arrest at the hospital.

One youth said he heard whistles blowing — a sign from street committees for people to come out of their houses and fight.

Mrs Sisulu and Mrs Mandela were at the scene within minutes of the shooting. Mrs Sisulu said gunfire could be heard for two hours.

Residents said the district was heavily patrolled.

Meanwhile, the bureau yesterday confirmed reports of the death of Bongani Thomas Kheswa, 11, who apparently died from wounds, but said it could not yet confirm if his death was the result of gunshot wounds.

It has been alleged that Kheswa was shot on Wednesday by four whites from a moving Putco bus and that five other children were apparently injured in the incident. Putco has denied one of its buses was involved.

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Rhodes lecturer warns of erosion of right to know

Dispatch Reporter

EAST LONDON —There was an increasing erosion in South Africa of the right to speak and the right to be informed, Mr John Grogan of the Journalism Department at Rhodes University, said at Rhodes University's Community Day here on Saturday.

He said journalists commonly spoke of the public "right to know" and equated encroachments on their freedom with a denial of that right.

He said the warnings highlighting emergency regulations currently displayed on the front pages of many of the country's major newspapers were startling admissions for a newspaper to make.

"Journalists, after all, would not lightly acknowledge that they are in effect not doing their job."

He said censorship referred, in the strict sense, to a situation where what was published in the media depended on prior approval by some authority outside the media.

In the Soviet Union there were about 65 000 official censors, and nothing would be published by the state-controlled printing works unless it had the stamp of approval of three censors on it, Mr Grogan said.

"Now when Mr Louis Nel, of recent memory, says South Africa has a free press, I am sure he is thinking of the absence of censorship in this strict sense.

"If censorship is to be understood only in this form, then Mr Nel is right, we are better off than the Soviet Union.

"But two things have to be pointed out before we jump to the conclusion that the absence of formal censorship means that South Africa has a free press."

He said there were at least two statutes and a number of regulations currently in force in terms of which the government was empowered to impose prior censorship.

The range of permissible knowledge and discussion in South Africa had been remorselessly narrowed during the past 20 years.

Another censorship was self-censorship which meant that journalists voluntarily withheld information for fear that its publication might infringe some law.

He said another form of news control was the denial of access to information.

"A newspaper can only publish information if its reporters can get hold of it, and more and more statutes and regulations are now making it a crime in certain cases even to try to get information," he said.

He cited some questions to which the law prevented the answers from being known:

● Are the security forces succeeding in restoring order in the townships? We don't know, because the emergency regulations forbid reporting on the conduct of the security forces.

● Is the South African Defence Force assisting the Renamo movement in Mozambique? We don't know, because the Defence Act forbids disclosure of confidential military information.

● What is the African National Congress leader, Mr Oliver Tambo's stance on violence? We only know because the Cape Times was prepared to risk prosecution for quoting a banned person.

He said it was an inevitable consequence of the restrictions that alternative sources of opinion and information had been blocked.

"This does not mean that South Africans are receiving no information at all, only that much of this information comes only from one source: the government through its information agencies like the Bureau of Information and its adjunct, the SABC."

He said the Bureau for Information presented directive censorship, which meant that newspapers were compelled to publish what the authorities told them to.

"In a sense, newspapers now have no choice but to publish the views of the bureau in relation to "security" matters, since the use of any other source places them legally at risk.

"So we must remember that much of what comes to us as objective news is in fact carefully pre-selected by officials to shape our perceptions of the events concerned, and what newspapers are in fact telling us with the messages printed on their front pages, is that much of what now passes for news is in fact propaganda," Mr Grogan said.

Police major: Civil case 'part of total onslaught'

Court Reporter

THE civil case between a man who was beaten on the head during unrest in the city centre last year and the Minister of Law and Order, was "part of the total onslaught", a police major told a city magistrate yesterday.

Major Adolf Odendal was giving evidence in the matter in which Mr Christopher Knight, of Wynberg, is suing the Minister of Law and Order and claiming damages of R2 544 for medical expenses, loss of dignity, pain and suffering.

Major Odendal and Sergeant Geoffrey McMaster told the court they had been called to the city centre on October 24 last year as some women were demonstrating in Adderley Street.

After the major had told people standing and shouting slogans to disperse they had seen vehicles overturned in St George's Street.

After warning people to leave Major Odendal had given orders to beat a group of youths on the corner of Adderley Street and Shortmarket Street with batons and quirts.

Sergeant McMaster said he heard Mr Knight, who was part of the group, say: "It's about time you people f... off from the area, its you that's causing all the trouble."

The sergeant then hit Mr Knight who "ducked". The baton hit him on the side of his head. "I helped him up and gave him a final warning to leave the area," he said. "At no stage did I assault Mr Knight."

At a previous hearing, Mr Knight told the court he had been in Shortmarket Street when Major Odendal ordered people to "get out of the area".

He had said they should get out of the area, but had not used foul language. He had been beaten on the head and dragged roughly to his feet.

The hearing continues on Thursday.

Mr W J P Marais was the magistrate. Mr N J Treurnicht, instructed by the State Attorney, represented the Minister of Law and Order. Mr J Shortt-Smith, instructed by the Legal Resources Centre, appeared for Mr Knight.

Big business a force or a paper tiger?

ALAN FINE

THE RELEASE from emergency detention last Thursday of Paper, Wood and Allied Workers' Union (Pwawu) branch secretary Sipho Kubheka again raises the question of how influential big business actually is in the political arena.

Pwawu launched a campaign aimed at his release eight days previously (Wednesday, October 29), calling on the giants of the industry — Mondi, Sappi, Nampak and Carlton Paper among them — to intercede with government on Kubheka's behalf. Pwawu set November 12 as a deadline. If Kubheka was still in custody by that date it would take "appropriate action".

The 16 000-strong union had apparently been canvassing the idea of a work stoppage among its members, which would have brought the operations of almost every paper and board mill in SA to a halt.

Nampak reacted to the call promptly by sending a fairly strongly-worded telex to the Law and Order minister calling for Kubheka to be freed, praising his conduct as a unionist and warning that his detention had already harmed industrial relations in the industry.

A number of the other companies took a lower key approach. Upon inquiry, they were told that Kubheka's release was imminent. By the nature of these events it is impossible to tell precisely why he was freed. The SAP refuses to discuss the matter. Kubheka attributes his release directly to the union campaign.

The companies are not so sure. One management man argues that it occurred so soon after the representations that it must have been under consideration prior to that.

Apart from the Nampak telex, government was not actually "pressurised". The question is whether mere inquiries could have had the desired effect? Strange as it may seem, it is not impossible. After all, a large number of emergency detainees have been released as soon as lawyers lodged papers for a court application.

And back in June, it will be recalled, there were a number of strikes over detentions and subsequent approaches by employers to government. No employers actually took credit for the release thereafter of a number of unionists.

Indeed, they were told politely but firmly, that for government the priority was the security of the State. But there were indications that their approaches at least had the effect of expediting the release of some detainees apprehended in the massive June 12 swoop whose release depended merely on a sorting-out process.

But whatever the actual circumstances of Kubheka's release, one thing is certain — the union movement will see it as further evidence of their contention that business is politically more powerful than it is prepared to acknowledge, and similar demands will spread.

As one paper industry source worriedly says: "They will think we can just pull the strings — to get people out *or* in."

Court fines Jaffer for obstructing security policeman

Court Reporter

TRADE unionist Zubeida Jaffer was yesterday fined R100 (or 50 days) in Wynberg Magistrate's Court for obstructing a security policeman from carrying out his duties by hanging on his arms and clothes.

Jaffer, 28, of Wynberg, was also sentenced to three months' imprisonment suspended for three years.

At a previous hearing she said she had hung on to Lieutnant Frans Mostert to prevent him from shooting and killing her husband, the four times banned Mr Johnny Issel.

Jaffer said a vehicle had arrived outside her mother's house on September 3 and blocked the way of the van in which her husband and brother were driving off.

Her husband jumped out of the van and ran past her into the house. As he did so, Lieutenant Mostert, who was in the car, "went for his gun".

Thinking he was going to shoot Mr Issel, Jaffer said, she "jumped in and grabbed at him".

She had no intention of preventing the policeman from arresting Mr Issel. "My reaction was instinctive because I feared for his life."

Lieutenant Mostert said he had gone to the Jaffer home after seeing a woman, who he knew was wanted by the security police, running that way.

He called for reinforcements and went around the back of the house. Here he saw a vehicle leaving. He pulled up behind the van and stopped it.

He said Mr Issel had jumped out of the van.

He tried to follow Mr Issel but Ms Jaffer grabbed him by the lapels of his jacket. "She said she would not allow me to arrest Johnny.

"She knew we were looking for him and hung on to me in desperation. Johnny disappeared from sight. I did not want to use force because I've been in similar situations which have led to negative publicity."

The policeman said Mr Issel knew the security police had been looking for him for contravening Section 54 of the Internal Security Act.

He declined to explain the charges "as the press is present and for other reasons".

Jaffer said she had not told him she would not allow him to arrest Johnny, but "I will not allow you do that" (shoot him).

The magistrate, Mr S K E Liebenberg, accepted the evidence of Lt Mostert which was the "most likely version and very satisfactory". He rejected Jaffer's evidence.

H van der Merwe prosecuted. Ms Jaffer was not represented.

Wider powers of arrest proposed

Political Staff

CAPE TOWN — Any person who has committed public violence can be arrested without warrant by a peace officer or a private person under draft legislation which has been published.

The Criminal Procedure Amendment Bill also provides for peace officers and members of the public to make arrests without warrant for malicious damage to property, kidnapping and child stealing.

The Bill, to amend the Criminal Procedure Act of 1977, provides that these offences be added to the existing list of offences for which arrests without warrant can be made by a peace officer or a private person.

The existing list, as provided for in the Act, includes some offences for which more than six months' imprisonment without the option of a fine may be imposed by a court.

As the law stands, the perpetrators of serious crimes such as public violence, malicious injury to property, kidnapping and child stealing, for which more than six months' imprisonment is usually imposed, may not be arrested without a warrant.

These offences, according to the memorandum, are related to several offences listed in the existing schedule of offences in the Act.

The amendment will insert them in the schedule.

Hearing for UDF funding deferred

DURBAN — An application by the United Democratic Front to have rescinded a Government ruling, which lists the body as an affected organisation, was yesterday postponed in the Supreme Court, Durban until February 10.

The hearing was due to take place before Mr Justice D L L Shearer, but when it was called the judge was told both parties had agreed to the adjournment.

The body was listed as an affected organisation last month. The listing means it cannot get funding from overseas sources.

Respondents in the application are the State President, the Government, the Minister of Law and Order, the Minister of Justice and the Registrar of Affected Companies.

Applying with the UDF are the Durban Housing and Action Committee, the Natal Organisation of Women, and Mr Curnick Ndlovu, chairman of the UDF's National Executive Committee.

In an affidavit Mr Ndlovu claimed the State President, as the first applicant, had no jurisdiction to exercise the power to list the UDF as an affected organisation unless the Minister of Justice appointed a committee consisting of three magistrates.

This committee would have to make a factual report and the Minister of Justice would then have to consider it.

He claimed the committee of magistrates was not appointed by the Minister of Justice, but by the Minister of Law and Order.

He added the Minister of Law and Order, and not the Minister of Justice, had given the required consideration to the report by the committee.

He said the applicant received funds from both outside and inside South Africa, which it distributed to various organisations affiliated to it — the bulk of the funding from abroad emanated from the Swedish labour movement and a church organisation based in the Netherlands.

He added the UDF was interested in encouraging a movement towards a non-racial, democratic and unfragmented dispensation in the country. — Sapa.

APARTHEID BAROMETER

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1986 DETENTIONS

TODAY is the 156th day of the current State of Emergency. The government has refused to release the numbers or names of all those detained under the Emergency regulations.

According to the latest report of the Detainees' Parents Support Committee (DPSC), over 24 000 people are estimated to have been detained during 1986 so far. More than 20 000 of that number are believed to have been detained under the current Emergency regulations.

It was stated in parliament that between January 1 and August 31, 1986, 299 people were detained under Section 29 of the Internal Security Act, 132 of them since the Emergency was declared on June 12. Seventy-one people were detained under Section 50 of the Internal Security Act during the same period. At the end of August, 153 people were being held under Section 19 of the Internal Security Act.

A further 631 people were detained between January and March under the previous Emergency regulations and by September, at least 232 people had been detained under the security legislation of the "independent homelands".

WRONGFUL ARREST AND POLICE ASSAULT

JAMES SELF of the Progressive Federal Party's research unit has reported that in 1984 the Minister of Law and Order, Louis le Grange, was faced with 69 cases of wrongful arrest and assault; an amount of R83 874,61 was paid in out-of-court settlements. Nine out of 69 cases were withdrawn. Eleven of the cases related to unlawful arrests and 11 of the claims for assault involved alleged assaults in police custody. During the same year, at least 34 cases were brought against the Minister of Justice and R34 978,25 was paid out.

In 1985 there were 137 lawsuits against the Minister of Law and Order. Eighty-eight of these were settled out of court and the Minister had to pay a total of R146 668,14. Twenty-nine persons claimed they were assaulted by police, while 29 claimed unlawful arrest. In 46 cases, R21 177 was paid out by the Minister of Justice.

MILITARY STRENGTH

THE latest annual report of the International Institute for Strategic Studies (IISS), reports that South Africa has 106 400 people in its armed forces, including 64 000 national servicemen. In addition it has a further 167 000 active reserves and 150 000 people serving in the National Reserve — meaning that South Africa has a total of 423 400 in its armed forces and reserves, according to the IISS.

The report estimates that Umkhonto we Sizwe, the military wing of the African National Congress, has "perhaps" 10 000 trained guerrillas and that Swapo's strength is around 8 900.

STRIKES

THE Minister of Manpower, Pietie du Plessis, said that between January and September this year there had been 499 strikes, compared with 389 during the whole of last year. He said 230 000 workers had been involved and nearly 777 000 man-days had been lost.

STANDARD OF LIVING

ACCORDING to a recent study by the Actuarial Society of South Africa, only five to 10 percent of the "homeland" population can make a living from agriculture. The rural communities are largely dependent on migrant remittances and old age pensions, which average R40 month, and there are frequent delays because of administrative corruption and inefficiency.

The report says that 89 percent of South African households earn less than R1 400 a month and 56 percent receive less than R400 a month and 40 percent earn less than the official minimum subsistence level of R280 per month.

The report estimates that only 4,7-million people are involved in conventional employer-employee relationships or are self-employed. In all, 8,7-million South Africans with 20,1-million dependents are in the cash economy, many on a part-time or occasional basis, the report estimates.

The society estimates that about 2,8-million "potential workers" are unemployed and that 4,5-million are either unemployed or underemployed. They estimate that by the year 2000 this figure will grow to 8,1-million.

PRISONER OF CONSCIENCE

JACOB MTSHALI, 25, Alexandra Youth Congress (Ayco) general secretary and United Democratic Front national administrative secretary, was detained under the Emergency regulations on September 17 this year and is still being held.

Mtshali first became politically active at the time of the 1976 uprising in Soweto. Later, as a high school student in Alexandra, he was involved with the formation of the now-banned Congress of South African Students (Cosas).

In 1973 when Ayco was launched he was elected the first general secretary, a position he has held ever since. Later that year he played an active role in the launching of the UDF and has since served on the UDF Johannesburg Area Committee and the UDF Transvaal General Council. After finishing school he worked in several jobs and in April last year was employed by the UDF as the administrative secretary in its national office.

This is Mtshali's fourth period of detention and he has spent nearly 12 of the last 16 months in detention without trial. He was detained for the full nine months of the last Emergency and shortly after his release he was arrested, charged with public violence and found not guilty. A month after his release there was an assassination attempt on his life. Shots were fired at his house but he escaped unscathed.

When the latest Emergency was declared he went into hiding but was detained two months ago after being involved in a motor accident.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

ISIZWE — The Nation Vol 1 No 3 (UDF, Cape Town); When Will They Stop (UDF, Cape Town); Workers Unity no 59, 60, 61, 98 (Sactu); A negro woman posing in the nude — poster (Not stated); Bolt no 18 Queen of Hearts (Niel Herman); Fck all that is missing is U, Oral sex is a matter of taste and I really appreciate your criticism - f..ck you very much (unstated); Care newsletter no 78 July 1986 (Care National); Workers Press June 28 1986 (Extrasearch Ltd London); Socialist Worker Nos 993 and 1003, June and September 1986 (Larkham Printers and Publishers Ltd, London); Workers Power no 85 July/August 1986 (Workers Power, BCM London); Spare Rib no 170, September 1986 (Spare Rib London).

The following books have been unbanned for possession but are still banned for distribution and importation: Nelson Mandela — The Struggle Is My Life (Nelson Mandela); Torment to Triumph in Southern Africa (Louise Stack and Don Norton); The African Liberation Reader vols 1 - 3 — The Anatomy of Colonialism, The National Liberation Movements and The Strategy of Liberation.

Unbanned for distribution:

Camera Weekly vol 7 no 21, September 20 1986 (Haymarket Publishing Company); Communism and the Bible (Jose Miranda); A Dwelling Place of Our Own (Randolph Vigne) and Namibia (Winifred Nachtwei).

Powers

ers of arrest 'could be misused'

STAR 15/1/86

By Frans Esterhuyse

CAPE TOWN — The Government's plan to extend the public's powers of arrest without warrant to acts of public violence could have dangerous implications in situations of unrest, Opposition spokesmen warned today.

They were commenting on a provision in the newly published Criminal Procedure Amendment Bill which adds acts of public violence and malicious damage to property to the existing list of offences for which arrests can be made without warrant by a peace officer or a private person.

The proposed legislation, to amend the Criminal Procedure Act of 1977, also extends these powers to kidnapping and child-stealing.

A memorandum says the chief justice, judges-president, attorneys-general, the Association of Law Societies, the General Bar Council of South Africa, the Treasury and the Commission for Administration have been consulted about the proposed amendments.

MIGHT RELATE TO POLITICAL ACTS

Mr Dave Dalling, MP for Sandton and justice spokesman for the Progressive Federal Party, said he would be "very wary" of extending private citizens' powers of arrest without warrant to perceived offences which might relate to political acts.

Another PFP justice spokesman, Mr Ray Swart, MP for Berea, said there could be "great danger" in unrest situations that the proposed powers would be abused by members of one faction against another. The full implications of the measure would have to be "looked at with great care".

A spokesman for the Department of Justice said this week that representations had been received by the department for extending the powers of arrest without warrant by peace officers and private persons.

There was "nothing sinister" about the move, in proposed legislation, to include public violence and malicious damage to property in the existing list of offences for which such arrests could be made.

The spokesman said he was not aware of any past abuse of the existing powers. Public violence and malicious damage to property were, in fact, related to some of the offences in the existing list.

It could be accepted that acts of public violence, for example, could occur in situations of unrest but it was unlikely the proposed powers of arrest without warrant would be abused by groups acting against other groups.

Family awaits Mothopeng release

Own Correspondent

JOHANNESBURG. — The family of Mr Zephania Mothopeng, the 73-year-old jailed leader of the banned Pan Africanist Congress, is anxiously awaiting further details from prison authorities on his possible release from prison, where he is serving a double 15-year jail term.

His wife, Mrs Urbania Mothopeng, said that if her husband, who spent several weeks in a Johannesburg nursing home this year, was released it would be only because of his failing health.

Mr Mothopeng rejected an offer to be released last year on condition he renounced violence.

A spokesman for the Prisons Department said it was not policy to comment on the release of individuals.

Mr Mothopeng, currently serving his third spell in prison, was found guilty in the marathon Bethal trial in 1979 on charges under the Terrorism Act. He was convicted with 17 other members of the PAC.

Mr Mothopeng is the second member of the organization to hold the post of PAC president, succeeding the late Mr Robert Mangaliso Sobukwe. The PAC was founded by the two men in 1959 and both were arrested in 1960 for their parts in the anti-pass campaign.

After their release both were banished to respective areas in the country — Mr Mothopeng to Witzieshoek and Mr Sobukwe to Kimberley where he lived until his death in 1978.

Six months after his banishment Mr Mothopeng returned to his Orlando West home where he was placed under stringent banning orders.

He was again arrested in 1976 and was convicted in the Bethal trial after spending nearly three years in prison.

In September this year Mr Mothopeng was informed by the United Nations Special Committee Against Apartheid of his appointment as the new president of the organization.

Mr Mothopeng is a former teacher and holds a Bachelor of Arts degree.

Lift emergency to improve economy, SA urged

No plan for economic progress in South Africa could be successfully implemented until the state of emergency was lifted, the president of the South Africa-Britain Trade Association (Sabrita), Mr Murray Hofmeyr, said yesterday.

Addressing Sabrita's annual general meeting in Johannesburg yesterday, Mr Hofmeyr said action was needed on the political front and on the socio-economic front.

"For political reform to be effective it must have support from the population as a whole. Changes will have to be imaginative and far-reaching. If they are not brought about, unrest will continue, political polarisation will get worse and our international position will deteriorate further," Mr Hofmeyr said.

He urged the Government to call on black leaders to take part in building a future South Africa. "It must surely be clear by now that unless the Government is prepared to speak to everyone, they will not speak to anyone.

"The risks inherent in urgent and effective political reform are considerable, but no greater than those implicit in doing nothing," he said.

There had been a fall-off in trade between South Africa and Britain during the first six months of this year, Mr Hofmeyr said. Events in South Africa over the last year had seen the heightening of this country's political and social crisis and its further isolation from the mainstream of international intercourse.

Discussing sanctions, Mr Hofmeyr said resistance to sanctions by key Western governments had been undermined by "Pretoria's evident willingness to confront the reality of sanctions, rather than be indefinitely burdened by the threat of their imposition".

Gathering unrest facts a hard task — and one whites know little about

BK645 18/11/86

by TOS WENTZEL Political Correspondent

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INFORMATION gathered by the Progressive Federal Party's Unrest Monitoring and Action Committee (Umac) will help form the basis for the Opposition's analysis of the state of emergency situation when Parliament meets again at the end of January.

The information committee was begun in August last year during the first state of emergency. Now members, under the chairmanship of Mr Jan van Eck, the new MP for Claremont, have travelled far and wide, in the Peninsula, the rest of the Western Cape, the Southern Cape.

They have studied events in many townships and have come up with some disquieting findings.

Some of these, especially those dealing with police and defence force actions, may not be published under the present state of emergency regulations, and MPs will have to seek opportunities to do so under the privilege of Parliamentary debate. This they managed to do this effectively on a number of occasions in the past session of Parliament.

Four PFP MPs and about 30 voluntary workers from Umac recently went on a fact-finding mission to Peninsula townships.

There have also recently been visits to troubled townships at Plettenberg Bay, George and Oudtshoorn.

There is a 24 hour Umac telephone line (41-52412) and a full-time administrative secretary Miss Jenny Radloff. The Umac co-ordinator is Mrs Val Rose-Christie. Umac's office is in St John's House in St John's Street, near the Roman Catholic cathedral.

THE average white person knows little of conditions in black townships or feelings among blacks. This applies even, or sometimes especially, in small Boland towns.

The task facing the members of Umac is often an exhausting one when they visit these towns. There is often a virtually total lack of communication with the authorities, and people of colour descend upon them with their problems as soon as it becomes known that they are in the area.

It is then that the impression emerges that there is little white interest in black problems in many of these areas.

Some problems or complaints are brought to the attention of the uniformed police and, according to Mr Van Eck, there is good co-operation here. The implication is that there is more of a problem with the security police and other security forces.

PFP, Sash condemn new restriction order

18/11/85

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Dispatch Correpondent

CAPE TOWN — The Progressive Federal Party and the Black Sash have "strongly condemned" a new type of restriction order being issued, which prohibits people from taking part in a wide range of activities of several extra-parliamentary opposition organisations, including promoting the call for certain MPs to resign.

The restriction order is being served on people apparently "in lieu of detention" as well as on released detainees.

The PFP's spokesman on law and order, Mrs Helen Suzman, described the restriction order — which forbids people served with the order from among other things, "inciting members of the public to support or promote a call" for the release of detainees or the deproclamation of the declaration of the state of emergency — as "outrageous".

Mrs Suzman said the order was a "further infringement of individuals rights to promote causes — which are common causes in many organisations — all of which are completely legal".

People served with the notice cannot take part in the activities of eight named organisations, incuding the United Democratic Front, the Black Sash and the End Conscription Campaign, if these activities intend to promote public support for various causes.

She said the orders were a "far reaching and objectionable exercise of state power under the emergency" and a "gross violation of the right of free association and free speech".

"I myself have frequently called for several of these prohibited objectives," she said.

Other calls a person served with this restriction order may not support are for the unbanning of the African National Congress, the withdrawl of the South African Defence Force from townships or the termination of the system of compulsory military service or for the public to take part in a protest against any action by a force, as defined in the emergency regulations.

She said that these restrictions were not generally known: "This is government authoritarianism by stealth, and we strongly condemn it," she said.

The PFP's Unrest Monitoring and Action Committee chairman, Mr Jan van Eck, said the restriction order was "yet another way, apart from detention, of curbing the legitimate activites of the government's opponents".

This type of restriction order has been issued to people in the Witwatersrand.

The national president of the Black Sash, Mrs Mary Burton, said that despite the release of some Black Sash members they were still not free to work again as a result of the restrictions.

Alex sealed off

JOHANNESBURG. — Alexandra township, near Johannesburg, has been sealed off, with streets closed and roadblocks at all exits for weeks running.

A police public relations division spokesman confirmed roadblocks were held in terms of the emergency regulations.

The roads were sealed off by workmen in November. Alexandra's administrator, Mr Steve Burger, said roadblocks were to prevent stolen cars being brought into the township. — Sapa

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Cape Times 19/11/86 327

NECC condemns office raid

JOHANNESBURG. — Monday's raid on the offices of the National Education Crisis Committee was an indication that the government did not want to resolve the education crisis, an NECC spokesman said yesterday.

NECC spokesman Mr Eric Molobi said the raid showed the government wanted to crush the organization.

He said about five people conducted the raid and removed documents from the office. No-one was detained.

He said about a week ago the NECC had issued a statement that the government "was not prepared to resolve the education crisis" and that "their hardening attitudes would be manifested by raids" on NECC activists.

He feared that NECC activists might be detained before the New Year. — Sapa

Argus 9/4/86 327

Release of Mandela is 'unlikely', says Winnie

The Argus Foreign Service

LONDON. — President P W Botha is unlikely to release jailed African National Congress leader Nelson Mandela because it would reflect an admission of wrong-doing, according to his wife, Mrs Winnie Mandela.

She says in a British television film to be screened here next week that she holds little hope of South Africa releasing her husband because it would be an "admission that we (black people) and the rest of the world have been right all along".

She also describes the pain she experienced at having to explain to her children that their father "was in prison for life but that he was not a criminal".

She says: "In South Africa it is so difficult and complex to bring up children and have to explain the difference between right and wrong.

"If a black has not been to prison he can only be a part of the system ... that concept has been most difficult to explain to young children."

● Sapa-Reuter reports from New York that South Africa has indicated it wants to release the ailing Pan Africanist Congress president Zephania Mothopeng from jail, a leading member of the movement said today.

Mr Ahmed Ebrahim, foreign affairs secretary for the banned opposition movement, told a news conference in New York that the South African Government had asked Mr Mothopeng's wife, Urbania, to sign an affidavit that she would look after him if released.

SOWETO RIOTS

Mr Ebrahim said: "The South African authorities are making definite overtures for the release of Mothopeng. That can be ascertained from the fact they asked Mrs Mothopeng to sign the affadavit."

Mr Mothopeng, 73, is serving a 30-year sentence for his role in the Soweto riots of June 16 1976. Last year Mr Mothopeng rejected a Government offer to release him if he renounced violence.

A Prisons Service spokesman refused to comment.

CAPE TIMES 19/11/86 (327)

Boy suing minister 'prominent' in stoning

Staff Reporter

A 15-YEAR-OLD schoolboy who is partly paralysed after being shot by police last year, was left lying injured in the back of a police van while police stopped to do some shopping, according to papers before the Supreme Court yesterday.

Papers claim the boy, who is suing the Minister of Law and Order for R100 000, was shot in the back and has lost the use of his lower left leg and left foot.

The boy said in an affidavit that he was walking home from his grandmother's Belville South home on September 5 last year when he saw a group of youths stoning passing vehicles.

He said he walked past but when he saw a police van approaching and heard the youths running , he also ran.

"The policemen got out of the van, started shooting indiscriminately and shot me in the back," he said.

"The police then arrived, picked me up; threw me into the police van and drove around with me for about half-an-hour. They then stopped outside a shop to purchase some things."

The boy says he was never involved in any political activities. According to Captain Ockert van Schalkwyk, the policeman who has admitted shooting him, the boy was "prominent" in a group of 50 or 60 youths throwing stones in Industrie Road, Bellville South.

He said the boy had thrown a stone at his unmarked police car.

Capt Van Schalkwyk said he had stopped the car, grabbed his gun and jumped out of the car.

He had given chase, but had been hampered by his heavy boots and firearms. He then fired four plastic bullets at him, one of which had hit him in the back.

The hearing continues.

Mr Michael Donen, instructed by E Moosa and Associates, appears for the boy and Mr Willem Louw, instructed by Mr M Parker, appears for Mr Le Grange with Mr Acting Justice H P Viljoen presiding.

Dec for Barnard.

SA 'may free' PAC president

NEW YORK. — South Africa has indicated that it wants to release ailing PAC president Mr Zephania Mothopeng from jail, a leading member of the movement said at the United Nations.

Mr Ahmed Ebrahim, secretary for foreign affairs for the Pan Africanist Congress, told a news conference yesterday that Pretoria had asked Mr Mothopeng's wife, Urbania, to sign an affidavit that she would look after him if he were released.

"The South African authorities are making definite overtures for the release of Mothopeng," Mr Ebrahim said. "That can be ascertained from the fact they asked Mrs Mothopeng to sign the affidavit."

Mr Mothopeng, 73, is serving a 30-year sentence for his role in the 1976 Soweto uprising.

Last year Mr Mothopeng rejected a government offer to release him if he renounced violence.

"We (the PAC) believe he is in dire need of medical attention," Mr Ebrahim said.

"We believe the authorities want to release him because he is seriously ill and may be dying, and the regime does not want him dead on their hands because of his great popularity in the country," he added.

He quoted Mrs Mothopeng as saying she would welcome her husband's release, "but only on condition that it is for health reasons and there are no strings attached".

Mr Ebrahim also gave details of the first official contact between the PAC and the US State Department, which took place in Washington last Friday at the invitation of the US. — Sapa-Reuter

Protesters 'wanted to confront policemen'

Cape Times 20/11/86

Court Reporter

A POLICEMAN told the Magistrate's Court yesterday that the crowd who marched to Parliament from St George's Cathedral in June aimed to "have a confrontation with the police".

Captain H D Oosthuizen was giving evidence in the trial of Mr Anton Pierrie Roux, 24, of Ednan Road, Rondebosch, and Mr David Louis Borchers, 28, of Rosmead Avenue, Kenilworth.

They pleaded not guilty to contravening the Internal Security Act by attending an illegal gathering alternatively demonstrating in the open air near Parliament on June 10.

Capt Oosthuizen said he and 30 other policemen were called to the Cathedral, where they saw a group of about 150 people moving towards the Parliament buildings.

He gave them three minutes to disperse as they were constituting an illegal gathering. After about 10 minutes, some of the crowd had moved and he had ordered his men to sjambok the rest.

Cross-examined by Mr J Murphy for the accused, Capt Oosthuizen said he had tried to stop the crowd from entering Parliament to deliver a petition to the State President. He conceded that a group of about six people had entered Parliament with the petition before the crowd arrived.

Capt Oosthuizen said police arrested only two men and a woman — although the group had "definitely" acted unlawfully.

The three had been holding a placard displaying Nelson Mandela's face, singing and making the "black power sign". The hearing was adjourned to November 28.

Mr G Rossouw was the magistrate. Mr C Gavin prosecuted.

Editor dismisses PW's criticism of magazine

SMC 327 20/11/86

Pretoria Correspondent

The editor of the *New Nation* magazine, which State President P W Botha this week described as "dangerous", has dismissed such charges as being without foundation.

Mr Zwelahke Sisulu, who was detained for 23 days at the beginning of the state of emergency, said the Government's accusations must be viewed within the context of its "continuing onslaught against the independent news media".

New Nation is a publication of the South African Catholic Bishops Conference (SACBC). An SACBC delegation, led by its president, the Archbishop Denis Hurley, met with the State President at the Union Buildings on Monday.

'DANGEROUS AND UNWORTHY'

During the discussions which centred around the crisis situation South Africa finds itself in, Mr Botha informed them the magazine was "dangerous and unworthy of the Roman Catholic Church".

Responding to this accusation yesterday, Mr Sisulu said: "The growth and popularity of *New Nation* among all sectors of South Africans is proof enough that it represents a large and growing section of concerned South Africans calling for fundamental change in our country."

APARTHEID BAROMETER

EMERGENCY DETENTIONS

Today is the 163rd day of the current State of Emergency. The names of 9 287 detainees who had been held for at least 30 days have been tabled in parliament, but since parliament has gone into recess no further information about Emergency detainees has been released. The Detainees Parents' Support Committee estimates that at least 20 000 people had been detained under the current Emergency regulations by the end of October.

"There is no indication that Emergency detentions have stopped and reports of fresh detentions continue to come in every day," the DPSC says in its report. By the end of last month, the DPSC had details of 7 592 detainees, of whom 47 percent were under 21 years old and 19 percent were between 21 and 25 years old.

The following is a breakdown of detainees identified by the Detainees' Parents Support Committee. Although the list is not comprehensive, it gives an indication of which areas and which interest groups are most affected by the Emergency.

	PWV	Tvl country	E-Cape	N-Cape	W-Cape	Natal	OFS	Unknown*	Total
Students/ scholars/ teachers	404	142	169	39	72	154	59	4	829
Unionists/ workers	170	46	56	22	23	67	51	43	478
Community/ Political	440	160	522	34	65	125	70	4	1438
Clergy/ churchworkers	20	19	28	0	30	14	1	4	134
Media	4	1	9	0	6	0	0	0	20
Other/Unknown*	747	403	1732	134	752	335	221	65	4479
TOTAL	1704	870	2516	238	948	695	411	120	7592

*Other/Unknowns applies to people whose organisational affiliations or place of abode are not known

RESTRICTIONS UNDER EMERGENCY REGULATIONS

The names of at least 47 people issued with restrictions under the Emergency regulations, most of them subsequent to their release from detention, are known to the DPSC. However, according to the DPSC, "There are reports that the number of persons under restriction orders runs into several hundreds, but the authorities are refusing to disclose their names."

COURT APPLICATIONS FOR RELEASE OF DETAINEES

The latest DPSC report lists 19 court cases involving 119 Emergency detainees applying for release from detention or for interdicts restraining the police from allegedly assaulting or torturing them.

POPULATION FIGURES

According to the 1985 census, the population of South Africa is 23 385 655, of whom 4 568 739 are classified white, 821 361 classified Indian, 2 832 705 classified coloured and 15 162 840 classified black. This does not include the estimated 10-million citizens of the "independent homelands", Transkei, Bophuthatswana, Venda and Ciskei, the vast majority of whom are black. Independent estimates of the total South African population put the figure at over 36-million.

According to the census, 14 693 282 people, including 9 857 922 blacks, were not economically active. Between 1980 and 1985, the annual growth rate was 1,4 percent (whites), 2,0 percent (Indians), 2,4 percent (coloureds) and 3,4 percent (blacks).

The total female population is 11 840 363 and the total male population is 11 545 282, according to the census.

PRISONER OF CONSCIENCE

STONE SIZANI, 30, United Democratic Front Eastern Cape publicity secretary, was detained in Port Elizabeth under the Emergency regulations on June 29. Shortly after his detention he was admitted to the Livingstone Hospital with a heart complaint and has been held there ever since.

Sizani first became politically active as a high school student at the time of the 1976 student uprisings. In 1977 he was detained. He was later charged with taking part in political violence and sentenced to Robben Island for five years.

After his release in 1982, Sizani helped organise the African Food and Canning Workers Union in Alexandria and later joined the Port Elizabeth Youth Congress (Peyco). He played a central role in the formation of the UDF in 1983 and was elected to the Eastern Cape executive. He served as treasurer until January last year when he was elected publicity secretary.

By working from "hiding" he managed to avoid detention for the whole of the last Emergency but was detained at a meeting in the third week of the current Emergency.

From 1982 until the beginning of this year, Sizani worked as a laboratory assistant for a Port Elizabeth factory. He is married and has a three-year-old daughter.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

Workers' Unity No 62 1986 (SACTU); Big Red Diary 1987 and Victory is Certain (Pluto Press, London); Press Thursday 19 June 1986 for immediate release (ILO, Geneva); Revolutionary Worker No 375 Vol 8 no 23 (RCP Publication Sheffield Chicago); International Viewpoint issue No 104, 15 September 1986 (PEC Montreuil, France); Militant issue 808, July 25 1986, issue 811, August 15 1986, issue 804, June 27 1986 (Militant Publications, London); People's Daily World Vol 1 no 8 (People 's Daily World, New York); The Burning Spear vol 13 no 4, July 1986 (African People's Socialist Party, Oakland); Our Common Struggle no 1 (OCS, London); Socialist Organiser no 273, June 19, 1986, no 270 May 1 1986, no 274 June 26 1986 (Socialist Organiser, London); Workers Vanguard no 412 September 26 1986 (Sparticist Publishing Co, New York); Socialist Worker no 1006 September 27 1986 and Socialist Worker review issue 90 September 1986 (Larkham Printers and Publishers, London); Sticky self-adhesive bra/envelope (DB Distribution Brussels); Joli Bust self-adhesive bra/envelope (James B Lawson International, Brussels); Caledarios de Bolsillo '87 catalogue (Not stated); G Calendario's de Bolsillo 1987 (Not stated); Drummies Break poster size photograph (P du Toit, Cape Town); Top Girls calender for 84 and 86 (not stated); Sex Fun vol 1518 (Sonskyn Uitgewers Pty Ltd, Jeppe, Johannesburg); T-shirt with various F... slogans starting with F... parking meters ending with F... Uncle Sam (Elmar Sports Wear); Printed picture of bare breasted blonde girl with red feather shawl and with black shawl - poster (not stated); The Boys on the Rock (John Fox).

The publications committee has also prohibited the importation, except on authority of a permit, of publications or objects produced by Labour Militant Publications PO Box 10614 Oakland, Socialist Organiser PO Box 823 London and Militant Publications 3 — 13 Hepscott Road, London.

Unbanned:

The African (William Cotton); Passport to Truth (George von Konrat).

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Abstracts 24/11/86

EMERGENCY UPDATE

Academics tell Govt: Research is 'impossible'

Staff Reporter

THE Political Science Association of South Africa has called on the Government to lift the state of emergency because it is seriously affecting academics in their search for solutions to the country's problems.

It has also called for detainees to be released or brought to trial and for the free flow of information to be restored.

The association's president, Professor Gerhard Totemeyer, of the University of Cape Town, said the emergency was affecting members in their academic practice.

LESS INFORMED

He said the right to freedom of expression and critical academic practice ought to be maintained.

"The extremely wide definition attached to a 'subversive statement' (in the emergency regulations) constrains research and inhibits the dissemination of knowledge and the free flow of information and discussion.

"The inevitable result must be that the population and its leaders are less well informed about the nature and scope of the problems existing in society.

"DIVISIVE EFFECT"

"The search for solutions is thereby affected in an extremely negative fashion, if not made impossible.

"It also has a divisive and polarising effect on large segments of the population."

Professor Totemeyer said the assocation was also concerned about the emergency's impact on the general political situation and warned that peace would not return until the underlying causes of the emergency were addressed.

Fight against mine

Info's advertising plan 'unrelated to boycotts'

CNL Times 25/11/86 · 589 327

Staff Reporter

THE Bureau for Information yesterday denied that its new "multi-media educational advertisement campaign" was part of a strategy to bust nation-wide rent, rates and transport boycotts — although a spokesman conceded that the campaign was "indirectly" related to the boycotts.

In a campaign consisting of television, radio, newspaper and billboard advertising, the bureau said in a press release yesterday that it "comprised of four basic messages pertaining to the following community services — water and electricity supply; and housing and transport services.

"The message which forms the basis for the advertising campaign is one which informs the public of the infrastructure and manpower involved in realizing these community services and that these are to be paid for by the user as is the case with any other consumer item.

"Market research has shown that a lack of information regarding the origin of the above-mentioned four essential services which contribute to the increased well-being of communities exists within black communities."

Asked yesterday if the campaign was part of a nationwide strategy to bust the boycotts, a bureau spokesman said "I suppose that very indirectly, you could couple it to the boycotts".

"But as we indicated, people are unaware of what goes on. For example: When you turn on a tap, how the water comes out; the backup systems like water purification plants, dams and so on.

"The message says that like all community services, you have to pay for it. If you really want to stretch a point, you could say it is to do with the rental business.

"But there really is no political angle in it whatsoever. It says things like if you use buses, you have to pay for it. There is such a huge infrastructure involved in all these things which have to be paid for somehow," the spokesman said.

He declined to say how much the campaign would cost, saying "this will come out during question time in Parliament, it has been paid for out of an approved budget".

In August this year, the Weekly Mail leaked details of the campaign and linked it to the far-reaching grand plan by the security forces, government, business and community councils to break township service boycotts through the network of Joint Management Centres which are accountable to the State Security Council.

● The University of Witwatersrand-based Community Research Group has listed 31 townships nationwide where rents are being boycotted and they estimate this has already cost the state over R250-million.

Detainees hit by food shortages after emergency

27/11/85

By Jo-Anne Richards

Political detainees suffered food shortages in certain police stations immediately after the declaration of the state of emergency, the Department of National Health and Population has confirmed.

The department recently informed the Medical Association of South Africa (Masa) of the situation. Masa's Secretary General, Dr C E M Viljoen, then wrote to the Detainees' Parents Support Committee.

Dr Viljoen wrote: "I have been informed ... that temporary food shortages were ... experienced at certain police stations (not prisons) immediately after the declaration of the state of emergency, due to the sudden increase in the number of detainees."

Deputy Director-General of the Department of Health and Population Development, Dr J P Roux, said: "It was a question of a more balanced diet. The more well-to-do, sophisticated detainees wanted more than mealiemeal and coffee."

KITCHEN FACILITIES

He claimed the problems occurred mostly in the Eastern Cape, "where there weren't large kitchen facilities available. We arranged for the smaller police stations to get food from local caterers."

In August, a full bench hearing for the release of six detainees in the Grahamstown Supreme Court was told their diet — dry brown bread, black unsweetened coffee, soup and mealie meal — failed to meet accepted minimum standards of nutrition.

A dietician, Mrs Joan Huskisson — formerly in charge of dietetics at Groote Schuur Hospital and a lecturer at the University of Stellenbosch — said in an affidavit the diet did not reach the daily allowance needed to maintain minimum health standards and could be regarded as a "strict weight reduction diet".

Mr Justice Kannemeyer undertook to have the matter investigated "by the highest authority".

ARGUS 28/11/86

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EMERGENCY UPDATE

Emergency helped Govt, says Sash

Staff Reporter

THE state of emergency has succeeded beyond the Government's wildest dreams, says Black Sash president Mrs Mary Burton.

At the End Conscription Campaign's annual meeting in Cape Town last night, she said the emergency had given the Government time to recover from the mess it was in a year ago.

"The Government has had time to paper over all the cracks in the system," she said.

Mrs Burton paid tribute to the ECC for its ingenuity and creativity in responding to the state of emergency.

Outgoing chairman Mr Nic Borain criticised attempts by the Government and other organisations to discredit the ECC.

NEWSLETTER

He said he was referring in particular to Aida Parker's newsletter which referred to the ECC as an organisation which forged links with communist ones.

"Although the ECC won a Media Council hearing against Ms Parker, the damage was already done."

Mr Borain said the ECC had opened a crack in an exceptionally militarised country.

Miss Paula Hawthorn was elected president of ECC.

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JMCs — a network of secrets

By DENNIS CRUYWAGEN, Staff Reporter

THE Joint Management Centres (JMC) formed a secret system of control answerable only to the State intelligence service and were usurping the functions of public representatives, the Divisional Council was told this week.

Little is known about the JMCs, described as an "important element of the regional network of the State Security Council" by councillor Mr Neil Ross who dissected the organisation at this week's council meeting.

He discounted a council works committee report which claimed "no politics is involved in the system because it is run by officials".

Mr Ross said two JMC subsidiaries, the Constitutional, Economic and Social Committee (Staatkundige, Ekonomiese en Maatskaplike Komitee), and a communications unit known as KomKom, reported directly and indirectly to the State Security Council which was dominated by National Party members and a few officials.

POLITICIANS serving on the State Security Council included President P W Botha and Cabinet Ministers, Dr Neil Barnard, director of the National Intellegence Service, the Chief of the Army, the Commissioner of Police, and the directors-general of the departments of justice and foreign affairs.

"The body is therefore highly political," said Mr Ross.

He quoted a works committee report which said: "The primary objective of the JMC system is to establish a countrywide management network which could defuse a possibly revolutionary climate."

Nothing could be more political than that, he said.

The report said the JMC system merely co-ordinated departmental action to reduce the revolutionary climate and to prevent unrest.

"I am not saying these functions are not sometimes necessary. Let us not bluff ourselves — our officials are involved in a highly political body."

MR Ross said the existence of the JMC system was not a secret. However its modus operandi was clouded in secrecy.

The network set its own goals and objectives. In the end, means of achieving these goals did not matter.

It worked hand-in-hand with the first, second, and third tier of Government on an official-to-official basis. This was particularly evident at the third tier — the directly elected representatives of various communities.

The JMCs had no funds to dispense and their secret hand was never visible. But money for "special projects" such as upgrading township infrastructures was made available through local authorities administering them.

If they had no money a Minister in the House of Representatives might well make the funds available.

Divisional Council officials served on the local branch without the council's approval.

The council had never sanctioned its officials' serving on the JMC or its subsidiary bodies, nor had it ever had reports from officials on how they, while serving the Divisional Council, were contributing to bring about "a reduction in the revolutionary climate".

"This is a serious matter. Serious because officialdom, serving on behalf of this council, is, I believe, usurping some of the responsibility we as councillors should be taking," he said.

THE works committee report claimed the JMC was involved in civil defence.

Mr Ross said the JMC dealt with security matters and had little to do with civil defence "and much to do with the implementing by containment of PW Botha's response to the vision of a total onslaught against the Republic".

The Divisional Council was not serving on the JMC "for purposes of activating civil defence". Instead it had been co-opted by a secret system whose recommendations were scrutinised only by its masters.

Examining the JMC network in the Western Cape, he said the local branch was a fairly large body of about 60 people. The chairman was a well known and "controversial" figure, police divisional commissioner Brigadier Chris Swart.

The JMC met irregularly and most of its functions were carried out by three sub-committees, a joint intelligence committee (gesamentlike intelligensie komitee) (JIC), a constitutional, economic and social committee (CESC) and KomKom.

The JIC, which probably met once a week, was dominated by the security police, representatives of the National Intelligence Service, the police and army. Its objects were to identify possible local security threats and to co-ordinate a response.

"They are usually well-informed. I have no doubt that if a private and important United Democratic Front meeting were held in Cape Town, the JIC would be well informed about who were present, who spoke, and what was said. If there is a major political funeral, the JIC directs and decides tactics by the State."

At this point Mr L J Rothman, council chairman, said the Divisional Council was not involved with the JIC.

MR Ross said the JIC identified possible security threats and distributed information on a need-to-know basis to other JMC subcommittees. "They obviously distribute their reports upwards."

The CESC — on which the Divisional Council is represented according to Mr Rothman — was dominated by the Department of Constitutional Development.

"They examine things in local communities which they believe may contribute to a revolutionary climate and then make recommendations as to how this should be resolved," Mr Ross said.

Illustrating this point many of the roads in Grassy Park were untarred and badly damaged. Local community organisations could use this "to increase the revolutionary factor".

The CESC, however, would or could take steps to overcome the problem and in the process enable the Divisional Council and or management committees to discount the claims of "the revolutionary forces" and give legitimacy to the present participatory political organisations.

"The function of CESC has everything to do with the lowering of the revolutionary climate — a highly political act — and little or nothing to do with civil defence."

KomKom was dominated by the Bureau for Information. "It is their job to bolster the achievements of the present statutory authorities and to try to alienate the community at large from alternative structures such as the civic associations which have mushroomed in the Western Cape."

IN addition there were numerous examples of anonymous disinformation pamphlets which attacked various organisations.

"Many, I believe, flow from recommendations by KomKom. I know that many anonymous pamphlets, posters, and stickers are printed in Cape Town . . . not more than a stone's throw away from this building."

The three chairman of the three sub-committee formed an executive which probably met once a week.

Mini JMCs such as the local government committees gathered information for the JMC. The Divisional Council, management committee members, and others served on these smaller models of the JMC.

● Mr Ross, also a Cape Town city councillor, raised the issue in the City Council this week.

During debate on a R3-million upgrading programme for Bonteheuwel and Heideveld, he said the council's comprehensive plans for upgrading the areas had "fallen on deaf ears" in 1981.

There has been no negotiation with the council on the programme and funds had been made available "through very odd routes".

"Nobody disputes the need for this upgrading and I believe some of the motives of the people who serve on the JMCs may be very good and very well." However, the JMCs "could well be impinging on the authority of the council" and another level of government was being created, Mr Ross said.

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Is a fair trial possible in apartheid society?

Cape Times 28/11/86



D M DAVIS comments on the report of the International Commission of Jurists on the Pastoors trial and the South African judicial system.

ON JUNE 28, 1985, Helene Pastoors, a 43-year-old Dutch national, was arrested and detained in terms of Section 29 of the Internal Security Act. Some eight months later she appeared at a preliminary hearing before the Johannesburg Regional Court where an indictment was served on her. Pastoors was charged with the common-law offence of treason and alternatively with the crime of terrorism as defined in the Internal Security Act.

The trial in the Supreme Court began on April 14, 1986 and one month later the saga ended when Mr Justice Spoelstra sentenced Pastoors to 10 years' imprisonment.

The trial aroused considerable attention in the international legal community. A number of foreign lawyers attended the trial as observers, including Mr W C van Manen of the Amsterdam Bar, who observed the proceedings on behalf of the International Commission of Jurists. As a consequence of his visit he wrote a 162-page report on the Pastoors trial, which was recently published. For any South African concerned with the future of our legal system, the report comes to a number of disturbing conclusions.

For Mr Van Manen the question of whether the Pastoors trial was fair in terms of the legal procedure adopted and the manner in which it was conducted is irrelevant. He contends that irrespective of whether the procedures followed are fair, no trial in South Africa can in reality be considered to be fair. The reason — apartheid. As Mr Van Manen puts it: "To maintain apartheid naturally requires unfair laws and a judiciary willing to enforce these laws. No trial of a person accused of having infringed such laws can ever be called fair."

For me this is the major difficulty concerning the Van Manen report. The advantages of a procedurally fair trial should not be underestimated. For example, we have seen how the case against 16 UDF leaders in Maritzburg collapsed as a result of the scrupulous fairness of the presiding judge and the good fortune of the accused being represented by an outstanding senior counsel.

Procedural fairness

In similar fashion a number of judges have insisted recently on procedural fairness on the part of the police in using their emergency powers, with the result that some detainees have been released. Did the Pastoors case fall into this category? On the positive side, she was defended by a dedicated, highly respected attorney and a most distinguished senior counsel. Most of the trial took place in open court.

As another observer at the Pastoors trial, Professor Van den Wyngaert of Belgium wrote: "The conviction was supported by the evidence, and the penalty, according to the same standards, was not excessive. The fact that she was convicted of high treason and not terrorism, to some extent, silences the critics of South African criminal law, at least as far as this trial is concerned. It would have been different had the conviction been based on the generally criticized Internal Security Act, with its vague incriminations and its, for Western criminal lawyers, unacceptable reversal of the onus of proof."

Now for the negative side. Pastoors was held by the police in solitary confinement for eight months. She had a nervous breakdown, psychiatric clinic. To the extent that any trial is based on evidence gained by the police from someone in solitary confinement, a trial cannot be said to be fair. There is a considerable body of psychological literature to support the conclusion that such evidence must be treated with the utmost caution. In other systems, including the US, and in the European Court of Human Rights, such evidence would be excluded as inadmissable. The record of security police treatment of detainees, proven in court cases and research, tends to support a conclusion that cases cannot be considered to be fair.

In the Pastoors case the state made use of a witness whose identity was given as Mr Z. He gave his evidence in camera, owing to the state's argument that if his identity were known he would be a target for an ANC attack. By sheer luck Pastoors's attorney also acted for accused at the Delmas treason trial and thus was able to identify Mr Z as someone who had also given evidence at the Delmas trial. After some difficulty the defence gained an order from the judge of the Delmas trial enabling the leader of the defence team to know Mr Z's real identity and gain access to the evidence given at Delmas. With this knowledge counsel was able to destroy Mr Z's credibility by proving to the court that his evidence contradicted that given by him at Delmas.

Substantive unfairness

Without the coincidence of the attorney being involved in both cases, it would have been extremely difficult to cross-examine Mr Z effectively. In short, trials in which secret witnesses give evidence cannot be considered to be completely fair.

As to the charge of substantive unfairness made by Mr Van Manen, it cannot be said that every trial in South Africa including, for example, contractual or company litigation, is unfair. However, when it comes to trials involving political activity, Mr Van Manen's point has much to commend it. One cannot isolate the activities of ANC members from the oppression of South African society. In many ways we are a country at civil war and in such a situation a substantial proportion of the population will consider Pastoors as a hero of the struggle rather than a traitor who failed to give allegiance to the South African state. If such a conclusion sounds irresponsible to white ears, then reference should be made to the recent Human Sciences Research Council (HSRC) study which indicated massive support among blacks for the ANC (D J van Vuuren et al SA: A Plural Society in Transition).

A legal system can only operate fairly in a society in which there is a broad consensus concerning the values on which society is based. Alas, we are not that kind of society. It is therefore not surprising that even the Hoexter Commission noted the lack of confidence which so many South Africans have in our legal system. Until our society is based on true power-sharing, our legal system will continue to be seen by many as a mechanism to criminalize genuine opposition to an iniquitous political system. In this sense Mr Van Manen's charge against our legal system has considerable validity.

(Professor Davis teaches in the department of commercial law at the University of Cape

Star 28/11/86.

Call to Govt to lift state of emergency

By Susan Pleming

The Political Science Association of South Africa has called on the Government to lift the state of emergency because of the effect it has on this country and on the search by academics to find a solution to South Africa's problems.

The president of the Association, Professor Gerhard Totemeyer of the University of Cape Town's department of political studies, said the state of emergency hampered the task of academic practice.

He wrote in UCT's *Monday Paper*: "The extremely wide definition attached to a 'subversive statement' constrains research, inhibits the dissemination of knowledge and the free flow of information and discussion.

"The inevitable result must be that the population and its leaders are less well informed about the nature and scope of the problems existing in society.

"The search for solutions is therefore affected in an extremely negative fashion, if not made impossible. It also has a divisive and polarising effect on large segments of the population."

Professor Totemeyer appealed to the Government to lift the state of emergency and to release detainees, or bring them before a court of law, and to restore the free flow of information.

APARTHEID BAROMETER

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EMERGENCY DETENTIONS

Today is the 170th day of the current State of Emergency. The number and names of all those detained under the Emergency regulations have not been released by the government. According to the Detainees Parents' Support Committee, at least 20 000 people had been detained under the current Emergency regulations by the end of last month. The Progressive Federal Party's Missing Persons Bureau estimates that up to 24 000 people have been detained so far.

DETENTION OF CHILDREN

About 8 000 children have been detained under the Emergency regulations, according to the DPSC. While most of the children are between nine and 18 years old, the DPSC said that many were below nine years old and some were as young as five.

At the recent PFP Federal Congress, Beverly Roos of the Groote Schuur constituency quoted from a University of Cape Town report which stated that 2 186 people under the age of 16 had been detained since the Emergency was declared. She said that 201 children had been killed and 571 injured in this period. Brian Bamford, MP for Groote Schuur, said there was evidence that children were being kept in cells containing up to 40 people and that children were being kept with adults in the same cell. He said at least 40 percent of people detained were under the age of 19 years.

DEBT FIGURES

A TOTAL of 235 212 people received debt summonses between June and August this year while 122 488 people received civil judgements for debt.

EMERGENCY DEATHS

According to figures released by the government's Bureau for Information, 335 people died in unrest during the first 158 days of the State of Emergency. This figure does not include deaths in the "independent homelands".

HANGINGS

Seven people convicted of murder were hanged in Pretoria Central Prison last week, bringing to 106 the number of people hanged this year. The total number of people hanged in South Africa (outside of the "independent homelands") since 1978 is 1 038.

UNEMPLOYMENT

The number of white, coloured and Indian unemployed rose from under 30 000 at the end of 1983 to 81 000 in July this year, according to figures published in the United Building Society's Economic Monitor.

EDUCATION

According to the Minister of Education and Development Aid, Dr Gerrit Viljoen, in 1985 there were six million black students at school, compared with one million whites, 800 000 coloureds and 234 000 Indians. The six million total was made up of 1,7-million under the Department of Education and Training, 2,4-million in "self-governing territories" and 1,8-million in "independent homelands".

He said there were over one million black children of schoolgoing age not attending school in a given year. He said nearly 18 000 out of a possible 92 000 black candidates had not written their matric exams last year as a result of the boycott and that 250-300 black schools were currently seriously affected by the boycott.

PRISONER OF CONSCIENCE

ELIAS MOTSOALEDI, former African National Congress, SACTU and Communist Party activist, is one of the Rivonia trialists serving a life sentence on Robben Island.

Motsoaledi first became politically active as a factory worker in Johannesburg in the early 1940s. He joined the Leather Workers Union and in the late Forties he served as an executive member of the Committee of Non-European Trade Unions (CNETU). During this period he also joined the ANC and the Communist Party of South Africa. In 1952, shortly after the Defiance Campaign, he was banned but nevertheless remained politically active.

In 1955 he was one of the trade union leaders who helped initiate the South African Congress of Trade Unions (SACTU). When the State of Emergency was declared in 1960, Motsoaledi was detained for four months. Shortly after his release he went underground and served on the Umkhonto we Sizwe Johannesburg Regional Command. He assisted in hiding recruits, sending them abroad for military training and procuring armaments. He was arrested at Rivonia in July 1963 and sentenced to life imprisonment the following year. During the trial his wife was detained under the 90-day detention law.

Motsoaledi, who is in his early sixties, has spent 24 years of his life behind bars for his political beliefs and activities. He has seven children.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

Banned for Importation and Distribution:

Apartheid Cannot Be Reformed (United Nations Centre Against Apartheid); New Perspectives Vol 16 5/1986 (Information Centre of the World Peace Council, Helsinki); Black History and the Class Struggle No 2 and Woman and Revolution No 31 Spring 1986 (Sparticist Publishing House, New York); TUC Special Focus on South Africa (TUC Congress House, London); Socialist Worker No 109 18 October 1986 (Larkham Printers and Publishers, London); Eight Days A Week (Larry Duplechan); Tongue-Tied Texan No 24 Shelter (Paul Ledd); The Storyteller (Harold Robbins); A Man of Respect (Darryl London); Prank No 127 (Sonskyn Uitgewers (Pty) Ltd Jeppe Johannesburg); Amazing Feeling — cassette-like object which induces electric shock when opened. Front cover displays bare breasted girl (Not stated); Nude Playing Cards No 9009 "Royal Flushes" — Brand Poker Size (Not stated); Profanity is the Linguistic Crutch of the Inarticulate Motherf...r — display card (Not stated).

Banned for possession:

SACP Fighting in the Frontline for National Liberation, Socialism, Peace (Not stated); SACP 1921-1986 For Freedom, Peace, Socialism — poster (Not stated); Workers to the Front — poster (Not stated); We March to Freedom — poster (Not stated); Africa Our Africa Land, Freedom, Education (not stated); One Oppressor, One Bullet (Not stated); SWAPO Information Bulletin (SWAPO Dept of Information, Luanda, Angola); 1986 June 16th Ten Years Later The Struggle ... Continues (Wectu, Cape Town); Cape Youth Congress June 16th Youth Day (Cape Youth Congress Cape Town); The Child Is Not Dead (compiled by Ann Harries, Roger Diski, Alasdair Brown); Exit To Eden (Anne Rampling).

JMCs usurping role of public representatives

CAPE TIMES 28/11/86 327

Divisional Councillor Neil Ross, a senior official of the Progressive Federal Party, spoke at this week's meeting of the council on the little-known activities of the Joint Management Centres (JMCs).

He described the JMCs as an insidious system of bureaucratic control, answerable only to the state intelligence machine, which is usurping the function of elected public representatives. This is an edited account of his speech.



THE report before us, dealing with the participation of the Divisional Council of the Cape in the Joint Management Centres (JMCs), fails to answer a fundamental question: who authorized our participation in the JMCs, an organization which is an important element of the State Security Council's (SSC) regional network?

The report before us says: "No politics is involved in the system, for it is run by officials." This is nonsense. The SSC is dominated by politicians, National Party politicians, plus a few officials.

The politicians include Messrs P W Botha, Magnus Malan, Pik Botha, Chris Heunis, Gerrit Viljoen, Kobie Coetzee and so on.

State officials include Mr Neil Barnard, (National Intelligence Service), Generals Geldenhuys and Coetzee (police and armed forces), the Director-General of Justice and the Department of Foreign Affairs.

The JMCs are highly political. The report before us says "the primary objective of the JMC system is to establish a countrywide management network which could defuse a possibly revolutionary climate in the country". What could be more political than that?

This council has never sanctioned our officials serving on JMCs or other subsidiary bodies, nor has this council ever received any report from our officials as to how they, serving this council, in our name, are contributing to bring about "a reduction of the revolutionary climate".

This is a serious matter. Officialdom is usurping some of the responsibility of councillors.

Our officials do not report back on their deliberations, in spite of the fact that the discussions sometimes deal with intimate details of this council's work, such as the state of our roads, our housing, our amenity infrastructure. The council receives reports from certain JMC committees from time to time, but none of these are tabled and dealt with as part of ordinary council business. Why?

The report before us seeks legitimacy for this council to serve on the JMCs without refering the matter to the council itself. It takes refuge in the Civil Defence Act of 1977.

WHEN any of our staff serve, as opposed to liaise with any outside body on behalf of council, council's permission is sought. This is particularly important when senior staff are involved. Similarly, if councillors represent council on statutary bodies, permission is given by the council itself. Why not so with our representatives on JMCs and their sub-bodies?

The reality is that we are not really serving on the JMC "for purposes of activating civil defence". Rather, we have been co-opted by this secret system — secret in the sense that their recommendations are scrutinized only by their masters.

JMCs are fairly large bodies, normally about 60 people. Here in the Western Cape the local JMC has been chaired by that well-known and controversial figure, Brigadier Swart. The JMC meets irregularly and most of its work is done by these sub-committees.

There is the GIK or Gesamentlike Intelligensie-komitee (GIK). This body is dominated by the security police, local representative of the National Intelligence Service (NIS), police and army. Its objective is to identify possible local security threats and to co-ordinate activities of these organs of the state.

If there is a political funeral, The GIK directs and decides co-operative tactics by the state. The GIK identifies possible security threats and distributes information on a need-to-know basis to other JMC sub-committees.

It obviously distributes its reports upwards. This committee meets regularly — probably once a week and more.

I understand — and I would ask for confirmation from the secretary — that neither he, our director of protective services or Mr Van der Bergh (deputy administrative officer) or any other council officials serve on the GIK in any capacity.

The JMC's second sub-committee is Semkom. The Divisional Council of the Cape does serve on this body — the Staatkundige, Ekonomiese en Maatskaplike Komitee. It is dominated by representatives from the Department of Constitutional Development and Planning. It concerns itself, *inter alia*, with examining factors in a local community which could contribute to the "revolutionary climate" and then makes recommendations as to how this should be resolved.

LET us take by way of example the state of the roads in Grassy Park. Many of these are untarred and badly made. Local community organizations could possibly make use of this matter "to increase the revolutionary factor" and Semkom will or could make recommendations to overcome the problem.

The function of Semkom has everything to do with lowering the revolutionary climate (a highly political act) and little or nothing to do with civic defence.

We as a council participate on Semcom. I am told we receive reports, recommendations and communications from Semcom and other JMC organs. These are never communicated to any statutary council committee or councillors.

What we have is an official-to-official communication. Whether budgetary priorities within council are posted, changed or manipulated as a result of these reports, I do not know. I am told they are not. I am not persuaded that this is not so.

However, I ask the question: Why if we participate on Semkom are none of its reports or recommendations tabled?

The third committee of the JMCs is Komkom. This committee is dominated by the Bureau for Information and it is this committee's job to bolster the achievements of the present statutary authorities and to try to alienate the community at large from alternative structures, such as the "civic associations" which have mushroomed in the Western Cape.

In addition, we have numerous examples of anonymous disinformation pamphlets attacking various organizations. Many of these, I believe, flow from recommendations made by Komkom.

I know that many anonymous pamphlets, posters and stickers are printed by a state department in Cape Town not much more than a stone's throw away from this building. The Divisional Council does not serve on this body. However, I would like the secretary to confirm that this is so.

The chairman of three subcommittees of the JMCs form an executive committee. This committee meets regularly — probably on a daily basis.

Below the JMCs are mini-JMCs and the Plaaslike Bestuursake-komitees (PBKs). These are information-gathering bodies for the JMCs.

The Divisional Council, Management Committee members and others serve on these bodies. They are part of the SSC's information-gathering service and however innocuous they may appear, they must be viewed with great suspicion.

The whole National Security Management System works hand in hand with first-, second- and third-level organs of government on an official-to-official basis, cutting out the directly elected representatives of various communities.

Decisions taken by JMCs (recommendations) are fed upwards. If a decision (recommendation) is taken to upgrade the infrastructure of a township, the ways and means of doing this are examined.

If, for example, it was a township in the Divisional Council area, and if money was not available by redrawing budgets, the House of Representatives in the person of one of the ministers might well make the money available after pressures and arguments are brought to bear.

Thus the secret hand of the JMC is never really visible, because the JMC has no funds to dispense. Until this money is made available for a "special project", the local councils are often not even aware the money will be dispensed.

Let us not be blind to a new and insidious system of control which is emerging, which is bureaucratic in control, answerable only to the State Intelligence Service, which sets its own goals and objectives and which is usurping the function of elected public representation.

Police given wider powers

Star Times 29/11/86

327

PRETORIA. — An amendment to the emergency regulations which enables police to ban indoor gatherings, making it unnecessary to obtain a magisterial order as previously required, was published in the Government Gazette here yesterday.

A sub-regulation in Regulation 7 enables police commissioners to ban or clamp extensive conditions on "any gathering". — Sapa

HG Afrikaans
29/11/86
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'Berlin Wall' springing up around Soweto



the wall be-

JOHANNESBURG. — A wall built of sturdy concrete pillars is springing up around Soweto and will probably cut off the sprawling township complex from the rest of Johannesburg and surrounding areas once completed.

Already the townships of Kwazakhele, New Brighton and Zwide in Port Elizabeth have been fenced off by a high fence of barbed wire and entry is only at certain points manned by security forces.

And, the seemingly-permanent security checkpoints at entrances to Alexandra township north of Johannesburg have also caused concern that the settlement could be fenced off from white residential and business areas surrounding it.

In Soweto, many people are wondering why they apparently are being physically cut off from white Johannesburg, but no one in official circles has said whether Soweto's "Berlin Wall" does not mean the rest of South Africa's black townships will also be fenced in.

The Bureau for Information has not answered questions about Soweto's wall either, but the Department of Constitutional Development and Planning has disclaimed responsibility for building it.

Soweto town clerk, Mr Nico Malan, was not available for comment, nor was the chairman of the council's management committee, Mr Letsatsi Radebe.

According to Protea police headquarters in Soweto, the wall is being built for "safety reasons", but spokesmen said it had nothing to do with security or defence.

They said the wall was being built by the Department of Transport.

The wall is well advanced.

Workmen at the site said they were told the wall was to enclose the township, but did not say why.

They did not know who was funding the wall, and could only say they were employed by a construction company which normally undertook major work for the authorities.

One of the men said the structure would extend "a long way", but could not say where it would end.

Mrs Helen Suzman, the Progressive Federal Party member of Parliament for Houghton, said that if the intention was to enclose Soweto, the idea was "grotesque".

"It will bring tremendous criticism of the authorities and obviously arouse great suspicion that the intention is to cordon off the area.

"It can't do any good towards restoring normality to the situation, and I think will only add to the tension that already exists.

"I hope there is no truth in it. Anything that restricts the free movement of people and interferes with normal relationships is thoroughly bad."

Further powers for police

An amendment to the emergency regulations was published in the Government Gazette in Pretoria yesterday enabling police to ban indoor gatherings without obtaining a magisterial order as previously required.

A lengthy subregulation inserted into regulation 7 enables police commissioners to ban or clamp extensive conditions on "any gathering".

According to legal opinion the proclamation, and four other amendments published, "show that the state of emergency is not dead".

The amendments entail technicalities. — Sapa.

TOTALITARIANISM — GENERAL

1986

DECEMBER.

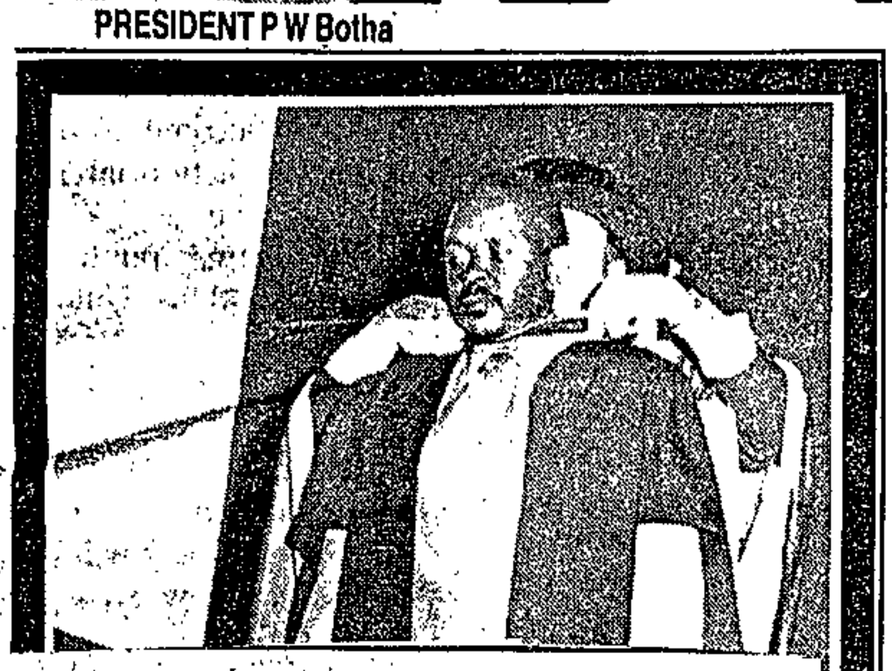
Total blackout on unrest reporting

GAG ON PRESS

(327) Sowetan 11/12/86



PRESIDENT P W Botha



SOWETAN CORRESPONDENT

A TOTAL blackout on unrest reporting except for statements cleared officially is to be imposed in terms of revised emergency regulations to be published this week.

According to sources the latest regulations are aimed mainly at further curtailing media coverage of unrest, the definition of which is to be broadened.

Any information on defined unrest-related matters will have to be cleared with the relevant Cabinet Minister before newspapers will be allowed to publish.

This ruling will also affect statements by parliamentarians, although these people will not be prevented from making speeches and statements in the course of normal political activity.

New law in force this week

Media

The onus will be on the media whether they should approach a Minister for clearance or not. If such an approach is not made, at the discretion of the publication concerned, that publication will have to bear the consequences.

In terms of the present emergency regulations, any person who contravenes the regulations is liable to a maximum fine of R20 000 and/or 10 years imprisonment.

It was not clear yesterday whether newspaper editorials and other commentary articles and columns would be subject to the clearance ruling.

It is understood that the Department of Home Affairs will be responsible for policing the regulations.

Public knowledge of almost any unrest related incident, including strikes and boycotts, are to be implemented within days.

The new regulations,

To Page 2

State gags Press

From Page 1

The regulations were due to be published in the Government Gazette this week but it is understood that a redrafting of some clauses could delay their publication until next week.

The redrafted regulations are aimed primarily at the media.

They have come simultaneously with Government pressure on establishment newspapers to toughen up the Media aimed almost entirely at the media, will make the existing state of emergency regulations "look enlightened", a reliable source said yesterday.

The new regulations are expected to impinge not only on statements issued by anti-government organisations, such as the United Democratic Front, but also on statements issued by Parliamentary Opposition parties.

Council to "handle circumstances such as those caused by revolutionary onslaught and the resulting state of emergency".

The Government has also indicated that it is to take further strong measures against foreign media representatives with the refusal to renew a work permit for *Los Angeles Times* representative, Mr Michael Parks.

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CME Trials 11/12/86 327



Archbishop Desmond Tutu arrives to bless the food at the ECC peace picnic at Bishopscourt yesterday.

Picture: OBED ZILWA

Peace picnic marred by smear leaflets

By DI CASSERE

AN End Conscription Campaign (ECC) peace picni in the grounds of Bishopscourt was marred by smear campaign yesterday.

Pamphlets purporting to be printed by the EC were dropped in post-boxes of houses in Newland and Bishopscourt Estate. Several pamphlets wer stuck on the gates of Bishopscourt yesterday mor ing.

The pamphlets were so-called "copies" of the EC invitation to the picnic, which was attended by couple of hundred people of all races.

The figures on the invitation had been inked in black and the words "blacks only" added. Under tl section on what to bring, the words "bring your ov blanket, books and tyres . . ." had been added.

ECC spokesperson Ms Paula Hathorne yesterd said an ECC worker whose name appeared on t pamphlet had had numerous calls from people sy pathetic to the campaign asking why the ECC h associated itself with an apparently racist, viole invitation.

Archbishop Desmond Tutu arrived just as t picnic lunch was starting. He blessed the food a sang hymns with the visitors.

Asked about the pamphlets, he said he wished t neighbours and the cynics would "come and see themselves what is happening".

"But God bless them all, anyway," he added fore going indoors for his lunch.

Children and adults at the picnic flew kites a played games such as softball, face-painting a bubble-blowing.

The Bishopscourt pool was used on a rota ba with 10 supervised children swimming at a time ensure their safety.

The picnic lunch was on a bring-and-share ba

Concrete wall goes up around Soweto

JOHANNESBURG — A huge wall of sturdy concrete pillars is springing up around Soweto and once completed, will probably cut the sprawling township off from the rest of Johannesburg.

Already the townships of KwaZakhele, New Brighton, and Zwide, in Port Elizabeth, have been fenced off by barbed wire and entry to the black residential areas is only possible through certain points which are manned by the security forces.

And the seemingly permanent security checkpoints at entrances to Alexandra township north of Johannesburg, have also sparked fears that the settlement could be fenced off from the white residential and business areas surrounding it.

No official has answered questions on whether the erection of Soweto's "Berlin Wall", coupled with the fences in Port Elizabeth, means the rest of South Africa's black townships will also be fenced in.

There has been no official comment on the situation in Alexandra: telexes were dispatched to the Bureau for Information and the Department of Constitutional Development and Planning but there was no answer.

Soweto town clerk Mr Nico Malan was not available to comment on the structure, nor was the chairman of the council's management committee, Mr Letsatsi Radebe.

According to police headquarters in Soweto, the wall is being erected for "safety reasons", but has nothing to do with security or defence.

The police said the Soweto wall was being erected by the Department of Transport.

The structure begins near the Diepkloof men's hostel just opposite the Doornkop military base and extends along Randskou Road.

Workmen at the site say they were told the wall was to enclose the township, but they would not say why.

They did not know who was funding the erection.

The Progressive Federal Party MP for Houghton, Mrs Helen Suzman, said that if the intention was to enclose Soweto, the idea was "grotesque".

"It can't do any good towards restoring normality to the situation and I think will only add to the tension that already exists.

"I hope there is no truth in it. Anything that restricts the free movement of people and interferes with normal relationships is thoroughly bad."

On Saturday, senior officials of the Department of Transport: the Minister, Mr Hendrik Schoeman, his personal secretary, Mr S J van Blommestein and the Director-General, Mr A B Eksteen, could not be reached to comment on whether their department was responsible for the Soweto wall. — Sapa

Spy who sent nuclear info to ANC is freed

By ANDREW DONALDSON and CLARE HARPER

SOUTH AFRICA'S first "nuclear spy", Dr Renfrew Christie, 36, jailed for 10 years in 1980 for giving the ANC information on energy in South Africa, including a Koeberg nuclear plant diagram, has been released.

Speaking from his mother's Hillbrow home last night, Dr Christie said he was awoken at 4am on Sunday morning in prison and dropped off at his mother's flat at 6am.

His immediate plans were "to relate very seriously to some roast lamb," as he had not eaten mutton or lamb for seven years.

"Then I must find employment at one of the universities or maybe in the private sector," he said.

Dr Christie filed a Supreme Court application for his release from Pretoria's Central Prison on the grounds that the offer by the State President, Mr P W Botha, to free Mr Nelson Mandela if the ANC leader renounced violence applied to him as well. His application was postponed, but was to be "reviewed internally" last week.



Dr Christie

"They must have decided they couldn't face the court case," he said last night.

"I am conscious of the problems of those left behind me in prison, in Pretoria, Pollsmoor and on the Island. I would like to see them released as soon as possible for the sake of peace."

Asked how other prisoners reacted to the news of his release, Dr Christie said he could not speak on their behalf. "But I had a very amicable relationship with them all. There are some fine people in that prison I would like to see out."

A former principal and vice-chancellor of UCT, Sir Richard Luyt, who visited Dr Christie periodically in prison, said last night: "He is a very able, very decent young man with a great deal of talent. I am delighted he has this opportunity to make a career as any other, and make a contribution to society, which I believe he will make."

Professor David Welsh, head of the department of Political Studies at UCT — who gave mitigating evidence at Dr Christie's trial — said yesterday: "I am delighted that he is out. He is a fine scholar and has a very promising academic career before him."

At the time of his detention in 1979 and subsequent trial, Dr Christie — a former Nusas deputy president, a member of the University of Witwatersrand's SRC — was employed as a researcher at the University of Cape Town's South African Labour and Development Research Unit, SALDRU.

He pleaded not guilty to seven charges of illegally obtaining information on aspects of energy and coal mines in the country and passing it on to London-based members of the ANC and the International University Exchange Fund.

From Page 1

Nuclear spy freed

He was convicted of five counts under the Terrorism Act and sentenced to a total of 30 years' imprisonment after spending seven months in solitary confinement, which concurrently amounted to ten years.

Although he successfully appealed against one of the charges in 1981, his sentence remained unchanged.

At his trial, Dr Christie only gave evidence on his treatment in detention after the State had closed its case. But two statements he had given to security police while in solitary confinement formed the basis of the case against him.

He claimed unsuccessfully these statements were made under duress.

His release on Sunday was confirmed by a Prisons Service spokesman yesterday.

To Page 2

Nuclear spy out of jail

of peace for SA will disappear".

Christie recently filed a Supreme Court application for his release from Pretoria's Central Prison on grounds that the offer by President P W Botha to free Mandela, if he renounced violence, also applied to him.

He said he was undecided whether to live in Johannesburg or Cape Town. He said: "I've also been offered a post by Oxford University as an energy researcher in Europe. But I have not decided whether to accept."

Asked if he had become more radical in his political views, Christie replied: "You don't spend two years under the gallows and not experience anger at the wasting of lives that is going on now.

"One's political views mature over seven years, but my basic conviction that there must be democracy in SA remains unchanged.

"The democratic ideals of the ANC are part of the solution to SA's problems and I'd like to see the ANC legalised. I do think Botha is wrong when he says the ANC lacks majority support. But that

From Page 1

cannot be tested while it is underground."

Christie successfully completed a Bachelor of Commerce and an Honours degree in Economics while in prison.

He was a researcher at Cape Town University's SA Labour and Development Research Unit at the time of his detention in 1979.

Christie pleaded not guilty to seven charges of illegally obtaining information on energy and coal mines in SA and passing it to London-based members of the ANC and the International University Exchange Fund.

He was convicted of five counts under the Terrorism Act and sentenced in all to 30 years' imprisonment.

At his trial in the Pretoria Supreme Court, Christie would not give evidence after the State closed its case. But two statements given to Security Police while in detention formed the basis of the case against him.

Christie claimed unsuccessfully those statements were made under duress.

Nuclear spy released from jail

SA'S first nuclear spy, Dr Renfrew Christie, 36 — jailed for an effective 10 years in 1980 for handing over nuclear plans to the ANC — was released from prison at the weekend.

Christie said last night he felt "very happy" about his release, but: "Those I

HAMISH McINDOE

left behind in prison must be thought of."

And, he warned that unless Nelson Mandela was released "the last chance

To Page 2

Vlok warns on consumer boycotts


● VLOK

THE organisation of black consumer boycotts for the Christmas season is illegal in terms of emergency regulations. And action can be expected against those who propagate them, says Law and Order Minister Adriaan Vlok.

The Minister and his deputy, Roelf Meyer, spoke in Pretoria to journalists yesterday, at the end of their second day in office, on how they saw their tasks and their plans for the future.

Asked if police would be taking specific action against consumer boycotters, Vlok said it was an individual's right to decide whether or not to buy goods from a particular shop.

Propagating boycotts, however, was illegal in terms of the emergency.

Asked if this meant boycott committees and organisers in the townships "had better watch out", he replied: "You couldn't have put it better."

Vlok and Meyer said they saw their priority to be improving the image of the police — particularly in the townships — as those who "protect and serve".

Vlok said he would like to provide the public with the maximum information possible on what was happening in SA, but security considerations had to be taken into account.

Vlok and Meyer, who is responsible for administering the controversial Joint Security Management System, defended the set-up and said it was proving highly successful.

On reports that the ANC was receiving more Soviet equipment to step up its insurgency campaign, Vlok said: "We are ready, as far as possible, for any escalation." — Sapa.

'Peace song' record plans are dropped

By TOS WENTZEL
Political Correspondent

THE Bureau for Information has dropped plans to make a record of the "peace song" and copies of the music and lyrics are being given away.

This was confirmed by a spokesman for the bureau in Pretoria.

Part of the problem was what to put on the other side of the record.

Mr Peter Soal MP, the Progressive Federal Party's spokesman on information matters, said today that the bureau could have tried having Mr Louis Nel singing *Wish Me Luck As You Wave Me Goodbye* on the flipside of the record.

Mr Nel is the former Deputy Minister of Information.

The bureau spokesman in Pretoria said it had not been possible to arrange for record companies to cut a seven-single recording of the song.

The bureau had "intended all along" to make a single and to give the profits to charity.

Record companies believed it was impossible to make a single which was not backed by a long-playing record.

There was also the problem of what to put on the other side of the record, he added.

He said some overseas companies were interested in making a record

State clamp put on Cachalia

THE national treasurer of the United Democratic Front, Mr Azhar Cachalia, was served with restrictions by security police yesterday, virtually prohibiting him from carrying out his duties for the organisation.

The restrictions prevent Mr Cachalia from participating in the following campaigns:

- Call for the release of political prisoners;
- End to state of emergency;
- The unbanning of the ANC;
- Withdrawal of the SADF from townships;
- Resignation of members of the House of Delegates and House of Representatives;
- End to compulsory military service; and;
- Protest against members of the security forces.

Mr Cachalia is also restricted from participating in campaigns of the UDF, National Education Union of South Africa, Jodac, Federation of Transvaal Women (Fedtraw), End Conscription Campaign, Detainees Support Committee, DPSC and Black Sash.

The restrictions are valid until the end of the state of emergency.

Mr Cachalia was banned for five years in 1981 in terms of the Internal Security Act and was detained for about one and a half months at the beginning of the emergency.

His restrictions come at a time when the entire UDF national executive is either in detention or in hiding.

ARGUS 4/12/86

Keep emergency — businessmen

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NELSPRUIT — A committee of Eastern Transvaal businessmen has decided to call on the Government not to lift the state of emergency which, they say, has brought "peace and stability" in the black townships of the Lowveld.

The committee agreed to send letters of appreciation to Western leaders who opposed sanctions against South Africa, as well as letters to the US House of Representatives and Senate denouncing their decisions on sanctions.

This was decided unanimously at a meeting of the committee of the Afrikaanse Sakekamer of Nelspruit and the Mashihmbane Eastern Transvaal Chamber of Commerce, a statement said.

Of the state of emergency, the committee said: "Not only has it created a safe environment for the individual where he may come and go as he pleases, but (it) has enabled businessmen in the area to go about their trading normally."

Delegates from the Defence Force and the police, who attended the meeting at the request of black members of the committee, were thanked for "their support in the black townships". — Sapa.

Detention of youths slated

DOMINIQUE GILBERT

POLICE acting against children in the townships are fulfilling the role of police, prosecutors and judges, human rights lawyer Geoff Budlender told a Free the Children meeting this week.

"This is totally unacceptable to us and should be unacceptable to anyone who believes in the rule of law rather than rule by force," he said.

He accused former Law and Order Minister Louis le Grange of confirming detentions with "a casualness which defies description".

He hoped Le Grange's successor Adriaan Vlok did better.

It was a principle accepted by all decent societies that children should not be locked up, he said.

"In our country it takes place almost routinely and on a large scale. We have to say to the government we are ashamed and disgusted."

He asked: "How can anyone justify detention of a whole school, or people being arrested because police cannot find a family member? How does one explain and justify that many young detainees are released once a court application is threatened?"

Police acted on hearsay information, given by informers they will not identify, and act as "police, prosecutors and judges", he said.

Children were growing up in an atmosphere of hatred, bitterness, fear, anger, violence and lawlessness.

□ In a Detainees' Parents Support Committee memorandum, released recently, a section argues that emergency regulations have criminalised the daily lives of everyone, particularly schoolchildren, while the security forces enjoy indemnity.

● Comment: Page 4

ANOTHER UDF MAN RESTRICTED

ANOTHER senior official of the United Democratic Front, Mr Ashwin Shah, was yesterday served with a restriction order barring him from participating in campaigns of various political organisations.

Mr Shah is also an official of the Transvaal Indian Congress (TIC).

In terms of the restriction, Mr Shah is not supposed to participate in campaigns of the following organisations: Black Sash, Detainees Parents Support Committee, Detainees Support Committee, End Conscription Campaign, Federation of Transvaal Women, Johannesburg Democratic Action Committee, National Education Union of South Africa, UDF, TIC and the Transvaal Anti-Peace Committee.



Mr ASHWIN Shah . . . restricted.

He is also prevented from participating in the following campaigns:

- The release of political prisoners or detainees;
- Calling for an end to the state of emergency;
- The withdrawal of the SADF from townships;
- Resignation of members of the House of Representatives and House of Delegates;
- Compulsory military service;
- Inciting members of the public to take part in a protest against any action by security forces; and
- Taking part in any manner whatsoever within the areas specific in the campaign or protest known as the Campaign for National United Action.

Mr Shah is the second UDF official to be issued a restriction order. The first was national treasurer, Mr Azhar Cachalia.

New wave of emergency arrests

FOURTEEN members of the End Conscription Campaign (ECC) have been held in Johannesburg and Cape Town under emergency regulations in a national clampdown since Tuesday.

And restriction orders have been served on 24 people, four of them members of the Anti-President's Council

LINDA ENSOR

Committee (APCC) and about 12 ECC members. Police have apparently tried unsuccessfully to serve three other peo-

● To Page 2

Police swoop on ECC members

● From Page 1

ple with orders.

This brings to 31 the number of people issued with the new type of restriction order prohibiting participation in specific campaigns, and to more than 60 the number of ECC members detained since the emergency was declared.

The Black Sash, SA Catholic Bishops' Conference, PFP and ECC have condemned government's actions.

At least one of those restricted — Transvaal Indian Congress executive member Ashwin Shah — will challenge his order's validity.

Four ECC members were held in Johannesburg on Tuesday night during an ECC meeting in Malvern. About 12 of those present were taken to John Vorster Square and served with restriction orders.

Those detained and also served with restriction orders were: Claire Verbeek (Johannesburg chairman), Steven Lowry (national treasurer) and Sue Jobson. Detainee Annemarie Rademeyer has already been restricted.

Detention of 10 people in Cape Town at 5am yesterday is thought to have been an attempt to pre-empt a rally in the Cape Town City Hall last night, called as part of the local "War Is No Solution" campaign and to prevent an ECC-organised walk from Cape Town to Guguletu on Saturday.

Members of organisations other than the ECC served with restriction orders yesterday were: Azhar Cachalia (UDF national treasurer), Ashwin Shah (TIC), Dawn Ingle (Black Sash), Jessica Sherman (National Education Union of SA), Etheen Lowry (Black Sash), Jill Pointer (Descom), Professor Ismail Mohammed (APCC), Venita Meyer (APCC), Eddie Makue (APCC) and Bill Jardine (APCC).

Hurley claims damages from ministers, A-G

JOHANNESBURG. — The Roman Catholic Archbishop of Durban, the Most Rev Denis Hurley, is claiming R124 047 damages from the Minister of Law and Order, the Minister of Justice and from the Attorney-General.

The claim, to be heard in the Pretoria Supreme Court, follows the Archbishop's prosecution after he had made statements about atrocities allegedly committed in SWA/Namibia by the counter-insurgency unit Koevoet.

On Tuesday the Deputy Judge President of the Transvaal Division of the Supreme Court, Mr Justice Eloff, postponed the case indefinitely.

As a result of the allegations, made by the Archbishop in February, he was prosecuted for unlawfully publishing false statements about Koevoet.

Archbishop Hurley had to appear in a Pretoria Regional Court twice and the second time the prosecutor told the court he had instructions from the Attorney-General to stop the prosecution. — Sapa

APARTHEID BAROMETER

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EMERGENCY DETENTIONS

Today is the 177th day of the current State of Emergency. The number and names of all those detained under the Emergency regulations have not yet been released by the government. Independent research groups like the Detainees Parents' Support Committee and the Progressive Federal Party's Missing Persons Bureau estimate that between 22 000 and 24 000 people have been detained since the Emergency was declared on June 12.

DETENTION OF CHILDREN

According to the DPSC, about 4 000 children of 17 years or younger are currently in detention or missing and more than 8 800 have been detained since the Emergency was declared — a rate of 250 per week. According to the Black Sash, over 10 000 children have been detained since January this year.

Dr Max Coleman of the DPSC said that by November 3, 407 children, some as young as 10, were known to be in detention on the Witwatersrand. Of those still in detention, about 27 percent have been in detention since June, 20 percent since July, 10 percent since August, 10 percent since September and 10 percent since October, he said.

The DPSC estimates that children represent 40 percent of all those detained under the Emergency regulations. Dr Coleman said the children were treated the same as adult detainees and often were kept with hardened criminals. He said there had been recorded cases of child abuse, including rape of child detainees.

FOOD SHORTAGES FOR DETAINEES

A recent report by the Durban Legal Resources Centre documented complaints of Emergency detainees held at Westville Prison. Among the complaints were that food was poor, that warders refused to buy food from the tuck shop for detainees and that supper was served at 2.30pm and the next meal at 8.30am — a wait of 18 hours. Other complaints included unhygienic conditions and overcrowded cells. The DPSC said improvements were made regarding most of the complaints but there was no improvement in the meal times.

The Department of National Health and Population has confirmed, in a letter to the Medical Association of South Africa (Masa), that political detainess suffered food shortages in some police stations immediately after the Emergency was declared. The department's Deputy Director-General, Dr JP Roux, said the problems occurred mostly in the eastern Cape, "where there weren't large kitchen facilities available.

"The more well-to-do, sophisticated detainees wanted more than mealie meal and coffee," he said.

In August a full bench hearing of the Grahamstown Supreme Court, for the release of six detainees, found that their diet of dry bread, black unsweetened coffee, soup and mealie meal failed to meet the accepted minimum standards of nutrition.

POLICE EXPANSION

The outgoing Minister of Law and Order, Louis le Grange, last week said that that over the next few years the SAP would be expanded from its current strength of 56 316 policemen to 96 300 to cope with the increasing workload.

PRISONER OF CONSCIENCE

ANDREW MLANGENI, 58, former African National Congress and Umkhonto we Sizwe leader, is one of the seven Rivonia trialists currently serving a life sentence.

Mlangeni first became politically active during the Defiance Campaign in the early 1950s. In 1954 he joined the ANC and later became Johannesburg branch secretary of the ANC Youth League. After leaving school in the late 1940s he worked as a golf caddie and later as a bus driver to earn money to further his education. He then worked as a journalist for *New Age* newspaper.

Mlangeni was a founder member of Umkhonto we Sizwe and served as one of the leaders of the Johannesburg regional command. Using the identity of "Rev Andrew Moketi" of the African Apostolic Faith Mission, he was able to move freely in Dube township, where he was based. In 1962 he left South Africa to receive military training and returned early the following year. He was involved in hiding recruits and sending them abroad as well as in procuring armaments.

In July 1963 he was arrested at Rivonia and was sentenced to life imprisonment on Robben Island the following year. He has spent over 23 years of his life behind bars for his political beliefs and activities.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

Namibia: Independence Now (not stated); People's Power in Mozambique, Angola and Guinea Bissau No 21and 22 (Mozambique Angla Committee London); Smash Apartheid in Capitalism for a Socialist South Africa (Labour Party, London); Beating Apartheid (Trades Union Congress, London); Journal of African Marxists issue 2 August 1982 (Zed Press, London); Outwrite Women's Newspaper issue 51, Oct 1986 (Feminist Newspaper Ltd, London); Jake Logan No 37 Blazing Guns and No 17 Slocom's Fire (Jake Logan); The Scout No 20 Big Baja Country (Buck Gentry); Hollywood Husbands (Jackie Collins); Pens with models who strip their clothes when pen is used (not stated).

Unbanned:

Time of the Butcherbird (Alex la Guma); Portuguese Colonialism from South Africa to Europe (Eduardo de Sousa Ferreira).

OUTCRY OVER POLICE SWOOP

STRONG criticism was yesterday voiced at this week's police swoop on anti-apartheid activists.

In the swoop, police detained at least 13 people and served restriction orders on 22 others.

SOWETAN CORRESPONDENT

A spokesman for the End Conscription Campaign said 13 of its members were detained on Tuesday in Johannesburg and Cape Town.

Restriction orders have been served on members of the United Democratic Front, the Transvaal Indian Congress, the ECC, the Black Sash and the Johannesburg Democratic Action Committee.

Progressive Federal Party MP Mrs Helen Suzman said she was alarmed by the latest round of detentions and restrictions.



Mrs HELEN Suzman ... alarmed.

"I find it most disturbing that the new Minister of Law and Order should have commenced his term of office by detaining and restricting people engaged in the End Conscription Campaign. "One would have hoped that his first action would have been to ensure the release of people in detention, more particularly, those young people under the age of 18", said Mrs Suzman.

The United Democratic Front and the ECC have also condemned the police actions.

A statement issued by the Anti-President's Council Committee said three of its members had been served with restriction orders this week.

"The Anti-PC Committee is convinced that the orders have been issued to prevent legitimate opposition to the forthcoming by-election for the vacant seat which resulted from the death of Arthur Booysens and also to prevent the support of campaigns initiated by the UDF", said the statement.

The restrictions were issued in terms of the Public Safety Act.

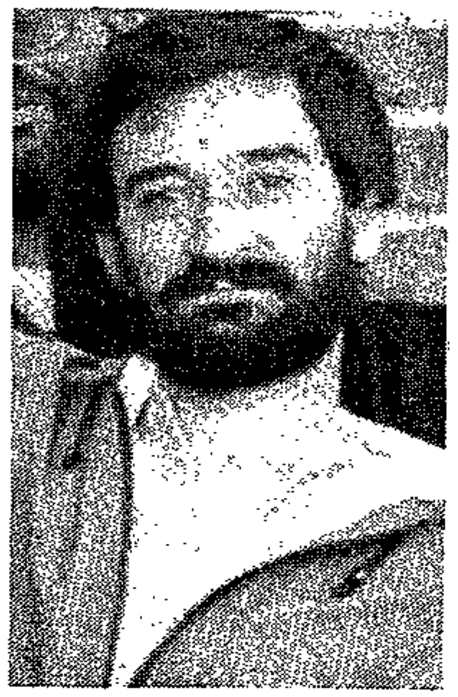
Protest

They prohibit various forms of political protest in Johannesburg and Randburg related to the Black Sash, the Detainees' Parents Support Committee, the End Conscription Campaign, the Federation of Transvaal Women, the Johannesburg Democratic Action Committee, the National Education Union of South Africa and the United Democratic Front.

Incite

Those restricted may not campaign for an end to the state of emergency, call for the release of detainees, incite people to support the African National Congress, support an end to conscription, call on members of the House of Delegates and House of representatives to resign or incite people to protest against the action of the security forces.

On Tuesday police served restriction orders on Mr Azhar Cachalia, national treasurer of the UDF, and Mr Ashwin Shah and Miss Shenaaz Bulbulia of the Transvaal Indian Congress, according to the UDF.



Mr AZHAR Cachalia ... restricted.



Mr ASHWIN Shah ... restricted.

They may also not campaign for the Campaign for National United Action.

Mr Cachalia condemned the restriction orders, saying they came just as the UDF was embarking on a major campaign.

A spokesman for the End Conscription Campaign said 13 ECC members were detained and a further 12 were served with restriction orders on Tuesday night.

He said four members were detained after an ECC meeting in Malvern, Johannesburg, and nine others were rounded up in the Cape Town area.

According to the spokesman those detained in Cape Town were local ECC chairman Miss Paula Hathorn, general secretary Mr Alistair Teeling-Smit and executive members Mr Andrew Orpen.

Chairman

Former executive members Mr Crispin Olver, Miss Josie Grindrod, Mr Mathew Blatchford, Miss Felicity Wood, Mr Michael Rautenbach and Mr Mike Evans were also detained.

Detained at the meeting in Johannesburg were the chairman of the Johannesburg branch, Miss Clare Verbeek, national teasurer Mr Stephen Lowry, Johannesburg executive members Miss Annemarie Rademeyer and a member of the ECC education committee, Miss Sue Jobson.

He said 12 other ECC members at the Malvern meeting were briefly held and served with restriction orders.

ECC members said at least four other activists, who belong to organisations such as Jodac and the Black Sash, were served with restriction orders at their homes on Tuesday night.

ECC members served with restriction orders may also not take part in the Yellow Ribbon Campaign and the Campaign for National United Action.

Restriction orders were also served on Fedtraw vice-president Mrs Vesta Smith.

5/12/86

Groups praise clamps

A COMMITTEE of Eastern Transvaal businessmen will call on government not to lift the state of emergency which, it says, has brought "peace and stability" to Lowveld townships.

It will also send letters of appreciation to Western leaders who opposed sanctions against SA and letters to the US House of Representatives and Senate denouncing their decisions on sanctions.

This was decided unanimously at a meeting of the committee of the Afrikaanse Sakekamer of Nelspruit and the Mashimbane Eastern Transvaal Chamber of Commerce.

Of the emergency, the committee said: "Not only has it created a safe environment for the individual where he may come and go as he pleases, but (it) has enabled businessmen in the area to go about trading normally.

"Black members of the committee pointed out that the public once again go about their family life quite freely, and that the state of emergency seems removed from their day to day existence."

Delegates from the Defence Force and the police, who attended the meeting at the request of black committee members, were "thanked for their support in the black townships".

The committee said that due to their presence, business proceeded normally and consumer boycotts "were effectively crippled".

It said: "There are indications that the black community is becoming increasingly opposed to radical elements preventing them from continuing their normal daily lives." — Sapa.

Memorial service for slain couple

RIBEIRO FUNERAL CURB



THE late Dr Ribeiro and his wife, Florence . . . gunned down in Mamelodi

POLICE yesterday effectively banned a memorial service which was to have been held on Sunday for Dr Fabian Ribeiro and his wife Florence in the Pretoria township of Mamelodi.



Northern Transvaal Divisional Police Commissioner Jacob Stemmet issued orders in terms of the emergency regulations prohibiting funeral ceremonies in Mamelodi being held on weekends or public holidays.

Further "standard" limitations — such as prohibiting ceremonies being held out of doors, flags and banners, public address systems and speakers other than ordained ministers — were ordered.

Dr Ribeiro, a popular township doctor known for his anti-apartheid stance and his wife were gunned down in the courtyard of their home in Mamelodi West on Monday.

Cremated

The couple, who are survived by four children, are to be cremated on Monday.

The Pan Africanist Congress of Azania held an urgent African group meeting on Tuesday afternoon with African ambassadors to the United Nations. The movement condemned the assassination of Dr Fabian Ribeiro and his wife, Florence.

The UDF released a statement yesterday condemning the assassi-

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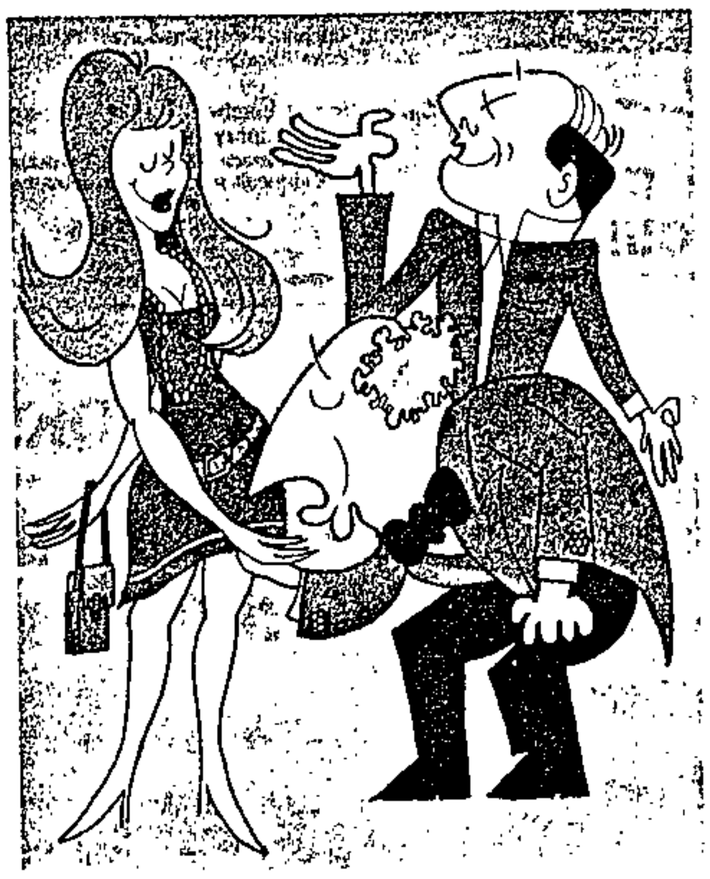
"When introduced to a lady, I can never remember who should make the first move to shake hands.
* But I do know precisely which cigarettes to present afterwards."



A handsome Latin of our acquaintance insists that he prefers to kiss the hands of ladies. He also holds the unshakable belief that on such occasions one should always keep a box of Mills Special Cigarettes handy, as the flavour and aroma of their fine, expensive tobaccos need no introduction.



Riberio funeral curb

From Page 1

nation of Dr Ribeiro. It said: "His killing has some striking similarities with those of other UDF activists in the past. There is no doubt that the killers are on the payroll of those trying to undermine people's organisations in the townships".

● The registered owner of a vehicle witnesses allege was involved in the getaway of the killers of Dr Fabian Ribeiro and his wife is a security consultant from Hartbeespoort Dam.

Witnesses, who refused to give their names said the killers swopped cars with two white men in a four-wheel drive vehicle at Denneboom station on Monday night, minutes after they had gunned down Dr Ribeiro and his wife Florence.

The witnesses, who had chased the killers, provided the registration number. The Johannesburg Licensing Department register shows it to be that of a white Landrover.

The wife of the registered owner said her husband is a former Rhodesian who works with a firm of Pretoria security consultants. She said he worked late most nights.

vas dragged through

Camps 'catered for ex-detainees

Own Correspondent

JOHANNESBURG. — A total of 290 ex-detainees attended courses this year at six youth centres in the country and more than half of them were minors, the Department of Education and Training (DET) confirmed yesterday.

The chief DET liaison officer, Mr Job Schoeman, said 160 of the 290 who attended courses were under the age of 21.

Mr Max Coleman, of the Detainees Parents Support Committee, said yesterday the youth centres had been "totally discredited".

He said detainees were graded in prison according to their political awareness and those with the least political awareness had been recruited for the camps: "One can only suspect that purpose . . . is to recruit for an informer network."

Spokesman for the National Education Crisis Committee, the Rev Molefe Tsele, said yesterday: "We are still waiting to see a student come forward asking to attend such courses." He said it was clear detainees had Hobson's choice of either remaining in detention or attending the courses.

5/12/86 WEEKLY MAIL

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QBV

Police ban service to murdered doctor

WEEKLY MAIL REPORTER

POLICE have effectively banned a memorial service which was to be held on Sunday for Mamelodi community leader, Dr Fabian Ribeiro and his wife Florence, murdered by gunmen this week.

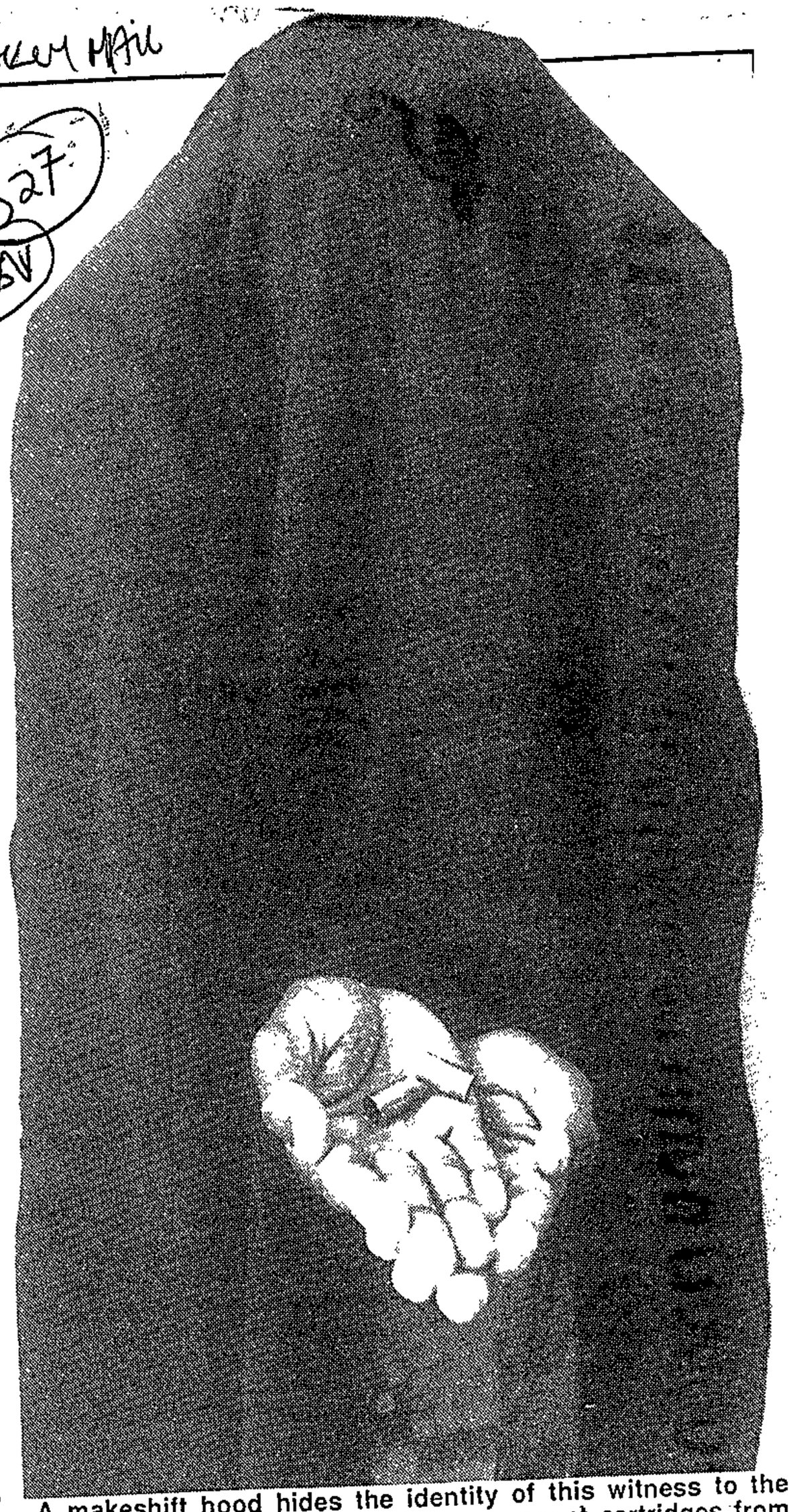
In terms of the Emergency regulations, orders were issued yesterday prohibiting funeral ceremonies in Mamelodi being held on weekends or public holidays. Further "standard" limitations — the banning of flags, banners, public address systems and speakers other than ordained ministers — were also imposed.

Assassination attempts on the life of Ribeiro, a prominent activist and former detainee, have been made before. The latest of these tragically succeeded on Monday, despite the couple having devised an "escape route" from their house in anticipation of attack.

The Ribeiros were shot to death on the patio of their home by two men — one allegedly white — while a party went on a few metres away at their neighbour's house. Although a group of people immediately ran into the street and pursued the gunmen, pelting their car with bricks, the NPN registration Opel Kadett got away. Witnesses said the car was swopped for a four-wheel drive vehicle nearby, which allegedly had another two white men in it.

Fabian Ribeiro regularly received death threats and earlier this year he and his wife survived a fire-bomb attack which practically demolished their house.

Then, three months ago, a man walked into the surgery of another Mamelodi doctor, blithely explaining that he had been assigned to "bomb" Ribeiro. He said the bomb was in his bag and had been primed to go off the minute the zip was opened. When the same man was seen later that day near the Ribeiro house, Fabian Ribeiro approached him and asked what he wanted. The man again said that he had a bomb and was ordered to kill him. According to a family member, Ribeiro regarded the whole thing as a joke and told the man to leave.



A makeshift hood hides the identity of this witness to the Ribeiro shootings as he displays two spent cartridges from the scene. Picture by WENDY SCHWEGMANN, Reuter

On the night the Ribeiros were killed, witnesses observed another car in the area — allegedly just prior to the murders and just after.

The white car, registration number GHN107T, has subsequently been traced to the commanding officer of the security police branch in Schoeman Street, Pretoria. The Bureau for Information has confirmed the car was in the vicinity of the Ribeiro home, but they say this was only after the shootings, when it was used by an investigating officer.

In a sceptical statement released yesterday, the United Democratic Front said the sequel of events as attested to by several witnesses had become "all too familiar at major sites of attacks on activists and their homes.

"All the classic leads to the successful apprehension of the culprits are there, but the police have yet to solve the murders ... Can we be blamed for thinking that the police allow these to happen deliberately?"

A representative for the Mamelodi Civic Association (MCA), Mpendulo Khumalo said: "It is a known fact that those responsible for the death of Dr Ribeiro and his wife will never be brought to book."

Florence Ribeiro, the sister of the late Pan-Africanist leader Robert Sobukwe, died on arrival at the Mamelodi Day Hospital. Her husband died instantly from bullet wounds in the chest.

New wave of detentions as Vlok moves in

●From Page 1

all extra-parliamentary opposition forces in the country," the Front's acting publicity secretary Murphy Morobe said.

The organisation most severely hit by this week's clampdown was the End Conscription Campaign (ECC). In simultaneous swoops in Johannesburg and Cape Town, 13 prominent members were detained. A further 12 were issued with orders prohibiting them from calling for an end to conscription, the release of detainees, or for the withdrawal of troops from the townships. They are also prohibited from participating in the UDF's campaigns for National United Action and a "Christmas against the Emergency".

Police also reportedly tried unsuccessfully to find three women who hold prominent positions in the Black Sash and Detainees Parents Support Committee in order to serve restrictions on them.

Already an estimated 24 000 people have been detained since the Emergency was imposed in June.

UDF acting publicity secretary Murphy Morobe said he believed hundreds of activists had been served with "gagging" orders, many after their release from detention, in an "attempt by the state to broaden the criminalising of virtually all anti-apartheid activities".

Among those detained this week was Mike Evans, a former ECC chairperson, who was imprisoned for the first six weeks of the Emergency.

He was among nine campaign members who were arrested at their Cape Town homes on the eve of the ECC's "War Is No Solution" campaign. The others were Paula Hathorn, ECC's Cape Town chairperson, Alistair Teeling-Smith, Andrew Orpen, Chippy Olver, Josie Grindrod, Mathew Blatchford, Felicity Wood and Michael Rautenbach.

Those detained in Johannesburg this week were Clare Verbeek, ECC's Johannesburg chairperson; Steven Lowry, national treasurer; Annemarie Rademeyer; and Sue Jobson.

ECC national secretary David Shandler said more than 60 members of the campaign had been detained since the Emergency began but none had been charged with any offence. "The state action against our members seriously violates the positive role they are playing in lawfully trying to end the conflict in South Africa and work for solutions," he commented.

Morobe said: "The government must be warned again that such actions as it has already taken and is still contemplating will only serve to harden attitudes even further.

"If even such peaceful campaigns for National United Action and the Christmas against the Emergency are to be criminalised and individuals barred from taking part, then we have on our hands a sure recipe for increased violence. They (the government) cannot then find fault with our people for concluding that to talk of peaceful change is a waste of time."

Others restricted this week were: Azar Cachalia, UDF national treasurer; Dawn Ingle of the Black Sash; Etheen Lowry, ECC; Jill Pointer, Detainees Support Committee; Ashwin Shah, Transvaal Indian Congress; Jessica Sherman, National Education Union of South Africa, and Vesta Smith, who works at the Legal Resources Centre in Johannesburg.

Three members of the Anti-President's Council Committee — Professor Ismail Mahomed, Venita Meyer and Bill Jardine — were served with restriction orders barring them from participating in the committee or the UDF. A committee representative said the orders were aimed at preventing opposition to the forthcoming by-election in the Johannesburg coloured suburb, Bosmont.



Adriaan Vlok

●**MOIRA LEVY** reports that an ECC rally held at the Cape Town City Hall on Wednesday night, less than 24 hours after a security swoop had netted nine key members, drew a crowd of over 1 000 people.

The rally went ahead as planned after frantic last-minute efforts to find speakers to replace those who had been detained in the raid shortly after dawn that morning. The regional deputy chairman of the South African Institute of Race Relations, Sir Richard Luyt, and the president of the Black Sash, Mary Burton, joined the platform at the last minute.

Marshals frisked every person who entered the hall and handbags were searched.

A handful of police kept watch on the building from the adjacent Grand Parade parking lot.

Ebrahim Rasool, United Democratic Front secretary, paid tribute to the ECC for demonstrating that "not all whites are blinded by racism and power". He said by organising whites, the ECC had shown "the struggle is not one between black and white, but a struggle for justice and peace".

He warned that although the UDF was committed to peaceful protest, "the space for legal, nonviolent work is constantly being narrowed.

"Among the youth in the townships you can see the faces of young Mandelas, young Sisulus, young Tambos. Our people are getting tired and impatient with legal extra-parliamentary politics."

Rasool called for the unbanning of all organisations, including the ANC, and the release of Nelson Mandela.

His call was echoed by Dr Frederik van Zyl Slabbert, who said the government had moved from apartheid domination to co-optive domination. He warned that the National Security Management System was part of a total strategy planned "meticulously" since 1977.

Luyt, who chaired the meeting, called on all present to back the ECC's "War Is No Solution" campaign, and to participate in the "peace walk" from Rondebosch to Guguletu this weekend "to link our communities". The campaign culminates in an interdenominational candle lighting ceremony this week.

Buses hired to take township residents home after the meeting pulled up close to the entrance and there were no incidents as the crowd, some chanting and singing, left the hall.

Fake posters, almost identical to those produced by the ECC, but without the council's stamp and with sticky-backs, which are against council regulations, were found near the hall. The ECC had been warned future permission to put up posters could be refused if regulations were not strictly adhered to, an ECC member told Weekly Mail.

New wave of detentions as Vlok takes over

By JO-ANN BEKKER

THE United Democratic Front is expecting a renewed crackdown on radical opposition in preparation for a white general election early next year, following the detention and restriction of scores of activists this week.

The latest swoop — directed also at the UDF's national campaign for a "Christmas Against the Emergency" which has been endorsed by the Congress of South African Trade Unions and the South African Council of Churches — marked the first week in office of new Minister of Law and Order, Adriaan Vlok.

And, as the Emergency passed its half-yearly mark, at least one person who was released after being detained in the first months of the decree has been re-detained.

"Information reaching the UDF indicates that within the next week or so the country will, despite the existing State of Emergency, be in the throes of a major concerted clamp on

● To PAGE 2

Press watchdog come under scrutin

PW tells newspaper proprietors to pep up council

Political Staff

gency and the "revolutionary onslaught".

This follows a series of meetings between the Newspaper Press Union (NPU), which represents the major Press groups, and President P W Botha.

President Botha said last night that he and a number of Ministers had twice had discussions with the chairman of the NPU, members of the board and executive officials of Nasionale Pers, Perskor, the Argus Group and South African Associated Newspapers (SAAN) on the security situation, the revolutionary onslaught, and steps to combat these threats.

Mr Botha said the Press groups had informed the Government that:

"The NPU fully realises that South Africa is being subjected to a many-pronged but well co-ordinated revolutionary onslaught.

"We accept the need to do everything in our power to avoid giving support and encouragement to those seeking revolutionary change by overt as well as covert means.

"Within the above condition, we regard it as essential that the newspapers of our members should continue to pursue their primary purpose of informing the public with such objectivity and fairness as they are able to attain in an intensely divided society.

"Only thus can the members of the NPU retain and enhance their credibility and fulfil their vital service of information to all sections of the population.

"We believe that this service is of the utmost importance for the well-being and orderly government of South Africa.

"The weakening or undermining of the credibility of the Press, from whatever quarter, including its own ranks, can be counter-productive for South Africa as a whole and highly prejudicial to the national interest. It is, in fact, one of the aims of the revolution.

"The State President stated on November 28 the existing mechanism

● To Page 2

The Press and the Emergency

● From Page 1

for disciplining the Press, the Media Council, is unsatisfactory and needed pepping up. It is worth noting that the council was not created by the NPU to deal with conditions such as have been brought about by the intensification of the revolutionary onslaught and the resultant State of Emergency.

"We believe that the mechanism of the council may need reviewing to take into account the State of Emergency, the revolutionary onslaught and the concern you expressed on November 28, and suggest a meeting at short notice between members of a Cabinet Committee appointed by the State President, the chairman of the Media Council and ourselves."

President Botha said the Government accepted these viewpoints and came to an agreement with the representatives of the Press that the Cabinet Committee, the chairman of the council and representatives of the Press would urgently finalise the matter.

(The Media Council is a independent, private body representing a number of organisations which will also have to be consulted about any changes. The Media Council's constitution was designed to maintain normal newspaper standards and not for political purposes.)

Mr Peter McLean, managing director of the Argus Group, said in a statement last night: "Argus Company newspapers are committed to the most free flow of information possible. The public's right to know is of cardinal importance to us.

"These are two of the most important principles which guide our newspapers in serving their readers. However, we accept there is a revolutionary attack against this country and that it is of paramount importance that we do not, however unwittingly, give support and encouragement to those seeking to effect change by revolutionary means.

"To this end we have gone along with the proposal to review the workings of the Media Council, which we voluntarily formed three years ago, to see whether the mechanisms of the council adequately cater for the conditions imposed by the present State of Emergency."

Mr Stephen Mulholland, managing director of SAAN, said the publishing companies wanted to maintain as much freedom of the Press as was possible in the current South African situation

The aim in changing the workings of the council was to make it as effective, efficient and rapid as possible in its reviewing process.

"It is a non-governmental vehicle of addressing any perceived misconducts of the Press," said Mr Mulholland. "I and my company are opposed to legislation which circumscribes the freedom of the Press, and will do whatever we can to resist and avoid further intrusions on this freedom.

"The Government is intent on addressing the problems it perceives to exist in regard to media coverage."

Mr Ton Vosloo, managing director of Nationale Pers, said he had no comment to make on the matter, except that discussions would be held in Johannesburg on Monday. "We agreed not to say anything beyond the statement."

The Southern African Society of Journalists (SASJ) was "shocked to learn" that the NPU had apparently agreed with the Government that disciplinary measures needed revamping due to the revolutionary climate in the country.

Miss Pat Sidley, SASJ president, said the credibility of the media had apparently been dealt "A mortal blow".

'Onslaught': press to meet Botha

CAPE TIMES 6/12/86 327

By ANTHONY JOHNSON
Political Correspondent

THE government and establishment press have agreed to finalize new mechanisms for disciplining the press in the light of the "intensification of the revolutionary onslaught and the resultant state of emergency".

The decision follows discussions between President P W Botha and members of his cabinet with the chairman of the Newspaper Press Union and members of the boards and executive officials of the four major newspaper groups: SAAN, Argus, Nasionale Pers and Perskor.

Mr Botha said last night that two meetings had been held with the press groups to discuss "the security situation, the revolutionary onslaught and steps to combat these threats".

'Urgent' meeting

At one of these meetings, on November 28, Mr Botha had stated the existing mechanism for disciplining the press — the Media Council — was "unsatisfactory and needed pepping up".

The press groups, in turn, indicated to the government that the mechanism of the Media Council "may need reviewing to take into account the state of emergency, the revolutionary onslaught" and concerns expressed by the government.

Press suggestion

Mr Botha indicated yesterday that he had accepted a suggestion by the press groups for an urgent meeting between a special cabinet committee, the chairman of the Media Council and representatives of the press.

A spokesman for Mr Botha's office indicated that the meeting to "urgently finalize the matter" would probably be held early next week.

The full statement by the press groups:

"The Press Union fully realizes that South Africa is being subjected to a many-pronged, but well co-ordinated, revolutionary onslaught.

"We accept the need to do everything in our power to avoid giving support and encouragement to those seeking revolutionary change by overt or covert means.

"Within the above condition we regard it as essential that the newspapers of our members should continue to pursue their primary purpose of informing the public with such objectivity and fairness as they are able to attain in an intensely divided society.

'Credibility'

"Only thus can the members of the NPU retain and enhance their credibility and fulfil their vital service of information to all sections of the population.

"We believe that this service is of the utmost importance for the well-being and orderly government of South Africa.

"The weakening or undermining of the credibility of the press, from whatever quarter it proceeds, including its own ranks, can be counter-productive for South Africa as a whole and highly prejudicial to the national interest.

'Unsatisfactory'

"It is, in fact, one of the main aims of the revolution.

"The State President stated on the 28th November 1986 that the existing mechanism for disciplining the press, the Media Council, is unsatisfactory and needed pepping up.

"It is worth noting that the Media Council was not created by the NPU to deal with conditions such as have been brought by the intensification of the revolutionary onslaught and the resultant state of emergency.

"We believe that the mechanism of the Media Council may need reviewing and take into account the state of emergency, the revolutionary onslaught and the concern you expressed on November 28," the statement said.

Mr Botha's statement did not make any reference to possible steps against the foreign media or local publications falling outside the mainstream press.

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Cape Times 6/12/86

ECC calls off its 'Big Walk'

Staff Reporter

THE End Conscription Campaign (ECC) yesterday called off its planned "Big Walk" from Rondebosch common to Guguletu, which was to have taken place this afternoon.

Ms Tracy Clayton, press officer for the ECC in the Western Cape, said yesterday Major-General Chris Swart, Divisional Commissioner of Police for the Western Province, had told the ECC he considered the walk to be illegal.

"While our legal opinion does not concur with that, we believe it to be in the best interest of the public to avoid a confrontation with security forces," she said.

She said permission from the city council and the traffic department had been obtained for the sponsored event.

Pressure groups attack NPU

7/2/86 SUNTHE 327

By Sunday Times reporters

THE Newspaper Press Union was criticised yesterday by two Parliamentary pressure groups over a statement issued after NPU executives had held discussions with President Botha on Friday.

The statement said the NPU and the Government had agreed that the mechanism of disciplining members of the Press by the Media Council might need reviewing in the light of the state of emergency and the "revolutionary onslaught" against South Africa.

The United Democratic Front accused the NPU of "meekly capitulating" to further curbs on the Press.

'Frightened'

Mr Murphy Morobe, the organisation's publicity secretary, said: "To actually agree to save the Government the embarrassment of extra legislation by volunteering to restrict their journalists through new measures to be worked out with the Government, is to effectively turn the NPU into a Government pawn."

A spokesman for the Transvaal region of the Black Sash said: "We are frightened by the Newspaper Press Union falling into line with the Government in labelling all extra-Parliamentary opposition as being part of a revolutionary onslaught and agreeing to censor itself in the cause of continued white racial domination."

The Black Sash said it had reason to believe the State was preparing for a "massive crackdown" in the form of detentions, bannings, restriction orders and other measures "which the public may never know".

It said: "There can be no freedom when the Press is emasculated."

President Botha's statement came after a series of meetings between himself, a number of Cabinet Ministers and the NPU, which represents the major Press groups.

Mr Botha said the groups had informed the Government that the NPU fully realised that South Africa was being subjected to a many-pronged but well co-ordinated revolutionary onslaught.

Credibility

It had accepted the need to do everything in its power to avoid giving support and encouragement to those seeking revolutionary change by overt as well as covert means.

Within these conditions, the Press groups had told the Government: "We regard it as essential that the newspapers of our members should continue to pursue their primary purpose of informing the public with such objectivity and fairness as they are able to attain in an intensely divided society.

Mr Steve Mulholland, managing director of South African Associated Newspapers, responded to the criticism by saying the freedom to hold opinions and have them published in newspapers such as SAAN's was precisely the sort of freedom the NPU was striving to protect from further inroads of legislation.

"I fully accept that some people, including some of our editorial staff, will disagree with the approach we are adopting."

He said he considered freedom of expression within a framework of reasonable law and ethics as sacred.

● See Page 28.

Memorial for Ribeiro banned
7/12/86
City Press
(327)

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By SOL MORATHI and CP Correspondent

POLICE yesterday effectively banned a memorial service which was to have been held on Sunday for Dr Fabian Ribeiro and his wife Barbara in the Pretoria township of Mamelodi.

The couple were gunned down in the court yard of their home in Mmelodi West on Monday, reports Sapa.

Northern Transvaal Divisional Police Commissioner Jacob Stemmet issued orders in terms of emergency regulations prohibiting funeral ceremonies in Mamelodi being held on weekends or public holidays.

Further "standard" limitations – such prohiblting ceremonies being held out of doors, flags and banners, public address systems, and speakers other than ordained ministers – were ordered.

Meanwhile The Ribeiro murders has caused panic and concern in political circles..

Activists fear that a "hit squad" has been responsible for a number of disappearances and murders of left wing political activists over the last decade since the slaying of Dr Richard Turner – a banned politics lecturer at Natal University, who was shot at point blank range at his home in Durban on January 8, 1978.

The Ribeiros – both 50 – were gunned down by two masked men. Their attackers escaped in a maroon car.

Their son Chris escaped death when shots were fired at him by the killers.

The Pretoria Murder and Robbery Squad Detectives said they have launched a manhunt for the killers..

There is a mystery over the presence in the area of a white vehicle with the registration numbers GHN 107T.

A number of eye witnesses said they saw the car outside the Ribeiros home before and after the shooting.

A car with such a registration is known to be registered in the name of a Security police branch commanding officer in Pretoria.

But contrary to witnesses who took the numbers of the car and said it was a white Datsun Skyline, the vehicle has been listed as Cortina.

Florence Ribeiro was the sister of the late Pan Africanist Congress leader Robert Sobukwe.

The couple will be cremated on Monday.

Dr Ribeiro, described by many Mamelodi residents as "the people's" doctor, was involved in caring for the injured during the shootings in Mamelodi, on November 21 last year.

In 1977 he was detained, but acquitted on charges of terrorism.

In February this year, the family escaped death when their house was attacked and completely deastroyed.

Sapa reports that The National Medical and Dental Association said yesterday it grieved for the Ribeiro family.

In a statement, Namda said Dr Ribeiro "stood for the highest ethical principles of his profession" and spoke "tirelessly and outspokenly against the injustices of apartheid".

Other anti-apartheid activists who were killed or disappeared under mysterious circumstances in the past decade include:

- Durban civil rights lawyer Griffiths Mxenge – found hacked to death at Umlazi cycle track on November 20, 1981.
- Mxenge's widow Victoria was shot in the head on August 1, 1985, near her home.
- Harrison Msizi Dube was shot outside his Lamontville home on April 25 1983.
- Port Elizabeth Cosas activist Siphiwe Mtimkulu mysteriously disappeared in April 1982.At the time he was suing the police state for alleged torture and poisoning during his detention.
- Port Elizabeth UDF activists Sipho Hashe, Qaqawuli Godolozi and Champion Galela went missing in May 1985.
- In June 1985 the bodies of Matthew Goniwe, Sparrow Mkonto, Siselo Mhlawuli and Fort Calata were found badly burned.

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schools, the unbanning of SRC meetings and lifting the state of emergency.

And, in another development, leading churchmen countrywide have called on pupils and students to return to school next year.

A statement issued by Bishop Duncan Buchanan of the Church of the Province of SA, Bishop Manas Buthelezi of the Evangelical Lutheran Church in Southern Africa, Rev JS Ngobe of the Evangelical Presbyterian Church, Rev Peter Storey, former Methodist Church of Southern Africa president, Bishop Reginald Orsmond of the Catholic diocese of Johannesburg, Rev J Wing of the United Congregational Church, Rev Paul Makhubu of the Council of African Independent Churches, Dr Wolfram Kistner of the SA Council of Churches and Rev Chris Aitken of the Presbyterian Church of Southern Africa, said the church had a prophetic and pastoral responsibility to the whole society.

The statement urged students to return to their classes next year, that the government take all administrative measures to facilitate the re-opening of schools currently closed and urged DET to withdraw the security forces from the schools.

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THE EMERGENCY

This newspaper has been produced under emergency regulations which amount to censorship. The restrictions effectively suppress information of public interest. No details of unrest or security force action may be published without permission. However, within the limits of these restrictions, City Press will continue to make every effort to provide objective coverage.

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Emergency laws tightened up

Emergency laws to be tightened up

By TOS WENTZEL
Political Correspondent

STATE of emergency regulations are to be redrafted to clear up or tighten up present definitions of what are deemed to be subversive actions.

In the process attempts are to be made to have more efficient, or tighter, control over newspapers through the Media Council, membership of which would become mandatory.

The council will also be given more teeth and the procedures it follows will be speeded up.

This was confirmed today by Government sources.

Maintenance of law

These sources emphasised that, in present Government thinking, the aim was the maintenance of law and order and not the closing down of newspapers.

The Government apparently at one stage had in mind a register of journalists, an idea that had been mooted in the past, but this has for the present been shelved following negotiations between the Newspaper Press Union, President Botha and a number of his Cabinet colleagues.

The two sides agreed that the state of emergency and the "revolutionary situation" must be taken into account.

Mr Colin Eglin, the leader of the Progressive Federal Party, today warned the Government not to take South Africa across the threshold separating democracy from dictatorship.

Executive members of the NPU, some newspaper editors and the two co-chairmen of the Media Council are holding meetings in Johannesburg today in preparation for a meeting with Cabinet ministers.

The Cabinet delegation led by Mr Chris Heunis, Minister of Constitutional Development, will later meet the Press delegation in Pretoria.

All Mr Heunis would say today was that he could not go any further than the statement issued by Mr Botha on Friday. He said it would be wrong to anticipate the discussions.

Growing irritation

There has apparently been growing irritation in Government circles about reporting in some newspapers which are independent of the NPU, sometimes known as the "alternative Press".

Among these publications are the Weekly Mail, the Catholic Church's New Nation and Die Afrikaner, official mouthpiece of the Herstige Nasionale Party.

Only NPU newspapers automatically fall under the Media Council which can impose penalties of up to R10 000 after complaints against these newspapers. The independent newspapers can co-operate voluntarily with the council.

The Government appears to have in mind a restructuring of the council which will have all newspapers fall under it.

It also feels that the procedures of the council must be speeded up.

Mr Eglin said today that "one wonders what is going on in the minds of Mr Botha and his Cabinet colleagues".

"Stalling"

"At a time when the whole country is calling for reform they are stalling. At a time when there are calls for the lifting of the state of emergency the Cabinet is thinking of tightening the emergency regulations.

"While there are cries for more reform the Government is thinking of more restrictions.

"Further restrictions on the Press and a further clampdown in civil liberties through a tightening of emergency regulations will take South Africa across the critical threshold separating democracy and dictatorship.

"Once this has happened it will be much more difficult to get the country back to true democracy," Mr Eglin said.

Mr Justice Marius Diemont, former Appeal Court judge, the alternate chairman of the Media Council, NPU executive members under leadership of the president, Mr J M Buitendag, and some editors are expected to attend the meeting with Cabinet members.

Mr Justice L de V van Winsen, a co-chairman of the Media Council, said any change to the constitution of the body would have to be acceptable to a two-thirds council majority.

Changes likely over state of emergency

Media Council faces govt pressure over discipline

THE Media Council, whose function is being investigated by government, has not yet been informed of the factors being considered to increase its disciplinary powers.

A meeting is expected to take place today between a Cabinet committee, headed by Constitutional Development and Planning Minister Chris Heunis, Press representatives and the council.

Council chairman Mr Justice L de V van Winsen, said that as he understood it, any changes would involve extending the council's jurisdiction to deal with matters pertaining to the emergency.

But any government proposals to change the council's constitution and functioning would have to be accept-

DIANNA GAMES and Sapa

ed by a two-thirds majority of the 28-member council.

The decision to review the council's function follows discussions between President P W Botha and Cabinet members with the Newspaper Press Union chairman and members of the four major newspaper groups — SAAN, Argus, Nasionale Pers and Perskor.

The groups have indicated to government the mechanism of the council "may need reviewing to take into account the state of emergency, the revolutionary onslaught" and government concern to avoid giving support and encouragement to those seeking revolutionary change.

They said the council was not created by the NPU to deal with conditions that had led to the state of emergency and thus its mechanism might need reviewing.

The Media Workers Association of SA (Mwasa) said yesterday the NPU echoing of Botha's "usual sinister threats about a well co-ordinated revolutionary onslaught" confirmed suspicions that SA's liberal Press was "in cahoots with government".

And the Black Sash said they were "frightened" by the NPU toeing government's line by agreeing to censor itself "in the cause of continued white racial domination" and by labelling all extra-parliamentary opposition as being part of a revolutionary onslaught.

Press part of wider crackdown?

CAPE TIMES 8/12/86

327

By ANTHONY JOHNSON
Political Correspondent

THE government is understood to be planning a sweeping two-pronged crackdown on the press, involving pre-publication censorship for "alternative" or fringe newspapers and greater self-censorship for the mainstream establishment press.

This is widely expected to coincide with a new wave of action against extra-parliamentary organizations as "Christmas Against the Emergency" plans take shape. (See leading article page 6).

Details of the new press measures — apparently affecting mainly reporting on State repression and popular resistance to this in the form of boycotts, strikes, protests and violence — are expected to be thrashed out this week when members of the Newspaper Press Union and the Media Council meet with the government.

The fresh onslaught against the press comes on top of the roughly 100 statutes already curbing its freedom and a maze of tough state of emergency restrictions.

Journalist bodies and opposition parties last night warned newspaper owners — represented by the NPU — that they would destroy any remaining credibility of the press and endanger reporters' lives if they continued in the "surrender by instalment" tradition in the face of government pressure.

They warned the NPU of the danger of being "co-opted into the government's total onslaught propaganda laager" and challenged newspaper chiefs to retract their statement issued on Friday in which they informed the government that the NPU "fully realizes that South Africa is being subjected to a multi-pronged but well-cordinated revolutionary onslaught".

Responding to the criticism, the managing director of South African Ascociated Newspapers, Mr Stephen Mullholland, was quoted as saying: "I fully accept that some people, including some of our editorial staff, will disagree with the approach we are adopting."

Fringe publications

He said the NPU was striving to protect freedom of expression from further inroads of legislation.

Reports have indicated that the main targets in the government's latest bid to curb reporting which engenders a "revolutionary atmosphere" are the highly-critical fringe publications, which are neither members of the NPU nor submit themselves to the authority of the Media Council, an independent body headed by two former appeal judges and set up to discipline the press.

In recent talks with the government, the major newspaper groups were reported at the weekend to have refused requested approval for written proposals involving sweeping press clamps, but offered to make the Media Council "more effective".

PFP media spokesman Mr Dave Dalling warned last night that if the establishment media "sold out" to the government in the hope of escaping the harsher clamps earmarked for the alternative press, the major newspaper groups would "destroy their credibility".

Mr Dalling said: "The press is facing a two-pronged attack entailing very harsh and drastic measures against non-establishment newspapers on the one hand and attempts by government to get the

To Page 3

The United Democratic Front also accused the NPU of "meekly capitulating" to additional press restrictions.

The acting publicity secreary of the UDF, Mr Murphy Morobe, said: "To actually agree to save the government the embarrassment of extra legislation by volunteering to restrict their journalists through new measures to be worked out by the government is

We view with the deepest forboding the further threat to the right to know the truth. We ask the government what it fears from a free press."

Meanwhile, the UDF said it had recieved information that a nationwide crackdown on anti-apartheid activists would take place before December 16.

"Reliable information from a range of sources inside the country indicates that the State has been planning a massive operation against all democratic forces before December 16," Mr Morobe said.

The Media Council has not yet been informed of the factors being considered to heighten its disciplinary function. Its chairman, Justice L de V van Winsen, said that as he understood it, any changes would involve extending the council's jurisdiction to deal with matters pertaining to the emergency.

But any government proposals to change the council's constitution and functioning would have to be accepted by a two-thirds majority of the 28-member council, he said.

☐ **Comment, page 6**

establishment press to negotiate even greater self-censorship for itself."

The "safety valve" of the alternative press would be destroyed, driving black opinion and resentment underground and paving the way for "more rumours and violence".

"I hope the NPU has the strength to withstand the onslaught this time," Mr Dalling said, in referring to a planned NPU meeting tomorrow with a Cabinet comittee.

'Betrayal'

The president of the South African Society of Journalists, Ms Pat Sidley, said the NPU's willingness to adopt the government's "language and assumptions" regarding the "revolutionary onslaught" against South Africa had placed the NPU squarely in the camp of "the system".

"This amounts to a betrayal of faith in their employees. The NPU's latest stance will result in a great loss of credibility in newspapers here and abroad.

"The NPU's identification with the government represents a great danger to working journalists whose lives are being placed at risk because of the perception that they belong to the wrong side."

The Media Workers Association of South Africa challenged the NPU to retract its "insulting statement" which, it said, demonstrated that the "liberal press in South Africa is in cahoots with the government".

The United Democratic Front also accused the NPU of "meekly capitulating" to additional press restrictions.

The acting publicity secreary of the UDF, Mr Murphy Morobe, said: "To actually agree to save the government the embarrassment of extra legislation by volunteering to restrict their journalists through new measures to be worked out by the government is to effectively turn the NPU into a government pawn."

The chairman of the PFP's Unrest Monitoring and Action Committee, Mr Jan van Eck, said the NPU's "uncritical swallowing of the revolutionary onslaught propaganda takes it very close to the position and assumptions of the government — a stance that would have perilous consequences for the freedom ot the press.

"We urge the NPU to guard against any attempt to do the government's dirty work for it and to resist being coopted into the total onslaught laager," he said.

The national president of the Black Sash, Mrs Mary Burton, urged "the representatives of the media to fight for the right to inform us fully.

"We view with the deepest forboding the further threat to the right to know the truth. We ask the government what it fears from a free press."

Meanwhile, the UDF said it had recieved information that a nationwide crackdown on anti-apartheid activists would take place before December 16.

"Reliable information from a range of sources inside the country indicates that the State has been planning a massive operation against all democratic forces before December 16," Mr Morobe said.

The UDF believed that pamphlets distributed yesterday in its name, attacking Azapo, were a calculated attempt to create confusion, so that when apartheid's agents struck, the ensuing chaos would be attributed to "black on black violence".

Detentions

The Black Sash said it also feared an imminent crackdown, including detentions, bannings and restriction orders.

The Star in Johannesburg reported the likely targets of the clampdown on the press would be the New Nation, a black newspaper backed by the Roman Catholic Church, the Weekly Mail, Afrikaner publications such as Die Patriot, and foreign correspondents.

The Media Council has not yet been informed of the factors being considered to heighten its disciplinary function. Its chairman, Justice L de V van Winsen, said that as he understood it, any changes would involve extending the council's jurisdiction to deal with matters pertaining to the emergency.

But any government proposals to change the council's constitution and functioning would have to be accepted by a two-thirds majority of the 28-member council, he said.

☐ Comment, page 6

Govt determined to tighten control of S A Press

By David Braun,
Political Correspondent

Emergency regulations are to be tightened considerably to restrict the Press further, it is understood.

The Government is apparently planning this move as part of a two-pronged attempt to force the media to play a more submissive role in the state of emergency.

The other element of the plan is to pressure newspaper owners to impose self-censorship on their publications by means of agreeing to give extended powers to the Media Council.

The re-drafting of the emergency regulations will centre on tightening the definitions of what is subversive.

It is understood that these regulations will be aimed mainly at the "alternate media" which includes the *Weekly Mail*, *New Nation* and *Die Afrikaner*.

Government thinking, it is understood, is that these publications should not be closed provided they are forced to uphold the spirit and letter of the emergency regulations.

Foreign correspondents would also be affected.

The major newspapers owned by the four big groups are to be more effectively controlled by the Media Council in terms of the Government's thinking.

This includes a speeding up of procedures of the Media Council and more teeth to be given to the body to act with greater deterrence.

Newspaper executives and the two co-chairmen of the Media Council are to meet a Cabinet delegation led by the Minister of Constitutional Development, Mr Chris Heunis, in Pretoria tomorrow.

'NEEDS PEPPING UP'

The meeting follows a series of meetings between newspaper owners and President Botha last week and Mr Botha's statement of November 28 which said the existing mechanism for disciplining the Press, the Media Council, was unsatisfactory and needed "pepping up".

Mr Heunis said today that he had nothing to add to President Botha's statement of last Friday, in which Mr Botha said the Press groups had informed the Government they fully realised South Africa was being sujected to a many-pronged but well co-ordinated revolutionary onslaught.

The groups said they believed the mechanism of the Media Council may need reviewing to take into account the state of emergency, the revolutionary onslaught and the concern the President expressed on November 28.

● See Page 11.

Press not to blame for SA's woes, says PFP

CAPE TOWN — Every time the Government finds itself in trouble it looks around for someone else to blame, the federal executive of the Progressive Federal Party said in a statement after a meeting in Cape Town yesterday.

Commenting on the Government's new warning to the Press, the federal executive of the PFP said that this time the scapegoat is the Press.

"Anyone who believes that the newspapers are the cause of the mess in which the Nationalists have landed South Africa must be very naive," said the executive, calling on the Government to stop interfering with the newspapers and "to get on with the job of ridding South Africa of apartheid".

The executive also expressed alarm at the continued and increasing numbers of people, including young children, being detained without trial and called for all detainees to be released.

"If any have broken the law they should be charged before a court.

"We need negotiation with representative leaders, not repression, to restore peace in our troubled land," the statement said. — Sapa.

English media nationwide united against further news restrictions

Leave us alone, says Press

Leading articles in English-language papers nationwide have expressed firm opposition to further restrictions on Press freedom and the free flow of information — particularly during unrest when, they say, the public needs to be as fully informed as possible.

Representatives from newspapers and their umbrella bodies are meeting Government officials today to discuss voluntary curbs.

An editorial in yesterday afternoon's Durban **Daily News** called the Government's new warning to the Press disturbing and said the freedom of the Press to publish news, especially news about unrest, was already severely restricted by the emergency regulations and dozens of laws.

"South Africa is, for historical, social and political reasons, a divided country and if a peaceful post-apartheid nation is to emerge it is essential that the various elements have a better understanding of each other."

The paper added that the Government no longer cared about anti-Press action damaging its image abroad and the 'alternative Press' looked vulnerable.

"These publications would be safer if they accepted the disciplinary authority of the Media Council," it added.

Bloemfontein's **Volksblad** said the Government's proposals were an attempt to get the Press to develop a better formula for reporting in the light of numerous threats.

"Naturally the Press must be alert and not get trapped in a bureaucratic straitjacket which prevents it from performing its function as a reliable news medium and watchdog," Volksblad said.

Nasionale Pers' Johannesburg paper **Beeld** said today the Government's concern about security was understandable: "We are at the end of a year in which revolutionary forces have launched attack after attack on our internal security.

"We are also standing on the eve of a new year in which an escalation of attacks can be expected. It is against this that this week's talks between the Government and the Press are to take place. The purpose is to agree to 'inform the Press about its most important task — to keep readers informed about what is happening in their country without making illegal propaganda for the revolutionaries'."

Beeld concluded by saying that the alternative to the meeting was total Press censorship.

"A free flow of information within a society is an aid and not a hindrance to democratic government, even — perhaps especially — at times of internal crisis."

The Cape Times said a free flow of information was vital to the country's future. Policy changes, not Press curbs, were what the Cabinet should consider.

The Cape **Argus** said: "We do not quite know why exactly the Government is again poking is long nose into the affairs of the Press. Given the draconian measures already ranged against the media, there is reason for grave apprehension about any prospect of further inroads into Press freedom.

"What the Press needs — in the broad public interest — is to be left alone and without undue interference to get on with trying to tell people what is going on, whether they like it or not. The Government needs to get on with putting right the wrongs that confront the nation."

Port Elizabeth's **Evening Post** said it was Press-bashing time again: "Now the Government wants to toughen up the Media Council to play a role in counteracting the 'revolutionary onslaught'.

"Now, according to the State President, the existing mechanism for disciplining the Press, the Media Council, is unsatisfactory and needs pepping up. So what does the Government want this time?

"Now the objective, it appears, is to clamp down on reports of state actions and responses to such issues as boycotts, strikes, protests and violence.

The **Daily Dispatch** in East London said further restraints on the Press could do serious damage to the credibility of newspapers and cause readers to turn to the alternative Press.

"Just as private enterprise is essential to the survival of a non-marxist economy, so is a free flow of information through privately-owned and politically-independent newspapers the very life blood of the Western-style democracy South Africa wants."

The **Natal Mercury** says that if the NPU agreed to "pep up" the Media Council the union would become party to the final "garotting" of the last "whisper" of free speech in South Africa.

"We believe the Press has gone far enough and President Botha should be told so. Government should be resolving the problems its policies have brought about, not deviously creating a myth of peace and normality where it does not exist. Conjuring tricks are no substitute for reality." — Sapa

'Curbs could kill papers'

The reported imminent restriction of newspapers would limit the free flow of information to established newspapers and kill the alternative newspapers, the Anti-Censorship Group said in a statement in Johannesburg yesterday.

It appeared that the National Press Union had "colluded" with the Government and was "willing to accommodate these restrictions", said the group.

It has been widely reported that additional restrictions on the media, and newspapers in particular, are to be imposed.

"This would not only limit the free flow of information into the NPU newspapers but also kill the alternative newspapers through the manipulation of the Media Council," the statement said.

This would leave South Africa with a "totally compliant and servile Press". — Sapa.



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SASJ chapel hits out over Press curbs

CAPE TOWN — The South African Associated Newspapers (Saan) Cape Town (Cape Times) chapel of the Southern African Society of Journalists unanimously adopted the following resolution at a meeting of the chapel yesterday:

"The Saan Cape Town chapel notes with grave concern the statement issued by the State President, Mr P W Botha, quoting the Newspaper Press Union.

"We find this statement extremely ominous, especially the fact that newspaper managements are using the same language as the State in describing the highly complex South African political situation, namely that the country is faced by a 'revolutionary onslaught'.

"To even suggest that the newspaper groups join forces with the State in combating this so-called 'onslaught' fills us with fear for the future of an independent Press in South Africa.

"Such a stand compromises our independence, integrity and objectivity as professionals, and we reject in the strongest terms the NPU stance.

"We challenge the managements of Saan and Argus to state unequivocally where they stand in relation to the State propaganda machinery." — Sapa.

'Political adroitness'

The **Pretoria News** said: "From this week, if the dread implications in the State President's Friday statement become reality, the country and all its composite parts — of which the Government is but one — will have lost ... the one instrument which has retained South Africa a shred of respectability: a credible Press.

"With political adroitness, Mr Botha couched his statement in such a way that it appears that following talks with him the Newspaper Press Union, an organisation representing the four main newspaper publishers in the country, has rallied to his side to defend the nation against 'a many-pronged but well co-ordinated revolutionary onslaught'.

"In other words, to impose further self-restriction on top of the mountain of laws and emergency regulations which have already knocked Press freedom down, if not yet quite out."

The NPU was clearly trying to walk the precarious fence between total submission to the Government and total suppression. "How well they will succeed we will know only after they meet Mr Botha and his colleagues ... but given the powers Mr Botha has and his patently kragdadig temper at present it seems inevitable that they will topple one way or the other.

"The tame Nationalist media will obviously toe the party line, for it controls them, but for the truly independent Press, the Argus and SAAN groups, there is only one choice. They must resist with all their might, bearing in mind that the principles of Press freedom they represent apply not only to their own publications but also to such vigorously outspoken contributors in our national debate as The Weekly Mail and the New Nation, and to the general public."

'Probably unavoidable

In Port Elizabeth the **Eastern Province Herald** said: "With South African newspapers already nailed down by some of the toughest restrictions imaginable, it is difficult to see what further curbs on the Press the Government could possibly need, even in these extraordinary times.

"That there should be discussions between the Government and the media in times of crisis is probably unavoidable. If they lead to making the Media Council more effective in its current role of judging newspaper ethics and standards of fairness and accuracy, well and good. But we would have grave reservations if the council were required to assume responsibility for a more controversial and political policing of the Press, a role that might be implied in statements about the coming meeting.

Security Council's silence on secret JMCs

by TOS WENTZEL Political Correspondent

THE State Security Council has declined to comment directly on the recent speech in the Divisional Council by Mr Neil Ross, national director of the Progressive Federal Party, who alleged that the country's Joint Management Centres were a political and insidious system of bureaucratic control answerable only to the state intelligence machine.

A spokesman for the council said that while not wishing to answer the allegations directly, the speech made by Mr Ross had contained "factual errors". He declined to identify the errors.

Among other things, Mr Ross spoke of the "secret hand" of the JMCs in some special projects at local government level and alleged that the bodies were usurping the role of public representatives.

A spokesman for the State Security Council denied that the JMC's were a secret system, and maintain that the system had been publicly explained from time to time since 1983.

IN all there are 12 main JMCs throughout the country and they are divided into 60 sub-JMCs, and some 350 mini-JMCs.

The official view essentially is that the JMCs are part of a tension-defusing, anti-revolutionary system devised by the State Security Council.

The State Security Council was established by law in 1972 and President PW Botha is its chairman.

The senior Minister in the Cabinet, along with the Ministers of Defence, Foreign Affairs, Justice and Police, are members, as are the heads of these departments. The Secretary for Security Intelligence also is a member and other members can be co-opted from time to time.

THE functions of the council is to advise the Government on:

- ☐ The formulation of national policy and strategy in relation to the security of the Republic and the implementation of this;
- ☐ A policy to combat any particular threat to the security of the Republic;
- ☐ The determination of intelligence priorities.

A top spokesman of the council this week set out the functioning of the JMCs thus:

They operate at regional and local level and are responsible for the "co-ordination of implementation and the management of national security" at these levels.

The JMCs consist of regional and local representatives of all Government departments concerned with the general security management system. This can now include also provincial and municipal authorities and divisional councils.

The Security Council spokesman stressed that the JMCs, as in the case of other components of the security system, had no executive powers as such.

Implementation of any plan was the responsibility of a particular Government department, but the co-ordination of implementation and the monitoring of results was the primary responsibility of the JMCs as a whole.

THE network of JMCs and their sub-divisions throughout the country, therefore, were in effect meant to be the Government's early warning system against threats to state security and as a highly mobile mechanism to defuse revolutionary unrest.

Each JMC elects its own chairman. The fact that all the chairmen of the 12 main centres are at present police or military figures is described as coincidence by a Security Council spokesman, who said that officials from other departments could be in these positions.

The endemic unrest situation no doubt has a lot to do with this.

At lower levels of the system local government representatives of all population groups are involved.

GENERAL Magnus Malan, the Minister of Defence, said earlier this year that a typical example of that a JMC might do was a case of an Eastern Cape body which found that a certain black township had too few toilets for a population of 100 000.

The local JMC had decided that this was a legitimate grievance which threatened national security. It had pointed out to the relevant authority what had to be done to rectify the position.

In a case like this the JMC could also recommend to the Security Council action to be taken. Arrangements could then be made with the Treasury to release funds to the department concerned.

The Government maintains that a lot of unrest in the country has been defused by this system.

The JMCs can also operate more directly in what is regarded as the security field by assessing political situations that could cause unrest, such as proposed meetings in black townships. In spite of the denials of Security Council spokesmen the role of JMCs in such situations could be regarded by many as being political.

Security Council spokesmen say mini-JMCs are an important instrument of the State for contact with the population and say they are used to assess at ground level the needs, bottlenecks, aspirations and expectations and to help promote more peaceful and prosperous circumstances.

All in all the system smacks very much of what Dr F van Zyl Slabbert has described as "co-optive domination" with the aim of drawing more and more people at all levels into the security system, partly in an effort to counter alternative structures created by black activists in some of the townships.

GM Trips
9/12/86

Natal clerics' message

Own Correspondent

DURBAN. — Leaders of seven churches in Natal have called for the state of emergency to be lifted and the release of all political prisoners and detainees.

In a joint Christmas message, the clerics say that celebrating Christmas may make many Christians feel uneasy.

"There are too many contradictions. For any sensitive Christian, the parties, presents, decorations, carols, bells and even the Christmas services will be disturbing when we remember that almost 500 children will probably spend this Christmas in detention."

However, they note that "nowhere is the celebration of Christmas more important or relevant than in a situation of oppression".

The leaders who have issued the statement are: Dr John Borman, chairman of the Natal coastal district of the Methodist Church, Rev Ezrom Dlamini, chairman of the Natal regional council of the United Congregational Church, Rt Rev Enos Dlamini, Bishop of the south-eastern diocese of the Evangelical Lutheran Church, Most Rev Denis Hurley, Catholic Archbishop of Durban, Rev Sam Khumalo, presiding elder of the Presbyterian Church, Rev Robin Marshall, chairman of the Durban and District Council of Churches and Rt Rev Michael Nuttall, Anglican Bishop of Natal.

SA fails Human Rights Day



By DENNIS DAVIS

on behalf of the Civil Rights League

ON DECEMBER 10, 1948 the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. In the preamble it is stated that the declaration is "a common standard achievement for all peoples and nations".

The 30 articles of the declaration contain a list of human rights which form the basis of a democratic society, including the right to life, liberty and the security of the person, the prohibition of all forms of slavery, the prohibition of inflicting cruel, inhuman and degrading punishments or treatment on any person, the right not to be subject to arbitrary arrest, detention or exile, the right of an accused to a full and public hearing by an independent and impartial tribunal, the right to freedom of movement and residence within the borders of each state and the right to freedom of opinion, expression, peaceful assembly and association.

Although these rights should form the basis of every democratic society, it is probably true that no country safeguards completely all the rights outlined above, and yet it is equally trite to conclude that some countries are far worse offenders than others.

In objective terms few of these rights exist for all South Africans. A few months ago the internationally respected journal the Economist published a survey of the state of human rights in 94 countries. South Africa fared hopelessly, being a far worse offender than its neighbours Botswana and Zimbabwe, and being in the same league as Chile, Vietnam, Libya, Rumania and Russia.

What makes the findings even more significant is the fact that the report was researched before the declaration of the state of emergency on June 12.

By contract white South Africans are fond of suggesting that South Africa is superior when it comes to its human rights records than many (if not most) of its Third World critics. As the State President declared when opening Parliament at the beginning of this year: "In a world where freedom is becoming increasingly rare, our country today is a symbol of the expansion of freedom, of the upholding of freedom of religion and free enterprise, sustained by equal rights before an independent judiciary" (1986 Hansard Col 5).

Perceptions

What accounts for the vastly different perceptions of South Africa's human rights record, where white South Africans (and the government's co-opted black supporters) argue that we are a "symbol of the expansion of freedom", compared to the extra-parliamentary opposition which considers South Africa to be a desperately repressive society?

To some extent Joseph Lelyveld in his perceptive book "Move Your Shadow" provides a key to the answer, when he analyses the contrasting perceptions of blacks and whites in terms of the social structure and location of the South African population.

Thus, white South Africans, living as they do in a cocooned existence, enjoy a range of freedoms on the condition that they agree with the general framework of the South African political structure.

On this basis, they can speak their minds, vote for the PFP, HNP or CP, attend political meetings of the party of their choice, move freely around the country, travel in and out of South Africa, bring their disputes before an independent tribunal and be defended by lawyers of their choice.

By contrast, for the small section of white opponents to the status quo and a substantial body of black South Africans no such freedoms exist. They cannot criticize the government as they wish, they cannot join the political organizations of their choice, they have no freedom of assembly or protest, all too often they are arrested and detained without being brought to court. For at least seven million who do not enjoy South African citizenship, they have no freedom of movement outside the independent homeland to which they have been assigned as a result of the government's bantustan policy.

For this second group of South Africans the Economist survey is indeed accurate. But, insulated from the lives of the majority of their countrymen and women, save in terms of a relationship of master and servant, white South Africans find it difficult to comprehend how this country can be compared to Chile, Libya or Russia.

Human Rights Day is the anniversary of the adoption of the Universal Declaration. In two days we would have lived in a state of emergency for six months. This is surely a time to consider the state of human rights in our country, not only as it affects whites but the entire population.

It has been suggested that some 25 000 have been detained during the emergency, press-reporting is heavily censored, freedom of assembly and association is non-existent, urban black communities, such as those at Crossroads, Langa and Duncan Village (Eastern Cape), have been subjected to brutal harassment as government removals occur in a new form. Even the most cautious form of black participation in government, as proposed by the Natal Indaba, has proved far too "radical" for the government and its idiosyncratic use of the word power-sharing.

As we mark Human Rights Day, the press is threatened with yet another series of government restrictions. Particularly after the promulgation of the Emergency Regulations, the South African press has almost no freedom to publish material on any form of political turbulence, and still the government is not satisfied!

Failed to prove

What is even more depressing is the acceptance by the Newspaper Press Union and the owners of the commercial press of the government's justification for repression in South Africa, namely the tota onslaught.

For more than 30 years the government has failed in the courts to prove this total-onslaught thesis.

In summary, there is little hope that South Africa will "strive to promote respect" for the freedoms laid down in the Universal Declaration. For this reason the onus rests entirely with the extra-parliamentary opposition to keep alive the spirit of Human Rights Day — an awesome task in the present repressive climate.

One day white South Africans might well rue the time when they were only prepared to measure human rights in terms of the conditions prevailing in their peaceful suburbs.

'Leave press alone'

By ANTHONY JOHNSON
Political Correspondent

THE government should stop interfering with newspapers and get on with ridding South Africa of apartheid, the Progressive Federal Party federal executive said yesterday.

Its chairman, Mr Ken Andrew, said in a statement after a meeting in Cape Town that every time the government finds itself in trouble it looks around for someone else to blame.

"This time the scapegoat is the press. Anyone who believes that the newspapers are the cause of the mess in which the Nationalists have landed South Africa must be very naive."

The Cape Times chapel of the Southern African Society of Journalists yesterday noted its "grave concern" at a statement issued by President P W Botha which outlines the Newspaper Press Union's views on the need to review disciplinary mechanisms affecting the press in the light of the "revolutionary onslaught and the resultant state of emergency".

"We find this statement extremely ominous, especially the fact that the newspaper managements are using the same language as the state in describing the highly complex South African political situation," it said.

"To even suggest that the newspaper groups join forces with the state in combatting this so-called 'onslaught' fills us with fear for the future of an independent press in South Africa.

"Such a stand compromises our independence, integrity and objectivity as professionals, and we reject in the strongest terms the NPU stance.

"We challenge the managements of SAAN and Argus to state unequivocally where they stand in relation to the state propaganda machinery. Are we to become one more cog in the partheid state's information network?

"We believe that not only have the managements of our newspapers compromised our integrity, but they have also place our lives in danger. We reject their statement with contempt," the Cape Times chapel said.

The statements came amid fresh indications that the government is planning to tighten up its state of emergency regulations affecting press

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coverage and push for greater control over newspapers through the Media Council.

The government might also force the "alternative press" into line by making it submit to the authority of the Media Council which up to now has served as the disciplinary body for the establishment press alone.

Newspaper owners, editors and members of the Media Council met in Johannesburg yesterday to prepare for a "crunch" meeting today with the government.

Journalists, opposition parties and extra-parliamentary groups have called on the newspaper owners not to buckle to government pressure at the meeting which will be chaired by the Minister of Constitutional Development and Planning, Mr Chris Heunis.

Details of yesterday's meeting were not disclosed to the press yesterday.

It is believed that details of the meeting would only be made known today.

An SABC editorial comment programme, usually a reliable barometer of government thinking, yesterday said nobody would still dispute that there was "a calculated revolutionary campaign" under way in South Africa.

Sapa reports that the Anti-Censorship Group said in a statement in Johannesburg yesterday that the effect of the imminent restriction of newspapers will limit the free flow of information to established newspapers and kill alternative newspapers.

This would leave South Africa with a "totally compliant and servile press", the group said.

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Newspapers' concern at further Press discipline

BUSDAY 327 9/12/86

NEWSPAPERS around the country have expressed their concern at the possibility of further Press restrictions and the issue of greatest worry — that they may be introduced in part from within the industry. An independent body, the Media Council, is the vehicle through which further disciplining of the Press could be made, but no decisions will be made until after today's meeting between a Press delegation comprising members of the Media Council and Newspaper Press Union (NPU) and a Cabinet delegation.

The meetings follow government's demand that the Press take action to extend its disciplinary mechanisms through the Media Council with regard to the state of emergency. Newspaper editorials have not welcomed the course of events:

DIANNA GAMES

☐ *EasternProvinceHerald* (South African Associated Newspapers — Saan) said: "With South African newspapers already nailed down by some of the toughest restrictions imaginable, it is difficult to see what further curbs on the Press government could possibly need, even in these extraordinary times."

It said they could not readily perceive of any to which the industry could or should acquiesce, and it would be watching with concern today's meeting with government.

Discussions between government and the media in times of crisis were probably unavoidable, and would be acceptable if they led to making the Media Council more effective in its role of judging newspaper ethics and standards of fairness and accuracy.

"But we would have grave reservations if the council were required to assume responsibility for a more controversial and political policing of the Press."

☐ *Weekly Mail* co-editor Anton Harber said it hoped that, in its meeting with government today, the NPU would bear in mind that there were non-NPU members that were also part of the Press and that any attack on them would be an attack on the Press as a whole.

☐ *The Daily News* (Argus) said government's new warning to the Press was "disturbing".

But it was difficult to see what response to government threats, other than offering to speed up the Media Council's processes and to discuss government's complaints, newspaper companies could have adopted.

Blamed

Defiance would probably have induced stricter restraints from government.

☐ *The Citizen* (Perskor) blamed liberal newspapers for testing the extent to which they could go before the authorities took action.

It said the freedom of the Press was labouring under a "mountain of laws and is further curtailed by the emergency regulations". If newspapers that breach the regulations were not brought before the courts, government had to look at its own enforcement agencies for an explanation; the remedy was thus in government's hands.

"It is one thing to have to observe emergency regulations because there is no alternative but to obey the law; it is quite another to gag oneself voluntarily by applying some emergency code or rules."

☐ *Cape Times* (Saan) said if government intended to deal with the alternative Press, it should do its own "dirty work" without the connivance of established newspapers.

It said the Cabinet should be considering policy changes to "38 years of destabilising, constricting, disastrous apartheid" and not Press curbs.

400-page book

The country's solution to its dilemma lay not in government talking to newspapers, but with credible black leaders.

☐ *Evening Post* (Saan) said it was "Press-bashing time again".

It appeared not to matter that no other Western country had as many Press clamps as SA, that dozens of laws covered reports on anything from divorce court proceedings to uranium exports and that the number of offences has required a 400-page book to list and explain.

"Now, according to the State President, the existing mechanism for disciplining the Press — the Media Council — is unsatisfactory and needs pepping up. So what does government want this time?"

☐ *The Argus* (Argus) said: "We do not quite know why exactly government is again poking its long nose into the affairs of the Press.

Conflict

"Of course the media is fully aware of powerful revolutionary elements at work; just as it is equally fully aware of the disastrous government policies and actions which have so ominously brought these forces into conflict."

☐ *Sunday Star* (Argus) said Botha had put aside reform in favour of repression. This pressure for more and more "security" was getting out of hand and the Media Council was to become the "lightning conductor".

But it was doubtful that the Media Council would acquiesce to this role to suit a "frightened government".

☐ *Sunday Times* (Saan) said it was proper that government and the Press should talk about matters "in these exceptional times," as discussion was better than the unilateral imposition of restrictions on information by the State.

The International Press Institute reacted by saying that governemnt was bludgeoning the Press into bargaining away its freedom.

Suzman shouted down at funeral

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PRETORIA. — Mrs Helen Suzman was shouted down yesterday while addressing the memorial service for Dr Fabian Ribeiro and his wife Barbara in Mamelodi.

About 200 youths burst into St Raphael's Roman Catholic Church while the service, attended by about 1 000 people, was in progress.

Sources said it appeared the youths were from the Azanian People's Organization (Azapo).

The youths demanded — and were granted — time to address the service.

Afterwards, the service continued under the leadership of Dr Nico Smith of the Ned Geref Kerk in Afrika.



The Rev Nico Smith leads the procession at the funeral of Dr Fabian Ribeiro and Mrs Ribeiro. The funeral was held in Mamelodi yesterday. The Ribeiros were murdered by unidentified gunmen last week. Picture: JUDA NGWENYA of REUTERS

Dr Smith said afterwards that the service started at 2.15pm. However, Dr Ribeiro's family had asked that a requiem mass be held and, as this required some time, a number of organizations, including Azapo and the UDF, could not be fitted into the programme.

The faction that dis-

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rupted the proceedings but apparently one was apparently unhappy that "white" organizations like the PFP were able to address the service and "black" ones not. They said that Dr Ribeiro was a Pan Africanist Congress supporter.

Sources said there was "such a commotion" that they could not make out what was being shouted, but apparently there was clearly tension between rival black political factions.

Dr Ribeiro was shot dead with his wife Barbara outside their Mamelodi home. She was the sister of the late black nationalist leader Mr Robert Sobukwe.

Security forces mounted a major operation for today's memorial service. Details cannot be reported under South Africa's state of emergency.

The SADF, acting on police orders, barred the press from entering Mamelodi.

After the service, Mrs Suzman told reporters she was used to be shouted down in Parliament.

A statement issued by the PFP said: "Members of the Ribeiro family specifically requested that Mrs Suzman attend this service. When Mrs Suzman arrived at the church she discovered that the family had scheduled her to speak."

NPU asks for time on council

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PRETORIA. — The Newspaper Press Union (NPU) yesterday told cabinet members that it was not possible within the constitution of the Media Council to speedily review the constitution and the council's code of conduct.

This was said yesterday by the the Minister of Home Affairs and of Communication, Mr Stoffel Botha, after a meeting between the NPU and cabinet members.

He said the NPU had elected a committee to take the matter further with the Media Council.

Emergency

Another meeting will be held on February 13.

At this meeting, "the further application of steps which may be taken with regard to members of the NPU or publications under the authority of the code of conduct and of the Media Council will be considered in order to handle the state of emergency", Mr Botha said.

An NPU statement said: "As a result of the statement by the State President on December 5, 1986, on his meeting with the NPU and representatives of four newspaper groups, members of the NPU and editors discussed the issue on Monday.

"Consultation was also made with the chairman and alternative chairman of the SA Media Council.

"Divergent viewpoints were put and note was taken of the fact that the Media Council's constitution and codes of conduct could be amended only within 21 days of written notification.

"The meeting appointed a committee to discuss the matter further with the Media Council.

"The meeting accepted that the steps which may be taken to handle the emergency will apply to all media."

At the meeting on December 5, NPU representatives and the newspaper groups accepted that South Africa was "subjected to a multi-dimensional, but co-ordinated revolutionary onslaught" and that it was necessary to do everything possible to avoid supporting those seeking revolutionary change openly or covertly.

The representatives said in their submission to the State President and cabinet members that Mr Botha had stated on November 28 that the Media Council, the existing mechanism to discipline the press, was unsatisfactory, had no "pep" and had to be revived.

SASJ concern

They said it was obvious that the Media Council had not been created by the NPU to handle the "revolutionary onslaught" and the state of emergency.

The NPU representatives also believed that the mechanism of the Media Council needed to be reviewed. Matters that had to be considered in this review included the state of emergency, the "revolutionary onslaught" and the concern expressed by the State President on November 28.

□ SASJ chapels at the Star and at SA Associated Newspapers in Johannesburg expressed "grave concern" at the NPU statement, quoted by President Botha last week. They wished to distance themselves from the NPU remarks. — Sapa

Govt to tighten Press clamps

DOMINIQUE GILBERT

STRINGENT, carefully worded regulations to further impinge on Press reporting of the state of emergency are almost certain to be gazetted by the end of the week.

Government's new regulations, expected on Friday and believed to be specifically directed at the *Weekly Mail*, *New Nation* and the *Afrikaner*, are likely to be worded in such a way as to rule out any possibility of court intervention on their interpretation.

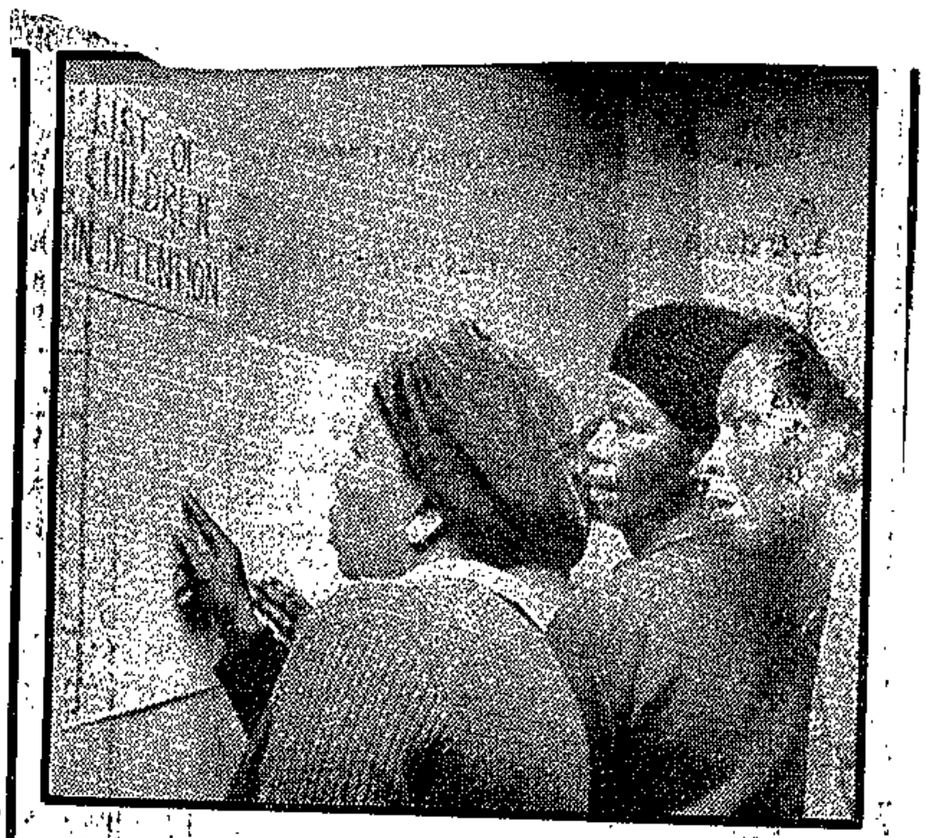
This is because several of the existing emergency regulations are seen by government as to be too vague.

However, the Newspaper Press Union (NPU), said yesterday any steps taken by government to handle the emergency must apply to all media, which should include the SABC.

Home Affairs and Communications Minister Stoffel Botha said last night the NPU had, in a submission to the President and Cabinet members, stated that the Media Council, an existing mechanism set up by the NPU to discipline the Press, was unsatisfactory and had to be reviewed.

Botha said: "They said it was obvious the Media Council had not been created by the NPU to handle circumstances such as those caused by the revolutionary onslaught and the resulting state of emergency."

NPU and the four major Press groups' representatives, who met with a special Cabinet committee under the chairmanship of Constitutional Minister Chris Heunis, remained tightlipped on the matter.



☐ Anxious mothers search lists looking for the names of their children held in detention

Son released, three still held

SOPHIE TEMA

ABOUT 10 000 black families will be without one or more of their loved ones on Christmas Day if they are not released from detention soon.

Among those who face the possibility of being without some family members is Mrs Rebecca Modibedi, of Kagiso, near Krugersdorp, whose 11-year-old son William was released from detention last Friday. But three of her other children are still being held — Sophie, 13, John, 15, and 18-year-old Elsie — at Roodepoort, Krugersdorp and Johannesburg respectively.

Speaking of her son's release, Modibedi said: "My children have been in detention for many months. I cannot give the exact period of time, but I can tell you that I have been without my children since their detention. I have also been spending sleepless nights worrying over them.

"I know exactly how all mothers feel whose children are in detention, but can you imagine the agony of having four children in detention at the same time?"

Shown corpses

Modibedi said her son had lost two of his front teeth while in detention, and had alleged that one tooth had been knocked out by prisoners and the other by security police.

She said William fainted twice when he tried to relate the experience of his detention to her.

He told his mother that he had been taken to a mortuary, where he was shown several corpses, after alleging that he had been severely tortured.

Modibedi said William's release came unexpectedly and as a great surprise. "He was tired and exhausted when he arrived home, because he had to make his own way from Diepkloof Prison to Kagiso."

Like Modibedi, several other mothers wept bitterly as they told a meeting held at Khotso House yesterday of their agony and pain at the detention of their children.

For other mothers, the agony and pain was severe. They don't know where their children are being held. According to lists drawn up by the Black Sash, most children still in detention are under the age of 18.

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Feared press curbs slated

Political Correspondent

EXPECTED curbs on the press were widely condemned by government opponents last night.

The leader of the PFP, Mr Colin Eglin, said any attempt to "muzzle the press still further" will be "sabotaging democracy and undermining the very foundation on which the parliamentary system is built".

The PFP media spokesman, Mr David Dalling, said: "By a single stroke of his malignant pen President (P W) Botha has brought about a *coup d'état* in South Africa.

"As long as Mr Botha and the National Party remain in power we will continue down the slippery slope of authoritarianism and move into the realm of being a tin-pot police-controlled dictatorship."

Mr Murphy Morobe, acting publicity secretary of the UDF, said: "We may be affected a little, but it will not stop our work. We have long ceased to rely on the commercial media."

The Southern Africa Society of Journalists said: "This is pre-publication censorship — the final resort of the world's worst dictatorships. If South Africa does not rise in massive protest against these proposals they may as well abandon hope of bringing any influence to bear on their future."

The Media Workers' Association of South Africa said it restates its belief "that the demands of the oppressed and exploited are not a co-ordinated revolutionary onslaught".

"We are a creative and resourceful people, and we will find ways of getting and disseminating information."

Mr Stephen Mulholland, managing director of South African Associated Newspapers, said: "It is not in the interests of society to restrict information to its citizens. There is already sufficient legislation that the government can use to deal with abuses it perceives the press to be guilty of."

The Southern African Bishops' Conference said that if the total suppression of state of unrest information was to be imposed "an intolerable and dangerous situation must arise".

Bishop John Carter, a spokesman for the Anglican Church, was quoted as saying that such measures would be adopted only by "authoritarian regimes of the worst kind that are afraid to let people know what is happening".

New era of censorship

Cape Times 11/12/86 (P3) 327

Cape Times

Cape Times 11/12/86 (P3) 327

From page 1

major newspapers by accepting a government deal.

The sweeping new extensions to the emergency regulations will effectively quash any reporting on political unrest or opposition to the government in a wide variety of fields — unless these have been approved by a government censor.

The new regulations are expected to affect not only Pretoria's extra-parliamentarty foes but also statements by parliamentary opposition parties.

Details of the planned curbs emerged yesterday when the new Deputy Minister of Information, Dr Stoffel van der Merwe, told foreign correspondents at a luncheon in Johannesburg that unrest-related news items would have to be cleared by a cabinet minister, his deputy or a designated spokesman.

Reuters reports that he said the issues covered would include "all sorts of resistance to the the government", including passive opposition such as consumer, bus and school boycotts.

The regulations will be published in the Government Gazette in Pretoria today and policed by the Ministry of Home Affairs, he said. They will apply to both local and foreign media.

Dr Van der Merwe said it would be up to the media to decide before publication whether their reports might violate the rules. If so, the media would have to obtain approval, or publish without approval and face possible consequences.

Violations of existing emergency press rules carry penalties of 10 years in jail or a R20 000 fine.

It could not be established last night whether editorials, commentaries and columns would be subjected to the same restrictions.

Mr Van der Merwe told members of the Foreign Correspondents' Association that "the the government's aim is not to establish a totalitarian system, it is to establish a democratic system", Reuter reports.

Asked for his personal view of the new censorship, he replied: "I dislike it intensely but I'm part of it and I'll live with it."

☐ Feared press curbs slated, page 3

THE EDITOR

By ANTHONY JOHNSON and DOMINIQUE GILBERT

THE government will today implement sweeping new media curbs after the National Newspaper Union (NPU) rejected its attempted secret deal aimed at gagging the alternative press.

The four major newspaper groups in the NPU this week refused to be party to an offer proposed by cabinet ministers that they would be exempted from the regulations if they agreed to self-censorship.

This resulted in the NPU's statement that any steps taken by the government to handle the emergency must apply to all media.

The lights go out for South African journalism today as the country enters a bleak era of pre-publication censorship of news and comment on political unrest and "all sorts of resistance to the government".

'Attempt to condone'

SAAN MD Stephen Mulholland, a member of the NPU delegation which met the government, said yesterday he saw the cabinet offer as "an attempt to have us condone, or be party to, the new regulations".

He said: "We've given away nothing and told them we did not seek, and would not accept, exemption."

The NPU had pointed out clause 7 of the Media Council's constitution, which provides for media checks on matters that may have a detrimental effect on the peace and good order, safety and defence of the country.

As a compromise, Mr Mulholland said, the NPU agreed to consult the council about the possibility of strengthening the clause to deal with the emergency, should it be deemed necessary.

The Editor of the Cape Times, Mr Tony Heard, who attended talks between the NPU and the government, commented: "Emergency matters are for the government to deal with and not independent, ethical, voluntary and professional bodies like the Media Council."

He said the NPU's statement was significant and any conniving to destroy the alternative Press would have been "a blot on SA's newspaper history".

The PFP's media spokesman, Mr Dave Dalling, said it was to the credit of the NPU that, as far as he was aware, it had not destroyed the credibility of

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REPUBLIC OF SOUTH AFRICA

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Vol. 258 PRETORIA, 11 DECEMBER DESEMBER 1986 No. 10541

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 224, 1986

REGULATIONS UNDER THE PUBLIC SAFETY ACT, 1953

Under the powers vested in me by section 3 (1) (a) of the Public Safety Act, 1953 (Act 3 of 1953), I hereby make the regulations contained in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at George this Tenth day of December, One thousand Nine hundred and Eighty-six.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

A. L. SCHLEBUSCH,
Minister of the Cabinet.

SCHEDULE

Difinitions and interpretation

1. (1) In these regulations, unless the context otherwise indicates—

"Commissioner" means the Commissioner of the South African Police, and for the purposes of the application of a provision of these regulations in or in respect of—

(a) a division as defined in section 1 of the Police Act, 1958 (Act 7 of 1958), the said Commissioner or the Divisional Commissioner designated under that Act for that division; or

(b) a self-governing territory, the said Commissioner or the Commissioner or other officer in charge of the police force of the government of that self-governing territory;

"film recording" means any substance, film, magnetic tape or any other material on which the visual images (with or without any associated sound track) of a film as defined in section 47 of the Publications Act, 1974 (Act 42 of 1974), are recorded;

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 224, 1986

REGULASIES KRAGTENS DIE WET OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by artikel 3 (1) (a) van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), vaardig ek hierby die regulasies vervat in die Bylae uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te George, op hede die Tiende dag van Desember Eenduisend Negehonderd Ses-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

A. L. SCHLEBUSCH,
Minister van die Kabinet.

BYLAE

Woordomskrywing en uitleg

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

"beperkte byeenkoms" enige byeenkoms ten opsigte waarvan 'n voorwaarde kragtens artikel 46 (1) (ii) van die Wet op Binnelandse Veiligheid, 1982 (Wet 74 van 1982), bepaal is of ten opsigte waarvan 'n voorwaarde, verbod of vereiste kragtens regulasie 7 (1) (bB) van die Veiligheidsregulasies opgelê of van krag is;

"byeenkoms" enige byeenkoms, toeloop of optog van enige getal persone;

"firma" ook 'n openbare onderneming;

"klankopname" 'n skyf, kasset, band, geperforeerde rol of ander uitvindsel waarin of waarop klanke op so 'n wyse vasgelê word dat dit daarvan voortgebring kan word;

Censors to monitor new curbs on Press

SDAR 327 11/12/88.

By David Braun, Political Correspondent

A special committee of censors is to monitor and regulate the sweeping curbs on the media which are to be promulgated today.

Revised emergency regulations imposing a total blackout on unrest-related reporting — except for news cleared by Government censors — are to be published in an extraordinary edition of the Government Gazette today.

The Bureau for Information briefed editors on the revised regulations at a conference in Pretoria this morning.

Minister of Home Affairs Mr Stoffel Botha said today that although the media falls under his general control, the new regulations will be dealt with by a team of experts representing various State departments.

They will be based at the Bureau for Information headquarters in Pretoria on a 24-hour basis to provide "100 percent access" to the media.

Controls were ineffective

Government spokesmen said it would be up to editors to decide which reports needed official clearance under the new regulations.

The procedure then would be to contact the relevant departmental representative at the bureau, who would make a decision himself or seek opinion from a higher authority.

Government sources said the new regulations were being introduced because the first ones — formulated when the state of emergency was declared in June — were considered too ineffective and newspapers tended to ignore them.

One spokesman said the Government was particularly upset by so-called alternate media newspapers such as *New Nation* which, in its opinion, gave direct assistance to the cause of radical elements.

He said the State was engaged in a non-democractic struggle with elements which sought to overthrow the Government by violent means. The state of emergency and stringent regulations were therefore necessary to prevent a very serious situation developing.

Blackout of news on unrest shocks broad spectrum of groups

Staff Reporters

The Government's announcement of a blackout on all unrest news has been greeted with shock and anger by a broad spectrum of groups in South Africa.

The Progressive Federal Party urged the Government to seriously reconsider introducing more restrictive regulations. PFP spokesman on the media Mr David Dalling said the Press was entering a dark new era.

Mr Barry Jammy, national vice-chairman of Lawyers for Human Rights, said if reports on the new Press restrictions were true then South Africa had effectively become a police state and freedom of speech and the Press would have been destroyed.

The Media Workers' Association of South Africa said the Government's inability to control events in the country was being exposed by its final desperate act to silence the media.

"The Government can continue to bury its head in the sand, but like the ostrich, it forgets that its backside is out in the open," Mwasa said.

The council of the Southern African Society of Journalists said the new clampdown would be "pre-publication censorship — the final resort of the world's worst dictatorships".

"If South Africans don't rise in massive protest against these proposals, they may as well abandon hope of bringing any influence to bear on their future."

Mr Azhar Cachalia, national treasurer of the United Democratic Front, said: "The Nationalist Government has now become no different to dictatorial regimes elsewhere. The UDF has already warned that the Government is preparing itself for the total elimination of all democratic forces."

Herstigte Nasionale Party leader Mr Jaap Marais said if the Government gazetted regulations requiring clearance of reports on unrest it would be going too far. "The Government is demonstrating that it has allowed the unrest to develop to such an extent that it now has to take extreme measures such as these to regain control."

'CONCERNED AND SHOCKED'

Mr Hal Miller, executive chairman of the Argus Company, said he was deeply concerned and shocked at the prospect of any further retrictions on the freedom of the Press.

The managing director of South African Associated Newspapers, Mr Stephen Mulholland, said although he would reserve further comment until he had seen the legislation, he was "opposed unalterably to intrusions on Press freedom".

Mr Nkosi Molala, acting president of the Azanian People's Organisation, said: "It is reminiscent of the steps adopted by Adolf Hitler and Mussolini and their totalitarian henchmen. Denying people knowledge of what is happening in their own country will not stop what is happening now."

The country's biggest worker federation, the Congress of SA Trade Unions, said it was clear that the emergency had failed to produce the desired results.

"It is time for all South Africans who want no truck with apartheid and repression to unite to stop the Government before it does irreparable damage to the country," a spokesman said.

The publicity secretary of the National Education Crisis Committee, Mr Eric Molobi, said the proposed curbs would exacerbate the education crisis.

The chairman of the Academic Staff Association at Wits University, Dr Alan Mabin, said that this week there had been a series of attacks by the Government on fundamental freedoms. "The deportation of academics and further restrictions on the Press erode essential rights to which all South Africans should have access."

The liaison officer for the Anglican Church, Bishop John Carter, said only "authoritarian regimes of the worst kind that are afraid to let people know what is happening" would resort to such measures.

The president of the Methodist Conference, the Rev Jack Scholtz, said the Government was moving a step closer to totalitarianism.

The moderator of the NGK, Professor Heyns, is abroad. Speaking in his personal capacity, the chief executive and director of ecumenical affairs of the NGK, Dr Pierre Rossouw, said it was unfortunate that such a measure had to be taken. He expressed the hope that it was only done after thorough investigation of the situation.

The South African Catholic Bishops' Conference said present censorship already prevented full public knowledge of the actions of security forces.

● See Page 13.

"firm" includes a public undertaking;

"gathering" means any gathering, concourse or procession of any number of persons;

"local authority" means—

(a) any institution or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act 32 of 1961);

(b) a local authority as defined in section 1 of the Black Local Authorities Act, 1982 (Act 102 of 1982);

(c) a regional services council established under the Regional Services Councils Act, 1985 (Act 109 of 1985); or

(d) a local government body established or deemed to be established under section 30 of the Black Administration Act, 1927 (Act 38 of 1927);

"Minister" means the Minister of Home Affairs;

"periodical" means a publication issued either at regular or irregular intervals;

"publication" means any newspaper, book magazine, pamphlet, brochure, poster, hand-bill or part thereof or addendum thereto;

"public place" includes—

(a) any premises occupied by the State, a local authority or an educational institution or the controlling body of an educational institution;

(b) any premises or place to which members of the public ordinarily or at specific times have access, irrespective of whether or not the right of admission to such premises or place is reserved and whether or not payment for such admission is required;

"publish", in relation to a publication, television recording, film recording or sound recording, means any act whereby the publication or the television, film or sound recording—

(a) is sold or leased, or is provided or made available free of charge, to a member of the public or is offered for sale, for hire or free of charge to such a member;

(b) is sent through the post to a member of the public irrespective of whether or not that member has subscribed thereto; or

(c) is taken personally or is sent by post or courier out of the Republic or is transmitted or sent from the Republic by whatever means of telecommunication,

and further includes, in relation to—

(i) a publication, any act whereby such publication is posted up, exhibited, handed out or scattered at or in a public place or is displayed in such a way as to be visible from a public place;

(ii) a television or sound recording, any act whereby the television or sound recording—

(aa) is shown or played at or in a public place or is shown or played in such a way as to be visible or audible from a public place; or

(bb) is broadcast in a way which enables a member of the public to receive it by means of a radio or television set;

"Kommissaris", die Kommissaris van die Suid-Afrikaanse Polisie, en by die toepassing van 'n bepaling van hierdie regulasies binne of ten opsigte van—

(a) 'n afdeling soos omskryf in artikel 1 van die Polisiewet, 1958 (Wet 7 van 1958), bedoelde Kommissaris of die Afdelingskommissaris wat kragtens daardie Wet vir daardie afdeling aangewys is; of

(b) 'n selfregerende gebied, bedoelde Kommissaris of die Kommissaris of ander offisier in bevel van die polisiemag van die regering van daardie selfregerende gebied;

"Minister" die Minister van Binnelandse Sake;

"ondermynende verklaring" 'n verklaring—

(a) waarin lede van die publiek aangehits of aangemoedig word of wat daarop bereken is om die uitwerking te hê om lede van die publiek aan te hits of aan te moedig—

(i) om deel te neem aan 'n bedrywigheid of om 'n daad te pleeg wat vermeld word in paragraaf (a), (b) of (c) van die omskrywing van "oproerigheid";

(ii) om weerstand of verset te bied teen 'n lid van die Kabinet of 'n Ministersraad of 'n ander lid van die Regering of 'n beampte van die Republiek of 'n lid van die Kabinet van 'n selfregerende gebied of 'n beampte van 'n selfregerende gebied of 'n lid van 'n veiligheidsmag by die uitoefening of verrigting deur so 'n lid of beampte van 'n bevoegdheid of werksaamheid ingevolge 'n bepaling van 'n regulasie uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953, of van 'n wet ter reëling van die veiligheid van die publiek of die handhawing van die openbare orde;

(iii) om deel te neem aan 'n boikotaksie—

(aa) teen 'n bepaalde firma of teen firmas van 'n bepaalde aard, klas of soort, deur òf nie inkope te doen by of ander sake te doen met of gebruik te maak van dienste gelewer deur daardie bepaalde firma of enige firmas van daardie bepaalde aard, klas of soort nie òf slegs inkope te doen by of ander sake te doen met of gebruik te maak van dienste gelewer deur ander firmas as daardie bepaalde firma of as firmas van daardie bepaalde aard, klas of soort;

(bb) teen 'n bepaalde produk of artikel of teen produkte of artikels van 'n bepaalde aard, klas of soort, deur nie daardie bepaalde produk of artikel of enige produkte of artikels van daardie bepaalde aard, klas of soort te koop nie; of

(cc) teen 'n bepaalde onderwysinrigting of onderwysinrigtings van 'n bepaalde aard, klas of soort, deur te weier om klasse by te woon of aan ander werksaamhede deel te neem by daardie bepaalde inrigting of enige inrigtings van daardie bepaalde aard, klas of soort;

(iv) om deel te neem aan 'n aksie van burgerlike ongehoorsaamheid—

(aa) deur te weier om te voldoen aan 'n bepaling van, of 'n voorskrif kragtens, die een of ander wet of deur so 'n bepaling of voorskrif te oortree; of

(iii) a film recording, any act whereby a film recording is shown at or in a public place or is shown in such a way as to be visible from a public place;

"restricted gathering" means any gathering in respect of which a condition has been determined under section 46 (1) (ii) of the Internal Security Act, 1982 (Act 74 of 1982), or in respect of which a condition, prohibition or requirement has been imposed or is of force under regulation 7 (1) (bB) of the Security Regulations;

"security action" means any action by a security force or a member of a security force which to a reasonable bystander would appear to be any of the following actions, namely—

(a) any action to terminate any unrest;

(b) any action to protect life or property in consequence of any unrest;

(c) any follow-up action after any unrest has been terminated or has ended;

(d) any action taken under regulation 2 of the Security Regulations; or

(e) any action whereby a person is arrested—

(i) on a charge for an offence under these regulations or any other regulations made under the Public Safety Act, 1953;

(ii) on a charge for an offence mentioned in the definition of "unrest" or committed in the course of any unrest or of any incident arising from unrest or connected therewith; or

(iii) under regulation 3 (1) of the Security Regulations;

"security force" means—

(a) the South African Police referred to in the definition of "the Force" in section 1 of the Police Act, 1958 (Act 7 of 1958);

(b) any part of the said South African Police of which the control, organisation and administration have been transferred to the government of a self-governing territory;

(c) any police force established by or under a law of a self-governing territory;

(d) the South African Defence Force referred to in section 5 of the Defence Act, 1957 (Act 44 of 1957);

(e) the Prisons Service established by section 2 of the Prisons Act, 1959 (Act 8 of 1959); or

(f) a police force under the control of a local authority,

and also any part of any such force or any combination of two or more of such forces or of parts of such forces;

"Security Regulations" means the regulations published by Proclamation R. 109 of 12 June 1986, as amended;

"self-governing territory" means a territory declared under section 26 of the National States Constitution Act, 1971 (Act 21 of 1971), to be a self-governing territory within the Republic;

"sound recording" means any disc, cassette, tape, perforated roll or other device in or on which sounds are embodied so as to be capable of being reproduced therefrom;

(bb) deur te weier om te voldoen aan 'n verpligting teenoor 'n plaaslike owerheid ten opsigte van huishuur of 'n munisipale diens;

(v) om van die werk af weg te bly of anders as ooreenkomstig die voorskrifte van die Wet op Arbeidsverhoudinge, 1956 (Wet 28 van 1956), of enige ander toepaslike wet wat arbeidsverhoudinge reël, te staak of so 'n wegbly-aksie of staking te ondersteun;

(vi) om 'n beperkte byeenkoms by te woon of om daaraan deel te neem;

(vii) om by wyse van strukture wat plaaslike owerheidstrukture heet te wees en op 'n onwettige wyse as sodanig optree, mag en gesag in bepaalde gebiede uit te oefen, of om sodanige strukture tot stand te bring, of om sodanige strukture te ondersteun, of om hulself aan die gesag van sodanige strukture te onderwerp, of om betalings verskuldig aan plaaslike owerhede aan sodanige strukture te doen;

(viii) om by wyse van onwettige strukture, prosedures of metodes wat geregtelike strukture, prosedures of metodes heet te wees, persone te vervolg, te verhoor of te straf, of om sodanige strukture, prosedures of metodes te ondersteun, of om hulself aan die gesag van sodanige strukture, prosedures of metodes te onderwerp; of

(ix) om 'n ander handeling of versuim te begaan wat deur die Kommissaris by kennisgewing in die *Staatskoerant* geïdentifiseer is as 'n handeling of versuim wat die uitwerking het om die veiligheid van die publiek of die handhawing van die openbare orde te bedreig of die beëindiging van die noodtoestand te vertraag; of

(b) waardeur die stelsel van verpligte militêre diens in diskrediet gebring of ondermyn word;

"oproerigheid" enige bedrywigheid of gedrag wat vir 'n redelike omstander sou blyk enige een of meer van die volgende bedrywighede of wyses van gedrag te wees, naamlik—

(a) enige byeenkoms in stryd met 'n bevel kragtens regulasie 7 van die Veiligheidsregulasies of met 'n bepaling van 'n ander wet of met die een of ander verbod, lasgewing of ander voorskrif kragtens so 'n bepaling;

(b) enige fisiese aanval op 'n veiligheidsmag of op 'n lid van 'n veiligheidsmag of op 'n lid van 'n plaaslike owerheid of op die huis of huisgesin van 'n lid van 'n veiligheidsmag of plaaslike owerheid deur 'n groep persone; of

(c) enige gedrag wat oproer, openbare geweldpleging of 'n oortreding van artikel 1 (1) (a) van die Wet op Intimidasie, 1982 (Wet 72 van 1982), daarstel;

"periodieke publikasie" 'n publikasie wat hetsy met gereelde of ongereelde tussenpose uitgegee word;

"plaaslike owerheid"—

(a) 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Wet op Provinsiale Bestuur, 1961 (Wet 32 van 1961);

(b) 'n plaaslike owerheid soos omskryf in artikel 1 van die Wet op Swart Plaaslike Owerhede, 1982 (Wet 102 van 1982);

"subversive statement" means a statement—

(a) in which members of the public are incited or encouraged or which is calculated to have the effect of inciting or encouraging members of the public—

(i) to take part in any activity or to commit any act mentioned in paragraph (a), (b) or (c) of the definition of "unrest";

(ii) to resist or oppose any member of the Cabinet or a Ministers' Council or any other member of the Government or any official of the Republic or any member of the Cabinet of a self-governing territory or any official of a self-governing territory or any member of a security force in the exercise or performance by any such member or official of a power or function in terms of a provision of a regulation made under the Public Safety Act, 1953, or of a law regulating the safety of the public or the maintenance of public order;

(iii) to take part in a boycott action—

(aa) against any particular firm or against firms of any particular nature, class or kind, either by not making any purchases at or doing other business with or making use of services rendered by that particular firm or any firms of that particular nature, class or kind or by making purchases only at or doing other business only with or making use only of services rendered by firms other than that particular firm or other than firms of that particular nature, class or kind;

(bb) against any particular product or article or against products or articles of any particular nature, class or kind, by not purchasing that particular product or article or any products or articles of that particular nature, class or kind; or

(cc) against any particular educational institution or against educational institutions of any particular nature, class or kind, by refusing to attend classes or to participate in other activities at that particular institution or at any institutions of that particular nature, class or kind.

(iv) to take part in an act of civil disobedience—

(aa) by refusing to comply with a provision of, or requirement under, any law or by contravening any such provision or requirement; or

(bb) by refusing to comply with an obligation towards a local authority in respect of rent or a municipal service;

(v) to stay away from work or to strike otherwise than in accordance with the provisions of the Labour Relations Act, 1956 (Act 28 of 1956), or any other appropriate law regulating labour relations or to support any such stayaway action or strike;

(c) 'n streeksdiensteraad ingestel kragtens die Wet op Streeksdiensterade, 1985 (Wet 109 van 1985); of

(d) 'n plaaslike bestuursliggaam wat ingestel is of geag word ingestel te wees kragtens artikel 30 van die Swart Administrasie Wet, 1927 (Wet 38 van 1927);

"publieke plek" ook—

(a) 'n perseel wat deur die Staat, 'n plaaslike owerheid, 'n onderwysinrigting of die beheerliggaam van 'n onderwysinrigting geokkupeer word;

(b) 'n perseel of plek waartoe lede van die publiek gewoonlik of op bepaalde tye toegang het, ongeag of die reg van toegang tot so 'n perseel of plek voorbehou is of nie en of betaling vir sodanige toegang vereis word of nie;

"publikasie" 'n koerant, boek, tydskrif, pamflet, brosjure, aanplak- of strooibiljet of deel daarvan of byvoegsel daarby;

"publiseer", met betrekking tot 'n publikasie, televisie-opname, rolprentopname of klankopname, enige handeling waardeur die publikasie of die televisie-, rolprent- of klankopname—

(a) aan 'n lid van die publiek verkoop, verhuur of gratis verskaf of beskikbaar gestel word of aan so 'n lid te koop, te huur of gratis aangebied word;

(b) oor die pos aan 'n lid van die publiek versend word, hetsy daardie lid daarop ingeteken het of nie; of

(c) uit die Republiek persoonlik geneem of per pos of koerier versend word of deur watter telekommunikasiemiddel ook al vanuit die Republiek oorgesend of gestuur word,

en voorts, met betrekking tot—

(i) 'n publikasie, ook enige handeling waardeur die publikasie op of in 'n publieke plek opgeplak, uitgestal, uitgedeel of uitgestrooi word of op so 'n wyse vertoon word dat dit vanaf 'n publieke plek sigbaar is;

(ii) 'n televisie- of klankopname, ook enige handeling waardeur die televisie- of klankopname—

(aa) op of in 'n publieke plek vertoon of gespeel word of op so wyse vertoon of gespeel word dat dit vanaf 'n publieke plek sigbaar of hoorbaar is; of

(bb) uitgesaai word op 'n wyse wat 'n lid van die publiek in staat stel om dit by wyse van 'n radio of televisiestel te ontvang;

(iii) 'n rolprentopname, ook enige handeling waardeur 'n rolprentopname op of in 'n publieke plek vertoon word of op so 'n wyse vertoon word dat dit vanaf 'n publieke plek sigbaar is;

"rolprentopname" enige stof, film, magnetiese band of enige ander materiaal waarop die visuele beelde (met of sonder 'n gepaardgaande klankbaan) van 'n rolprent soos omskryf in artikel 47 van die Wet op Publikasies, 1974 (Wet 42 van 1974), vasgelê is;

"selfregerende gebied" 'n gebied wat kragtens artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), tot 'n selfregerende gebied binne die Republiek verklaar is;

"televisie-opname" 'n kasset, band of ander uitvindsel waarin of waarop visuele beelde (met of sonder 'n gepaardgaande klankbaan) op so 'n wyse vasgelê word

(vi) to attend or to take part in any restricted gathering;

(vii) to exert power and authority in specific areas by way of structures purporting to be structures of local government and acting as such in a unlawful manner, or to establish such structures, or to support such structures, or to subject themselves to the authority of such structures, or to make payments due to local authorities to such structures;

(viii) to prosecute, to try or to punish persons by way of unlawful structures, procedures or methods purporting to be judicial structures, procedures or methods, or to support such structures, procedures or methods, or to subject themselves to the authority of such structures, procedures or methods; or

(ix) to commit any other act or omission identified by the Commissioner by notice in the *Gazette* as an act or omission which has the effect of threatening the safety of the public or the maintenance of public order or of delaying the termination of the state of emergency; or

(b) by which the system of compulsory military service is discredited or undermined;

"television recording" means any cassette, tape or other device in or on which visual images (with or without an associated sound track) are embodied in such a way so as to be capable of being reproduced on a television set and, in so far as a film recording is capable of being used for television broadcasts, also a film recording;

"unrest" means any activity or conduct which to a reasonable bystander would appear to be any one or more of the following activities or forms of conduct, namely—

(a) any gathering in contravention of an order under regulation 7 of the Security Regulations or of a provision of any other law or of any prohibition, direction or other requirement under any such provision;

(b) any physical attack on a security force or on member of a security force or on a member of a local authority or on the house or family of a member of a security force or local authority by a group of persons; or

(c) any conduct which constitutes riot, public violence or a contravention of section 1 (1) (a) of the Intimidation Act, 1982 (Act 72 of 1982).

(2) A provision of these regulations which does not already by itself limit the application, effect or scope thereof to matters connected with the purposes referred to in section 3 (1) (a) of the Act, shall, notwithstanding the fact that the words of that provision may literally have a wider meaning, be construed in such a manner as to limit the application, effect or scope thereof to the said matters.

Presence of journalists etc., at unrest or security actions

2. (1) Subject to subregulation (2) no journalist, news reporter, news commentator, news correspondent, newspaper or magazine photographer, operator of any television

dat dit op 'n televisiestel voortgebring kan word en, vir sover 'n rolprentopname vir televisie-uitsendings gebruik kan word, ook 'n rolprentopname;

"veiligheidsmag"—

(a) die Suid-Afrikaanse Polisie bedoel in die omskrywing van "die Mag" in artikel 1 van die Polisiewet, 1958 (Wet 7 van 1958);

(b) enige deel van genoemde Suid-Afrikaanse Polisie waarvan die beheer, organisasie en administrasie aan die regering van 'n selfregerende gebied oorgedra is;

(c) 'n polisiemag by of kragtens 'n wet van 'n selfregerende gebied ingestel;

(d) die Suid-Afrikaanse Weermag bedoel in artikel 5 van die Verdedigingswet, 1957 (Wet 44 van 1957);

(e) die Gevangenisdiens ingestel by artikel 2 van die Wet op Gevangenisse, 1959 (Wet 8 van 1959); of

(f) 'n polisiemag onder die beheer van 'n plaaslike owerheid,

en ook enige deel van so 'n mag of enige samestelling van twee of meer van sodanige magte of van dele van sodanige magte;

"veiligheidsoptrede" enige optrede deur 'n veiligheidsmag of 'n lid van 'n veiligheidsmag wat vir 'n redelike omstander sou blyk enige een of meer van die volgende optredes te wees, naamlik—

(a) enige optrede ter beëindiging van enige oproerigheid;

(b) enige optrede ter beskerming van lewe of eiendom na aanleiding van enige oproerigheid;

(c) enige opvolgoptrede na beëindiging of afloop van enige oproerigheid;

(d) enige optrede kragtens regulasie 2 van die Veiligheidsregulasies; of

(e) enige optrede waarby 'n persoon gearresteer word—

(i) op aanklag weens 'n misdryf ingevolge hierdie regulasies of enige ander regulasies uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953;

(ii) op aanklag weens 'n misdryf vermeld in die omskrywing van "oproerigheid" of wat gepleeg is in die loop van enige oproerigheid of van enige voorval wat uit oproerigheid voortspruit of daarmee in verband staan; of

(iii) kragtens regulasie 3 (1) van die Veiligheidsregulasies;

"Veiligheidsregulasies" die regulasies afgekondig by Proklamasie R. 109 van 12 Junie 1986, soos gewysig.

(2) 'n Bepaling van hierdie regulasies wat nie reeds self die toepassing, uitwerking of bestek daarvan beperk tot aangeleenthede wat verband hou met die doeleindes vermeld in artikel 3 (1) (a) van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), nie, word, ondanks die feit dat die woorde van daardie bepaling letterlik 'n wyer strekking mag hê, uitgelê op 'n wyse wat die toepassing, uitwerking of bestek daarvan beperk tot bedoelde aangeleenthede.

Aanwesigheid van joernaliste ens. by oproerigheid of veiligheidsoptredes

2. (1) Behoudens subregulasie (2) mag geen joernalis, nuusverslaggewer, nuuskommentator, nuuskorrespondent, koerant- of tydskriffotograaf, operateur van 'n televisie- of

or other camera or of any television, sound, film or other recording equipment, person carrying or assisting in the conveyance or operation of such camera or equipment, or other person covering events for the purpose of gathering news material for the distribution or publication thereof in the Republic or elsewhere, shall, without the prior consent of the Commissioner or of any member of a security force who serves as a commissioned officer in that force, be on the scene, or at a place within sight, of any unrest, restricted gathering or security action.

(2) The provisions of subregulation (1)—

(a) shall not apply to any person mentioned therein who—

(i) at the commencement of any unrest, restricted gathering or security action happens to be on the scene, or at a place within sight, of that unrest, gathering or action; or

(ii) after the commencement of any unrest, restricted gathering or security action happens to arrive on the scene, or at a place within sight, of that unrest, gathering or action for a reason other than to cover that unrest, gathering or action for the gathering of news material,

provided such a person immediately leaves the scene of that unrest, gathering or action or removes himself within such time as is reasonably required under the circumstances to a place where that unrest, gathering or action is out of his sight;

(b) shall not prevent a person mentioned therein from being in his residence or on the premises where he ordinarily works or on his way to or from his residence or any such premises.

Publication control

3. (1) Subject to subregulation (4) no person shall publish or cause to be published any publication, television recording, film recording or sound recording containing news or comment on or in connection with—

(a) any security action;

(b) any deployment of a security force, or of vehicles, armaments, equipment or other appliances, which to a reasonable bystander would appear to be for the purposes of security action;

(c) any restricted gathering, in so far as such news or comment discloses at any time before the gathering takes place the time, date, place and purpose of such gathering, or gives an account of any speech, statement or remark of any speaker who performed at the gathering in contravention of a condition, prohibition or requirement determined or imposed under a law mentioned in the definition of "restricted gathering";

(d) any action or boycott by members of the public which is an action or boycott referred to in paragraph (a) (iii), (iv) or (v) of the definition of "subversive statement", in so far as such news or comment discloses particulars of the extent to which such action or boycott is successful or of the manner in which members of the public are intimidated, incited or encouraged to take part in or to support such action or boycott or gives an account of any incidents in connection with such intimidation, incitement or encouragement;

(e) any structures referred to in paragraph (a) (vii) or (viii) of the definition of "subversive statement", in so far as such news or comment discloses particulars of the manner in which members of the public are

ander kamera of van enige televisie-, klank-, rolprent- of ander opnametoerusting, persoon wat so 'n kamera of toerusting dra of met die vervoer of aanwending daarvan behulpsaam is, of ander persoon wat gebeure dek met die doel om nuusmateriaal in te win vir die verspreiding of publikasie daarvan in die Republiek of elders, sonder die vooraf-verkreë toestemming van die Kommissaris of van 'n lid van 'n veiligheidsmag wat as 'n offisier in daardie mag dien, op die toneel, of op 'n plek binne sig, van enige oproerigheid, beperkte byeenkoms of veiligheidsoptrede wees nie.

(2) Die bepalings van subregulasie (1)—

(a) is nie op 'n daarinvermelde persoon van toepassing nie wat—

(i) by aanvang van enige oproerigheid, beperkte byeenkoms of veiligheidsoptrede hom op die toneel, of op 'n plek binne sig, van daardie oproerigheid, byeenkoms of optrede bevind; of

(ii) ná aanvang van enige oproerigheid, beperkte byeenkoms of veiligheidsoptrede op die toneel, of op 'n plek binne sig, van daardie oproerigheid, byeenkoms of optrede aankom weens 'n ander rede as om daardie oproerigheid, byeenkoms of optrede vir die inwin van nuusmateriaal te dek,

mits so 'n persoon onmiddellik die toneel van daardie oproerigheid, byeenkoms of optrede verlaat of homself binne 'n tydsbestek wat redelikerwyse in die omstandighede nodig is na 'n plek verwyder waar daardie oproerigheid, byeenkoms of optrede buite sy sig is;

(b) belet nie 'n daarinvermelde persoon om in sy woning of op die perseel waar hy gewoonlik werk of op pad na of van sy woning of so 'n perseel te wees nie.

Publikasiebeheer

3. (1) Behoudens subregulasie (4) mag geen persoon enige publikasie, televisie-opname, rolprentopname of klankopname publiseer of laat publiseer nie wat nuus of kommentaar bevat oor of in verband met—

(a) enige veiligheidsoptrede;

(b) enige ontplooiing van 'n veiligheidsmag, of van voertuie, wapentuig, toerusting of ander hulpmiddels, wat vir 'n redelike omstander vir die doel van veiligheidsoptrede sou blyk te wees;

(c) enige beperkte byeenkoms, in soverre sodanige nuus of kommentaar die tyd, datum, plek of doel van die byeenkoms te eniger tyd voordat die byeenkoms plaasvind, openbaar, of 'n relaas gee van 'n toespraak, verklaring of uitlating van enige spreker wat by die byeenkoms in stryd met 'n voorwaarde, verbod of vereiste bepaal of opgelê kragtens 'n wet vermeld in die omskrywing van "beperkte byeenkoms" opgetree het;

(d) enige aksie of boikot deur lede van die publiek wat 'n aksie of boikot bedoel in paragraaf (a) (iii), (iv) of (v) van die omskrywing van "ondermynende verklaring" is, in soverre sodanige nuus of kommentaar besonderhede openbaar van die mate waarin die aksie of boikot suksesvol is of van die wyse waarop lede van die publiek geïntimideer, aangehits of aangemoedig word om aan die aksie of boikot deel te neem of dit te ondersteun of 'n relaas gee van enige voorvalle in verband met sodanige intimidasie, aanhitsing of aanmoediging;

(e) enige strukture bedoel in paragraaf (a) (vii) of (viii) van die omskrywing van "ondermynende verklaring", in soverre sodanige nuus of kommentaar besonderhede openbaar van die wyse waarop lede van

intimidated, incited or encouraged to support such structures or to subject themselves to the authority of such structures;

(f) any speech, statement or remark of a person in respect of whom steps under a provision of Chapter 3 of the Internal Security Act, 1982, or a condition under regulation 3 (6) of the Security Regulations are in force, in so far as any such speech, statement or remark has the effect or is calculated to have the effect of threatening the safety of the public or the maintenance of the public order or of delaying the termination of the state of emergency;

(g) the circumstances of, or treatment in, detention of a person who is or was detained under regulation 3 of the Security Regulations; or

(h) the release of a person who is detained under the said regulation 3.

(2) Subject to subregulation (4) no person shall broadcast any news or comment on or in connection with a matter specified in subregulation (1) live on any television or radio service.

(3) No person shall publish any publication in which any blank space or any obliteration or deletion of part of the text of a report or of a photograph or part of a photograph appears if that blank space, obliteration or deletion, as may appear from an express statement or a sign or symbol in that publication or from the particular context in which that blank space, obliteration or deletion appears, is intended to be understood as a reference to the effect of a provision of these regulations.

(4) The provisions of this regulation shall not prevent—

(a) any person from publishing a publication or a television, film or sound recording containing news or comment on or in connection with any matter specified in subregulation (1) in so far as particulars of any such matter—

(i) are disclosed, announced or released, or authorized for publication, by a member of the Cabinet or of a Ministers' Council, a Deputy Minister or a spokesman of the Government;

(ii) appear from debates, documents or proceedings of Parliament or the President's Council; or

(iii) appear from judicial proceedings, excluding proceedings in which evidence was submitted or given either by way of affidavit of *viva voce* relating to the circumstances or manner of arrest or the circumstances of, or the treatment in, detention of a person who is or was detained under regulation 3 of the Security Regulations and in which the court concerned has not yet given a final judgment; or

(b) a *bona fide* library from lending to a member of the public in the normal course of its activities any publication containing news or comment on or in connection with any such matter.

(5) The Minister may make rules prescribing the procedure by which and the authority or person through whom any authorization referred to in subregulation (4) (a) (i) may be obtained.

die publiek geïntimideer, aangehits of aangemoedig word om sodanige strukture te ondersteun of hulself aan die gesag van sodanige strukture te onderwerp;

(f) enige toespraak, verklaring of uitlating van 'n persoon ten opsigte van wie stappe kragtens 'n bepaling van Hoofstuk 3 van die Wet op Binnelandse Veiligheid, 1982, of 'n voorwaarde kragtens regulasie 3 (6) van die Veiligheidsregulasies van krag is, in soverre so 'n toespraak, verklaring of uitlating die uitwerking het of daarop bereken is om die uitwerking te hê om die veiligheid van die publiek of die handhawing van die openbare orde te bedreig of om die beëindiging van die noodtoestand te vertraag;

(g) die omstandighede van, of behandeling in, aanhouding van 'n persoon wat kragtens regulasie 3 van die Veiligheidsregulasies aangehou word of is; of

(h) die vrylating van 'n persoon wat kragtens genoemde regulasie 3 aangehou word.

(2) Behoudens subregulasie (4) mag geen persoon enige nuus of kommentaar oor of in verband met 'n aangeleentheid in subregulasie (1) vermeld, regstreeks oor 'n televisie- of radio-diens uitsaai nie.

(3) Geen persoon mag 'n publikasie publiseer waarin 'n blanko spasie of enige uitdowing of deurhaling van 'n gedeelte van die teks van 'n berig of van 'n foto of gedeelte van 'n foto verskyn nie indien daardie blanko spasie, uitdowing of deurhaling, soos blyk uit 'n uitdruklike verklaring of 'n teken of simbool in daardie publikasie of uit die besondere samehang waarin daardie blanko spasie, uitdowing of deurhaling verskyn, bedoel is om verstaan te word as 'n verwysing na die uitwerking van 'n bepaling van hierdie regulasies.

(4) Die bepalings van hierdie regulasie belet nie—

(a) 'n persoon om 'n publikasie of 'n televisie-, rolprent- of klankopname wat nuus of kommentaar bevat oor of in verband met 'n aangeleentheid in subregulasie (1) vermeld, te publiseer nie in soverre besonderhede van so 'n aangeleentheid—

(i) deur 'n lid van die Kabinet of van 'n Ministersraad, 'n Adjunk-minister of 'n woordvoerder van die Regering geopenbaar, aangekondig of vrygestel of vir publikasie gemagtig word;

(ii) blyk uit debatte, stukke of verrigtinge van die Parlement of die Presidentsraad; of

(iii) blyk uit geregtelike verrigtinge, uitgesonderd verrigtinge waarin getuienis hetsy by wyse van eedsverklaring of *viva voce* voorgelê of afgelê is betreffende die omstandighede of wyse van arrestasie of die omstandighede van, of behandeling in, aanhouding van 'n persoon wat kragtens regulasie 3 van die Veiligheidsregulasies aangehou word of is en waarin die betrokke hof nog nie 'n finale uitspraak gegee het nie; of

(b) 'n *bona fide*-biblioteek om 'n publikasie wat nuus of kommentaar oor of in verband met so 'n aangeleentheid bevat, aan 'n lid van die publiek in die gewone loop van sy werksaamhede uit te leen nie.

(5) Die Minister kan reëls uitvaardig wat die prosedure waarop en die gesag of persoon deur bemiddeling van wie 'n magtiging bedoel in subregulasie (4) (a) (i) verkry kan word, voorskryf.

Taking of photographs, etc., of unrest or security actions

4. (1) No person shall without the prior consent of the Commissioner or of a member of a security force serving as a commissioned officer in that force take any photograph or make or produce any television recording, film recording, drawing or other depiction—

(a) of any unrest or security action or of any incident occurring in the course thereof, including the damaging or destruction of property or the injuring or killing of persons; or

(b) of any damaged or destroyed property or injured or dead persons or other visible signs of violence on the scene where unrest or security action is taking or has taken place or of any injuries sustained by any person in or during unrest or security action.

(2) No person shall without the prior consent of the Commissioner or of a member of a security force serving as a commissioned officer in that force make any sound recording of any unrest or security action or of any incident occurring in the course thereof, including the damaging or destruction of property or the injuring or killing of persons.

Making, publishing, etc., of subversive statements

5. No person shall—

(a) whether orally or in writing make any subversive statement or cause such a statement to be made;

(b) produce a publication in which a subversive statement appears or cause such a publication to be produced;

(c) produce a television, film or sound recording in which a subversive statement is recorded or cause such a television, film or sound recording to be produced; or

(d) publish or import into the Republic a publication or a television, film or sound recording containing a subversive statement or cause such a publication or such a television, film or sound recording to be published or imported into the Republic.

Seizure of certain publications or recordings

6. (1) If a publication or a television, film or sound recording is produced, published or imported into the Republic in contravention of a provision of regulation 5 (b), (c) or (d) or 3 (1) the Minister or the Commissioner may, without prior notice to any person and without hearing any person, issue an order under his hand ordering the seizure of that publication or television, film or sound recording.

(2) An order under subregulation (1), shall, unless otherwise specified in the order, be carried out in respect of all copies or reproductions of the publication or television, film or sound recording which have been so produced, published or imported into the Republic in contravention of the said provision.

(3) An order under subregulation (1) shall be carried out by a member of a security force in possession of a document being or purporting to be such an order or a copy or reproduction thereof, and any such member may for the purposes of such seizure—

(a) enter any vehicle or premises in or on which the publication or recording, or copy or reproduction thereof, to which the order relates, is or is suspected to be found; and

(b) in or on that vehicle or those premises do all such things as are reasonably necessary to carry out the order.

(4) A document referred to in subregulation (3) shall be produced to a person affected thereby at his request.

Neem van foto's, ens. van oproerigheid of veiligheidsoptredes

4. (1) Geen persoon mag sonder die voorafverkreë toestemming van die Kommissaris of van 'n lid van 'n veiligheidsmag wat as 'n offisier in daardie mag dien, enige foto neem of enige televisie-opname, rolprentopname, tekening of ander uitbeelding maak of vervaardig nie—

(a) van enige oproerigheid of veiligheidsoptrede of van enige voorval wat in die loop daarvan plaasvind, met inbegrip van die beskadiging of vernietiging van eiendom of die besering of doding van persone; of

(b) van enige beskadigde of vernietigde eiendom of beseerde of dooie persone of ander sigbare tekens van geweld op die toneel waar enige oproerigheid of veiligheidsoptrede plaasvind of plaasgevind het of van enige beserings deur enige persoon opgedoen in of tydens oproerigheid of veiligheidsoptrede.

(2) Geen persoon mag sonder die voorafverkreë toestemming van die Kommissaris of van 'n lid van 'n veiligheidsmag wat as 'n offisier in daardie mag dien, enige klankopname maak nie van enige oproerigheid of veiligheidsoptrede of van enige voorval wat in die loop daarvan plaasvind, met inbegrip van die beskadiging of vernietiging van eiendom of die besering of doding van persone.

Maak, publisering, ens. van ondermynende verklarings

5. Geen persoon mag—

(a) 'n ondermynende verklaring hetsy mondeling of skriftelik maak of laat maak nie;

(b) 'n publikasie voortbring of laat voortbring waarin 'n ondermynende verklaring verskyn nie;

(c) 'n televisie-, rolprent- of klankopname maak of laat maak waarin 'n ondermynende verklaring opgeneem is nie; of

(d) 'n publikasie of 'n televisie-, rolprent- of klankopname wat 'n ondermynende verklaring bevat, publiseer of laat publiseer of in die Republiek invoer of laat invoer nie.

Beslaglegging op sekere publikasies of opnames

6. (1) Indien 'n publikasie of 'n televisie-, rolprent- of klankopname in stryd met 'n bepaling van regulasie 5 (b), (c) of (d) of 3 (1) voortgebring, gemaak, gepubliseer of in die Republiek ingevoer is, kan die Minister of die Kommissaris, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, 'n bevel onder sy handtekening uitreik waarby die beslaglegging daardie publikasie of televisie-, rolprent- of klankopname beveel word.

(2) 'n Bevel kragtens subregulasie (1) moet, tensy in die bevel anders vermeld, ten uitvoer gelê word ten opsigte van alle kopieë, eksemplare of reproduksies van die publikasie of televisie-, rolprent- of klankopname wat aldus in stryd met bedoelde bepaling voortgebring, gemaak, gepubliseer of in die Republiek ingevoer is.

(3) 'n Bevel kragtens subregulasie (1) word ten uitvoer gelê deur 'n lid van 'n veiligheidsmag in besit van 'n geskrif wat so 'n bevel of 'n afskrif of reproduksie daarvan is of heet te wees, en so 'n lid kan vir die doeleindes van die beslaglegging—

(a) enige voertuig of perseel betree waarin of waarop die publikasie of opname, of 'n kopie, eksemplaar of reproduksie daarvan, waarop die bevel betrekking het, is of vermoed word te wees; en

(b) op of in daardie voertuig of perseel alles doen wat redelikerwyse nodig is om die bevel ten uitvoer te lê.

(4) 'n Geskrif in subregulasie (3) bedoel, moet aan 'n persoon wat daardeur geraak word, op sy versoek getoon word.

(5) A publication or recording or any copies or reproductions thereof which have been seized under this regulation shall be dealt with in accordance with the direction issued by the Minister generally or with reference to a particular case.

(6) The provisions of this regulation may be applied irrespective of whether any person is prosecuted in consequence of the production, publication or importation of a publication or a television, film or sound recording in contravention of a provision referred to in subregulation (1).

Prohibition of production, importation or publication of certain periodicals

7. (1) If the Minister deems it necessary in the interest of the safety of the public, the maintenance of public order or the termination of the state of emergency, he may, subject to subregulation (2), issue an order by notice in the *Gazette* prohibiting for such period as may be specified in the order, but not exceeding three months at a time, the production, importation into the Republic or publication of all issues of a periodical likewise specified.

(2) No order under subregulation (1) shall be issued in respect of any particular periodical unless—

(a) an issue of that periodical was produced, imported into the Republic or published in contravention of a provision of regulation 5 (b) or (d) or 3 (1); and

(b) the Minister has by notice in the *Gazette* requested all persons concerned in the production, importation or publication of that periodical to ensure that no further issue of that periodical is produced, imported or published in contravention of any such provision; and

(c) a further issue of that periodical was produced, imported or published in contravention of any such provision after the publication of the notice referred to in paragraph (b); and

(d) the Minister, after a further issue referred to in paragraph (c) has been so produced, imported or published in contravention of any such provision—

(i) has given notice in writing to the publisher or importer of that periodical of the fact that action under subregulation (1) is to be considered, stating the grounds of the proposed action; and

(ii) has given that publisher or importer an opportunity to submit to him in writing, within a period of two weeks, representations in connection with the proposed action.

(3) The provisions of subregulations (1) and (2) may be applied irrespective of whether an issue referred to in paragraph (a) or (c) of the said subregulation (2) has been seized under regulation 6 and irrespective of whether any person is prosecuted in consequence of the production, importation or publication of any such issue.

(4) The provisions of regulation 6 shall *mutatis mutandis* apply in respect of an issue of a periodical which is produced, imported or published in contravention of an order under subregulation (1) of this regulation.

(5) Compliance with an order issued under subregulation (1) shall not affect the continuation of the registration (if any) of the periodical concerned as a newspaper in terms of the Newspaper and Imprint Registration Act, 1971 (Act 63 of 1971).

(5) Met 'n publikasie of opname of enige kopieë, eksemplare of reproduksies daarvan waarop daar kragtens hierdie regulasie beslag gelê is, word daar gehandel ooreenkomstig die opdrag wat in die algemeen of met verwysing na 'n bepaalde geval deur die Minister uitgereik word.

(6) Die bepalings van hierdie regulasie kan toegepas word ongeag of enige persoon na aanleiding van die voortbrenging, publikasie of invoer van 'n publikasie of 'n televisie-, rolprent- of klankopname in stryd met 'n bepaling vermeld in subregulasie (1), vervolg word of nie.

Verbod op voortbrenging, invoer of publikasie van sekere periodieke publikasies

7. (1) Indien die Minister dit in die belang van die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand nodig ag, kan hy, behoudens subregulasie (2), 'n bevel by kennisgewing in die *Staatskoerant* uitreik waarby die voortbrenging, invoer in die Republiek of publikasie van alle uitgawes van 'n periodieke publikasie in die bevel vermeld vir dié tydperk ingelyks vermeld, maar hoogstens drie maande op 'n keer, verbied word.

(2) Geen bevel kragtens subregulasie (1) word ten opsigte van 'n bepaalde periodieke publikasie uitgereik nie tensy—

(a) 'n uitgawe van daardie periodieke publikasie in stryd met 'n bepaling van regulasie 5 (b) of (d) of 3 (1) voortgebring, in die Republiek ingevoer of gepubliseer is; en

(b) die Minister by kennisgewing in die *Staatskoerant* alle persone betrokke by die voortbrenging, invoer of publikasie van daardie periodieke publikasie versoek het om toe te sien dat geen verdere uitgawe van daardie periodieke publikasie in stryd met so 'n bepaling voortgebring, ingevoer of gepubliseer word nie; en

(c) 'n verdere uitgawe van daardie periodieke publikasie na afkondiging van die kennisgewing bedoel in paragraaf (b) in stryd met so 'n bepaling voortgebring, ingevoer of gepubliseer is; en

(d) die Minister, nadat 'n verdere uitgawe in paragraaf (c) bedoel aldus in stryd met so 'n bepaling voortgebring, ingevoer of gepubliseer is—

(i) die uitgewer of invoerder van daardie periodieke publikasie skriftelik kennis gegee het van die feit dat optrede kragtens subregulasie (1) ten opsigte van daardie periodieke publikasie oorweeg word, met vermelding van die gronde vir die voorgestelde optrede; en

(ii) daardie uitgewer of invoerder die geleentheid gebied het om binne 'n tydperk van twee weke skriftelike vertoë in verband met die voorgestelde optrede tot hom te rig.

(3) Die bepalings van subregulasies (1) en (2) kan toegepas word ongeag of daar kragtens regulasie 6 op 'n uitgawe bedoel in paragraaf (a) of (c) van genoemde subregulasie (2) beslag gelê is en ongeag of enige persoon na aanleiding van die voortbrenging, invoer of publikasie van so 'n uitgawe vervolg word.

(4) Die bepalings van regulasie 6 is *mutatis mutandis* van toepassing ten opsigte van 'n uitgawe van 'n periodieke publikasie wat in stryd met 'n bevel kragtens subregulasie (1) van hierdie regulasie voortgebring, ingevoer of gepubliseer word.

(5) Voldoening aan 'n bevel uitgereik kragtens subregulasie (1) raak nie die voortsetting van die registrasie (as daar is) van die betrokke periodieke publikasie as 'n nuusblad ingevolge die Wet op die Registrasie van Nuusblaaie en Drukkersname, 1971 (Wet 63 van 1971), nie.

(6) If the Minister is convinced that any periodical, whether or not under another name, is a continuation of or substitution for any periodical the production, importation into the Republic or publication of which has been prohibited under subregulation (1), he may, without prior notice to any person and without hearing any person, issue an order by notice in the *Gazette* prohibiting the production, importation or publication of all issues of the former periodical for such period as may be specified in the order, but not exceeding a period equal to the remaining portion of the period for which the latter periodical was prohibited.

Offences and penalties

8. Any person who—

(a) contravenes a provision of regulation 2 (1), 3 (1), (2) or (3), 4 (1) or (2) or 5 or an order under regulation 7 (1) or (6); or

(b) hinders or obstructs a member of a security force in performing his functions in terms of regulation 6 (3),

shall be guilty of an offence and on conviction be liable to a fine not exceeding R20 000 or imprisonment for a period not exceeding 10 years or to that imprisonment without the option of a fine.

Direction of Attorney-General

9. No prosecution for an offence under these regulations shall be instituted except by the express direction of the Attorney-General having jurisdiction in respect of that prosecution.

Amendment of Security Regulations

10. The Security Regulations are hereby amended—

(a) by the deletion in regulation 1 of the definitions of "subversive statement", "publication" and "statement"; and

(b) by the deletion of paragraph (c) of subregulation (1) of regulation 7 and of regulations 9, 10 11 and 12.

(6) Indien die Minister oortuig is dat 'n periodieke publikasie 'n voortsetting of vervanging is, hetsy onder 'n ander naam al dan nie, van 'n periodieke publikasie waarvan die voortbrenging, invoer in die Republiek of publikasie ingevolge subregulasie (1) verbied is, kan hy, sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, 'n bevel by kennisgewing in die *Staatskoerant* uitreik waarby die voortbrenging, invoer of publikasie van alle uitgawes van eersgenoemde periodieke publikasie verbied word vir die tydperk in die bevel vermeld, maar hoogstens 'n tydperk gelyk aan die oorblywende gedeelte van die tydperk waarvoor laasgenoemde periodieke publikasie verbied is.

Misdrywe en strawwe

8. 'n Persoon wat—

(a) 'n bepaling van regulasie 2 (1), 3 (1), (2) of (3), 4 (1) of (2) of 5 of 'n bevel kragtens regulasie 7 (1) of (6) oortree; of

(b) 'n lid van 'n veiligheidsmag by die verrigting van sy werksaamhede ingevolge regulasie 6 (3) hinder of belemmer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R20 000 of gevangenisstraf vir 'n tydperk van hoogstens 10 jaar of met daardie gevangenisstraf sonder die keuse van 'n boete.

Opdrag van Prokureur-generaal

9. Geen vervolging weens 'n misdryf ingevolge hierdie regulasies word ingestel nie behalwe ingevolge die uitdruklike opdrag van die Prokureur-generaal wat regsbevoegdheid ten opsigte van daardie vervolging besit.

Wysiging van die Veiligheidsregulasies

10. Die Veiligheidsregulasies word hierby gewysig—

(a) deur in regulasie 1 die omskrywings van "ondermynende verklaring", "publikasie" en "verklaring" te skrap; en

(b) deur paragraaf (c) van subregulasie (1) van regulasie 7 en regulasies 9, 10, 11 en 12 te skrap.

PHYTOPHYLACTICA

This publication deals with plant pathology, mycology, microbiology, entomology, nematology, and other zoological plant pests. Four parts of the journal are published annually.

Contributions of scientific merit on agricultural research are invited for publication in this journal. Directions for the preparation of such contributions are obtainable from the Director, Agricultural Information, Private Bag X144, Pretoria, to whom all communications in connection with the journal should be addressed.

The journal is obtainable from the above-mentioned address at R5 plus GST per copy or R20 per annum, post free (Other countries R6,25 per copy or R25 per annum).

PHYTOPHYLACTICA

Hierdie publikasie bevat artikels oor plantpatologie, mikologie, mikrobiologie, entomologie, nematologie en ander dierkundige plantplae. Vier dele van die tydskrif word per jaar gepubliseer.

Verdienstelike landboukundige bydraes van oorspronklike wetenskaplike navorsing word vir plasing in hierdie tydskrif verwelkom. Voorskrifte vir die opstel van sulke bydraes is verkrygbaar van die Direkteur, Landbou-inligting, Privaatsak X144, Pretoria, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Die tydskrif is verkrygbaar van bogenoemde adres teen R5 plus AVB per eksemplaar of R20 per jaar, posvry (Buitelands R6,25 per eksemplaar of R25 per jaar).

Press curbs 'dump SA into totalitarian camp'

Star 327 11/12/86

New restrictions on news reporting, due to be announced today, will dump South Africa "into the totalitarian camp" *Business Day* said today.

The front-page editorial reads:"New press curbs are to be announced which, it seems, will make the current emergency regulations pale by comparison.

"... when the first emergency curbs on the Press were made public, this newspaper wrote that 'from June 12, and for the duration of the state of emergency, Press freedom in SA has ceased to exist'.

"Yet brave and innovative journalists showed that the Press ... was certainly still alive. The courts too showed their proud independence with rulings which significantly curbed Government's excesses.

"Government today imposes what we believe will be a total blackout on whatever news it regards as undesirable. New information supremo Stoffel van der Merwe has announced the curbs will cover 'all sorts of resistance to Government'.

"More than Press freedom may be at stake. The two other great democratic forums of free speech, the courts and Parliament, may also be restricted ...

"Goverment's justification for this action is that SA is under a 'revolutionary onslaught'. We do not doubt for a moment that this is true. But Government, in its mad pursuit of a failed ideology which it does not have the courage to change, continues to treat symptoms rather than causes.

"Not that Government alone takes the blame. There are revolutionaries at work callously using violence for personal and political gain, who are equally guilty.

"Nor should governments of the world that have bowed to the sanctions lobby be surprised by Pretoria's actions. By alienating SA, the world has in effect pushed SA into dictatorship and has licensed the revolutionaries to step up their campaigns of violence.

"And finally, the white voters of this country stand exposed as both guilty parties and victims.

"Guilty because by their acquiescence through the ballot box, they have allowed this Government to steadily erode their freedom.

"And victims because freedom of information is not some secret preserve of the Press. It belongs to you, for it is the very foundation of a free society."

The *Natal Witness* said: "The proprietors of the country's four large newspaper groups appear to have fallen victim to a snare set by Mr P W Botha.

"Having agreed to the question-begging statement that the country faces a revolutionary onslaught to which the Press has a duty to avoid giving support, the main newspaper groups find themselves having to counter a divide and rule strategy whereby their support is being invoked for Government measures against smaller newspapers ... not subject to the jurisdiction of the Media Council.

"Having resisted an attack on one front, the NPU now finds itself under fire on another.

"For the Press, the dilemma once again is whether or not to feed the crocodile in the hope of not being eaten alive. In the background lurks the prospects of a statutory Press council and ... register of journalists.

"If the Government wants to force emergency regulations on the media, it should not look for allies in the NPU and the media council. It should do its dirty work itself." — Sapa.

Curbs will keep whites ignorant, says The Times

The Star Bureau

LONDON — South Africa's new "dark veil of censorship" will keep white opinion "blanketed in dangerous ignorance and render it incapable of reaching reasoned decisions about the future", says The Times in a critical editorial today.

"The ban will also supply endless ammunition to those whose cause feeds on rumour rather than fact.

"It threatens to destroy the government's own tattered credibility and, more important, perhaps, the credibility of the South African Press."

The Times says that the state of emergency and Pretoria's "initial decision" to ban unrest reports "began to give a gloss of truth to... the distortion" that South Africa was a police state.

MORE NEWS

"Yesterday's move will now make it almost impossible to rebut."

The editorial says that the state of emergency "is precisely when a frightened and confused population needs more news rather than less".

"It is to be hoped that Pretoria comes to realise its mistake and reverses its decision.

"Otherwise those who would promote revolution and chaos in South Africa may themselves come to realise that they can now spread any rumour and advance any slander in support of their cause without fear of contradiction by a discredited government and a muzzled Press.'

News blackout on unrest comment, illegal strikes, consumer and rent boycotts

Crackdown

Argus 11/12/86 327

→ ON PRESS

ıe Argus Correspondent

OHANNESBURG. — The Government today nposed harsh new restrictions — which ame into effect at 10.30 am today — on all ections of the media, blacking out all non-ficial news and comment on unrest, illegal rikes, unlawful gatherings, consumer and ent boycotts, and alternative structures such s people's courts.

The clampdown has been backed by the authority seize, without notice or hearing, any publication, m or sound recording. Penalties of up to R20 000 or years jail, still apply for contraventions.

Publications will not be allowed to give any indication that ey are being censored in terms of the regulations, either by us-g blank spaces, obliteration or deletions.

The term "subversive statement" has been broadened to include e encouragement and support of any boycott action against any m or product or educational institution; to set up or support ıy structure which claims to be an alternative to local govern-ent or the courts; to stay away from work or strike illegally; to scredit or undermine military conscription.

'rinted, visual media

Stringent new curbs have been imposed on all the media, both rinted and visual. Unless cleared officially by an authorised per-ın, the media may not publish reports, news or comment on:

- Any security action,
- The deployment of a security force "which would appear to e for the purposes of security action";
- The time, date, place or purpose of any restricted gathering, giving an account of any speech, statement or remark made at ıch a meeting;
- Particulars of any action or boycott by members of the pub-c. There is a specific ban on publishing details of boycott calls, ıe effectiveness of boycotts, and any intimidation surrounding hese actions;
- How the public may be incited or intimidated to support al-ernative structures;
- Anything relating to the circumstances, treatment or release of detainees and their detention.

Blank spaces

Newspapers are forbidden to publish blank spaces, obliterations or deletions, or give any other indication that they have been censored under the regulations.

The only reports exempted from the blackout are those disclosed or cleared by a Cabinet Minister, a member of a Minister's council, a deputy Minister, or a Government spokesman.

A new section has been added which prevents the publication or import of a publication, document, television film or sound recording containing a subversive statement.

- Parliamentary and President's Council debates, documents and proceedings remain privileged and may be published.
- Court evidence remains privileged, except affidavits or oral evidence to do with detainees and the circumstances of their detention.
- The requirements that journalists leave scenes of unrest or security force actions immediately remains intact, except when such a journalist is either at home or at work, or on his way between the two.
- The ruling remains that no one may, without the consent of the local commissioner of police, make or disseminate any visual or sound recording of any unrest, restricted gathering or security force action.
- The Minister of Law and Order may still, without explanation, seize a publication which contravenes the regulations.

"Trying times"

Sapa-Reuter reports from Johannesburg that the Deputy Minister of Information, Dr Stoffel van der Merwe told a lunch for foreign correspondents yesterday that South Africa was "going into times that will be trying for you and me also".

Five foreign correspondents have been ordered out of the country since the state of emergency was declared in June.

Mr van der Merwe said the new curbs would apply to reports of passive opposition such as black consumer boycotts, bus boycotts and school strikes as well as violence.

President P W Botha said last week that South Africa was under a "revolutionary onslaught" and tighter controls were needed on the media.

"We have come to the conclusion that there is a co-ordinated attempt (to overthrow the Government)," Dr van der Merwe said.

Number of reforms

South Africa has been torn by two-and-a-half years of violent black protest against apartheid which has resulted in more than 2 220 deaths, Sapa-Reuter reports.

The Government, which has enacted a number of reforms, has come under intense foreign pressure to scrap apartheid with the imposition of economic sanctions by the United States and West Europe.

Dr van der Merwe said the Government now had "a sense of disillusionment with the outside world . . . there is no doubt in my mind that sanctions are detrimental to reform."

Asked for his personal view, he replied: "I dislike it intensely but I'm part of it and I'll live with it."

He acknowledged that the new regulations involved "impingements on traditional democratic processes" and told the correspondents: "I will try to minimise the pain as much as possible . . ."

Tough curbs on unrest reporting go into effect today

Press rejects govt's secret censor deal

GOVERNMENT will today go ahead with sweeping new media curbs after the National Newspaper Union (NPU) rejected its attempted secret deal aimed at gagging the alternative Press.

The four main newspaper groups in the NPU this week flatly refused to be party to an offer proposed by Cabinet Ministers that they would be exempted from the regulations if they agreed to self-censorship.

This resulted in the NPU's statement that any steps taken by government to handle the emergency must apply to all media.

Government officials have confirmed that a total black-out on unrest reporting, except for statements cleared officially, will be imposed today on the media in terms of the revised emergency regulations.

DOMINIQUE GILBERT

SAAN MD Stephen Mulholland, a member of the initial NPU delegation which met government, said yesterday he interpreted the offer as "an attempt to have us condone, or be party to, the new regulations".

He said: "We've given away nothing and told them we did not seek exemption and would not accept exemption."

The NPU had pointed out clause 7 of the Media Council's constitution which provided for media checks on matters that may have a detrimental effect on the peace and good order, safety and defence of the country.

As a compromise, Mulholland said, the NPU agreed to consult the council about the possibility of strengthening the clause to deal with the emergency, should it be deemed necessary.

PFP's media spokesman Dave Dalling said if government wanted to apply further censorship it should accept the consequences. It was to the credit of the NPU that, as far as he was aware, it had not destroyed the credibility of major newspapers by accepting a government deal.

Home Affairs Minister Stoffel van der Merwe — who will administer the regulations which are to be published in the *Government Gazette* today — confirmed they would severely curb news on political unrest and opposition to government.

Van der Merwe said journalists would

● To Page 2

Press rejects govt deal

● From Page 1

need to obtain official approval before reporting on any racial conflict and "all sorts of resistance".

He told members of the Foreign Correspondents Association: "Government's aim is not to establish a totalitarian system, it is to establish a democratic system."

Asked for his personal view of the new censorship, Van der Merwe replied: "I dislike it intensely but I'm part of it and I'll live with it."

While the regulations could not be clarified last night, it was believed they were likely to result in a virtual blackout of unrest-related news and also affect statements made by parliamentarians and statements before the courts until such time as a finding of fact was made.

The Southern African Society of Journalists' council slammed the media curbs as "pre-publication censorship and the final resort of the world's worst dictatorships".

It said: "If SA does not rise in massive protest against these proposals, it may as well abandon hope of bringing any influence to bear on its future." And, it said, a blanket ban on unrest reporting would not make unrest go away and was more likely to endanger people's lives.

Newspaper editors will be briefed on the new regulations by the Bureau for Information in Pretoria this morning.

Loopholes in Press curbs sought

By KIN BENTLEY

THE Progressive Federal Party is looking for legal loopholes in the new emergency regulations which impose severe restrictions on the Press.

The PFP leader, Mr Colin Eglin, said today that lawyers acting for the official Opposition were examining the amended emergency regulations published yesterday and, depending on their finding, the party would consider what action to take.

Mr Eglin said the last set of regulations was challenged in court, which ruled that many were invalid.

The United Democratic Front announced that it will go to the Supreme Court to challenge the validity of the restrictions.

"After carefully considering the new regulations with our lawyers, we have decided to challenge them in the Supreme Court," a UDF statement said.

There has been widespread condemnation of the Government's latest clampdown from overseas and in SA.

The Reagan Administration rejected SA's claim that the steps were necessary.

"We regret all restrictions on freedom of the Press. We've raised the matter with the SA outh African Government and will continue to do so," White House spokesman Mr Larry Speakes said.

The executive director of the Institute for a Democratic Alternative for SA, Dr Alex Boraine, said the steps were "one of the most depressing things I've seen happen in SAin the last 20 to 30 years".

The move was "possibly the most serious step to prevent the fundamental change which all thinking South Africans know has to come about".

Weekly Mail 12/12/86

Fears, but NPU stands firm with the rest

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By PATRICK LAURENCE

THE debate within the press about how best to counter government moves to impose new controls on dwindling press freedom raged with renewed intensity this week.

But fears that the established press — large-circulation newspapers represented by the Newspaper Press Union — would sacrifice the alternative press to save themselves from new government controls were allayed, temporarily at least.

After a special meeting at which the latest government move was discussed, the NPU said: "The meeting accepted that the steps which may be taken to handle the State of Emergency will apply to all the media."

The latest round of speculation about the future of the beleaguered press was triggered by a statement released by President PW Botha last Friday after discussions on the security situation with the NPU chairman and executive officials of the four main newspaper companies, Nasionale Pers, Perskor, Argus and Saan. The statement contained the NPU's verbatim response to Botha.

"The Press Union fully realises that South Africa is being subjected to a many-pronged but well co-ordinated revolutionary onslaught," the NPU said.

"We accept the need to do everything in our power to avoid giving support and encouragement to those seeking revolutionary change by overt as well as covert means."

The NPU went on to stress the importance to the press of fulfilling its function of objective and fair reporting, and of guarding its credibility against all threats, even those from its own ranks.

But if that part of the statement allayed the anxieties aroused by the first part, the concluding sentences rekindled them.

"The Media Council was not created by the Press Union to deal with conditions such as have been brought by the intensification of the revolutionary onslaught and the resultant State of Emergency," the NPU said.

"We believe that the mechanism of the Media Council may need reviewing to take into account the State of Emergency, the revolutionary onslaught and the concern you (Botha) expressed on November 28 ..."

The NPU then proposed a meeting between itself, the chairman of the Media Council and a special cabinet committee, triggering speculation that, having recognised the inadequacy of the Media Council to regulate reporting of a "revolutionary situation", it planned to discuss revision of the council's code of conduct with the government.

Only the established press is subject to the Media Council's jurisdiction. Thus fears were generated that a deal was pending in which the established press would gain immunity from new government controls by agreement to submit to a revised Media Council code of conduct — and that the alternative press would be left to face government censorship.

The NPU agreed, however, both at its in-house meeting on Monday and at its Tuesday meeting with a special cabinet committee that the sweeping new controls should apply to all newspapers.

But, judging from a statement by Home Affairs Minister Stoffel Botha after the NPU-cabinet committee meeting, the prospect of revision of the Media Council code of conduct to buy a decree of immunity for the NPU newspapers has not been removed

A second meeting between the NPU and the cabinet committee has been scheduled for February 13, at which the NPU and the Media Council are expected to make suggestions for the revision of the council's rules of procedure and code of conduct, Botha said.

At next year's meeting, Botha added, "the application of steps which may be taken with regard to members of the NPU, or publications under the authority of the code of conduct and the Media Council, will be considered, in order to handle the Emergency."

One thread in recent South African press history consists of recurring attempts by the newspaper industry to forestall direct government controls by imposing its own professional controls.

First there was the establishment of the Press Council to avoid falling under the Publications Act. Then, during the premiership of Vorster, there was the granting of powers to the council to fine erring newspapers. Finally, after the Steyn Commission and its proposal to establish a register of journalists, there was the establishment of the more widely-based Media Council.

But these moves, at best, delayed government demands for more and more control.

The latest government measures raise the question of how much time is left to play for and how much freedom remains to be salvaged, if any at all.

Massive blow to the ECC

WEEKLY MAIL REPORTERS

YESTERDAY'S clampdown deals a serious blow to the End Conscription Campaign (ECC).

The new ban on statements that discredit or undermine the system of compulsory military service hits at the heart of the campaign.

The ECC, a broad front of organisations from the PFP Youth to religious organisations to the Black Sash, has since 1983 led a highly successful single-issue campaign for the abolition of compulsory military conscription.

It has walked a tightrope along the legal margin of two acts: the Defence Act and the Public Safety Act.

Previous Emergency regulations banned statements which were likely to incite a rejection of compulsory military service. This gave the ECC a lawful margin in which to work, because the state would have had to show that their activities were objectively likely to incite opposition to conscription.

The new test is far more restrictive, ruling out any statement that discredits compulsory military service.

Yesterday, the ECC issued a lengthy statement calling for a day of prayer and fasting on December 14 "as part of our call for the release of our detained leaders".

Sixteen ECC members are currently in Emergency detention.

Media council chief warns of 'fatal sense of complacency'

A WIDE range of individuals and organisations have reacted with outrage to the government's latest inroads into the remnants of press freedom in South Africa.

Even though yesterday's government gazette did not fulfill the direst predictions — extending to the expected closure of some newspapers — the regulations are seen as the most serious threat yet to the supply of information.

The chairman of the South African Media Council, ex-Appellate Division Judge L de V van Winsen, said "the omission of certain news and views will lull the public into a false and potentially fatal sense of complacency".

The restrictions constitute "the most far-reaching constraints yet placed upon the free flow of news during the present crisis", he said.

He appealed for a "reconsideration" of the regulations, saying "failure to draw attention to the risk they entailed would be a dereliction of the public responsibility delegated by the Media Council's Charter".

Church groups, political organisations, professional associations, trade unions and even a foreign government have come out in swift and strong condemnation of government clamp.

●The Anglican Church's liaison officer, Bishop John Carter, said "only authoritarian regimes of the worst kind, that are afraid to let people know what is happening, would resort to such measures".

●The president of the Methodist Conference, the Rev Jack Scholtz, said "the government is moving a step closer to totalitarianism".

●The acting president of the Azanian Peoples Organisation, Nkosi Molala, said "the restrictions are reminiscent of the steps adopted by Adolf Hitler and Mussolini and their totalitarian henchmen. Denying people knowledge of what is happening in their own country will not stop what is happening now".

●Herstigte Nasionale Party leader, Jaap Marais, said "the government is demonstrating that it has allowed the unrest to develop to such an extent that it now has to take extreme measures such as these to regain control".

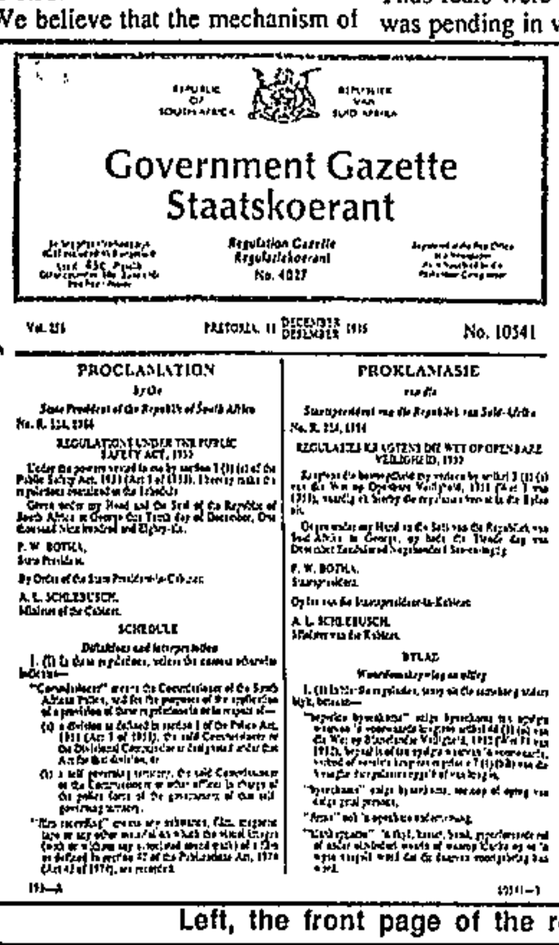
●The Chief Minister of KwaZulu, Mangosothu Buthelezi, said "the restrictions will exacerbate our problem, and will only help those clamouring for sanctions".

● Progressive Federal Party spokesman on the media, David Dalling, said "the press is entering a new dark era", and he called on the government to "seriously reconsider the regulations".

● Lawyers For Human Rights vice-chairman Barry Jammy said the regulations would mean that South Africa "has effectively become a police state and freedom of speech and the press has effectively been destroyed".

●The Congress of South African Trade Unions said it was "clear the Emergency has failed to produce the desired results, and it is time for all South Africans who want no truck with apartheid and repression to unite to stop the government before it does irreparable damage to the country".

●A spokesman for the British Foreign Office "deplored the restrictions", claiming "they are entirely contrary to the Western values that the South African government claims to espouse".



Government Gazette
Staatskoerant

Regulation Gazette
Regulasiekoerant
No. 4027

Vol. 221 PRETORIA, 11 DECEMBER 1986 No. 10541

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 224, 1986

REGULATIONS UNDER THE PUBLIC SAFETY ACT, 1953

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 224, 1986

REGULASIES KRAGTENS DIE WET OP OPENBARE VEILIGHEID, 1953

SCHEDULE

BYLAE



Left, the front page of the regulations. Right, the back page

UDF challenge in courts

●From Page 1

or to seize single editions.

However, the regulations follow the decision of the courts in that this power can only be exercised if there is a clear breach of certain regulations. The previous, impeached power was dependent on the mere opinion of the authorities.

In some minor respects, the regulations have been tightened up and are now more precise. They also fall short of some of the more drastic predictions in the press during the last week.

But generally, in the words of a press lawyer, the gains which were made by the press in the Natal Supreme Court have been "swept away" and "ominous" new prohibitions have been imposed.

Ministers can give permission

WEEKLY MAIL REPORTER

IF you want to discuss anything that falls within the Emergency regulations, you had better phone the authorities for permission.

The Emergency regulations now hold up the threat of 10 years imprisonment, with or without the option of a R20 000 fine, for anyone who "whether orally or in writing, makes any subversive statements or causes such a statement to be made".

This means you could be in trouble if you make such a statement at the dinner table, in casual conversation or even in private notebooks.

And you will have to be careful. Illegal statements now include:

●The fact that a detainee has been released or even the circumstances of his or her detention;

●The effect of a consumer boycott on business performance;

●Date, time, place and purpose of a gathering that has been restricted;

●Certain words of any of the scores of people served with Emergency restrictions.

The only way you can talk about such issues is if you get permission from a cabinet minister, deputy-cabinet minister, the Bureau for Information or a government spokesman.

So, if you want to talk about these things, we suggest you phone one of the numbers given on our front page and ask for permission.

Since all those people listed are public servants, whose salaries are paid by the taxpayer, we are certain they will assist with any reasonable request from citizens not wishing to break the law.

Biggest arts festival ever banned

By CHARLOTTE BAUER

THE largest cultural festival in the country has been banned in terms of the newly-amended Emergency regulations.

The National Conference of the End Conscription Campaign was banned at the same time and in terms of the same regulation.

Notice of the blanket ban on the *Arts Festival '86 — Towards a People's Culture* was served late yesterday afternoon. It came in the wake of the detention last week of three festival committee executive members, Chippy Olver, Alistair Teeling-Smith and Mike Rautenbach, also End Conscription Campaign members.

The prohibition order, signed by the divisional commissioner of police for the western Cape, Maj-Gen Christoffel Swart, affects more than 600 artists, musicians, actors, dancers and organisers, some of whom had already travelled from Johannesburg and were in last-minute rehearsal.

Some of the organisers — particularly those with ECC affiliations — went immediately into hiding.

Festival committee representative, Steve Gordon, said people were "outraged" by the ban, citing it as an example of how the state used the Emergency regulations to "stifle non-racial cultural activity".

"It's remarkable that this is done in the name of 'public safety'," Gordon said, adding that "it is clear now that the state is in such a precarious position that it feels threatened by the music, art, drama and literature of our people."

The festival organisers have taken legal advice, but at present it seems highly unlikely that the 12-day event will materialise.

Events on the programme included a wide range of symposia, more than 20 live concerts, numerous plays and four major art exhibitions which were to have gone on tour.

Several trade unions, political organisations and artistic institutions were to have taken part — from Gardens to Guguletu — in the people's festival. Bands participating included Malombo, The Sharptown Swingsters and Winston's Jive Mix-Up.

Curbs on press:

Capt Trimjs
12/12/86
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Orwellian era for SA

Political Correspondent

THE government yesterday declared war on forces challenging the state's authority and plunged South Africa into an Orwellian world of "state" journalism and rigid conformism.

The bid to crush groups refusing to work within government-sponsored structures relies on a two-pronged strategy of starving them of favourable publicity and crippling their ability to meet, raise funds and organize.

The main targets of the crackdown are extra-parliamentary groupings that have made inroads on the state's civic and legal authority and challenged its legitimacy.

The main targets of the crackdown are extra-parliamentary groupings that have made inroads on the state's civic and legal authority and challenged its legitimacy.

These are community organizations, street committees, people's courts and other "alternative structures" affiliated to groups like the UDF and Azapo, civil rights groups like the Detainees Parents Support Committee, the Black Sash and unrest monitoring bodies and publications providing "alternative information".

However, the sweeping new emergency regulations promulagated in an extraordinary Government Gazette yesterday are applicable to all media — and the public — and the special privileges and massive powers they afford state officials in the dissemination of "news" will place traditional political parties at a huge disadvantage.

The new restrictions — which come after six months of emergency rule — effectively ban all non-official news and comment on popular resistance to the government and its policies.

This includes unrest, boycotts, stayaways, illegal strikes, restricted gatherings, civil disobedience, alternative structures, detention without trial and criticism of compulsory military service.

Media people falling foul of these new regulations face a R20 000 fine or 10 years in jail, and foreign journalist convicted could face deportation as well.

In addition the government has the power to seize without prior notice all publications containing probibited material. It can impose a three-month ban on a newspaper or periodical if it persists in publishing probibited material.

The new curbs, which apply to publications printed in or imported into the Republic, prohibit — unless officially cleared by an authorized person — the publication of reports, news, and comment on:

☐ Any "security action", resistance to it or the deployment of a security force "which would appear to be for the purposes of a security action";

☐ Boycott actions, including statements which might encourage the boycott of products, firms, rent payments, education institutions, work and military service. There is also a specific ban on publishing details on the effectiveness of boycotts and any intimidation surrounding these actions;

☐ News on "restricted gatherings" giving details about dates, times, venues and their purpose, as well as an account of any speech, statement or remark made at such a meeting;

☐ Details of how the public may be incited or forced into supporting alternative structures; and

☐ Details relating to the circumstances, treatment and release of detainees or their detention.

No media representatives may be "on the scene or at a place within sight" of any unrest, restricted gathering or security action without prior consent, except when such a journalist is either at home or work, or on his way between the two.

Newspapers are forbidden to

The new battery of restrictions effectively bans all non-official news and comment on popular resistance to the government and its policies.

publish blank spaces, obliterations or deletions, or give any other indications that they have been censored.

Parliament and the courts remain two partial loopholes to the sweeping regulations. Parliamentary and President's Council debates, documents and proceedings remain privileged and may be published.

However, news of judicial proceedings (including affidavits) relating to the manner or arrest or treatment in detention of a detainee, may not be published until final judgment.

☐ Reaction to new curbs on press — PAGE 2

☐ What the businessmen say — PAGE 5

☐ Full text of press curbs — PAGE 10

ed to say where, how or to what extent

Clamp on SA Press widely condemned

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The West has condemned the South African Government's new censorship laws; the United Democratic Front has vowed to challenge the restrictions in the Supreme Court; and the Association of Chambers of Commerce has expressed "deep concern" about the clamps.

International condemnation has been headed by the United States and Britain.

A US State Department spokesman has rejected the claim that the actions against the media are necessary.

In Britain, a Foreign Office spokesman said the news blackout was "entirely contrary to the Western values that the South African Government claims to espouse".

In Johannesburg, the chairman of the Premier Group, Mr Tony Bloom, said he was "appalled and disgusted" by the Government's latest curbs on the media and expanded emergency regulations.

"The Government has consistently been telling us through their information service that things are much better in the townships and violence is decreasing. If that is so, why the need for further

See Pages 6 and 17.

media clamps? It looks to me as though someone is lying."

He said the introduction of more media curbs seemed to him "like the death rattle of frightened men".

Mr Bloom had harsh words for those business leaders who attended the last business conference with President Botha and said they were proud to be part of the Government's initiative.

"Those businessmen, who were third-time-round conned at the meeting with P W Botha, should reconsider their positions. All that has happened since then is that the Goverment has backed down on the Group Areas Act, cracked down on its opposition, and now introduced media curbs. If that is the way forward? The less I have to do with it, the better."

The UDF said it would challenge the regulations in court.

Assocom president Mr Harold Groom issued a statement saying: "While organised commerce recognises the radical pressures at work in South Africa, it is deeply concerned that the authorities have found it necessary to impose further serious restrictions on the flow of information to the public and to the business community.

"Assocom fears that a prolonged censorship on what is happening in South Africa will promote uncertainty and rumours which could have a serious negative impact on business confidence and decision-making.

"Organised commerce hopes that the restrictions will be of short duration."

The Foreign Correspondent's Association said yesterday that the Government has established one of the severest systems of censorship in the world — and this was profoundly inconsistent with its declared goal of democracy.

The association said the curbs stifled the possibility of genuine national debate for a peaceful solution.

"As with any system of censorship, much will depend on the enforcement of it, but the Government's action has made it impossible to report fully and fairly on a social conflict of great significance which has engaged the attention of the world for two years."

What the curbs mean

The censorship imposed on South Africa today means among other things:

- **No "subversive" statements may be made "orally or in writing".**
- **The media may not publish "news or comment" about any security force action.**
- **Journalists may not be in any area where "unrest" is taking place.**
- **The media may not publish photographs of unrest or any information, news or comment on security force action.**
- **The media may not publish evidence given in court about the arrest or treatment of detainees until final judgment.**
- **The media may not publish blank spaces, any obliteration or deletions to indicate that reports have been censored. They may not tell readers when reports are censored.**
- **The media may not publish reports about the detention, treatment or release of detainees.**
- **The media may not publish details of education, rent and consumer boycotts, stayaways, illegal strikes and calls for a boycott of conscription.**
- **The only information that can be published without risk is that provided by the Government.**
- **The regulations will affect opposition politicians, trade unions and all other Government opponents. Their ability to criticise the Government will be severely curtailed.**

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UDF plans challenge to Press gag

The United Democratic Front is to go to the Supreme Court to challenge the validity of the latest gags on the Press.

"The Nationalist Government has now become no different to dictatorial regimes elsewhere," a UDF statement said today.

The statement added: "After carefully considering the new regulations with our lawyers, we have decided to challenge them in the Supreme Court." — Sapa.

Reconsider Press curbs, Govt is urged

Own Correspondent

CAPE TOWN — The Media Council yesterday appealed to the Government to reconsider the new regulations, saying they gave rise to great concern for the future of South Africa.

The chairman Mr Justice L de V van Winsen said they contained a "double jeopardy".

In addition to depriving people of information, they also sought to deprive them of the knowledge that they were being deprived, by preventing the media drawing attention to the forced omission of certain news and views.

This would lull people into a false and "potentially fatal sense of complacency".

The statement said the new regulations "constitute the most far-reaching constraints yet on the free flow of news".

"The existing situation poses a serious threat to people of all races.

"The Press, the radio and television services have as their prime function the duty to inform the public accurately and, where appropriate, to comment fairly on matters of public interest without fear or favour.

"The Media Council has felt obliged to warn against the consequences of previous restrictions imposed by the Government on the availablity of informed news and comment.

"These latest regulations move even further in the same direction and will place the public at an even greater disadvantage.

"There is double jeopardy in that, in addition to depriving the public of vital information the regulations seek also to deprive the public of the knowledge that they are being so deprived.

"This result is sought by preventing the media from drawing attention to the forced omission of certain news and views, omissions which would lull the public into a false and potentially fatal sense of complacency."

Media censors get into action early

Within hours of the declaration of the censorship regulations, an organisation called the Inter-departmental Press Liaison Centre (IPLC) was in session on a 24-hour basis in Pretoria. It handles news reports dealing with "unrest".

The Star sent IPLC 10 reports for approval — and was refused permission to publish six of them. Replies about the other four have not been received.

These were the prompt replies received:

At 5.25 pm: "Your telex requesting permission to publish refers. A spokesman for the SA Police replies as follows: 'Your request to publish is refused, repeat: refused.' Message ends, thank you."

At 5.27 pm: "Your telex requesting permission to print the report is regretably refused, repeat, permission to publish refused. Message ends, thank you."

At 5.32 pm: "Your telex re the report quoting Zakharia Makhanjane allegations refers. A spokesman for the SA Police has refused permission to publish this report. Repeat, permission refused. The affidavit you refer to should be made available to the SA Police for further investigation. Message ends, thank you."

At 5.36 pm: "Your telex re the report 'What is life like for a boy of 11 years?' refers. A spokesman for the SA Police refused permission to print this story. Repeat, permission refused. Message ends, thank you."

At 5.47 pm: "Your telex re the story on Thelma Lindi Nzondo refers. A spokesman for the SA Police has refused permission to publish. Repeat: permission to publish is refused. Message ends, thank you."

At 6.26 pm: "Your telex re 11-year-old boy William Modibedi refers. Your request to publish is hereby refused. Message ends, thank you."

SPEAK OUT!

New curbs on the media were promulgated in the Government Gazette this week. What do you think of Press freedom in South Africa? This is the topic of Speak Out! tonight. Your comments will be published — if permissible in terms of the law — in The Saturday Star. The number to phone is 834-7747 between 5.30 and 7 pm.

CAPE TIMES 12/12/86 (327)

UDF plans court challenge on gags

JOHANNESBURG. — The government's announcement of a blackout on all unrest news was greeted with shock and anger by a broad spectrum of groups in South Africa yesterday.

And the UDF, in a statement issued last night, announced it intended to challenge the newest press curbs in the Supreme Court.

The Progressive Federal Party urged the government to seriously reconsider introducing the more restrictive regulations.

The leader of the PFP, Mr Colin Eglin, said the new curbs demonstrated beyond all doubt the political bancruptcy of the Botha government.

"The government, lacking any practical plan for solving the present crisis and without any vision for the future, has abandoned real reform and instead opted for hardline authoritarianism as its way of handling the situation."

The "awesome powers" and the special privileges given to officials were "monstrous" and struck at the heart of the parliamentary system of government.

Mr Barry Jammy, national vice-chairman of Lawyers for Human Rights, said if reports on the new Press restrictions were true South Africa had effectively become a police state and freedom of speech and the Press were destroyed.

Ms Pat Sidley, the South African Society of Journalists (SASJ) president, said: "The whole method of censorship raises serious questions for journalists about whether and how they can continue to work as journalists and, presumably among their options will be to leave the profes-

Press curbs reaction

sion, to defy the law at times, or be seen to be complying, none of which are satisfactory."

The Association of Democratic Journalists called for unity among journalists to challenge the erosion of press freedom in the country.

The Newspaper Press Union said it regretted the further intrusion into media freedom.

The Herstigte Nasionale Party leader, Mr Jaap Marais, said if the government gazetted regulations requiring clearance of unrest reports it would be going too far. The government needed extreme measures to regain control because it had allowed unrest to develop.

Mr Hal Miller, executive chairman of the Argus Company, said he was deeply concerned and shocked at the prospect of any further restrictions on the freedom of the press.

Mr Nkosi Molala, acting president of the Azanian People's Organization, said the curbs were reminiscent of those of Hitler and Mussolini. "Denying people knowledge of what is happening in their own country will not stop what is happening now."

The Congress of South African Trade Unions said the aims of the emergency had clearly failed.

The liason officer for the Anglican Church, Bishop John Carter, said only "authoritarian regimes of the worst kind that are afraid to let people know what is happening" would resort to such measures.

Chief Minister Mangosothu Buthelezi of KwaZulu said the curbs would "help those clamouring for sanctions". — Sapa

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SA quits free world, says UK

JOHN BATTERSBY and MARGARET SMITH

SOUTH Africa has ceased to be a member of the free world, the British public believes.

"We deplore these further restrictions on Press freedom in South Africa. They are entirely contrary to the Western values the South African Government claims to espouse," a Foreign Office spokesman said yesterday.

Government sources said further action would depend on how the restrictions were applied in practice and whether the authorities began deporting British correspondents. They said further action could include formal diplomatic protests and even advice to the British Press corps to quit SA.

The restrictions dominated most TV and radio bulletins. The International Press Institute (IPI) said the restrictions had effectively reduced SA to a police state.

In an urgent telegram to President P W Botha the IPI, representing 2 000 editors and publishers worldwide, said:

"They are an affront to human rights and a disgrace to the free world to which, with increasing implausibility, you claim South Africa belongs.

"The IPI strongly urges you to abandon these desperate measures before objectivity and truth disappear entirely from the pages of the SA Press," it said.

Dr David Owen, leader of the Social Democratic Party, said the "noose of censorship" had been pulled tight around the throat of freedom in SA.

Labour Party leader Neil Kinnock alleged "horrifying cruelty" inflicted on detainees and referred to children disappearing into "apartheid jails".

TV and radio bulletins featured interviews with Harvey Tyson, editor of *The Star*, and deputy editor Rex Gibson.

After lengthy news coverage from SA, ITV's Peter Sharpe signed off from The News at One in Johannesburg with these words:

"Whatever the reason for the introduction (of these new restrictions) they represesent an end to 150 years of Press freedom in South Africa."

☐ The London evening newspaper, *The Standard*, reported the restrictions under the headline: "Uproar over new Botha media gag."

It quoted a front-page editorial from *Business Day's* front-page editorial: "Government today unceremoniously dumps this country into the totalitarian camp."

Censorship on a scale not seen before

THELMA TUCH

THE introduction of new emergency regulations to supplement existing Press curbs effectively increases government's stranglehold on the media by implementing censorship on a scale never before witnessed in SA.

The new regulations expand on the old definition of "subversive" making it illegal to publish a statement which merely encourages members of the public to:

☐ Discredit the system of compulsory military service;

☐ Oppose any member of government;

☐ Participate in a boycott action against any particular firm, product or educational institution;

☐ Stay away from work, attend a restricted gathering or exert authority via illegal alternative structures.

The previous regulations were less comprehensive as they stipulated that a subversive statement had to have the effect of inciting the public to any of the above.

However, the new regulations — unlike the previous ones — exclude the promotion of disinvestment or the application of sanctions against SA from its definition of "subversive".

But in addition to the previous restrictions, the regulations prohibit the publication of the circumstances of the detention or release of people held in terms of emergency regulations. Also declared illegal is the publication of any blank space as a reference to the restrictive nature of the regulations.

Further, the regulations inhibit the privilege of court reporting in certain circumstances as they ban the media from publishing evidence — relating to detentions — presented to court in affidavits until the court delivers its final judgment.

Reinstated in the regulations is the Minister's power to seize publications should he believe that they contravene certain regulations. This power was struck out of the previous regulations in the Maritzburg Supreme Court judgment in response to an application by four English newspaper groups to have certain regulations declared invalid.

The term "security force" has been broadened in the new regulations to include municipal police. The words "unrest" and "security force action" are also defined more precisely making the total black-out on the media coverage of unrest more effective.

The new regulations go much further than the previous ones, introducing an unprecedented scale of censorship in SA, legal experts say.

Judicial challenges are predicted and are expected to be based on submissions that President P W Botha has exceeded his powers by introducing such regulations.

An end to the activities of the End Conscription Campaign is anticipated as the regulations make it "subversive" even to encourage the public to undermine the system of compulsory service. The previous regulations made it subversive to "incite" the public to undermine conscription.

The new regulations recognise this year's Supreme Court judgments which invalidated some of the old regulations. However, heeding the judgments, they reintroduce the content of the previously invalidated regulations in a more clearly defined manner.

In this way, they effectively render meaningless the effects of some of this year's successful court challenges to the previous restrictions.

The new restrictions are justified by government as a response to the "revolutionary onslaught" facing SA.

However, they appear to represent government's reaction to its lack of total success in silencing the media as some newspapers have utilised loopholes in the previous regulations to convey news events.

It also comes in the wake of several judicial dismissals of some regulations which, at the time sparked, off the expectation of the government re-issuing a new set of regulations.

THE NOOSE GETS TIGHTER

SIX months ago — three days after government declared on June 12 that SA was in a state of emergency — a total ban was declared on media reporting on unrest or events in black townships around SA without police permission.

The orders — made under the emergency regulations — banned the media from commenting on security force action or the emergency and prohibited the presence of journalists for the purpose of reporting in any black residential area hit by unrest.

Photographing unrest or the action of security forces was also banned.

Contravening the clamps was punishable by up to 10 years imprisonment, a fine of up to R20 000, or both.

Further publication of a "subversive" statement permitted the Law and Order Minister or a person nominated by him to seize all copies of the publication. The Minister could also ban any newspaper considered to be of a "subversive nature".

The Bureau for Information was established to channel information to the media within the constraints of emergency regulations.

Within days, the government ordered CBS cameraman Wim de Vos to leave SA and police detained an ABC film crew for allegedly disseminating "subversive" news.

Security forces seized copies of the *Weekly Mail*, the *Sowetan* and demanded proof copies of *City Press*.

Towards the end of June, government tightened press censorship by barring the media from quoting 118 political, labour and community organisations in the Western Cape. It also announced curfews in some Eastern Cape areas.

Newspaper editors were warned by Deputy Minister of Information Louis Nel that government would act against them if they did not adhere strictly to the regulations.

Newsweek's SA bureau chief Richard Manning and Israeli journalist Dan Sagir, were ordered to leave SA.

The justification behind this first set of emergency press clamps was spelt out by the Bureau which said the country was faced by a direct threat by radical elements to "make SA ungovernable".

Sensationalist or subversive reporting, it said, instigated violence by sowing inter-group enmity and suspicion and by undermining national will and unity during an SA crisis.

The regulations evoked a flood of court applications which led to many restrictions on the media being lifted and a number of detainees being released.

In Cape Town, Cosatu challenged the ruling gagging 119 organisations and the matter was settled out of court.

English language newspaper groups brought an application challenging six of the emergency regulations relating to the Press.

It was submitted in the Maritzburg Supreme Court that the regulations went beyond the powers of President Botha, could not have been envisaged by Parliament and were so wide they could not commend themselves to any reasonable man.

On August 20, in a major victory for the press, counsel for the State, J Combrink SC, conceded that two emergency regulations banning news reporting on security force action and banning journalists from unrest areas were invalid.

This restored the right of journalists to report on unrest incidents without the consent of the Commissioner of Police.

But the victory was short-lived. By September 3 — on the eve of the judgment — restrictions were re-imposed when the Commissioner of Police re-issued orders banning reporting of security action.

The next day, the newspapers' application was upheld by the court which found that some of the regulations were invalid. It dismissed the regulation which allowed the Minister to seize and close down any publication as "objectionable and unduly excessive".

Observers then predicted that government might respond by issuing a new set of emergency regulations — a move which materialised in yesterday's release of the tightened regulations.

Death rattle of frightened men — Bloom

HAMISH McINDOE

BUSINESS reaction yesterday to government's media restrictions ranged from harsh criticism to apologetic support and flat "no comment".

But capital markets and rand rates barely flinched at the move.

Assocom, however, predicted that prolonged censorship would promote uncertainty and rumour in the market place, which could have a serious impact on business confidence and decision-making.

The most scathing criticism came from Premier Group chief executive Tony Bloom, who said he was "horrified and repulsed" by the restrictions. He described the move as the "death rattle of frightened men".

Asked if the private sector could effectively lobby government into lifting the curbs, he said: "Pretoria does not take the slightest notice of businessmen, whose opinions bounce off government like ping-pong balls.

"And don't cut this," he said.

The Afrikaanse Handelsinstituut (AHI) felt government had to maintain law and order. "We accept the situation," said president Christie Kuun.

Johannesburg Chamber of Commerce GM Marius de Jager felt "abnormal circumstances require abnormal actions," but said the free flow of information was critical for rational business decision-making.

The Federated Chamber of Commerce would not comment.

The virtual media blackout on non-offical unrest news is likely to have a mixed effect on promoting SA as a foreign tourist destination.

Tourism Board executive director Spencer Thomas said: "Unrestrained foreign media reports had a disastrous effect on tourism levels two years ago.

"The first round of media clamps stabilised the situation immensely. The latest restrictions will undoubtedly be more anti-SA ammunition for some, but fewer unrest reports overseas will make marketing the country easier."

SA Airways said it was not in a position to comment on the curbs.

Vice-president of the Association of Advertising Agencies, Len van Zyl, warned that the media risked losing advertising support if "government intervention makes the medium less effective".

Checkers MD Clive Weil thought it unlikely that the curbs would help stop consumer boycotts.

He said: "Boycotters have never resorted to the Press to publicise their aims."

(32") Whole page

The new gag on the media



Mr Stoffel Botha . . . power to seize

All reports of unrest must be cleared by Govt

PRETORIA—Any unrest-related information in the media will first have to be cleared for publication by the Government, according to the new, more restrictive, state of emergency Press curbs announced yesterday in a special Government Gazette in Pretoria.

Anybody who contravenes the new package of restrictions, issued in terms of the Public Safety Act, will be liable on conviction to a R20 000 fine or 10 years' jail, and foreign journalists convicted will probably face deportation as well.

The regulations take immediate effect and the Government has set up a round-the-clock Media Centre, at the Bureau for Information in Pretoria, where the media must telex articles which might contravene the regulations to relevant Government department spokesmen for clearance or rejection.

The regulations apply to the media as a whole, including the foreign Press corps, and to all members of the public.

Information on unrest or unrest-related matters comprehensively defined in the regulations with 'subversive statements' may not be published unless authorised in accordance with the procedures laid down, or released by the State President, or a minister or a spokesman of the Government, or is made public in Parliamentary or President's Council debates, or in judicial proceedings.

According to the State President's proclamation in the Government Gazette, publications may not carry blank spaces as an indication or reference to the re ulations.

Power of seizure

THE Minister of Home Affairs, Mr Stoffel Botha, as the minister responsible, or the Commissioner of Police, have the power to seize, without prior notice, publications which contain prohibited material.

The minister also has the power to ban a newspaper or other periodical publication for a maximum of three months if it persists in publishing prohibited material.

The regulations are fully applicable to publications, whether they are printed in or imported into the country.

Wider definition of subversion

THE existing definitions of a 'subversive statement' are scrapped and replaced with a far more comprehensive and expanded interpretation.

A subversive statement means one calculated to have the effect in which members of the public are incited or encourged to take part in any activity or to commit any act defined as 'unrest'.

People may also not 'resist or oppose' any member of the Cabinet or a Minister's Council, or government of a self-governing territory, or officials or members of the security forces in the exercise of their powers in terms of the state of emergency, or other public safety law, or the maintenance of public order.

Boycott actions, including consumer and educational institutional boytravening any law or provision in terms of it, and 'refusing to comply with an obligation towards a local authority in respect of rent or a municipal service', is also subversive.

Work stayaways or strikes not in accordance with the provisions of the Labour Relations Act or other related legislation, or the support of such action, also constitute 'subversive statements'.

Attending or taking part in any restricted gathering will amount to a subversive statement, as will 'to exert power and authority in specific areas by way of structures purporting to be structures of local government and acting as such in an unlawful manner'.

It will also be subversive to 'establish such structures, support them, or for anybody to subject themselves to them, or to make payments to them which fall within the definition of a 'subversive statement.'

Similarly prohibited is 'any speech, statement or remark' of a person affected by Chapter 3 of the Internal Security Act or a condition of regulation 3(6) of the Security Regulations, and which 'has the effect,' or is calculated to have the effect of threatening the safety of the public or the maintenance of public order, or of delaying the termination of the state of emergency.'

Nobody will be allowed to take any photographs, film or sound recording of any unrest or security action without the prior consent of the Commissioner of Police or a member of a security force serving as a commissioned officer in that force.

This includes any incident occurring in the course of the unrest or security action, including the damaging or destruction of property or the injuring or killing of people.

This also applies to any damaged or destroyed property, or injured or dead people or other visible signs of violence on the scene where unrest or security actions has or is taking place.

Emergency Day 184

Because of the emergency regulations, the free flow of information relating to unrest is severely restricted. Certain news reports have had to be excluded because of the latest regulations. This newspaper will do its utmost to keep readers informed.

No blank spaces

THE regulation prohibiting newspapers from carrying blank spaces in protest at the regulations reads:

'No person shall publish any publication in which any blank space or any obliteration or deletion of part of the text or a report or of a photograph or part of a photograph appears if that blank space, obliteration or deletion, as may appear from an express statement or a sign or a symbol in that publication or from the particular context in which that blank space, obliteration or deletion appears, is intended to be understood as a reference to the effect of a provision of these regulations.'

Seizure without notice or hearing

ON the seizure of publica- A copy of the seizure doc-

Sentence of death on free Press, says Eglin

THE new curbs on the Press demonstrated beyond all doubt the political bankruptcy of the Botha Government, the Leader of the Opposition, Mr Colin Eglin, said last night.

The Progressive Federal Party leader headed a chorus of local and international condemnation of the harsh new media gags.

'The Government, lacking any practical plan for solving the present crisis and without any vision for the future, has abandoned real reform and instead opted for hardline authoritarianism as its way of dealing with the situation,' Mr Eglin said.

He said the 'draconian' restrictions 'pronounced the death sentence on Press freedom in South Africa' but the implications of the new restrictions reached out far beyond the Press.

'The Government, through its latest action, has taken this country across the threshold that separates democracy from dictatorship,' said Mr Eglin.

Farce

He said that while Parliament itself remained a small island of free expression amid a vast sea of censorship and coercion, the denial of freedom of speech to the public, the control of the news, the 'awesome powers' given to officials and the special privileges given to Cabinet ministers, members of the Ministers' Councils, deputy ministers and other Government spokesmen, were 'monstrous' and struck at the heart of the parliamentary system of overnment.

Mercury Reporter

be responsible in their reporting, Sapa reports.

'Restrictions will exacerbate our problem. While the Government has the power to get us out of the jam it is the responsibility of each one of us, and that includes journalists, to work towards solutions.'

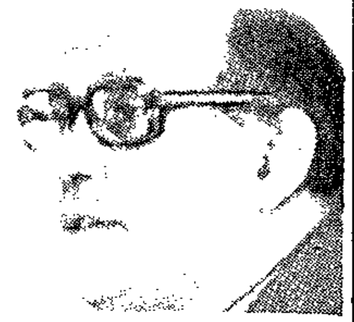
Mr Barry Jammy, national vice-chairman of Lawyers for Human Rights, said if reports on the new Press restrictions were true then South Africa had effectively become a police state and freedom of speech and the Press had effectively been destroyed.

Mr Azhar Cachalia, national treasurer of the United Democratic Front, said: 'The Nationalist Government has now become no different to dictatorial regimes elsewhere. The UDF has already warned that the Government is preparing itself for the total elimination of all democratic forces.'



Chief Buthelezi

Herstigte Nasionale Party leader Mr Jaap Marais



Colin Eglin

the draconian destruction of human liberty under the new Press curbs.

The president of the Methodist Conference, the Rev Jack Scholtz, said the Government was moving a step closer to totalitarianism.

Besides depriving the public of vital information the new Press curbs would also deprive the public of the knowledge that they were being deprived, the S A Media Council's chairman, Mr Justice L de V van Winsen, said.

'This result is sought by preventing the media from drawing attention to the forced omission of certain news and views which omission would lull the public into a false and potentially fatal sense of complacency.'

He said 'failure to draw attention to the risk entailed in the new regulations and to appeal for reconsideration would be a dereliction of the public responsibility delegated by the Media Council's charter.'

Mr Hal Miller, executive chairman of the Argus Company, said: 'The regulations are even more restrictive than we expected and the flickering lamp of freedom

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discredits or undermines the system of compulsory military service, are also included in the subversive statement definition.

Taking part in an act of civil disobedience by refusing to comply with or contravene the regulations, the minister or the commissioner is empowered to issue, 'without prior notice and without hearing any person', an order to seize the publication, or television, film or sound recording.

All copies of the publication or recording would be seized.

In terms of the order, a member of the security forces in possession of an authorising document may enter any vehicle or premises to carry out his duty.

This is 'unrest'

'UNREST' is defined as 'any activity or conduct which to a reasonable bystander would appear to be any one or more of the following activities or forms of conduct:

● 'Any gathering in contravention of an order under Regulation 7 of the Security Regulations or of a provision of any other law or of any prohibition or other requirement under any such prohibition;

● 'Any physical attack on a security force or a member of a security force, or on a member of a local authority, or on the house or family of a member of a security force or local authority by a group of persons; or

● 'Any conduct which constitutes riot, public violence or a contravention of Section 1(1)(a) of the Intimidation Act, 1982.'

Blackout on security action

A REGULATION dealing with publication control specifies that nothing may be published on any security action, with the exception of information sanctioned or released by the Government, or exempted because it comes from Parliament, the President's Council or the courts.

Included here are any deployment of a security force or equipment which to a reasonable bystander would appear to be for the purposes of security action.

Publication of information on the release of a state of emergency detainee or the circumstances of, or treatment received by that person while in detention, are also prohibited.

News of restricted gatherings which might give an indication of when and where they will take place and any activity or speech made at the gathering in contravention of the regulations are prohibited.

Another clause prohibits news on any action or boycott by members of the public referred to in the definition of a 'subversive statement,' insofar as it discloses or comments on the extent to which the action is successful.

The same applies to news of structures referred to in

Continued at top of next column

Importation ban

IF the minister 'deems it necessary' in the interest of public safety, the maintenance of public order or the termination of the state of emergency, he may issue an order, by notice in the Gazette, prohibiting the 'production, importation into South Africa, or the publication of all issues' of a specified publication for a maximum of three months.

No such order shall be issued unless the publication was produced or imported into the Republic in contravention of specified emergency regulations, and the minister had, also by Gazette notice, requested the people involved to ensure no further issue of the publication concerned be issued in contravention of the regulations.

A further issue of the publication in contravention of the regulations would also have to be produced after publication of the Gazette notice.

The minister would then have to give notice in writing to the publisher or importer of the publication of the fact that such action was considered and stating the grounds of the proposed action.

He would further have to give the publisher or importer an opportunity to submit to him in writing, within 14 days, representations in connection with the proposed action.

The publication prohibition may be applied irrespective of whether an issue of the publication has been seized or anybody prosecuted in terms of other provisions of the regulations.

A publication ban would not affect the continued registration of a publication as a newspaper.

The regulations stipulate that no prosecution for an offence in terms of them will be instituted except 'by the express direction of the Attorney-General having jurisdiction in respect of that prosecution'. — (Sapa)

This will further restrict information to the public

JOHANNESBURG—The new emergency regulations published yesterday affect all forms of media, including radio, television, newspapers and magazines and impose yet further restrictions on the availability of general information to the public, according to lawyers who have analysed the regulations.

In a statement the lawyers said:

'Apart from, and in addition to, the extensive prohibitions already in existence, the restrictions on the disclosure of information to the general public are:

It is no longer permissible to disclose information relating to . . .

Action taken by municipal police, commonly known as blackjacks;

Any news relating to any form of boycott, including rent boycotts and consumer action;

People's courts, community organisations and street committees;

Statements by persons who are affected by the various provisions of the Internal Security Act — for example, people under house arrest, people released from detention who are thereafter served with restriction orders;

The circumstances of the arrest of people under detention and the release of people from detention;

Publication of blank spaces or deletions in publications to indicate censorship;

Unless Government permission has been obtained for the release of such information, or such information emanates from parliamentary debates or judicial proceedings (but excluding evidence, including affidavits, relating to the manner of arrest or treatment in detention of a detainee, before final judgment is given).

The powers of the State to seize newspapers, magazines, TV films and sound recordings which contain matter in contravention of the regulations, have been re-introduced.

In addition, the State has the power to prohibit the publication of certain publications which commit contraventions for a maximum of three months at a time, but only after publication of a warning in the Government Gazette and if thereafter a further contravention is committed. — (Sapa)

...e provisions make a farce of the concept of free and fair elections,' said Mr Eglin.

He said the PFP was analysing the regulations and their implications in depth and was obtaining legal opinion on aspects of them.

Mr Eglin said: 'Senior members of the party will be meeting to review the strategy and techniques which the party will adopt in the future but let me say this immediately — we in the PFP are not going to be intimidated from doing our duty as members of Parliament by some regulations concocted by the executive.

Sanctions

'In discharge of our responsibility we will act in terms of our own judgement. We are not going to be coerced into silence.'

Chief Minister Mangosuthu Buthelezi of KwaZulu condemned the curbs and said they would only 'help those clamouring for sanctions'.

Addressing a Press conference on his return from North America he said he could not blame the Press for the revolutionary climate in South Africa, but called on journalists, especially black journalists, to

...ion requiring clearance of reports of unrest the Government was going too far.

The liaison officer for the Anglican Church, Bishop John Carter, said only 'authoritarian regimes of the worst kind that are afraid to let people know what is happening' would resort to such measures.

The Black Sash said in a statement that South Africans would pay dearly for

...he Reagan Administration voiced regret at the imposition of the new curbs and rejected the SA Government's claim that the steps were necessary.

The British Foreign Office spokesman said: 'We deplore these further restrictions on Press freedom in South Africa. They are entirely contrary to the Western values that the South African Government claims to espouse.'

Rand barely flinches

Mercury Correspondent

JOHANNESBURG—Business reaction yesterday to the restrictions swung from harsh criticism to apologetic support and flat 'no comments'.

But capital markets and rand rates barely flinched at the move.

Assocom, however, predicted that 'prolonged censorship' would promote uncertainty and rumours in the market, which might have a serious impact on business confidence and decision-making.

Biggest slating came from Premier Group chief executive Tony Bloom, who said he was 'horrified and repulsed' by the restrictions, and described the move as the 'death rattle of frightened men'.

But the Afrikaanse Handelsinstituut (AHI) made clear that Government must maintain law and order. 'We accept the situation,' affirmed AHI president Christie Kuun.

The Federated Chamber of Commerce would not comment.

Asked if the private sector could effectively lobby Government into lifting the curbs, Mr Bloom replied: 'Pretoria does not take the slightest notice of businessmen, whose opinions bounce off Government like ping-pong balls.

'And don't cut this,' he added.

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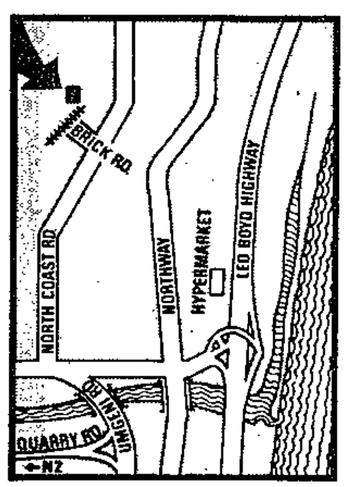

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'Clamp down contrary to Western values'

The Star Bureau

LONDON — Britain has deplored South Africa's new information ban as an act contrary to Western values.

Nearly everyone who has commented on the tough regulations has made strong criticisms.

One lone voice of approval came from Consvertative MP Mr John Carlisle, who told BBC television that the restrictions were "understandable because of the heavy bias and misreporting by the media".

But in a strongly critical reaction which reflects the view of Mrs Margaret Thatcher's government, the Foreign Office said: "We deplore these restrictions. They are entirely contrary to the Western values that the South African Government claims to espouse."

The Labour Party's foreign affairs spokesman, Mr Donald Anderson, said the South African Government was trying to "prevent the cocooned white minority from learning about the misery and torture around them".

The leader of Britain's Social Democrats, Dr David Owen, warned that South Africa was moving relentlessly towards martial law.

The African National Congress in London warned the ban would not succeed in ending resistance. It described the move as "an act of desperation by a government which is unable to end the resistance to it, despite the existing censorship".

The president of the Anti-Apartheid Movement, Archbishop Trevor Huddlestone, is writing to all television companies and newspapers urging them not to give the South African Government an opportunity to express its point of view.

He said: "There is no justification at all for representatives of the apartheid regime to be given access to the Press and media when they themselves are not only denying it to their opponents, but even preventing the accurate reporting of events in South Africa."

The National Union of Journalists (NUJ) is calling an urgent meeting to discuss the issue, particularly regarding its members working in South Africa.

"If journalists in South Africa have to submit their work to Government censors, then we must question whether they can continue to do an honest job," said union leader Mr Harry Conroy.

Lawyer discusses full scope of curbs

Media lawyer Mr Peter Reynolds said: "The regulations affect all forms of media, including radio, television, newspapers and magazines, and impose yet further restrictions on the availability of general information to the public.

"Apart from, and in addition to, the extensive prohibitions already in existence, the restrictions of disclosure of information to the general public are the following:

"It is no longer permissible to disclose information, unless Governmental permission has been obtained for the release of such information, or such information emanates from parliamentary debates or judicial proceedings once a final judgment has been given, relating to:

- "The action taken by municipal police (blackjacks). This is in addition to all existing prohibitions regarding information on security forces.
- "Any form of boycott, including rent boycotts and consumer action.
- "People's courts, community organisations and street committees.

STATEMENTS

- "Publish statements by persons who are affected by certain provisions of the Internal Security Act (for example, persons under house arrest or under a restriction order).
- "Publish statements by people who have been released from detention and thereafter served with restriction orders.
- "Publish the circumstances of or treatment in detention of detainees and the fact of their release from detention.
- "Publish blank spaces or deletions in publications to indicate censorship.

Eglin says Nats' news clamp has killed Press freedom

PFP forces gather to fight official gag

By David Braun, Political Correspondent

Progressive Federal Party leader Mr Colin Eglin has called a meeting of advisers to examine the Press curbs and to reconsider the party's strategy.

He said the restrictions killed Press freedom.

Mr Eglin added: "The provision that statements by Cabinet Ministers, members of Ministers' Councils, Deputy Ministers and other Government spokesmen are exempt from the restrictions is monstrous and strikes at the heart of the parliamentary system."

PFP media spokesman Mr David Dalling said the Government action was a political coup d'etat heralding police control of the country.

The PFP would use every avenue, including Parliament, to bring Government abuses of freedom to public attention.

"The death of Press freedom brings in a new dark era of dictatorial action and proves true many of the criticisms brought against the country, both inside and out," Mr Dalling said.

"Although the ordinary South African does not know it, we now live in a dictatorship equal to that of Paraguay or Chile in which the voice of freedom is being suppressed.

"Mr P W Botha will go down in history as the president who, to cling to power, introduced measures which are normally found only in Russia and communist states.

"These regulations must be party now must be held jointly responsible."

In Port Elizabeth Mr Andrew Savage, PFP MP for Walmer, said the curbs were "a nightmare become real".

PFP MP for Port Elizabeth Central, Mr John Malcomess, believed the Government resorted to the curbs because it was paranoid: "They think there is a communist or Marxist under every damn bush. Everybody not on their side is a communist.

'Right denied'

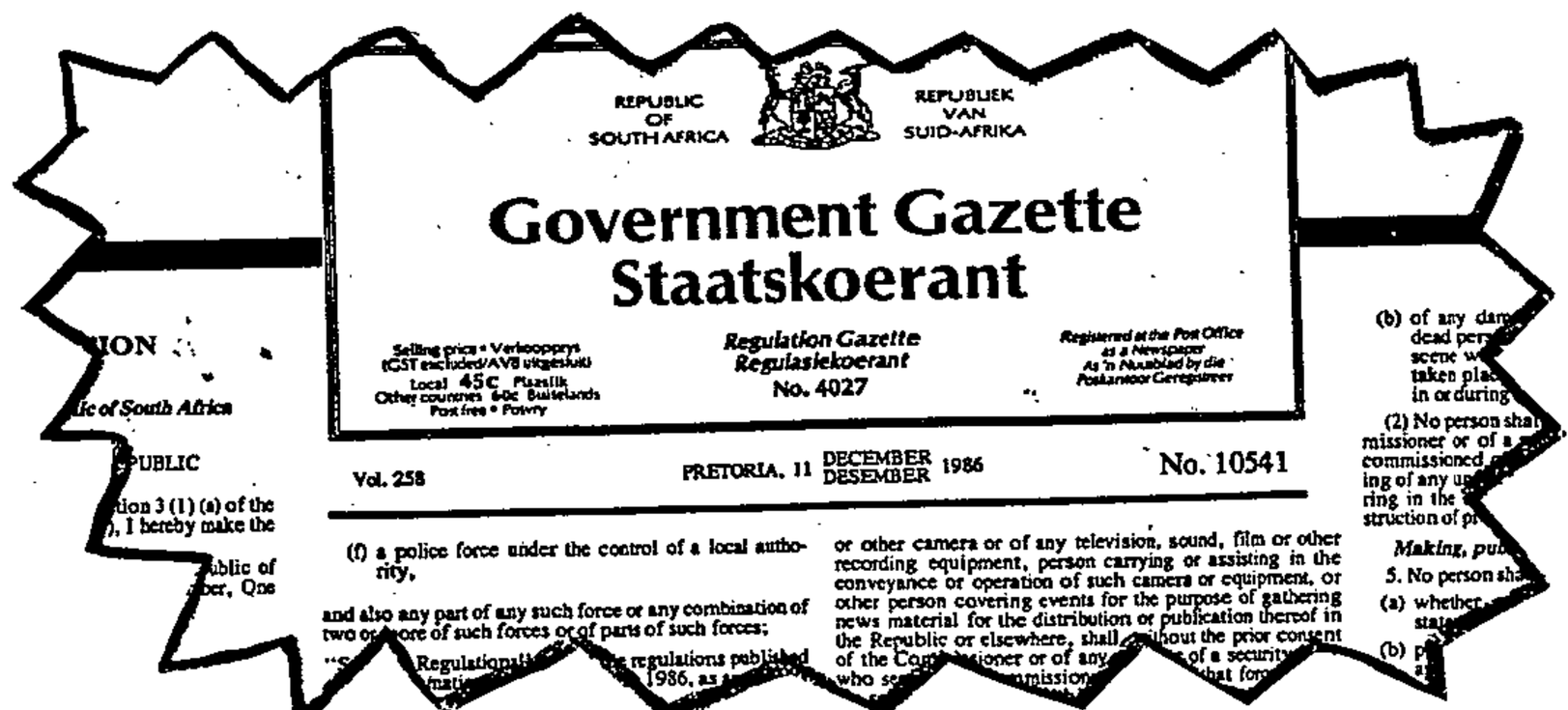
"It makes me think of something that (Dr) Marius Barnard

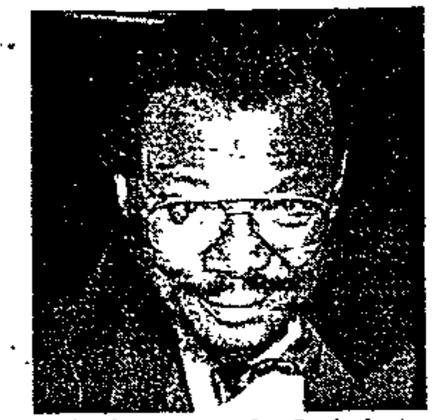
about this Government."

Mr Savage said the ordinary citizen was now being denied information about important events.

"We're heading straight for a totalitarian regime.

Asked why he thought the Government had introduced the curbs, Mr Savage said: "I believe it is not prepared to negotiate reform with genuine leaders. It consequently has to impose its own constitutional mechanism on the people and because it has to impose it it increasingly gathers around it all the paraphernalia that government-by-imposition has always used — Press censorship and the creation of law and





Chief Mangosuthu Buthelezi ... "I was shocked when I learnt of the restrictions."

Govt should have acted earlier, say Rightwingers

Pretoria Bureau

Right-wing politicians today accused the Government of not acting early enough to quell unrest — saying it is this hesitation which has made the new regulations necessary.

Herstigte Nasionale Party leader Mr Jaap Marais said: "The present situation in South Africa is due to the Government's failure to deal properly with the unrest situation and now they are using their own neglect as an excuse to clamp down on the Press."

to such an extent that these draconian measures were needed, he added.

Conservative Party MP for Jeppe, Mr Koos van der Merwe, said he supported the curbs as a means of stemming violence, adding that he believed Press coverage of events often led to more violence.

"However, had the Government acted earlier and with more determination — as the CP has urged them to — these measures would not be neces-

Move will aid SA's enemies, says Buthelezi

By Sol Makgabutlane

The latest curbs on the media were just the ammunition that advocates of sanctions wanted, kwaZulu Chief Minister Mangosuthu Buthelezi said yesterday.

Chief Buthelezi, who is also president of Inkatha, was speaking at a news conference at Jan Smuts Airport soon after returning from a trip to the United States and Canada.

"I was shocked when I learnt of the restrictions. This may make opponents of the South African Government abroad say this Government is beyond redemption."

Chief Buthelezi said he could not blame the Press for the revolutionary climate in South Africa, but called on journalists, especially black journalists, to be responsible in their reporting.

"There should be less advocation of violence among black journalists. Responsible journalism will promote unity," he said.

Reacting to the violence in Mpophomeni township, Howick, in which unionists belonging to the Metal and Allied Workers' Union (Mawu) were killed last weekend, he said he had been informed by his Minister of Health, Dr Oscar Dhlomo, that claims that Inkatha members were involved were untrue.

He said: "I think we should not underestimate the extent to which blacks are at war with each other. If Inkatha members were involved, then I am very sad about it. I would say that it was not isolated. Before I left for North America there were people whose houses were petrol-bombed in Soweto. It is nothing new, but it is tragic."

WARMLY RECEIVED

He said he was warmly received in some quarters in the United States and in Canada.

Among the policymakers he had met were President Reagan, Vice President George Bush, Secretary of State George Shultz, the Assistant Secretary of State for African Affairs, Dr Chester Crocker, and the Canadian Minister of External Affairs, Mr Joe Clark.

He had also talked to the Black Journalists' Society in Washington.

"I got favourable coverage in editorials in the New York Times, the Boston Herald and many other newspapers. They said I had been misrepresented for a long time."

He said there had, however, been nasty incidents in Boston, San Fransisco and Vancouver, when "rent-a-mob tactics" were used to disrupt his speeches.

People who carried out the actions were assisted by members of the Communist Party of America, he said.

Chief Buthelezi, who was given an honorary degree by Boston University, said South Africa had not seen the last of the sanctions wave in the United States.

"The issue of sanctions is very serious and South Africans should be aware that some of the people involved in that are now ready for the kill. They want to go the whole hog; they feel the (US Sanctions) Bill was minor. They are determined to seek nothing but global sanctions."

He said he had information that a senator who was a member of the Black Congressional Caucus was "having a tougher sanctions Bill" which he planned to introduce next year.

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"The power of the State to seize newspapers, television, films, etc, which contain matter in contravention of the regulations has been re-introduced.

"In addition, the State has the power to ban the publication of publications which commit contraventions for a maximum period of three months at a time, but only after publishing a warning in the *Government Gazette*, and if thereafter a further contravention is committed."

Instant rejection of actions by US

The Star Bureau

WASHINGTON — The new restrictions on the South African Press were major items in the American media yesterday.

While commentary — which is certain to be hostile — is yet to come from the media, the Reagan Administration wasted no time in denouncing the clamp-down.

At the State Department, newly-appointed spokesman Miss Phyllis Oakley said: "We reject the claim that these actions, and any other curbs on the media, are necessary."

In one nationwide television newscast yesterday, executives of The Star were shown making editorial decisions in terms of the restriction orders.

A commentator noted that their decisions ... "would see them in jail if they got them wrong".

spokesmen are exempt from the restrictions is monstrous and strikes at the heart of the parliamentary system."

PFP media spokesman Mr David Dalling said the Government action was a political coup d'etat heralding police control of the country.

The PFP would use every avenue, including Parliament, to bring Government abuses of freedom to public attention.

"The death of Press freedom brings in a new dark era of dictatorial action and proves true many of the criticisms brought against the country, both inside and out," Mr Dalling said.

"Although the ordinary South African does not know it, we now live in a dictatorship equal to that of Paraguay or Chile in which the voice of freedom is being suppressed.

"Mr P W Botha will go down in history as the president who, to cling to power, introduced measures which are normally found only in Russia and communist states.

"These regulations must be fought — democracy must not die without a fight.

"Any so-called verligte Nationalist who remains in that party now must be held jointly responsible."

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PFP MP for Port Elizabeth Central, Mr John Malcomess, believed the Government resorted to the curbs because it was paranoid: "They think there is a communist or Marxist under every damn bush. Everybody not on their side is a communist.

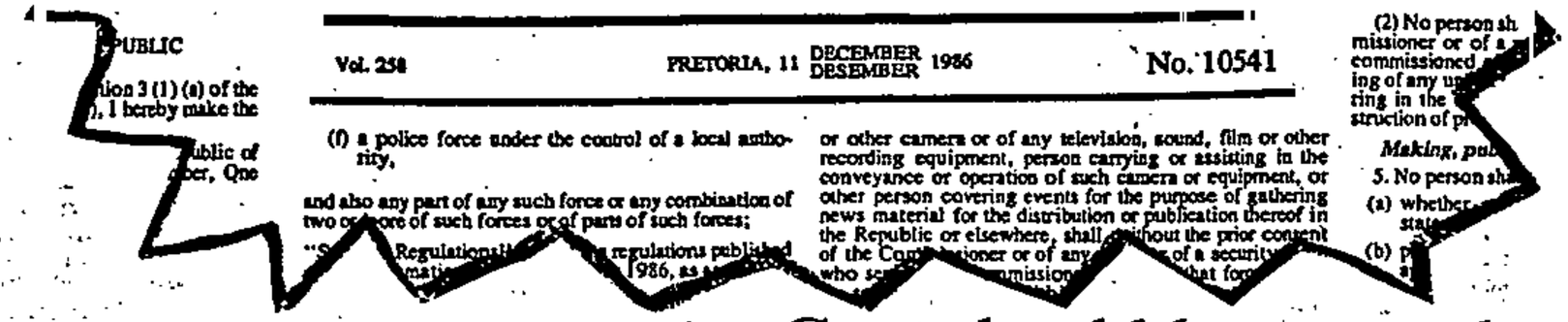
'Right denied'

"It makes me think of something that (Dr) Marius Barnard once said to me about a Cabinet Minister: 'He is not paranoid. Everybody *does* hate him'. I think one can say that about this Government."

Mr Savage said the ordinary citizen was now being denied information about important events.

"We're heading straight for a totalitarian regime.

Asked why he thought the Government had introduced the curbs, Mr Savage said: "I believe it is not prepared to negotiate reform with genuine leaders. It consequently has to impose its own constitutional mechanism on the people and because it has to impose it it increasingly gathers around it all the paraphernalia that government-by-imposition has always used — Press censorship and the creation of law and order forces of great size which tend to become a law unto themselves." — Sapa.



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Pretoria Bureau

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Herstigte Nasionale Party leader Mr Jaap Marais said: "The present situation in South Africa is due to the Government's failure to deal properly with the unrest situation and now they are using their own neglect as an excuse to clamp down on the Press."

They should have acted much earlier instead of allowing the situation to deteriorate to such an extent that these draconian measures were needed, he added.

Conservative Party MP for Jeppe, Mr Koos van der Merwe, said he supported the curbs as a means of stemming violence, adding that he believed Press coverage of events often led to more violence.

"However, had the Government acted earlier and with more determination — as the CP has urged them to — these measures would not be necessary."

The Government, he said, had no plan for the future.

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He said he had information that a senator who was a member of the Black Congressional Caucus was "having a tougher sanctions Bill" which he planned to introduce next year.

He said sanctions would precipitate violence. The only thing that would give South Africa a breathing space as far as sanctions were concerned was the emancipation of Nelson Mandela.

Township 'resistance' tactics will be hampered

By Jon Qwelane and Mudini Maivha

The definitions of "unrest" published in yesterday's Government Gazette will severely hamper "resistance" tactics in the townships.

The Government is acting to curb the activities of:

- **Street committees:** These were instituted by the United Democratic Front (UDF) in many townships across the country, particularly in the Eastern Cape and the Transvaal in areas where township councils had completely or partially collapsed.

Where these committees were highly visible were in townships like kwaNobuhle and Langa (Uitenhage), kwaZakhele and New Brighton as well as Zwide (Port Elizabeth), Duduza (Nigel), Kagiso and Munsieville (Krugersdorp), Alexandra and Soweto and wide areas of the Vaal Traingle.

They were set up as an alternative to the unpopular community councils, and were a form of "people's government".

- **Class boycotts:** Since June 1976 when Soweto pupils took to the streets in protest against Bantu education there has not been a single year when schooling in townships across the country has not been erratic.

Boycotts were used by pupil and student organisations to get the Department of Education and Training to agree to certain demands or redress certain "wrongs".

- **Peoples' courts:** These were an alternative to the "system's" justice and were active in many of the townships where the street committees functioned.

Because many street committee members were youths, they were used to "police" the townships and bring "transgressors" to the tribunals.

In Krugersdorp, Eastern Cape, East Rand townships and Alexandra the "courts" enjoyed a measure of popularity: in Krugersdorp residents usually said at meetings that the street committees and the people's courts had brought order back to the townships.

- **The politicisation of economic grievances:** As a strategy to force the Government into bargaining with black communities, many organisations had already made popular the tactic of refusing to pay certain dues or levies to the authorities.

For example, by August this year a rent boycott was affecting 54 townships in all four provinces and had already sapped an estimated R460 million from the embattled councils' coffers.

The Putco bus company has already lost hundreds of thousands of rands since a boycott of its buses was started last month.

Last year's highly successful consumer boycotts in many parts of the country were just being repeated this year, but today's Proclamation R 224 has outlawed all that.

- **Civil disobedience:** For some years now, open-air meetings, protest marches and numbers of people beyond an officially stated limit at certain gatherings have been banned.

Funerals of unrest victims have been used to circumvent the ban on open-air gatherings.

- **Work stayaways** have been a popular form of protest since 1976. Since then every year on June 16 there have been mass work stayaways in metropolitan areas, and unions have in recent years said that May 1 — May Day — must not only be observed annually but must also be a paid holiday.

All these forms of protest have now been made more difficult or outlawed.

IPI says it is appalled

LONDON — The International Press Institute said on Thursday it was appalled by new Press censorship regulations introduced in South Africa and warned they would reduce that country to a police state.

IPI director Mr Peter Galliner said in a message to President Botha:

"The International Press Institute representing leading journalists, editors and publishers throughout the world is appalled at the measures.

"These restrictions, which go significantly further than the severe Press curbs already in force under the state of emergency, will effectively reduce South Africa to a police state.

"They are an affront to human rights and a disgrace to the free world to which, with increasing implausibility, you claim South Africa belongs.

"The IPI strongly urges you to abandon these desperate measures before objectivity and truth disappear entirely from the pages of the South African Press." — Sapa-Associated Press.

STATE OF EMERGENCY

The toll after six months

Fears of a new security crackdown swept extra-parliamentary opposition groups this week, sending many leading figures underground. They were fuelled by government's apparent intention to tighten up the emergency regulations and to impose greater restrictions on newspaper coverage of political violence.

This week, as the *FM* went to press, a Cabinet committee under the chairmanship of Constitutional Development and Planning



Minister Vlok ... new face of law and order

Minister Chris Heunis (never a particularly good friend of the press) was told by representatives of the larger newspaper owners that they would not be party to a self-censorship agreement with government.

Newspaper Press Union (NPU) officials agreed to discuss coverage of the abnormal political and security situation in the country with the Media Council, an independent mediation body, but would go no further.

Deportation notices suddenly served on certain foreign nationals long resident here compounded fears of an impending clampdown. Affected are Wits University associate history professor Philip Bonner, a Briton who has close trade union ties; and Bonner's ex-wife, Chris, who is Transvaal branch secretary of the Chemical Workers' Industrial Union. Although an order was not served on her at the time of going to press, police reportedly confirmed this was their intention. *Los Angeles Times* correspondent Michael Parks this week became the latest foreign correspondent not to have his work permit renewed.

These developments coincide with six months of the State of Emergency today (Friday), and the installation last week of Adriaan Vlok as the new Minister of Law and Order to replace Louis le Grange.

Opposition spokesmen believe an end-of-year crackdown on radicals and a further muzzling of the press may set the scene for a new year in which the National Party will ditch reform, try to maintain its power in a white general or mini-election, and batten down the economic hatches for a long international siege.

Declining unrest

Talk of new restrictions comes at a time of steadily declining unrest figures, which seem to indicate that the emergency's immediate aim, to restore some semblance of law and order in the townships, has been achieved. But it is perhaps the realisation that the emergency has done little or nothing to solve the underlying causes of the unrest that has forced government to react more severely.

Most detentions are short-term (about three weeks) and it is estimated that about 7 000 people are in detention at any one time. But fears of a new crackdown on opposition groups, and a tightening of the emergency regulations, could push up the number of those in detention dramatically before Christmas.

From government's side, the numbers paint a different picture. Statistics from the Bureau for Information show a marked decline in incidents of unrest since June 12. Although the bureau declines to allow publication of the figures, unrest incidents for October — the last full month for which figures are available — are down 16% on September, and are only 12,8% of the total number of incidents since June 12.

The number of unrest-related deaths since the start of the emergency has also dropped. From June 12 to the end of October, there were 294 deaths, according to the bureau. In October, there were 21 (from June 12 to June 30 there were 93 deaths). In September there were 28 deaths.

The bureau says most deaths are still due to "black-on-black" violence. Out of the 294 deaths since the start of the emergency, 173 were black-on-black killings.

The *FM* has been edited to comply with the emergency regulations. Information may therefore be distorted, incomplete and misleading.

From June 12 until the end of October, the number of attacks on the security forces constituted just under 22% of the total number of unrest incidents.

Figures for October were the lowest since January last year. In May, there were 157 recorded deaths, and 161 in June. It is estimated that since the start of the current wave of unrest in October 1984, at least 2 200 people have died in unrest-related incidents. The bureau is currently working on an



Minister Heunis ... seeking a compliant press

analysis of November's figures, which were due to be published as the *FM* went to press.

Increase

It is understood that the November figures will show an increase in unrest incidents, due mainly to the Putco bus boycott on the Witwatersrand.

If this is so, it indicates the endemic nature of the unrest, which the emergency has been unable to resolve. The norm now is for township issues to be dealt with by force because of the absence of peaceful channels for satisfying political and community aspirations.

At a briefing in October, the bureau's director of research, Kobus Neethling, said that while the "revolutionary climate" had not abated and some areas of the country were still tense, the degree to which law and order had returned was "encouraging".

He tells the *FM* that the pattern is continuing. ■

CPT Times 12/12/86 327

Business reacts to press curbs: Range of opinion

Own Correspondent

JOHANNESBURG. — Business reaction yesterday to government's new media curbs swung from harsh criticism to apologetic support and flat no comments.

But capital markets and rand rates barely flinched.

Assocom said "prolonged censorship" would promote uncertainty and rumours in the market which may have a serious impact on business confidence and decision-making.

The harshest criticism came from Premier group chief executive Tony Bloom. He said he was "horrified and repulsed" by the restrictions and said they were the "death rattle of frightened men".

Asked if the private sector could effectively lobby government into lifting the curbs, Bloom replied: "Pretoria does not take the slightest notice of businessmen, whose opinions bounce off government like ping-pong balls."

'Maintain law and order'

The Afrikaanse Handelsinstituut said government "must maintain law and order. We accept the situation," said AHI president Christie Kuun.

Johannesburg Chamber of Commerce GM Marius de Jager believes "abnormal circumstances require abnormal actions", but stressed that the free flow of information was critical for rational business decision-making.

A media blackout of non-offical unrest news is likely to have a mixed effect on promoting SA as a tourist destination overseas.

SA Tourism Board executive director Spencer Thomas said : "Unrestrained foreign media reports had a disastrous effect on tourism levels two years ago.

"The first round of media clamps stabilized the situation immensely. The latest restrictions will undoubtedly be more anti-SA ammunition to some, but fewer unrest reports overseas will make marketing the country easier."

SAA said it was not in a position to comment.

The vice-president of the Association of Advertising Agencies, Len van Zyl, warned that the media risked losing advertising support if "government intervention makes the medium less effective".

Cape Times
12/12/86

'Grave concern for future of SA'

JOHANNESBURG. — Besides depriving the public of vital information the new press curbs would also deprive the public of the knowlege that they were being deprived, the SA Media Council chairman, Mr Justice L de V van Winsen, said yesterday.

He said in a statement: "This result is sought by preventing the media from drawing attention to the forced omission of certain news and views which omission would lull the public into a false and potentially fatal sense of complacency.

"Emergency regulations affecting the media and promulgated in today's Government Gazette Extraordinary give rise to grave concern for the future of our country.

"They constitute the most far-reaching constraints yet placed upon the free flow of news during the present crisis.

'Threat'

"The existing situation poses a serious threat to people of all races, a situation which must be taken into account by the media in their coverage of current events.

"As is stated in the preamble to the Media Council's constitution, the press, radio, and television services have as their prime function the duty to inform the public accurately and, where appropriate, to comment fairly on matters of public interest without fear or favour.

"Their task is to keep the public reliably and timeously informed on all aspects of the situation to the best of their ability. Ignorance serves only to make the public more vulnerable to threats to their security.

'Obliged'

"The Media Council has felt obliged to warn against the consequences of previous restrictions imposed by the government on the availability of informed news and comment. These latest regulations move even further in the same direction and will place the public at an even greater disadvantage.

"Failure to draw attention to the risk entailed in the new regulations and to appeal for reconsideration would be a dereliction of the public responsibility delegated by the Media Council's charter." — Sapa

APARTHEID BAROMETER

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EMERGENCY DETENTIONS

The current State of Emergency is six months old today. The names and numbers of all those detained under the Emergency regulations has not been released by the government.

DETENTION OF CHILDREN

There are 256 children of 15 years old or under in detention, General JP Coetzee, Commissioner of Police, said in a statement earlier this week. He said there was one 11-year-old, six aged 12, 21 aged 13, 88 aged 14 and 140 aged 15.

The Children's Act defines children as those under the age of 18. Coetzee did not release the numbers of those between 15 and 18 years old. According to the Black Sash, between 1 300 and 1 800 children under the age of 18 are currently in detention.

The Detainees' Parents Support Committee says that at the end of last month, 4 000 children under the age of 18 were either being held in detention or were missing. The DPSC estimates that about 8 800 children have been detained since the Emergency was declared.

According to the DPSC, an analysis of 415 known child detainees being held in Johannesburg on November 3 showed that 15 percent of the child detainees were under the age of 15, 42 percent were 15 or 16 years old, and 43 percent were 17 years old.

The DPSC said that by November 3, 42 children had been reported missing in the Johannesburg area, the youngest of whom was seven years old. According to the DPSC, the proportion of children among those detained is consistently high, sometimes reaching 75 percent.

TOWNSHIP UNREST SURVEY

A recent survey of black township residents, conducted by the Women for Peace, reached the following conclusions: the presence of the SA Defence Force in the townships was seen as the major cause of the continuing "unrest" and the army presence in the schools was most bitterly resented; 70 percent of those surveyed wanted the ANC unbanned and every respondent wanted ANC leader, Nelson Mandela, to be released; the government was widely held responsible for the current crisis in black education; the government was held directly responsible for the continuing "unrest" in the townships; there was deep resentment about black exclusion from government and current reform was regarded as meaningless because it did not address the issue of political representation; the rent boycotts were widely supported as part of a struggle for basic human rights and the "comrades" had widespread support, although their methods were not always supported. Three hundred and twelve residents of Soweto, Alexandra and Daveyton were questioned for the survey.

STRIKES

According to the director-general of manpower, Dr PJ van der Merwe, 858 000 working days were lost because of strikes between January and September this year — an increase of over 30 percent for the same period last year, when 649 000 "man-days" were lost. He said that in the first nine months of this year, 237 000 workers were involved in strike action — 8 000 more than in the same period last year.

BRAIN DRAIN

According to the Central Statistical Services, between January and September this year 10 767 people emigrated and 5 335 people immigrated, a net loss of 5 412. In the same period last year, there were 8 380 emigrants and 14 276 immigrants, a net gain of 5 896. In September 1986, 1 024 people emigrated and 547 immigrated. In September 1985, 731 people emigrated and 1 005 immigrated. In the whole of 1984, 28 793 people immigrated and in 1985 the number fell to 17 284. In 1984, 8 550 people emigrated; the number increased to 11 401 last year.

Of the 1 024 emigrants in the first three quarters of this year, 424 settled in Britain, 324 in Australia, 44 in Zimbabwe, 44 in the United States, 38 in New Zealand, 32 in Canada and 29 in West Germany. Of the 1 797 professional and technical workers who emigrated, 366 were engineers (349 last year), 224 accountants (96), 221 educationists (96), 76 medical doctors and dentists (49), and 910 others (603).

LIQUIDATIONS AND INSOLVENCIES

Between July and September this year, the number of insolvencies rose by 26,2 percent compared with the same period last year, while the number of liquidations of companies fell by 3,2 percent, according to figures released by the Central Statistical Services.

In the third quarter of this year there were 1 203 insolvencies compared with 953 last year. In the same period, 692 companies were placed in final liquidation compared with 715 last year. In the first nine months of 1986, a total of 2 124 companies were placed in final liquidation and there were 3 259 liquidations. In the whole of last year there were 3 061 liquidations and 3 221 insolvencies. In 1984 there were 1 637 insolvencies.

PRISONER OF CONSCIENCE

HENRY FAZZIE, 62, Port Elizabeth Black Civic Organisation president and United Democratic Front Eastern Cape vice president, was detained under the Emergency regulations on August 8 and is still being held.

Fazzie first became politically active in the ANC in the early 1950s and later became an active South African Congress of Trade Unions member. After the banning of the ANC, he joined Umkhonto we Sizwe. He was captured and detained in 1962 and was sentenced to 21 years imprisonment on Robben Island. He was released in 1983 and became active in Pebco. In 1984 he was elected to the Pebco executive and in 1985 was elected Pebco president following the disappearance of Pebco leaders Qaqawuli Godolose, Sipho Hashe and Champion Galela. In April last year he was elected UDF Eastern Cape vice president.

Fazzie was detained for three months during the State of Emergency last year and was later served with a five year restriction order. There have also been several attempts on his life over the last two years. When the Emergency was declared on June 12 he went into "hiding" but was detained after being stopped at a road block.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

Banned for distribution and importation:

Political Economy — a condensed course (L Leontyev); Socialist Education and Development: A challenge to Zimbabwe (Fay Chung and Emmanuyal Ngara); Justice Vol XVI No 2 Dec 1984 (United Nations Department of Public Information); Bunny Girl Vol 3 No 6 (Republican Press, Mobeni); Reclining Nude (Claudia Riess), Gek Nr 35 (Sonskyn Uitgewers EDMs Bpk, Jeppe, Johannesburg); Golden Serie Sexy Music, 20 cassette holder portraying nude breasted girl (not stated); Wind-up jolly pecker (Hong Kong); Socialist Worker no 1008 11 October 1986 (Larkham Printers and Publishers, London); Jake Logan no 41 Slocom's Debt (Jake Logan); The Scout no 18 Redskin Thrust (Buck Gentry); Black History and the Class Struggle (Sparticist Publishing Co New York).

Banned for possession:

Umsebenzi — Voice of the SA Communist Party Vol 2 1985 (Not stated); Torture is part of the System (African National Congress, London); Sweets (JJ Savage).

Unbanned:

The Communist Manifesto (Karl Marx); Imperialism the Highest Stage of Capitalism (VI Lenin); Gazelle Vol 2 No 2 (Viclen Publications, Turfontein); My Spirit is Not Banned (Zimbabwe Publishing House, Zimbabwe); Where Sixpence Lives (Norma Kitson); Transsexual Phenomen (Harry Benjamin, MD); The Revolutionary Potential of the Working Class (Ernest Mandel and George Novack); Namibia's Stolen Wealth (Gail Hovey).

 Argus 12/12/86 (327)

West condemns SA's new censorship laws

The Argus Correspondent

JOHANNESBURG. — The West has condemned the Government's new censorship laws, while in South Africa the United Democratic Front has vowed to challenge the restrictions in the Supreme Court and the Association of Chambers of Commerce has expressed "deep concern" about the clamps.

International condemnation was headed by the United States and Britain.

A US State Department spokesman rejected the claim that the actions against the media were necessary.

In Britain, a Foreign Office spokesman said the news blackout was "entirely contrary to the Western values that the South African Government claims to espouse".

In Johannesburg, the chairman of the Premier Group, Mr Tony Bloom, said he was "appalled and disgusted" by the latest curbs on the media and expanded emergency regulations.

"The Government has consistently been telling us through their information service that things are much better in the townships and violence is decreasing.

"If that is so, why the need for further media clamps? It looks to me as though someone is lying."

"Frightened men"

He said the introduction of more media curbs seemed to him "like the death rattle of frightened men."

The UDF said it would challenge the regulations in court.

Mr Fink Haysom, a member the Centre for Applied Legal Studies at the University of the Witwatersrand, said he believed the new restrictions could be tested in court.

Mr Harold Groom, president of the Association of Chambers of Commerce, said: "Assocom fears that a prolonged censorship on what is happening in South Africa will promote uncertainty and rumours, which could have a serious negative impact on business confidence and decision-making."

The Foreign Correspondents Association said the Government had established one of the severest systems of censorship in the world and this was profoundly inconsistent with its declared goal of democracy.

The association, representing more than 100 foreign correspondents working in South Africa, said the curbs stifled the possibility of genuine national debate for a peaceful solution.

"The Government's action has made it impossible to report fully and fairly on a social conflict of great significance, which has engaged the attention of the world for the past two years."

The president of Assocom, Mr Harold Groom, warned of the possible serious effects on business confidence.

He said: "Organised commerce is deeply concerned that the authorities have found it necessary to impose further serious restrictions on the flow of information to the public and to the business community."

The opposition Solidarity Party in the House of Delegates said the curbs brought South Africa closer to being a dictatorship.

Home affairs spokesman Mr Mamoo Rajab said: "The already severely restricted Press in South Africa and the heavily tarnished concept of the freedom of the Press has been dealt a grave death-blow. This takes South Africa closer to a dictatorship.

"We have been told that it has been formulated in the name of democracy, yet it severely limits the exercise of the basic right of freedom of expression and other human liberties found in a democracy."

● The Progressive Federal Party is to convene a meeting of its federal executive early next week to re-evaluate its role and strategy in South African politics.

CAPE TIMES 12/12/86 327

Festival ban; court appeal?

By MARIANNE THAMM and ANDREW DONALDSON

ORGANIZERS of the "Towards A Peoples' Culture" arts festival are considering legal action after the entire two-week event was banned.

The Divisional Commissioner of Police for the Western Cape, Major-General C A Swart, banned the festival yesterday.

He issued two orders, one banning the festival and the other the national conference of the End Conscription Campaign.

'Thousands spent'

Thousands of rands have been spent on the festival which was to have taken place at various centres in the Western Cape from tonight to December 22.

Venues for music (featuring 18 bands), drama (at least 26 plays), workshops, exhibitions and displays have already been booked and artists from all over the country are already in Cape Town.

"We spoke to our lawyers earlier this week and were advised to notify the commissioner of the festival. We sent him a programme and he in turn requested the names of all the people on the committee. The names were supplied and no further contact was made," a spokesman said.

He said the committee had consulted lawyers after the announcement of the ban yesterday and were now considering legal action.

Several posters advertising music and other cultural activities were removed from committee offices on Wednesday night.

The orders were issued in terms of the emergency regulations. They are valid until December 22.

Former Juluka star, Johnny Clegg, who had expressed a wish to become involved in the festival, reacted with dismay and astonishment at the news of its banning.

'Solidarity'

Clegg and his band, Savuka, arrived in Cape Town yesterday for a month-long series of concerts over the festive season.

On behalf of Savuka, Clegg expressed his solidarity with those affected by the ban which he said left those in culture and the arts voiceless.

"I feel very strongly about the damage this is causing. All the other effective means of expression are being denied us. If musicians, artists and dancers were a threat to the state, then we are truly in the ultimate crisis," Clegg said.

Clegg and Savuka will be appearing at Claridges Hotel, in Green Point, tonight and tomorrow night. On Monday, they begin a season at the Baxter.

12/12/86

Full text of new

THE following is the text of the Proclamation issued in Government Gazette No 4027 yesterday:

Definitions and interpretation

1 (1)unless the context otherwise indicates

"Commissioner" means the Commissioner of the SA Police, and for the purposes of the application of a provision of these regulations in or in respect of

(a) a division as defined in Section 1 of the Police Act, 1958 (Act 7 of 1958), the said Commissioner or the Divisional Commissioner designated under that Act for that division: or

(b) a self-governing territory, the said Commissioner or the Commissioner or other officer in charge of the police force of the government of that self-governing territory:

"Film recording" means any substance, film, magnetic tape or any other material on which the visual images (with or without any associated sound track) of a film as defined in Section 47 of the Publications Act, 1974 (act 42 of 1974), are recorded:

"Firm" includes a public undertaking;

"Gathering" means any gathering, concourse or procession of any number of persons;

"Local authority" means — (a) any institution or body contemplated in Section 84 (1) (f) of the Provincial Government Act, 1961 (Act 32 of 1961); (b) a local authority as defined in Section 1 of the Black Local Authorities Act, 1982 (Act 102 of 1982); (c) a regional services council established under the Regional Services Councils Act, 1985 (Act 109 of 1985); or (d) a local government body established or deemed to be established under Section 30 of the Black Administration Act, 1927 (Act 38 of 1927);

"Minister" means the Minister of Home Affairs;

"Periodical" means a publication issued either at regular or irregular intervals;

"Publication" means any newspaper, book magazine, pamphlet, brochure, poster, hand-bill or part thereof or addendum thereto;

"Public place" includes:

(a) any premises occupied by the state, a local authority or an educational institution or the controlling body of an educational institution;

(b) any premises or place to which members of the public ordinarily or at specific times have access, irrespective of whether or not the right of admission to such premises or place is reserved and whether or not payment for such admission is required; "publish", in relation to a publication, television record unit, film recording or sound recording, means any means whereby the publication or the television, film or sound recording:

(a) is sold or leased, or is provided or made available free of charge, to a member of the public or is offered for sale, for hire or free of charge to such a member,

(b) is sent through the post to a member of the public irrespective of whether or not that member has subscribed thereto, or,

(c) is taken personally or is sent by post or courier out of the Republic or is transmitted or sent from the Republic by whatever means of telecommunication, and further includes, in relation to:

(i) a publication, any act whereby such publication is posted up, exhibited, handed out or scattered about or in a public place or is displayed in such a way as to be visible from a public place,

(ii) a television or sound recording, any act whereby the television or sound recording:

(aa) is shown or played at or in a public place or is shown or played in such a way as to be visible or audible from a public place, or

(bb) is broadcast in a way which enables a member of the public to receive it by means of a radio or television set,

"Security force" means

(a) the SA Police referred to in the definition of "The Force" in Section 1 of The Police Act, 1958 (Act 7 of 1958);

(b) any part of the said SA Police of which the control, organization and administration have been transferred to the government of a self-governing territory;

(c) any police force established by or under a law of a self-governing territory;

(d) the SA Defence Force referred to in Section 5 of the Defence Act 1957 (Act 44 of 1957);

(e) the Prisons Service established by Section 2 of the Prisons Act, 1959 (Act 8 of 1959); or

(f) a police force under the control of a local authority.

And also any part of any such force or any combination of two or more of such forces or of parts of such forces;

"Security Regulations" means the regulations published by proclamation R 109 of 12 June 1986, as amended;

"Self-governing territory" means a territory declared under Section 26 of the National States Constitution Act 1971 (Act 21 of 1971), to be a self-governing territory within the Republic;

"Sound recording" means any disc, cassette, tape, perforated roll or other device in or on which sounds are embodied so as to be capable of being reproduced therefrom;

(iii) a film recording, any act whereby a film recording is shown at or in a public place or is shown in such a way as to be visible from a public place;

"Restricted gathering" means any gathering in respect of which a condition has been determined under Section 46 (1) (ii) of the Internal Security Act, 1982 (Act 74 of 1982), or in respect of which a condition, prohibition or requirement has been imposed or is of force under regulation 7 (1) (bB) of the Security Regulations,

"Security action" means any action by a security force or a member of a security force which to a reasonable bystander would appear to be any of the following actions, namely:

(a) any action to terminate any unrest,

(b) any action to protect life or property in consequence of any unrest,

(c) any follow-up action after any unrest has been terminated or has ended,

(d) any action taken under regulation 2 of the Security Regulations, or,

(e) any action whereby a person is arrested:

(i) on a charge for an offence under these regulations or any other regulations made under the Public Safety Act, 1953,

(ii) on a charge for an offence mentioned in the definition of "unrest" or committed in the course of any unrest or of any incident arising from unrest or connected therewith, or

(iii) under regulations 3 (1) of the Security Regulations,

"Security force" means — (a) the SA Police referred to in the definition of "The Force" in Section 1 of the Police Act, 1958 (Act 7 of 1958);

(b) any part of the said SA Police of which the control, organization and administration have been transferred to the government of a self-governing territory;

(c) any police force established by or under a law of a self-governing territory;

(d) the SA Defence Force referred to in Section 5 of the Defence Act, 1957 (Act 44 of 1957);

(e) the Prisons Service established by Section 2 of the Prisons Act, 1959 (Act 8 of 1959); or

(f) a police force under the control of a local authority,

And also any part of any such force or any combination of two or more of such forces or of parts of such forces;

"Security Regulations" means the regulations published by Proclamation R 109 of 12 June 1986, as amended;

"Self-governing territory" means a territory declared under Section 26 of the National States Constitution Act, 1971 (Act 21 of 1971), to be a self-governing territory within the Republic;

"Sound recording" means any disc, cassette, tape, perforated roll or other device in or on which sounds are embodied so as to be capable of being reproduced therfrom;

"Subversive statement" means a statement:

(a) in which members of the public are incited or encouraged or which is calculated to have the effect of inciting or encouraging members of the public:

(i) to take part in any activity or to commit any act mentioned in paragraph (a), (b), or (c) of the definition of "unrest",

(ii) to resist or oppose any member of the Cabinet or a Ministers' Council or any other member of the Goverment or any official of the Republic or any member of the Cabinet of a self-governing territory or any official of a self-governing territory or any member of a security force in the exercise or performance by any such member or official of a power or function in terms of a provision of a regulation made under the Public Safety Act, 1953, or of a law regulating the safety of the public or the maintenanne of public order,

(iii) to take part in a boycott action,

(aa) against any particular firm or against firms of any particular nature, class or kind, either by not making any purchases at or doing other business with or making use of services rendered by that particular firm or any firms of that particular nature, class or kind or by making purchases only at or doing other business only with or making use only of services rendered by firms other than that particular firm or other than firms of that particular nature, class or kind,

(bb) against any particular product or article or against products or articles of any particular nature, class or kind, by not purchasing that particular product or article or any products or articles of that particular nature, class or kind, or,

(cc) against any particular educational institution or against educational institutions of any particular nature, class or kind, by refusing to attend classes or to participate in other activities at that particular institution or at any institutions of that particular nature, class or kind.

(iv) to take part in an act of civil disobedience:

(aa) by refusing to comply with a provision of, or requirement under, any law or by contravening any such provision or requirement, or

(bb) by refusing to comply with an obligation towards a local authority in respect of rent or a municipal service,

(v) to stay away from work or to strike otherwise than in accordance with the provisions of the Labour Relations Act, 1956 (Act 28 of 1956), or any other appropriate law regulating labour relations or to support any such stayaway action or strike,

(vi) to attend or to take part in any restricted gathering;

(vii) to exert power and authority in specific areas by way of structures purporting to be structures of local government and acting as such in an unlawful manner, or to establish such structures, or to support such structures, or to subject themselves to the authority of such structures, or to make payments due to local authorities to such structures;

(viii) to prosecute, to try or to punish persons by way of unlawful structures, procedures or methods purporting to be judicial structures, procedures or methods, or to support such structures, procedures or methods, or to subject themselves to the authority of such structures, procedures or mehtods; or

(ix) to commit any other act or omission identified by the Commissioner by notice in the Gazette as an act or omission which has the effect of threatening the safety of the public or the maintenance of public order or of delaying the termination of the state of emergency; or

(b) by which the system of compulsory military service is discredited or undermined.

"Television recording" means any cassette, tape or other device in or on which visual images (with or without an associated sound track) are embodied in such a way so as to be capable of being reproduced on a television set and; in so far as a film recording is capable of being used for television broadcasts, also a film recording.

"Unrest" means any activity or conduct which to a reasonable bystander would appear to be any one or more of the following activities or forms of conduct, namely:

(a) any gathering in contravention of an order under regulation 7 of the Security Regulations or of a provision of any other law or of any prohibition, direction or other requirement under any such provision;

(b) any physical attack on a security force or on a member of a security force or on a member of a local authority or on the house or family of a member of a security force or local authority by a group of persons; or

(c) any conduct which constitutes riot, public violence or a contravention of Section 1 (1) (a) of the Intimidation Act 1982 (Act 72 of 1982).

(2) A provision of these regulations which does not already by itself limit the application, effect or scope thereof to matters connected with the purposes referred to in Section 3 (1) (a) of the Act, shall, notwithstanding the fact that the words of that provision may literally have a wider meaning, be construed in such a manner as to limit the application, effect or scope thereof to the said matters.

Presence of journalists

Etc, at unrest or security actions

2 (1) Subject to subregulation (2) no journalist, news reporter, news commentator, news correspondent, newspaper or magazine photographer, operator of any television or other camera or of any television, sound, film or other recording equipment, person carrying or assisting in the conveyance or operation of such camera or equipment, or other person covering events for the purpose of gathering news material for the distribution or publication thereof in the Republic or elsewhere, shall, without the prior consent of the Commissioner or of any member of a security force who serves as a commissioned officer in that force, be on the scene, or at a place within sight, of any unrest, restricted gathering or security action.

(2) The provisions of subregulation (1)

(a) shall not apply to any person mentioned therein who

(i) at the commencement of any unrest, restricted gathering or security action happens to be on the scene, or at a place within sight, of that unrest, gathering or action; or

(ii) after the commencement of any unrest, restricted gathering or security action happens to arrive on the scene, or at a place within sight of that unrest, gathering or action for a reason other than to cover that unrest, gathering or action for the gathering of news material,

Provided such a person immediately leave the scene of that unrest, gathering or action or removes himself within such time as is reasonably required under the circumstances to a place where that unrest, gathering or action is out of his sight;

(b) shall not prevent a person mentioned therein from being in his residence or on the premises where he ordinarily works or on his way to or from his residence or any such premises.

3 (1) Subject to subregulation (4) no person shall publish or cause to be published any publication, television recording, film recording or sound recording containing news or com-

curbs on press

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ment or in connection with

(a) any security action;

(b) any deployment of a security force, or of vehicles, armaments, equipment or other appliances, which to a reasonable bystander would appear to be for the purposes of security action;

(c) any restricted gathering, in so far as such news or comment discloses at any time before the gathering takes place the time, date, place and purpose of such gathering, or gives an account of any speech, statement or remark of any speaker who performed at the gathering in contravention of a condition, prohibition or requirement determined or imposed under a law mentioned in the definition of "restricted gathering";

(d) any action or boycott by members of the public which is an action or boycott referred to in paragraph (a) (iii), (iv), or (v) of the definition of "subversive statement" in so far as such news or comment discloses particulars of the extent to which such action or boycott is successful or of the manner in which members of the public are intimidated, incited or encouraged to take part in or to support such action or boycott or gives an account of any incidents in connection with such intimidation, incitement or encouragement;

(e) any structures referred to in paragraph (a) (vii) or (viii) of the definition of "subversive statement", in so far as such news or comment discloses particulars of the manner in which members of the public are intimidated, incited or encouraged to support such structures or to subject themselves to the authority of such structures;

(f) any speech, statement or remark of a person in respect of whom steps under a provision of Chapter 3 of the Internal Security Act, 1982, or a condition under regulation 3 (6) of the Security Regulations are in force, in so far as any such speech, statement or remark has the effect or is calculated to have the effect of threatening the safety of the public or the maintenance of the public order or of delaying the termination of the state of emergency;

(g) the circumstances of, or treatment in, detention of a person who is or was detained under regulation 3 of the Security Regulations: or

(h) the release of a person who is detained under the said regulation 3.

(2) Subject to subregulation (4) no person shall broadcast any news or comment on or in connection with a matter specified in subregulation (1) live on any television or radio service.

(3) No person shall publish any publication in which any blank space or any obliteration or deletion of part of the rest of a report or of a photograph or part of a photograph appears if that blank space, obliteration or deletion, as may appear from an express statement or a sign or symbol in that publication or from the particular context in which that blank space, obliteration or deletion appears, is intended to be understood as a reference to the effect of these regulations.

(4) The provisions of this regulation shall not prevent:

(a) any person from publishing a publication or a television, film or sound recording containing news or comment on or in connection with any matter specified in subregulation (1) in so far as particulars of any such matter:

(i) are disclosed, announced or released, or authorized for publication, by a member of the Cabinet or of a Ministers' Council, a Deputy Minister or a spokesman of the Government,

(ii) appear from debates, documents or proceedings of Parliament or the President's Council, or

(iii) appear from judicial proceedings, excluding proceedings in which evidence was submitted or given either by way of affidavit of —viva voce— relating to the circumstances or manner of arrest or the circumstances of, or the treatment in, detention of a person who is or was detained under regulation 3 of the Security Regulations and in which the court concerned has not yet given a final judgment, or

(b) a — bona fide —library from lending to a member of the public in the normal course of its activities any publication containing news or comment on or in connection with any such matter.

(5) The Minister may make rules prescribing the procedure by which and the authority or person through whom any authorization referred to in subregulation (4) (a) (i) may be obtained.

Taking of photographs, etc, of unrest or security actions.

4 (1) No person shall without the prior consent of the Commissioner or of a member of a security force serving as a commissioned officer in that force take any photograph or make or produce any television record, film recording, drawing or other depiction

(a) of any unrest of security action or of any incident occurring in the course thereof, including the damaging or destruction of property or the injuring or killing of persons, or

(b) of any damaged or destroyed property or injured or dead persons or other visible signs of violence on the scene where unrest or security action is taking or has taken place or of any injuries, sustained by any person in or during unrest or security action.

(2) No person shall without the prior consent of the Commissioner or of a member of a security force serving as a commissioned officer in that force make any sound recording of any unrest or security action or of any incident occurring in the course thereof, including the damaging or destruction of property or the injuring or killing of persons.

Subversive statements

Making, publishing, etc.

5) No person shall

(a) whether orally or in writing make any subversive statement or cause such a statement to be made,

(b) produce a publication in which a subversive statement appears or cause such a publication to be produced,

(c) produce a television, film or sound recording in which a subversive statement is recorded or cause such a television, film or sound recording to be produced, or

(d) publish or import into the Republic a publication or a television, film or sound recording containing a subversive statement or cause such a publication or such a television, film or sound recording to be published or imported into the Republic.

Seizure

Of certain publications or recordings.

6 (1) If a publication or a television, film or sound recording is produced, published or imported into the Republic in contravention of a provision of regulation 5 (b), (c) or (d) or 3 (1) the Minister or the Commissioner may, without prior notice to any person and without hearing any person, issue an order under his hand ordering the seizure of that publication or television, film or sound recording.

(2) An order under subregulation (1), shall, unless otherwise specified in the order, be carried out in respect of all copies or reproductions of the publication or television, film or sound recording which have been so produced, published or imported into the Republic in contravention of the said provision.

(3) An order under subregulation (1) shall be carried out by a member of a security force in possession of a document being or purporting to be such an order or a copy or reproduction thereof, and any such member may for the purposes of such seizure:

(a) enter any vehicle or premises in or on which the publication or recording, or copy or reproduction thereof, to which the order relates, is or is suspected to be found, and

(b) in or on that vehicle or those premises do all such things as are reasonably necessary to carry out the order.

(4) A document referred to in subregulation (3) shall be produced to a person affected thereby at his request.

(5) A publication or recording of any copies or reproductions thereof which have been seized under this regulation shall be dealt with in accordance with the direction issued by the Minister generally or with reference to a particular case.

(6) The provisions of the regulation may be applied irrespective of whether any person is prosecuted in consequence of the production, publication or importation or a publication or a television, film or sound recording in contravention of a provision referred to in subregulation (1)

Prohibition of production, importation or publication of certain periodicals.

7 (1) If the Minister deems it necessary in the interest of the safety of the public, the maintenance of public order or the termination of the state of emergency, he may, subject to subregulation (2) issue an order by notice in the Gazette prohibiting for such period as may be specified in the order, but not exceeding three months at a time, the production, importation into the Republic or publication of all issues of a periodical likewise specified.

(2) No order under subregulation (1) shall be issued in respect of any particular periodical unless

(a) an issue of that periodical was produced, imported into the Republic or published in contravention of a provision of regulation 5 (b) or (d) or 3 (1) and

(b) the Minister has by notice in the Gazette requested all persons concerned in the production, importation or publication of that periodical to ensure that no further issue of that periodial is produced, imported or published in contravention of any such provisions; and

(c) a further issue of that periodical was produced, imported or published in contravention of any such provision after the publication of the notice referred to in paragraph (b); and

(d) the Minister, after a further issue referred to in paragraph (c) has been so produced, imported or published in contravention of any such provision —

i) has given notice in writing to the publisher or importer of that periodical of the fact that action under subregulation (1) is to be considered, stating the grounds of the proposed action; and

(ii) has given that publisher or importer an opportunity to submit to him in writing, within a period of two weeks, representations in connection with the proposed action.

(3) The provision of subregulations (1) and (2) may be applied irrespective of whether an issue referred to in paragraph (a) or (c) of the said subregulation (2) has been seized under regulation and irrespective of whether any person is prosecuted in consequence of the production, importation or publication of any such issue.

(4) The provisions of regulation 6 shall mutatis mutandis apply in respect of an issue of periodical which is produced, imported or published in contravention of an order under subregulation (1) of this regulation.

(5) Compliance with an order issued under subregulation (1) shall not affect the continuation of the registration (if any) of the periodical concerned as a newspaper in terms of the Newspaper and Imprint Registration Act, 1971 (Act 63 of 1971).

(6) If the Minister is convinced that any periodcal, whether or not under anther name, is a continuation of or substitution for any periodical the production, importation into the Republic or publication of which has been prohibited under subregulation (1), he may, without prior notice to any person and without hearing any person, issue an order by notice in the Gazette prohibiting the production, importation or publication of all issues of the former periodical for such period as may be specified in the order, but not exceeding a period equal to the remaining portion of the period for which the latter periodical was probibited.

Offences and penalties

8 Any person who

(a) contravenes a provision of regulation 2(1), 3(1), (2), or (3), 4(1) or (2) or 5 or an order under regulation 7 (1) or (6); or

(b) hinders or obstructs a member of security force in performing his function in terms of regulation 6 (3),

Shall be guilty of an offence and on conviction be liable to a fine not exceeding R20 000 or imprisonment for a period not exceeding 10 years or to that imprisonment without the option of a fine.

Direction of Attorney-General

9 No prosecution for an offence under these regulations shall be instituted except by the express direction of the Attorney-General having jurisdiction in respect of the prosecution.

Amendment of Security Regulations

(10) The Security Regulations are hereby amended

(a) by the deletion in regulation 1 of the definitions of "subversive statement", "publication" and "statement"; and

(b) by the deletion of paragraph (c) or subregulations (1) of regulation 7 and of regulations 9, 10, 11 and 12.

Sapa

Atlantis meeting banned

Argus 12/12/86 (32)

Staff Reporter

AN unemployed workers' meeting organised by the Atlantis Residents Association, which was to have taken place on Sunday, has been banned.

The Divisional Commissioner of Police for the Boland, Brigadier Philippus Fourie, banned the meeting in terms of emergency regulations.

In terms of the order no meeting whatsoever of the Atlantis Residents Association may take place in the magisterial district of Malmesbury on Sunday.

Restrictions draw widespread criticism

Press curbs face court challenge

12/12/86
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BUSDAY

DOMINIQUE GILBERT

YESTERDAY's surge of opposition to government's information blackout has led to indications from several fronts the new regulations will be challenged in the courts.

The UDF said it would go to the Supreme Court to challenge the validity of the media gags, while the PFP last night sought legal advice and said it would use any means possible to fight the regulations in a bid to restore Press freedom.

The British government deplored the restrictions. Opinion there was that SA had ceased to be a member of the free world.

In Washington, the Reagan administration voiced regret over the curbs and rejected Pretoria's claim that the steps were necessary.

A US official said: "We regret all restrictions on freedom of the Press. We've raised the matter with the SA government and will continue to do so."

Various SA unionists, journalist organisations, newspaper group chiefs and human rights lawyers said the regulations were being considered in terms of possible legal action.

Widespread condemnation was voiced on what was described by lawyers as a gross violation of and inroad into the reporting of court proceedings.

'DEATH OF FREEDOM'

THE revised Emergency Regulations tolled not only the death knell for Press freedom in SA, they reached out far beyond the Press, PFP leader Colin Eglin said yesterday.

His view was echoed by lawyers, journalists, unionists and politicians countrywide.

They said that the heart of the parliamentary system had been struck at and that the fundamental right to be informed had been eroded.

● Comment and interpretation — Page 4; details and reaction: Page 5

They said it was a fundamental requirement of justice.

Judge Presidents contacted yesterday declined to comment, some saying the issue was too sensitive and was likely to come before the courts anyway.

Local businessmen reacted by ex-

● To Page 2

Curbs face challenge

● From Page 1

pressing "horror and repulsion", apologetic support or a flat "no comment".

Capital markets and rand rates barely flinched, while dealers said the new curbs were likely to affect overseas investor sentiment, rather than local investor sentiment.

A Witwatersrand Lawyers for Human Rights spokesman said many lawyers held the view the regulations went farther than was warranted by the Public Safety Act.

He said: "However, no matter what final decision is made by the courts, whatever remains of these regulations will impose a sombre inhibition on the freedom of speech as a fundamental human right."

The regulations were "the most appalling step in the direction of totalitarianism that could have been made".

PFP leader Colin Eglin said the clamps demonstrated "beyond all doubt the political bancruptcy" of the Botha government.

He echoed lawyers' sentiments that the implications of the new restrictions went far beyond the death of Press freedom in SA.

Government, through its latest action, had taken SA across the threshold which separated democracy from dictatorship, and made a farce of the concept of free and fair elections.

Eglin said: "The denial of freedom of speech to the public, the control of the news, the awesome powers given to officials, and special privileges given to Cabinet Ministers, members of the Minister's Council, deputy Ministers and other government spokesmen, are monstrous and strike at the heart of the parliamentary system."

However, the PFP did not intend to be "coerced into silence" by regulations.

Eglin said: "Just as the NP claims it has a responsibility as the government, so we have a responsibility as the official opposition. We take the mandate given to us by the voters seriously."

Lawyers for Human Rights' national chairman Jules Browde said: "Regulations relating to the courts are another invitation, I regret to say, to people in authority — police and persons in control of prisoners and detainees — to do with them what they will."

The regulations appeared to be designed to prefer confrontation, rather than peaceful negotiations.

Browde said: "I can only hope government will see it this way or government should be changed as soon as possible to save this country."

Other lawyers said the regulations — the "most radical forms of media control ever known in SA" — appeared also to be an attempt to stifle all extra-parliamentary opposition.

The UDF said: "It is clear the Nationalist government has not only lost control, but has gone completely mad."

It was now no different from dictatorial regimes elsewhere.

It said: "The UDF has already warned that government is preparing itself for the total elimination of all democratic forces. The regime will try to achieve this by extending its reign of terror and prevent reporting on it.

"The UDF fears any possibilty of a relatively non-violent negotiated transition to democracy will now disappear permanently."

Reporter denies SAP claims

WEEKLY MAIL 327 12/12/86

A JOURNALIST who is contesting restrictions imposed on him in terms of the Emergency regulations yesterday filed an affidavit with the Grahamstown Supreme Court denying police claims that he "abused his privileges as a reporter by furthering the aims of the United Democratic Front".

Mike Loewe, 27, was restricted from publishing or disseminating any information on his release from nearly three months detention on September 5.

In a replying affidavit, Loewe denied he had been forced to resign from the Post for submitting reports biased in favour of these organisations.

He said he had "always followed the ethics of journalism" and had never actively promoted the UDF. Loewe denied he had been a member of GCD and said his involvement with the ECC had been "minor".

Loewe also denied Beeton's claims that his Vukani news agency had been used to distribute pamphlets aimed at propagating "radical organisations" or that Loewe had employed "radical members of Peyco" as trainee-journalists.

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Should you intend discussing any of the following topics:

- Security force action
- Boycotts
- The treatment of detainees
- The release of any detainee
- 'People's courts'
- Street committees

Simply phone these numbers to ask for permission:

PW BOTHA (State President)	(021) 45-2225
PIK BOTHA (Minister of Foreign Affairs)	(012) 28-6912
CHRIS HEUNIS (Minister of Constitutional Affairs and Planning)	(021) 45-7295
MAGNUS MALAN (Minister of Defence)	(012) 26-6718
ADRIAAN VLOK (Minister of Law and Order)	(012) 323-8880
KOBIE COETSEE (Minister of Justice)	(012) 323-8581
STOFFEL BOTHA (Minister of Internal Affairs and Communications)	(012) 26-8081
GERRIT VILJOEN (Minister of Development Aid and Education)	(012) 28-5171
BAREND DU PLESSIS (Minister of Finance)	(012) 26-0261
DANIE STEYN (Minister of Economic Affairs and Technology)	(012) 266-568
WILLIE VAN DER MERWE (Minister of Health and Population Development)	(012) 28-4773
BUREAU FOR INFORMATION	(012) 21-7397 (012) 21-7529 (012) 21-7396 (012) 21-7528 (012) 21-7528
NEIL BARNARD (head of the National Intelligence Service)	(012) 323-9761
PW VAN DER WESTHUIZEN (Secretary of the State Security Council)	(012) 325-4780

Section 3(4)(a)(i) of yesterday's new Emergency Regulations authorises any minister, deputy minister or government official to allow discussion of these forbidden topics. See PAGE 3 for details.

'SA not part of free world'

From JOHN BATTERSBY and MARGARET SMITH

LONDON — British public opinion yesterday declared that South Africa had ceased to be a member of the free world.

The British government deplored the latest restrictions on the South African press and said they were "entirely contrary" to Western values.

"We deplore these further restrictions on press freedom in South Africa. They are entirely contrary to the Western values that the South African government claims to espouse," a spokesman said.

British government sources said that further action would depend on how the restrictions were applied and whether the South African authorities began deporting British correspondents. They said further action could include formal diplomatic protests and even advice to the British press corps to quit South Africa.

"But this depends how vigorously the restrictions are applied," the sources said.

The International Press Institute (IPI), representing 2 000 editors and publishers worldwide, in an urgent telegram to President P W Botha condemned the new restrictions as "a disgrace to the free world" and urged him to "abandon these desperate measures before objectivity and truth disappear entirely from the pages of the SA press".

The restrictions dominated most news bulletins yesterday.

A leading article in the Times said "it is precisely when Mr Botha's government is struggling to pacify black townships riven by violence and anarchy" that a "frightened and confused populous needs more news rather than less", and suggested the new restrictions would keep white South African opinion "blanketed in dangerous ignorance and render it incapable of reaching reasoned decisions about the future of the country".

Press curbs widely condemned

STAR 13/12/86

The curbs on the Press imposed by the South African Government have brought widespread condemnation at home and overseas. The Saturday Star looks at some further views that have been expressed.

The Port Elizabeth newspaper, **Evening Post**, said that locking people up and producing newspapers that "reflect a rosy society" would not remove the cancer in South African society.

"Mr Dave Steward, head of the Bureau for Information, trying to justify the tough new censorship measures, says the idea is not to restrict the free flow of information. Ha, ha! — that surely is what these new regulations are all about. Stick your head in the sand and hope that when you resurface everything will be hunky dory," the paper said.

The Mozambique News Agency, AIM, described the new Press curbs as the "most draconian restrictions yet on both local and foreign reporters".

"The practice of journalism has become illegal in South Africa," it said.

Mr Gavin Evans, publicity secretary of the End Conscription Campaign, said that the organisation would seek legal advice "on how far we will be able to go in terms of the new regulations".

The Cape Times said that the Government's latest "jumble of bureacratic wordage" to curb media utterances was "subversive of independent journalism".

The responsibility of the Press remained to publish as much as possible within the law and to challenge the Government in the courts on its unreasonable, vague and contradictory demands.

In Harare, **The Herald** declared that the Press in South Africa had been stood up against a wall and President P W Botha's executioners were now bludgeoning opponents of apartheid without having to look over their shoulders.

'Price will be high'

The **Daily News** of Durban: "The price of these restrictions will be high. The rumour-monger is a dangerous messenger, much more dangerous than the factual reporter. And, in a complex and difficult political situation, ignorance is not bliss. The right of the Press to inform is nothing more than the right of the individual to know. The newspapers are the target of these regulations — but what are really under attack are the rights of every South African."

London's Fleet Street was almost unanimous in its condemnation of the restrictions.

The Guardian's headline was "Turning its back on the West' and the story argued that South Africa's ability to "seduce important sectors of opinion in the West with its claim to an underlying commitment to residual Western values has been swept away".

Today saw the curbs as "one more fatal step, bringing the country perilously close to becoming a full-blown police state and refuting any claims South Africa has to anything resembling a free Press".

"This is a giant step," the **Daily Mail** said, "down the road to an out-and-out police state."

The mildest criticism came from the **Daily Express** but even that Right-wing newspaper called the restrictions "lamentable".

But **The Independent** said: "As South Africa proclaims its increasing 'liberalisation' of apartheid to a disbelieving world, it corresponds more and more to the caricature which its enemies have presented for years."

The Johannesburg Democratic Action Committee protested against "the wholesale demolition of freedom of speech and of the Press".

In West Germany, the journalists' union condemned the curbs.

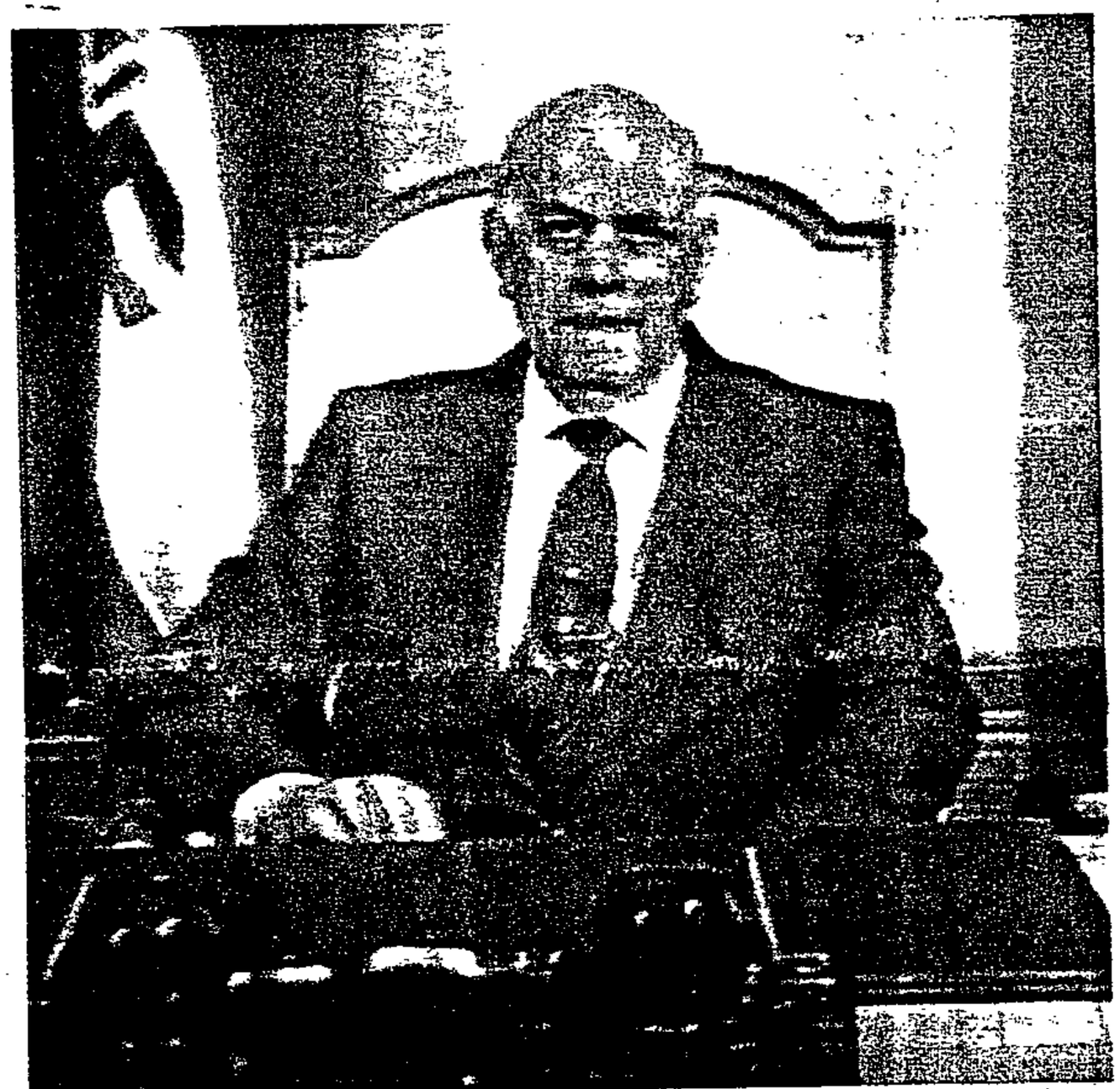
Mr Jaap Marais, leader of the Herstigte Nassionale Party, said that Press curbs to halt all subversive comment against the Government were rather the preparation for a general election than related to the state of emergency.

The Council of Unions of South Africa (Cusa) and Azanian Congress of Trade Unions (Azactu) union federation said that restricting the media would not "hide the ugly truth of apartheid nor smother the resistance of the people".

Report by Sapa-Reuter; The Star's Africa News Service; The Star Bureau, London; Own Correspondents

Botha war on ANC

Cape Times 13/12/86



The State President, Mr P W Botha, addresses the country on SABC-TV last night. Picture: SABC-TV

By ANTHONY JOHNSON
Political Correspondent

PRESIDENT P W Botha last night declared war on the ANC.

Mr Botha said he would no longer allow "overt and underground structures created for the execution of violent revolution to function undisturbed — neither within nor outside the country".

His declaration was preceded by a nationwide crackdown on dissidents and a series of lightning raids by armed men into Swaziland in which four people, including two Swiss nationals, were reportedly abducted.

At the same time, a 13-year-old Swazi boy was shot dead.

The attack on the Swiss couple's home in Mbabane was carried out by gunmen — two whites and a black — who escaped in a car with South African registration plates, according to a witness quoted by Reuter.

Detained Swiss citizens

The Swazi police said the raiders came from South Africa but did not directly accuse the South African government of involvement.

The Minister of Foreign Affairs, Mr Pik Botha, announced later that police had detained two Swiss citizens, who, it said, had worked for the African National Congress in "spheres of violence and intelligence gathering". Government sources yesterday refused to confirm the two cases were linked.

However, speaking on nationwide television last night, President Botha said: "I wish to use this opportunity to inform you that our security forces have over the past 24 hours been compelled to conduct certain preventative security measures.

"These were aimed at the SA Communist Party/ANC structures that are involved in the planning, co-ordination and execution of revolutionary violence.

"It was aimed at those forces under the direction of the SACP/ANC terrorist alliance which has as its aim the fomenting of revolution in our country."

Mr Botha said his government had "irrefutable intelligence that units of murderers inside our country are controlled by the structures in our neighbouring states".

The past 24 hours' security actions had therefore not been directed against innocent people and bystanders.

PRETORIA. — A member of the South African Defence Force has been detained by police for alleged subversive activity, the acting chief of the SADF, Lieutenant-General Ian Gleeson, confirmed here last night.

He said "because of the efficiency of the SADF's security measures, the member was rapidly traced".

Gen Gleeson said the investigation was continuing.

"Therefore, no further information can be supplied."

He said the matter was in the hands of the police and the law would take "its normal course".

The SABC quoted him as saying that since the latest case of this nature, the SADF had taken a number of counter-measures.

Additional steps had already been taken to tighten security in the SADF, he was reported as saying. — Sapa

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"They were aimed at the SACP/ANC collaborators manning the structures, and the structures themselves.

"They were also directed against those who allow themselves and their organizations — especially the United Democratic Front — to be misused and misguided by the forces of terror.

"The emphasis of the actions was particularly on the underground units specifically responsible for acts of sabotage, murder and terror."

He said ANC plans for 1987 as set out in documents in the government's possession included:

- The extension of acts of murder, sabotage, and arson to white residential areas and urban centres, as well as to white farms in rural areas, which included laying landmines on farm tracks.
- Attempts to make more effective use of the UDF as a mass organization in their efforts to foment revolution.
- Action against homelands citizens. "In this regard it is, for example, specifically stated that Chief Minister (Mangosuthu) Buthelezi of KwaZulu and his supporters should receive special attention."

The documents also contained plans for:

- Attempts to cause division among whites.
- Involving the Progressive Federal Party youth groups and the End Conscription Campaign in what was called a "broad democratic front".
- Encouraging dialogue between South African delegations and the ANC in Lusaka.
- Making use of neighbouring states as springboards for further acts of "murder and terrorism" in the Republic.
- The inciting of revolution in the Republic before, on and after December 16 by way of extensive acts of sabotage and "mass actions".

"From the contents of these documents it is clear beyond all doubt that the ANC is now striving to divide our black communities, and to incite them against the whites, and to encourage the committing of acts of violence against whites, even if these were to include large-scale bloodshed."

The new press curbs, Mr Botha said, were promulgated so that the media would not "promote the objectives of these elements".

"In this regard I wish to inform you that the government has gone out of its way to obtain the cooperation of the Newspaper Press Union."

The government had suggested that the members of the NPU be exempted from the regulations on the basis of self-restraint but "the proposal was rejected and the regulations in question had to be applied to all media", Mr Botha said.

Cape Times 13/12/86

Activists held? No comment

The mild cigarette

"It was aimed at those forces under the direction "The emphasis of the ac

Cape Times 13/12/86

Activists held? No comment

By TONY WEAVER

FOLLOWING the gazetting on Thursday of strict press censorship, a large number of activists have been detained throughout the country.

In Cape Town, Mr Naseegh Jaffer, an executive member of the United Democratic Front, an executive member of the Cape Youth Congress (Cayco), and an as yet unknown number of trade unionists, activists and Cayco township members have been detained.

Also detained are leading members of the National Education Crisis Committee (NECC).

'Request permission'

Detentions have been reported from Atlantis, Worcester, Paarl and most of Cape Town's black townships.

The Cape Times has telexed all the known names and circumstances of the detentions to the Interdepartmental Press Liaison Centre requesting permission to publish.

A police spokesman replied: "From present records we cannot confirm that the persons mentioned in your telex are being detained under security legislation."

Sapa reports that the editor of the New Nation, Mr Zwelakhe Sisulu, has been detained in terms of the emergency regulations.

He was picked up at his offices yesterday morning, according to staffers.

NECC members Mr Vuzi Khanyile, the Rev Molefe Tsele and Mr Bill Jardine were picked up at their homes in the early hours yesterday, a NECC spokeswoman said.

She said the NECC had received reports of a fourth member being detained and was trying to establish the person's identity.

A spokeswoman for the Congress of South African Trade Unions (Cosatu) said two unionists in Northern Natal had been detained in terms of Section 29 of the Internal Security Act.

'Overnight raid'

She named them as Mr Matthews Olifant, Cosatu regional secretary in Northern Natal, and Mr Vincent Mkonza, an organizer for the Metal and Allied Workers' Union (Mawu) in the same region.

An adminstrator for the Paper Wood and Allied Workers' Union (Pwawu), Mr Fazlin Solomon, was also picked up in Cape Town, she said.

extreme', says Stallone

Govt rethink on Bonner, Parks

JOHANNESBURG. — Dr Phil Bonner, associate professor in the History Department at the University of the Witwatersrand, was released yesterday from John Vorster Square and his deportation order revoked.

The Minister of Home Affairs and of Communication, Mr Stoffel Botha, also announced last night that Los Angeles Times journalist Michael Parks could stay in South Africa until the end of January.

He said Mr Parks, who was refused a renewal of his South African work permit, would be allowed to continue his residence until January 31. This followed representations from the editor of the Los Angeles Times for an interview.

Reconsideration

Mr Botha will meet the newspaper's editor and executive vice-president, Mr William Thomas, and Mr Parks on January 13.

Mr Botha said last night: "We have received a request from Mr William Thomas, editor and executive vice-president of the newspaper, for a personal interview where representations will be submitted for reconsideration of the decision.

"I have acceded to the request and will be meeting Mr Thomas and Mr Parks on January 13.

"Meanwhile I have authorized Mr Parks to continue his residence in South Africa until January 31."

A statement released by the vice-chancellor of Wits, Professor Karl Tober, said Dr Bonner had been released at noon yesterday.

Mr Botha had indicated that he was still considering the possibility of deporting Dr Bonner but would not do so without giving him the opportunity of making oral and written representations, the statement said.

A press release containing extracts of the Minister's telex informing Dr Bonner's attorneys of the decision said Mr Botha had "made his decision on humanitarian considerations ... without admitting that his decision to deport your client and to detain him was in any way unjustified".

Dr Bonner was detained on Monday and ordered to leave the country by December 15 in terms of a deportation order issued by Mr Botha.

The Department of Home Affairs has confirmed that Mr Botha has "recalled" the deportation order.

A deportation order was also issued for Dr Bonner's wife Chris, but she has disappeared and the police have not been able to serve her with the order.

British nationals

A number of companies in the chemical industry have made representations to the minister appealing against the possible deportation of Mrs Bonner, a top official in the Chemical Workers' Industrial Union.

The Bonners are both British nationals who have been living in South Africa for 15 years.

Dr Bonner is an international expert in pre-colonial Swazi history and South African labour history. He holds a Ph D from the School of Oriental and African Studies at London University. — Sapa

CAPE TIMES w/e ARGUS 13/12/86 (327)

President outlines 'terror plans'

By TOS WENTZEL
Political Correspondent

TERRORIST plans for the festive season and next year have been uncovered by the security forces and certain preventive security measures have been taken in the past 24 hours, President P W Botha has announced.

Last night he blamed an "unholy alliance" of the African National Congress (ANC) and the South African Communist Party (SACP) for the plans and said December 16 had been set as the date on which "terror and murder" were to be stepped up.

Action taken by the security forces had been made possible by information received from sources and agents within the ANC, from recently arrested terrorists and ANC deserters and from a number of key ANC documents, he said.

ANC planning set out in these documents included:

- The expansion of "murder, sabotage and arson" to white residential areas and urban centres and to white farms, including the laying of landmines on farm tracks;
- Attempts to make more effective use of the UDF as a mass movement in efforts to foment revolution;
- Action against citizens of the national and independent states, especially against Chief Buthelezi and his supporters;
- Attempts to cause division among whites;
- Involvement of the Progressive Federal Party youth groups and the End Conscription Campaign in a broad democratic front;
- Encouraging dialogue between South African delegations and the ANC in Lusaka;
- Making use of neighbouring states as springboards for terrorism; and,
- Plans to incite revolution in the country before, on or after December 16 by way of extensive acts of sabotage and mass actions.

Referring to measures against the Press, Mr Botha said the Government had tried to get the co-operation of the Press groups and had suggested that the Newspaper Press Union publications be exempted from the new regulations on the basis of self-restraint.

This proposal had been rejected and the regulations had to be applied to all the media.

● 'Plans for revolution' — Page 3

W/C Argus 13/12/86 (32)

P W's attack a transparent election gimmick, says the UDF

Weekend Argus Correspondent

JOHANNESBURG. — President P W Botha's attack on the African National Congress and the United Democratic Front is a "transparent election gimmick", says the United Democratic Front.

Asked to comment on yesterday's speech during which Mr Botha said that the ANC, with the help of the UDF, was planning a bloody revolution to coincide with the festive season, the UDF's acting publicity secretary, Mr Murphy Morobe, said it would be "laughable if it wasn't so serious".

The UDF had often said it had no links with the ANC. It was "interesting to note that even right-wing white political parties have described the speech as an election stunt".

"I would describe the speech as 'hilarious' but the tragic aspect, of course, is that so many of his (white) constituents are going to believe him," Mr Morobe said.

Earlier he said he "would not be surprised if the UDF and hundreds of other progressive organisations were banned".

The Government was building a wall of silence between the white community and the rest of the country and whites would be kept ignorant of the terror to which township residents were subjected.

Part of the plan to crush democratic opposition was to silence the real voices of dissent in the white community through detentions and restrictions.

"In this way the desired war psychosis will be created among the white population under the guise of 'defence against the revolutionary onslaught'," Mr Morobe said.

ANC plans

told of

media

muzzle

Pretoria Bureau

The Government yesterday produced what it said was documentary evidence of the commitment of the African National Congress (ANC) to violent struggle — and, at the same time, reserved the right to ban the publishing of any non-official reply to its allegations.

The Minister of Law and Order, Mr Adriaan Vlok, and the Deputy Minister of Information, Dr Stoffel van der Merwe, also declined to answer for the record any questions from the Press.

Dr van der Merwe said South Africans had to take his word that a variety of documents presented to the media were extracts from authentic ANC publications.

The original documents, he said, could not be produced for fear of compromising sources.

Documents handed out at the start of the proceedings included one entitled "ANC Planning, 1987" which contained the Government's selective compilation of ANC statements.

Two documents detailing the resolutions and recommendations of the ANC's Second National Consultative Conference — which sources said were genuine — were declared unsuitable for publication.

OFF-THE-RECORD QUESTIONS ONLY

These ground rules were spelled out clearly from the start by chairman Mr Dave Steward, of the Bureau for Information, who also warned the Press that they would be able to question Ministers only off-the-record on the subject of the ANC as presented by the Government.

Dr van der Merwe then took the Press through the "ANC Planning" booklet, pointing out what were considered to be salient points in proving that the ANC was bent on violent struggle and the violent overthrow of the Government.

All attempts to get on-the-record replies on the ANC and the Government's current stance on the UDF failed. Even one "no comment" has to remain unreported.

According to the foreword to the ANC Planning booklet, "the attached documents originated from a recent combined National Executive Committee (NEC) and Politico-Military Council (PMC) meeting of the ANC in Lusaka, Zambia, and were distributed to various regional ANC command centres during October 1986.

"The documents consist of opening statements by Oliver Tambo (ANC president) and decisions taken in regard to proposed ANC activities for 1987 when the ANC will commemorate its 75th anniversary."

'VIOLENT REVOLUTION PLANNED'

Dr van der Merwe said the ANC planned violent revolution. He quoted Mr Tambo as saying: "Our people have in many parts of the country, responded very well to our calls to make the country ungovernable and to create organs of people's power."

"In this regard, we would strive further to reinforce the confidence of our people in the ability to emerge victorious as well as to organise for a co-ordinated all-round offensive on all fronts."

Dr van der Merwe said the South African economy was a priority target. This was evident from another quote in which Mr Tambo said (in reference to the sanctions issue): "This situation demands that we should carry out a sustained and effective sabotage campaign against the South African economy.

The ANC, Dr van der Merwe said, also intended to use "alternative structures" such as street committees to make the country ungovernable.

Dr van der Merwe said it was also clear from ANC statements that divisions within the UDF were posing problems for the creation of its revolutionary bases.

W/E Argus 13/7/86

Permission to publish refused, says Govt

Weekend Argus Correspondent

JOHANNESBURG. — There was a marked increase in communication between newspapers and the Government over the last two days and the official reply was brief. "Permission to publish is refused."

Following Thursday's announcment of the tightening of restrictions on newspapers, reporters and news editors had to submit any reports dealing with issues such as unrest, detentions and the treatment of detainees to the Government for approval.

The structure created to deal with granting or refusing permission to publish articles was the Inter-departmental Press Liaison Centre (IPLC) in Pretoria.

And in most cases permission to publish was denied rather rapidly.

"Scorecard"

The Argus's sister newspaper in Johannesburg, The Star, submitted 11 reports to the IPLC. The "scorecard" was not a pretty sight. Permission refused: seven. No reply: four.

The Saturday Star submitted one — permission denied.

The Sunday Star submitted one — permission denied.

The morning newspaper Business Day submitted two on Thursday. Permission to publish was refused.

The South African Press Association asked for approval for three or four articles to be sent out on its wire service. Permission refused in all cases.

The international agency Associated Press fared no better. They submitted two or three articles. The IPLC turned down the lot.

Phone numbers

The local correspondent for the London Sunday Times submitted a lengthy 1 000-word backgrounder to the IPLC for approval. He was last seen looking for a good lawyer.

The restrictions came late in the week, which meant that publications such as The Sowetan and The Weekly Mail — two likely major sources of "business" for the IPLC — did not have much time to write anything which required approval.

The Weekly Mail published the telephone numbers of most Cabinet Ministers and suggested their readers contact these men if they wished to know what was happening in South Africa.

The Sowetan does not have a weekend edition and most of its Friday paper was ready to print before the restrictions could have any real effect.

Farmers to get R28 000 grants and loans for anti-landmine vehicles

Weekend Argus Correspondent

JOHANNESBURG. — The Government is giving certain northern Transvaal farmers R28 000 grants and R12 000 low-interest loans so that they can buy vehicles protected against landmine blasts.

About 300 farmers stand to benefit from the subsidies which may be extended next year to farmers along the Swaziland border.

The subsidy scheme has thrown the local mine-protected vehicle industry wide open and various companies are vying for guaranteed cash payments. Involved in processing subsidy applications are the departments of Commerce and Agriculture.

At least five automotive design companies are preparing to release a new range of landmine protected vehicles for use in the farming, industry and private sectors.

Competitive industry

In what is fast becoming a highly competitive industry, the new armoured and bullet-protected models — all stringently tested by the CSIR and Bureau of Standards — will come off production lines in different parts of the country in the next few weeks.

They will sell at between R25 000 to R40 000 and some of the companies are also gearing to convert most types of existing pickup trucks — one, two and three-tonners — to the new specifications at a cost of R12 000 to R15 000.

The subsidy applies mainly to farmers of the northern and north-western Transvaal, and means they can buy a R40 000 vehicle without having to outlay a single cent.

On the production side, one automotive designer, Mr Ernest Konschel, who has designed a one-ton anti-ambush and mine resistant bakkie called the Cougar, and is building it in Germiston, has been commissioned to deliver 54 units to an agricultural concern near Komatipoort next year.

Four models are available, ranging from two to eight-man configurations, and all are adapted to local conditions.

According to Mr Konschel, a mine-detecting vehicle, based on the celebrated Rhodesian "Pookie", which lifted over 300 mines in the war against Zanu and Zapu, and in the process saved thousands of lives, will go into production at his Germiston plant next year.

Troubled areas

A Pretoria motor company executive, Mr Koos de Wet, the creator of the Buffel transport carrier — one of the most successful of its kind in the world — and the Casspir, has designed the Krimpvark mine resistant vehicle for the civil sector, and is is being built by Afrit (Pty) Ltd., of Rosslyn.

Also a one-tonner, but of a different design, the Krimpvark has a top speed of 140kph, a fuel consumption of 20 litres for 100km, weighs two tons, offers good all-round visibility and is well ventilated.

It is being made available to farmers, government agencies and to the private sector in border or troubled areas. The first production model has been delivered to a business concern in Witbank.

At least two more engineering firms are making use of a CSIR-designed basic mine protected capsule which they are adapting in projects of their own for mounting on almost any model of pickup truck.

One is the Rooibok, which will be marketed soon.

The CSIR developed the capsule as a guideline for the production of home-built mine protected vehicles for use in the private sector, and the basic designs were distributed to interested parties by the Department of Commerce.

ANC leader's 'plans for revolution'

Opposition parties slam PW TV speech

Weekend Argus Political Staff

JOHANNESBURG.— Government reasons for this week's suppression of the media and its other recent security actions were overstated, dramatised and a red herring; parliamentary opposition on both left and right said last night.

Opposition parties in the Assembly were reacting to a television speech by President P W Botha on the security situation.

Mr Colin Eglin, leader of the Progressive Federal Party, said: "Of course, one must take seriously the allegations of plans for violence and terror.

"However, on the basis of what Mr Botha said, there did not appear to be anything new and many of the documents flashed on the screen were dated June 1985.

"However, the attempt to use this as justification for the clampdown on the Press is one of the most unconvincing red herrings I've heard from a political leader in many years.

Over-dramatised

"It did not justify the massive clampdown on the Press of South Africa."

Mr Jaap Marais, leader of the Herstigte Nasionale Party, said: "What Mr Botha said about the ANC and the CP (communist party) is very old news, greatly over-dramatised.

"I don't want to give the impression that I'm underestimating the seriousness of the security situation.

"I suspect that Mr Botha's speech was more to do with boosting the Government's image in advance of an election rather than the security situation."

Mr Tom Langley, the Conservative Party spokesman on information, said: "The CP has always supported all actions of the security forces against subversive elements and has been urging the Government for more than two years to take effective action.

"The vague listing of the CP/ANC schemes by Mr Botha was not impressive and very little was disclosed."

PRETORIA. — African National Congress documents in South Africa's possession contained confirmation of the organisation's aim to lead the country's people in a struggle for "national democratic revolution," the Deputy Minister of Information, Dr Stoffel van der Merwe, said.

He was addressing a conference at which extracts from ANC documents were handed to the Press as background to the address to the nation by the State President, Mr P W Botha, last night.

"The extracts from the ANC documents have been culled from agents, from inside sources and captured terrorists," Dr van der Merwe said.

One of the items made available to the Press was a speech by the ANC leader, Mr Oliver Tambo, at the organisation's 75th anniversary celebrations last year.

In the speech, Mr Tambo referred to the popular support enjoyed by the ANC.

"We are therefore called upon to lead, to abandon all timidity and hesitation in our outlook and in our actions and actually to base our conduct on the conviction that we have wrestled the initiative from the enemy," Mr Tambo said, according to the speech.

"Our historic mission is to lead our people in the struggle for the victory of the national democratic revolution," Mr Tambo had said.

Dr van der Merwe said Mr Tambo also referred to the intensification of the armed struggle and "a people's war."

The ANC had also begun to set up its own authorities in areas where black town councils had failed.

Mr Tambo had said the people had responded well to the call to make the "country ungovernable and create its own organs of power."

"In such areas as the East Cape, the Witwatersrand, the Vaal Triangle, Pretoria, KwaNdebele, there have emerged the mass revolutionary bases that we have visualised in our strategy," Mr Tambo said.

Necklaces

Dr van der Merwe said that while "necklace" murders were addressed as a "worrying issue" by the ANC leader, they had not been condemned by Mr Tambo.

"While it (the ANC) does not say that necklaces should be be used this was an appropriate opportunity to reject them," Dr van der Merwe said.

Dr van der Merwe said the Tambo speech also confirmed the "multi-pronged attack on the South African system," as identified by the Government and, he said, supported by the Newspaper Press Union in their recent talks.

Mr Tambo's speech had identified the political, economic, and diplomatic attacks and psychological isolation of South Africa from the rest of the world.

Mr Tambo said, according to the speech: "Even instinctively, the masses of our people have grasped the possibility for victory and are, accordingly, active in their millions challenging the apartheid regime on the central question of power.

"An important element in our strategy is winning over to our side or neutralising as many white people as possible."

Mr Tambo said South African "big business" had lost the battle against sanctions and he called for sustained and effective "sabotage against the economy".

A programme of action to campaign internationally for further sanctions was necessary, he said. The ANC should mobilise the international trade union movement, anti-apartheid movements and "smaller countries" in Western Europe to "put the issue of consumer boycott to the fore."

Mr Tambo said the ANC's international prestige had grown over the last years.

"Many countries and governments treat our movement virtually as a government in waiting. We must consolidate our gains in this area and further expand the breadth of our acceptability.

"Our relations with the socialist countries are good. We must strengthen our relations with the OAU and its member states.

"We must inspire the international community with the same confidence in the certainty of our victory to get the world to act with even greater determination against the Pretoria regime."

Of the intensification of armed struggle, Mr Tambo said that, despite the ANC's efforts of the previous nine months, "we have not come anywhere near the achievement of the objectives we set ourselves".

"It seems obvious that with a few exceptions, we have as yet not succeeded in building up the required links between professional units and the mass combat groups that exist in many parts of our country.

"The transition to people's war and to a continuous and countrywide offensive against the apartheid regime requires that we bring these combat groups under the command of the people's army." — Sapa.

Dr Dennis Worrall's credibility at stake in London

Foreign media outcry on curbs

W/E ARGUS 13/12/86 327

LONDON. — I write this letter from Europe to you with a heavy heart. Strewn on my desk are copies of the principal British newspapers, and the International Herald Tribune. They report on their front and foreign pages the appalling new restrictions on the free flow of news in South Africa.

The phrases used to describe this new situation drive home how far we have drifted away from the days when South Africa could proudly claim to have the only free Press in Africa.

"Tin-pot dictatorship", "unmitigated evil", "dark veil of censorship" and "police state". These are the words being used to describe measures which further diminish a once-great nation's international standing.

They are views reflected in the serious newspapers, not the flashy tabloids. The Times of London states soberly that Pretoria's determination to suppress dissent is a last resort, "one characteristic of all authoritarian regimes which face a challenge to their established order".

The newspaper shrewdly identifies white South Africans as the real victims of this government suppression of news.

"The state of emergency is precisely when a frightened and confused populace needs more news rather than less." The censorship will "keep white South African opinion blanketed in dangerous ignorance and render it incapable of reaching rational decisions about the future of its country.

"The ban will also supply endless ammunition to those whose cause feeds on rumour rather than fact."



CLIFF SCOTT of The Argus Foreign Service reports from London

There is a conviction among analysts here that the new censorship will be counter-productive, creating more, not less, uncertainty among the South African public. Word-of-mouth, with all its embellishments and manipulation, will replace the printed word.

In that context, I recall an incident in Johannesburg some time ago when word-of-mouth rumours created a scare among parents. They had picked up grapevine "information" that their children might be in danger at school. The rumours were unfounded, but governments cannot censor rumour.

When real information is in short supply, the worriers and the mischief-makers will make it their business to fill the vacuum. It is a process not even Russian thought police have been able to wipe out.

I feel sorry for South Africa's Ambassador in London, Dr Denis Worrall. He, too, is a victim of Pretoria's decision to lash out at the media.

In one fell swoop, his masters have destroyed Dr Worrall's credibility, such as it was, among British newspapers.

Only a few brief weeks ago, he was guest speaker at a dinner hosted by the British section of the International Press Institute. It was one of those discreet, but influential, gatherings in one of London's faintly-shabby clubs, attended by the top executives of several of Britain's newspapers and television news organisations.

Dr Worrall spent much time assuring his hosts that his government had no real problems with the printed media, at home or abroad. They were well informed, largely responsible.

"The daily reporting, we think, is quite satisfactory."

South Africa, he said with some pride, was one of the few countries with independently-owned newspapers. Journalism was of a high quality and there was a very-vibrant political discussion in the local papers.

So surprised was I by these warm tributes that I felt obliged to ask him, assuming his views were shared by his government, whether he would himself be making any representations about relaxing restrictions on printed-word reporting, and whether he could tell the gathering if the government was contemplating such a step.

He was unable to give any assurances in this regard.

If one is to assume Dr Worrall is closely in touch with the views of his government, what is one to make of the new crackdown on newspapers?

Is this the reward for the responsible, well-informed reporting Dr Worrall spoke of so warmly?



Dr Denis Worrall ... he, too, is a victim of the decision to lash out at the media.

Or was Dr Worrall being kept in the dark about government views on standards of printed-word reporting.

Price 30 cents 30 cents 30 cents 30 cents 30 cents

Clampdown on East Rand protest

JOHANNESBURG. — The police divisional commander for the East Rand, General Frederick van Zyl, has prohibited a wide range of activities in terms of the latest emergency curbs, SATV reports.

Organizations affected are the Campaign for National United Action, Campaign for National Unity and Peace, Congress of SA Trade Unions, National Education Crisis Committee, Organization for Peace and Unity, SA Council of Churches and the UDF.

The order prohibits any activity to encourage calls for the release of detainees; deproclamation of the state of emergency; unbanning of the ANC or other banned organizations; and withdrawal of the SADF from any area.

Also forbidden are calls for the resignation of MPs of the Houses of Representatives and Delegates; lowering of rent; termination of the education system; and protests against SADF action. The "Christmas Against the Emergency" campaign is prohibited. — Sapa

Meeting banned

Staff Reporter

THE police yesterday banned a meeting on unemployment that was to have been held in Atlantis on Sunday.

The Divisional Commissioner of Police for the Boland, Brigadier P C Fourie, banned the meeting.

□ The End Conscription Campaign said it had no plans to hold any national conference or similar gathering in the Western Cape this month.

Cape Times 13/12/86 (327)

How regulations restrict the news

THEN . . . AND NOW — AN ILLUSTRATION: The following is intended to give readers a practical idea of what the emergency entails. The first "report" is an IMAGINARY account of an IMAGINARY rally, in the way it could have been reported before the current state of emergency. The final piece is what readers would be likely to read under the new censorship arrangements. It is emphasized the incident reported is allegorical and has no connection with any individuals or events in South Africa.

By TONY WEAVER

UNCENSORED

ONE person died and three people were seriously injured when police opened fire on stone-throwing youths leaving a Steel and Allied Workers' Union rally in KwaMaqabane yesterday.

The Sawu rally was called in support of workers at the BPC factory who have been on an illegal strike since last Thursday, and to launch a consumer boycott of white-owned shops in the city.

The rally also saw the launch in KwaMaqabane of a system of street committees, aimed at usurping the authority of the old Chiefs Committees and urging residents not to pay rents.

About 4.30pm, over a thousand workers and youths streamed out of the Mohandas Ghandi Hall in Peace Street. The road was blocked by three police and four military armoured vehicles.

The chanting, singing crowd danced in the street shouting slogans like "viva MK" (a reference to jailed African Strike Commando leader Martin Kathrada).

Brigadier Jan Smit, head of the riot squad, gave the crowd three minutes to disperse, and youths then pelted the police with stones, half-bricks and petrol bombs.

The police opened fire, killing one and seriously injuring three others, a police spokesman, Captain F V A du Toit, confirmed last night.

During the meeting, strident calls were made for the unbanning of the ASC, the banning of the militant rightwing Afrikaner Stryd Kommando (ASK), and for the release of detainees Peter Swart, Paul Sechaba and Mary Jansen.

Mr Joseph Toi-Toi, who was released from seven weeks' detention early yesterday morning, said:

"Don't pay rents, don't buy at white-owned shops, don't use buses owned by the capitalist Zeebco company, and use our power on the streets to destroy their local authorities."

Journalists travelling to the rally were questioned at length at military road blocks before being allowed to proceed.

The Confederal Party MP, Mr P D S van Bredasdorp — who was present at the rally — said last night: "The police action was completely over the top, all that was needed to disperse the crowd was a minimal use of teargas. And the police presence outside a peaceful rally merely served to provoke the crowd."

Police spokesmen maintained that police had no choice but to open fire when they were stoned.

IN TERMS of the new regulations, the only details publishable would be those released by official sources.

Unless cleared by the government, the Cape Times would not be able to report the circumstances around the deaths and injuries.

And we would be banned, inter alia, from:

☐ Stating the reasons the rally was called;

☐ Referring to the presence of the police and the police vehicles;

☐ Making any reference to the "illegal gathering" in the street and in the hall (the rally would be illegal because of the calls in support of an illegal strike, a consumer boycott, and the formation of street committees);

☐ Quoting any of the speeches because they support consumer boycotts, street committees, rent and bus boycotts etcetera; and

☐ Quoting the MP's statement because it referred to police action and is critical of actions taken in terms of the Public Safety Act.

IN ITS final form, the first report above is likely to look something like this, appearing at least a day later than the original because of the delay in receiving Bureau for Information reports:

CENSORED

ONE person was killed and three injured in the Cape Province on Wednesday, the Bureau for Information said in its daily unrest report for the 24-hour period ending at 6am yesterday.

The Bureau said the man was killed when "riotous youths threw stones at a police patrol". The exact location of the incident was not given.

Details the Cape Times has of the incident have been telexed to the Inter-departmental Press Liaison Centre in Pretoria for permission to publish, but no reply had been received at the time of going to press.

PFP vows to defy govt 'manipulation'

Political Correspondent

PROGRESSIVE Federal Party MPs from the Western Cape yesterday resolved "not to put up with the unashamed total manipulation" of government opponents intended by the latest emergency regulations.

"There is complete consensus that our attitude towards the regulations is one of defiance," the Cape leader of the PFP, Mr Roger Hulley, said after a meeting of the Cape Western regional caucus.

"We do not see ourselves as being limited by these regulations. We see it as our democratic duty to continue exactly as we have been doing up to now."

Mr Hulley said MPs would:

□ Continue with unrest monitoring duties.

□ Serve as a conduit for information for organizations or individuals who had been silenced.

□ Say exactly what needed to be said.

"We intend to use Parliament to the fullest to air information that is being blocked," he said.

Cape Times 13/2/86

Botha 'using ANC as ploy'

By EBRAHIM MOOSA
Political Reporter

PRESIDENT P W Botha's attempt to cite alleged revolutionary plots by the African National Congress as a justification for press censorship was an "unconvincing red herring", the leader of the Progressive Federal Party said last night.

Mr Colin Eglin was commenting after the nationwide television broadcast yesterday evening in which Mr Botha said the ANC had planned to promote large-scale revolutionary unrest in the country.

Mr Eglin said: "We will have to take note of the scanty information on revolutionary violence but it will have to be subjected to an in-depth evaluation.

"It is also significant that Mr Botha did not make any convincing political statement that he had a political solution to South Africa's problems."

The Conservative Party MP for Brakpan, Mr Frank le Roux, said he favoured stern action against the ANC. He said the CP considered it an error on the part of the government to have lifted the last state of emergency while unrest still continued.

□ Mr Amichand Rajbansi, Cabinet Minister without Portfolio, yesterday said he had no comment to make on the issue of press censorship. He suggested that the Cape Times solicit the opinion of the opposition Solidarity Party in the House of Delegates on this matter.

14/12/86 (327) CITY PRESS

City Press COMMENT

A blindfold on SA

ALL the myths, the trimmings, the trappings and the pretences of South Africa being a democratic country based on Western and Christian values have finally being exposed.

South Africans, whether they be black or white, have never known true freedom.

White South Africans who deluded themselves that they were enjoying the fruits of democracy must now accept that all of these years the freedom they enjoyed was imaginery.

Freedom is indivisible. The people of the white surburbs can never be free if the people of the ghettos are not free.

The new Press curbs have one intention only. To deny people the fundamental right to know. To keep them captives of ignorance about the state of the nation.

How empty the claims we have heard with such monotonous regularity in the past few weeks that the state of emergency is working. The tightening up of the Press curbs is a tacit admission by the State that the emergency has not produced the desired effect, as they had hoped it would.

We have consistently said to the government – and we want to repeat it now – that the iron fist of the security might of this nation will not solve the problem. What we have is essentially a political problem and it can only be resolved in the political arena – by entering into serious negotiation about the future of all our people.

To that ideal, there is no short cut. Imposing the serious curbs on the media merely takes away a valuable source of engaging in that debate – and amounts to sweeping the crisis under the mat.

None of us can take consolation in the selfdefeating attitude of living in cuckoo-land and generally behaving as if nothing is happening.

If, as the government alleges, there is a total onslaught against this country, then they must remove the causes of that onslaught. Bashing the Press does not remove those causes. All right-thinking South Africans will see that as the action of bullyboys.

Removing the freedom of the Press has clearly signalled the government's intention of maintaining power by methods unheard of in Western and Christian circles.

All other freedoms are set to crumble like a badly baked cookie.

By
LEN KALANE

A THUNDEROUS sense of anger and dismay greeted the government's announcement of new curbs on the Press gazetted yesterday in Pretoria.

Both the national and international media interpreted the move as formal censorship and suggested that South Africa was now a virtual dictatorship.

Yesterday's curbs come after a week of speculation that the government intended taking action on unrest reporting and that it was reviewing the security position in the country.

It also came after behind-the-scenes Cabinet meetings in which the government was reported to be reviewing the state of emergency and the "revolutionary onslaught" against it.

The 10-page proclamation by State President PW Botha, in terms of the Public Safety Act, gives a comprehensive definition of what a "subversive statement" during the state of emergency is.

Publications may not carry blank spaces as an indication or reference to the regulations.

Measures

The new measures also effectively prohibits reports on:

- Municipal police action;
- News or comments on street committees and possibly, civic associations;
- The Press is also not allowed, from today, to give times, dates, places or the purpose of any restricted gathering/funerals, or give an account of any speech, statement or remark made at such a meeting;
- Where there is unrest or security action or any gathering/funeral over which conditions have been placed, the Press is not allowed to be present.

The Press, your watchdog, has not only been muzzled, it has been effectively chained to a post.

Sapa reports that provisions have been made under the new measures for the seizure without prior

Reaction

BESIDES depriving the public of vital information the new Press curbs would also deprive the public of the knowledge that they were being deprived, SA Media Council chairman L De Van Winsen, said in a statement released in Johannesburg yesterday.

"The emergency regulations affecting the media and promulgated in yesterday's Government Gazette give rise to grave concern for the future of our country.

"They consititute the most far-reaching constraints yet placed upon the free flow of news during the present crisis.

"The existing situation poses a serious threat to people of all races, a situation which must be taken into account by the media in their coverage of current events.

"As is stated in the preamble to the Media Council's constitution, the Press, radio, and television services have as their prime function the duty to inform the public accurately and, where appropriate, to comment fairly on matters of public interest without fear or favour.

"Their task is to keep the public reliably and timeously informed on all aspects of the situation to the best of their ability.

"Ignorance serves only to make the public more vulnerable to threats to their security," the statement said. –Sapa.

Reaction

THE Association of Democratic Journalists has called for unity among SA journalists to effectively challenge the erosion of Press freedom in SA.

Reacting to the latest government curbs on the Press, the ADJ said: "The time has come to act if we are to save even the limited freedom we have to report, and the people's already limited right to know what is happening in their country.

"Only by united action can we hope to succeed. As journalists we must try to cast aside sectarian and ideological differences to unite in defence of our right to publish," an ADJ statement said.

The ADJ is launching a campaign for Press unity today and called on "all those who cherish the dream



The grief-striken Ribeiro children – Barbara, Andy and Chris.

Ribeiros laid to rest in Mamelodi

By SOL MORATHI

THE remains of the slain Mamelodi medical practitioner, Dr Fabien Ribeiro and his wife, Barbara, were finally buried in a ceremony at the Mamelodi cemetery this week.

The Ribeiros, both 50, were cremated in Pretoria West on Wednesday, but were given given the "traditional funeral" this week after a request from relatives and friends.

The couple was killed by two masked men in the courtyard of their Mamelodi home last Monday.

Meanwhile, CID Chief Lt-General SH Schutte said the police are being hampered by "hostile" attitudes taken by the family members and alleged eye-witnesses. People with information about the killings should contact Lt De Bruyn at ☎ (012) 28-4925 Ext 349 (o/h) or at ☎ 70-1754 (a/h).

Reaction

THE Times of London: "After more than three decades in which it has strewn all manner of obstacles in the way of those who bear bad tidings, the South African government has finally decided to bind its unwelcome messengers hand and foot.

"The sweeping new powers under which the government will censor in advance Press reports of 'all sorts of resistance' are a last resort, and one characteristic of all authoritarian regimes which face a challenge to their established order."

"It is to be hoped that Pretoria comes to realise its mistake and reverses its decision."

The Natal Witness: "The proprietors of the country's four large newspaper groups appear to have

CITY PRESS
14/12/86 (323)

Meeting on Press freedom

BY SANDILE MEMELA

MORE than 100 journalists and representatives from political and labour organisations attended a meeting on Press freedom at Funda Centre this week.

The meeting, called by the Media Workers' Association of SA, took place on Wednesday, hours before the new media curbs were announced.

• The gathering resolved to unite extra-parliamentary and labour organisations to resist "the reactionary onslaught" which it fears will be unleashed if the government blacks out unrest coverage.

Sowetan news-editor Thami Mazwai said before the end of the week editors will have no more jobs.

"The Bureau of Information will be entirely responsible for what goes into the papers and what readers will know," he said.

The Indicator editor Ameen Akhalwaya said the National Press Union should be taken to task "for unilaterally accepting there was a "revolutionary onslaught".



captives of ignorance about the state of

the claims we have heard with such regularity in the past few weeks that emergency is working. The tightening press curbs is a tacit admission by the State emergency has not produced the desired they had hoped it would.

consistently said to the government – to repeat it now – that the iron fist of ity might of this nation will not solve the What we have is essentially a political and it can only be resolved in the political by entering into serious negotiation about e of all our people.

ideal, there is no short cut. Imposing the on the media merely takes away a source of engaging in that debate – and to sweeping the crisis under the mat.

us can take consolation in the selfdefeat- of living in cuckoo-land and generally as if nothing is happening.

the government alleges, there is a total against this country, then they must causes of that onslaught. Bashing the not remove those causes. All right-think- Africans will see that as the actions of

the freedom of the Press has clearly the government's intention of maintaining methods unheard of in Western and circles.

freedoms are set to crumble like a badly



ised soccer star

hiefs' Swaziland-based star Absolum "Scara" the surprise of his life on Wednesday night voted the 1986 NSL Players' Player of the

7 500 in the SA Breweries-sponsored event – ıtballer of the Year Mark Anderson and ngwane into joint second place. Cosmos' egela came fourth.

sentative Peter Hird (left) gave Thintwa his

● See Back Page

Publications may not carry blank spaces as an indication or reference to the regulations.

Measures

The new measures also effectively prohibits reports on:

- Municipal police action;
- News or comments on street committees and possibly, civic associations;
- The Press is also not allowed, from today, to give times, dates, places or the purpose of any restricted gathering/funerals, or give an account of any speech, statement or remark made at such a meeting;
- Where there is unrest or security action or any gathering/funeral over which conditions have been placed, the Press is not allowed to be present.

The Press, your watchdog, has not only been muzzled, it has been effectively chained to a post.

Sapa reports that provisions have been made under the new measures for the seizure, without prior notice, of any publication or film or recording by order of the Minister of Home Affairs or the Commissioner of Police if it is in contravention of the regulations.

Fines

Any person contravening the regulations will be liable, on conviction, to a maximum fine of R20 000 or 10 years' imprisonment, or to such imprisonment without the option of a fine.

Many of the 10 new regulations are amendments of previous regulations covering the expression of "subversive" statements, the presence of journalists at unrest scenes, and the seizure of publications.

A subversive statement – which may not be published – is defined as a statement calculated to have the effect of inciting or encouraging the public to boycott firms, products, educational institutions or to take part in any act of civil disobedience.

This includes the refusal to pay municipal rents, or the refusal to go to work.

A statement "by which the system of compulsory military service is discredited or undermined" is also classified as subversive. This ruling effectively prohibits the activities of the End Conscription Campaign.

A ban is placed on publishing news or comment on or in connection with security action, any statement made at any restricted gathering, or the success and certain other particulars of any boycott action.

The ban also applies to "structures purporting to be structures of local government and acting as such in an unlawful manner". In this sense, the government may be referring to street committees and civic associations. Only local authorities are exempted by this rule.

The treatment of detainees or news of their release may also not be published.

All reports, under these categories, can only be published after disclosure or clearance by a Cabinet Minister, Deputy Minister or Government spokesman.

The curbs come shortly after the government had met newspaper owners for talks on the security situation, whereby ways were being sought to combat what the government termed as threats from "revolutionary forces".

The Press curbs are also seen as the first step by the government to thwart all opposition within the country as rumours are growing that a pre-Christmas crackdown against activists is imminent.

The stringent measures against the Press also follow a spate of detentions and restrictions which observers said were mainly aimed at the UDF and it's affiliates.

They come after a week in which the government took strong action against the End Conscription Campaign members who were either restricted or detained.

"They consititute the most far-reaching constraints yet placed upon the free flow of news during the present crisis.

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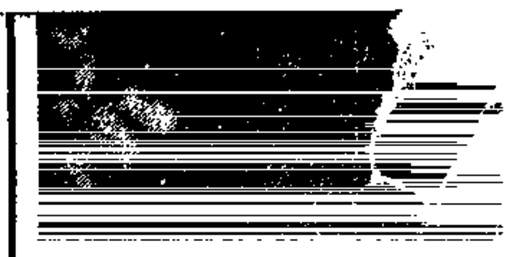
"Only by united action can we hope to succeed. As journalists we must try to cast aside sectarian and ideological differences to unite in defence of our right to publish," an ADJ statement said.

The ADJ is launching a campaign for Press unity today and called on "all those who cherish the dream of a future democratic SA to join us in our struggle".

"The time for protest statements, for outraged editorials, is past. The government is deaf to such protests and, too soon, such protests will be illegal," the statement said.

The ADJ said the government was wrong in believing that "strong-arm action against the Press will blot out reality and save it". It called on "all journalists in the commercial and the alternative media, and all editors, to join us in a campaign for Press unity in defence of the people's right to know".



The grief-striken Ribeiro children –

Ribeiros laid to rest in Mamelodi

React to

THE Times of London: "Aft- decades in which it has strewn all cles in the way of those who ... South African government has ... bind its unwelcome messengers ...

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"Having agreed to the question that the country faces a revoluti... which the Press has a duty to ave... the main newspaper groups find ... to co-counter a divide-and-rule ... their support is being invoked for ... sures against smaller newspapers ... bers of the NPU and thus not ... tion of the Media Council."

React to

IF total suppression of the state ... tion was to be imposed an intolera... situation must arise, the SA Ca... ference said this week.

The SACBC was commenting ... Press curbs to be imposed in ... emergency regulations.

The SACBC said: "The bish... expressed their dismay at the exis... news. The actions of the security ... seen by all to be just and contr...

"They should have nothing to ... censorship already prevents full ... such actions. One is aghast to ... suppression of this information ... SACBC said. – Sapa

React to

THE final nail into the coffin of ... been hammered in by the gov... introduction of new state of emer... the *Sowetan* said in a front page ...

"No more can we fool the p... and the world, about being a ...

"If newspapers are expected to ... statements made by organisati... both parliamentary and extra-par... have reached the stage of censo...

"No self-respecting editor will ... for approval to a government ...

" ...They (the people) will be ill... ters affecting their lives and ru... abound. But, the government has ... its knack for self-destruction." – ...

e naked truth?

STAN MHLONGO

-doctor Jeremiah Makaane the Veereniging Regional week – and it seemed he ...ht off the set of *Shaka*

30, accused of theft and a firearm without a license loin cloth covering his private

Residentia Football Associ- ary Prikash Gopal told the Makaane stole his gun after car on November 10. He said he had left one of his car windows unlocked on that day.

Makaane stole the gun and returned it five days later. He warned a witness, who told him Gopal was looking for his gun, "to come and see me, but don't bring the police and you will get the gun."

In mitigation Makaane appealed to the court not to send him to jail because he was a reformed person and no longer a tsotsi since he came back form prison six years ago.

Makaane was sentenced to 12 months, suspended for three years.

Weekly Mail
14/12/85

State lawyers return to the drawing board

● From PAGE 15

People's Organisation).

In that case, Natal Judge John Didcott held that a search warrant issued by the magistrate, apparently without any satisfactory reasons being given, was invalid.

The Appellate Division held otherwise, virtually saying that the magistrate was not obliged to give reasons and that he would be ill-advised to do so.

"This is one of the really disappointing judgements of the year. It seems to make magistrates proof against challenge when they issue warrants," Mathews says.

The first attack on the Emergency itself was bought by the Metal and Allied Workers Union (Mawu). While it failed in its attempts to have the Emergency set aside, it won the important ruling that Emergency detainees must be allowed access to their lawyers — on the same basis as any other person held by the police.

A month later there was a flurry of activity with a series of cases in the Natal courts testing the validity of Emergency detentions.

Faced with two opposing judgements from the Natal courts, the Appellate Division decided in favour of a Pietermaritzburg ruling which held the detention provisions were valid.

Durban Legal Resources Centre director Chris Nicholson said the judgement might have provided serious problems to the state had the regulations been set aside.

However, the judgement that the detention clause was not *ultra vires* was not, in itself, evidence of a change in the overall trend by the courts towards rulings favouring individual liberty.

As evidence of this "trend" he quoted the Hurley judgement, the outcome of the Mawu case, the partially-successful challenge to press curbs brought by most of the English language newspapers, and two cases in which Emergency detainees were released on the order of the court.

Nicholson said the releases in the cases of a Cape Town nun (Dempsey versus the Minister of Law and Order), and the case of a TV cameraman (Radebe versus the Minister of Law and Order), showed judges were prepared to intervene even if the wording giving police power to detain was wider than in the Hurley case.

He said these cases indicated the courts were increasingly reluctant to give up their power of reviewing executive action relating to arrest and detention of individuals.

"This reflects the trend in Western democracies for the courts to decide whether they can intervene, by considering what the law deals with, rather than by nit-picking about whether the wording entitles them to act.

"For example, judges might feel unwilling to interfere on an issue such as dredging a harbour, and might say this was an issue best dealt with politically, by lobbying. Whereas the question of the conduct of a person — whether allegedly negligent or criminal, for example — is the substance of the courts' work and they are in the best position to decide the legality of police action."

With each legal gain during the Emergency, there has been a feeling by some that though the lawyers might be "winning battles", the outcome of the "war" to establish civil rights was far from settled.

This pessimistic view seemed to be confirmed by the latest media muzzling, which, in addition to tightening the existing restrictions, introduces new curbs which infringe reporting on court cases, a situation condemned by lawyers as well as civil rights activists.

But Mathews feels there are still important battles to be fought.

The Progressive Federal Party, the United Democratic Front and other groups are already investigating legal tests of the new regulations, but Mathews stresses a new challenge — this time to judges themselves.

"There is still a lot judges can do," he said. "In the area of statements by detainees for example, they are not compelled to accept such evidence.

"The judges have to decide when such evidence is reliable and this gives some scope for judicial activism.

"They also have the opportunity to extend the 'Hurley principle' to other kinds of wording, making it possible for the courts to examine actions of the police even when the wording is more subjective, such as when action is allegedly necessary 'in the opinion' of the officials involved.

"The new restrictions with their curbs on court reporting put the onus on the judges to investigate all allegations of abuse of Emergency detainees properly.

"They have to take such allegations seriously; there is no longer any other independent party able to do so."

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SPECIAL REPORT ON WHAT THE LATEST MEDIA CLAMPS AND STATE OF EMERGENCY REGULATIONS ACTUALLY MEAN . . .

MUZZLED THE INDIVIDUAL

By DAVID JACKSON and ANTON STEENKAMP

NEW emergency regulations strike at the basic right of every South African to speak his mind.

This was the reaction from top legal sources, opposition politicians and concerned business leaders yesterday as the full impact of this week's Government Gazette proclamation became clearer.

Far from being confined to muzzling the media, the regulations are so all-embracing, say legal observers, that virtually everyone will be affected in some way.

Ordinary South Africans are prevented from speaking out fully on the central issues of the day by a maze of restrictions more severe than anything imposed during wartime.

The new regulations carry the threat of ten years' imprisonment, with or without the option of a R20 000 fine, for anyone who "whether orally or in writing , makes any subversive statements or causes such a statement to be made".

And if the letter of the new regulations is strictly applied, the individual could risk getting into trouble by speaking out in casual office conversation, in a pub — or at a dinner party.

The Government says it is not its aim to stifle public criticism.

But it all hinges on what constitutes a "subversive statement".

A subversive statement is defined to include opposing the Cabinet, a Ministers' Council, any other member of Government or official in exercising their power in terms of public safety or the emergency regulations.

Areas in which one will have to tread warily include discussions on security force action, boycotts, the treatment of detainees or their release, peoples' courts and street committees.

Statements which could fall foul of the new edicts include:

● Revealing the fact that a detainee has been released — or even discussing the circumstances of his or her detention.

● Discussing the effect of a consumer boycott — or worse, speaking out in favour of one.

● Revealing the date, time, place and purpose of a "gathering" that has been restricted.

■■■

● Quoting the words of people served with emergency restrictions.

Cabinet Ministers and their deputies are exempt. But if one wants to debate any of the above, one will have to get official permission from a Government spokesman or the Bureau for Information.

The restrictions have been widely condemned by — among others — lawyers, journalists, and political and community leaders.

The chairman of the General Council of the Bar of South Africa, Advocate H P Viljoen, SC, said it was a matter of deep regret that the Government had found it necessary to curb the independent reporting of factual occurrences (including court proceedings up until the time of final judgment) in so drastic a manner.

Advocate Viljoen said it was appreciated that the Government faced grave difficulties in establishing order.

"But to prevent unfettered dissemination of the true facts about unrest in the country by an independent Press deprived the ordinary citizen of yet another safeguard against abuse by the officers of the State of the awesome powers which they already have," he said.

The president of the Association of Law Societies, Mr Roger Cleaver, said the new regulations were a serious invasion of the fundamental common law rights of freedom of expression.

Speaking on behalf of the attorneys' profession, Mr Cleaver said that because of earlier restrictions on communication it was not possible to make a reasonably informed assessment of the factual situation in areas of unrest.

"One cannot, therefore, say to what extent the further restrictions are unwarranted.

"In their general ambit, however, the regulations are extremely far-reaching and clearly disturb fundamental legal values."

MUZZLED THE POLITICIAN

By LESTER VENTER
Political Correspondent

LEADERS of the three main white Parliamentary opposition parties this weekend slammed the Government's latest emergency regulations.

One described them as a "rape of democracy" — and all agreed that they will have a serious effect on elections next year.

Some comments made by the Leader of the Opposition, Mr Colin Eglin, Conservative Party deputy chairman Dr Ferdi Hartzenberg, and Herstigte Nasionale Party leader Mr Jaap Marais cannot be reported.

The regulations forbid any person to make a "subversive statement" orally or in writing.

The three House of Assembly opposition party leaders all said that unrest, boycotts and other extra-Parliamentary activity in the country amounted to a reflection of the effects of National Party government policy. Inability to deal with these issues openly and freely would make a mockery of a democratic election.

After describing his attitude to conducting an election campaign in such conditions, Dr Hartzenberg said: "If they want to throw me in jail for it, they must do so.

"If criticism that could and would have been made is suppressed then it will be a rape of democracy and the Government can expect problems."

The increasing revolutionary climate is proof that Government policy is failing, Dr Hartzenberg said. The imposition of the new curbs to combat revolutionary foment also meant the country had been getting a false picture from the Bureau for Information, which had claimed the situation was "normalising".

Mr Marais said the Government had gone "too far" but it would depend on how strictly the measures were applied. It would be "damaging" if the Government acted against election candidates.

He said part of the reason for the curbs was the Government showing the white electorate it was prepared to act strongly against leftwing activity.

"The desired effect has already been achieved."

■■■

Mr Eglin said the PFP had a mandate to act in opposition and would continue to do so. But under present conditions opposition parties would be going into an election "with their hands tied behind their backs".

He said the seriousness of the curbs on information went beyond campaign restrictions on candidates themselves.

"For elections to work you have to have an informed electorate."

Mr Eglin said there would be at least 36 candidates in a prospective general election who would be exempt from the restrictions. They would be the Cabinet Ministers and deputies who are empowered by the regulations to determine the release of information.

"Such a candidate could authorise his election literature as he wishes," said Mr Eglin.

This weekend, Mr Stoffel Botha, Minister of Home Affairs and Communication, the man responsible for administering the regulations, commented circumspectly on the politicians' anger.

He said the voting public would recognise the curbs as a "last resort" by Government to shorten the unrest as quickly as possible.

The country is committed to a mini-election early next year, involving a series of by-elections resulting from the recent Cabinet shuffle, resignations and other vacancies.

However, there are strong signals that the Government wants a full mandate from white, coloured and Indian voters in a general election.

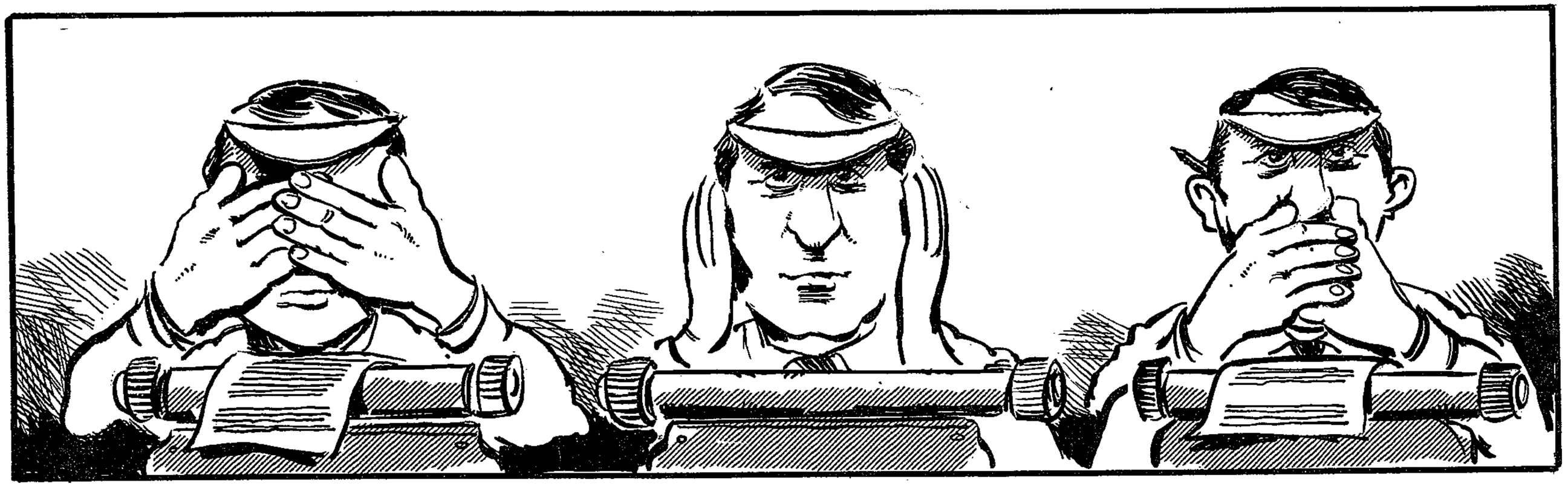
A reliable source said at the weekend that Government planning was narrowing to an election on March 18, to be announced in President P W Botha's New Year message.

As politicians, journalists and publishers grappled at the weekend with the implications of the curbs, the restrictive net spread over party political reports and international publications.

The PFP's Unrest Monitoring Action Committee's (UMAC) regional report for the western Cape was held back for legal opinion.

UMAC investigates and documents unrest incidents, trends and security action.

THE THINGS YOU



MUST NOT KNOW

By WILLIAM LANE and DAVID HOFFE, attorneys, of Bell, Dewar & Hall, co-authors of "A Newspaperman's Guide to the Law"

A STRUGGLE of perceptions. This is how Mr David Steward of the Bureau for Information described on television the Government's problem with the media.

One cannot but agree.

That the Government is determined to deny information to the public in South Africa and abroad is apparent.

The regulations show that the aim is, by forbidding the circulation of information, to present a picture at home and abroad that all is well, that there are no boycotts, alternative structures or assaults on detainees.

They also show the areas in which the Government is most sensitive to news reporting. It appears to have abandoned the task of improving its image in these areas.

So let us look at the new items on the already long list of matters about which we should not know.

Top of the list comes the opposition to that holy cow, compulsory military service. It is given a paragraph all of its own in the definition of "subversive statement".

It is now subversive to make a statement "by which the system of compulsory military service is discredited or undermined". The State President considers that such a statement would endanger the safety of the public or the maintenance of public order.

The development in black townships of street committees and peoples' courts is a matter of concern.

It is now subversive to say or write anything which is calculated to encourage members of the public to exert power in specific areas "by way of structures purporting to be structures of local government ... or to establish such structures, or to support such structures, or to subject themselves to the authority of such structures, or to make payments due to local authorities to such structures". Informal peoples' courts receive the same treatment.

Not only must these irregular structures and courts not receive encouragement or support, but we must not know how they work and no statement may be made which "discloses particulars of the manner in which members of the public are being intimidated, incited or encouraged to support such structures or to subject themselves to the authority of such structures".

Likewise, we are "protected" from the Press in regard to boycotts.

It is now an offence to publish news or comment in connection with a boycott in so far as it "discloses particulars of the extent to which such action or boycott is successful or of the manner in which members of the public are intimidated, incited or encouraged to take part in or to support such action or boycott ..."

The prohibition on saying how the security forces are managing to keep the townships quiet is still there.

The "subversive statement" which was an important feature of the previous regulations has been sharpened up, polished and given a new look. This time a competent draftsman has taken careful note of the objections taken to the previous regulations by members of the judiciary.

No longer is a boycott a nebulous concept.

The definition appears to be clearly aimed at consumer and educational boycotts but the net is widened to include any boycott action of not "doing other business" with a particular firm or firms of a particular nature, class or kind.

Funnily enough, promoting sanctions or disinvestment is no longer seen as a threat to public safety.

We will also be protected from news about detentions. An arrest of a person under the security regulations is now a "security action", particulars of which may not be published. No photograph may be taken of the arrest.

No news may be published of the person's release and nothing may be published about the circumstances of his or her treatment in detention. The provisions of the Police Act and the Prisons Act which visit penalties upon Pressmen who are not very careful in reporting are not enough.

Reports about detentions are, in general, now "verboten".

The power to summarily seize a newspaper (or to close it down), jettisoned by the Natal courts, has been restored, although somewhat softened. The previous regulations left it to a commissioned officer in any of the forces to decide whether or not a newspaper was subversive.

The Natal courts found it unthinkable that Parliament could ever have gone that far. The draftsman of the new regulations seems to have taken the point, and the power is now reposed in the Minister of Home Affairs or the Commissioner of Police.

The interesting new concept of the "reasonable bystander" is introduced. It seems that, if there is any doubt as to whether action falls within the definition of "unrest", the test to be applied is that of the "reasonable bystander".

What good can be said of the regulations?

The drafting is more competent. This can perhaps be attributed to the stringent requirements of the courts. Apart from such new woolly concepts as "the reasonable bystander, presumably armed with a vest pocket edition of Butterworth's Consolidated Statutes, the areas of woolliness have been reduced.

The Minister must take certain procedural steps before he may proceed against publishers and importers of material which contravenes the Act. There is no longer the same degree of uncertainty as to whether or not a particular government official may safely be quoted as admitting to some error.

Excluded from the ambit of certain of the offences are particulars given by government spokesmen or in debates and documents of Parliament or the President's Council.

The exemption does not go far in the case of court reporting. Allegations of assault and detention made in court may only be published when the court has given a final judgment.

Bearing in mind that final judgments are often given only months or years after the hearings in which the allegations are made, and at a time when public interest may have waned, the effect of this exemption is not great.

There remain many areas upon which reporting and comment are permissible. The Government may still be criticised.

But the very existence of these regulations, conjuring up the impression that we should be led to believe that South Africa is only "sunny skies and Chevrolet", means that even those reports of sunny skies and Chevrolet will be suspect.

There may be a detainee in the boot of the Chevrolet. No mention may be made of his presence there and no blank space may indicate that there is something more to the story.

The regulations do not, by any means, go far towards achieving the objective of "balanced" reporting which Mr Steward indicated on television he wished to achieve.

Nothing in the regulations requires the Press to take care to say as many good things about the Government as they say bad things. The Press is not required to give as much coverage to the Government as it gives to its opponents.

Mr Steward wishes to rectify this position and to win the struggle of perceptions. The serious impact which they make on the public's right to know and the care with which they have been drafted seem to indicate that the regulations will be a feature of the scene for some time to come.

They do not achieve Mr Steward's objective. They must be but the tip of the iceberg.

We are still living with the solutions devised down the years by such men as Swart, Donges and Vorster. Those solutions were considered drastic in their time.

But the situation became still worse. Other actions are to be expected. What next?

ARGUS 15/12/86 250 327

Reason for roadblocks

Staff Reporter

POLICE manning roadblocks in the Western Cape over the festive season will distribute pamphlets to motorists asking for their co-operation and explaining why they are being stopped.

In the form of letters from the divisional commissioner of police in the Western Cape, Major-General C A Swart, the pamphlets outline the reasons for the roadblocks — for apprehending suspects and identifying stolen cars and firearms.

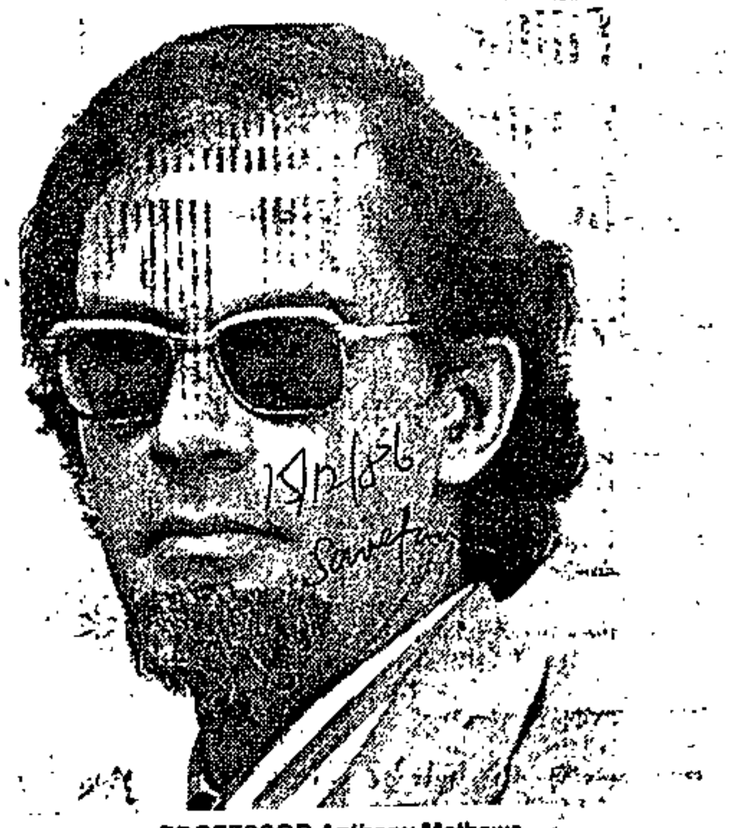
People going through the many police roadblocks in the Peninsula in recent weeks have been asked for identification and their car registration numbers have been noted.

Two women whose car was "thoroughly searched" at a roadblock manned by police and army said they were told police were looking for firearms and stolen cars.

They were asked to identify themselves and the name and address of the driver and registration number of the car were recorded.

Other reports from people who had gone through roadblocks were that they had been body searched and their cars "stripped right down".

MARINUS WIECHERS, Professor of Constitutional Law at Unisa, reviews *Freedom, State Security and the Rule of Law: Dilemmas of the Apartheid Society* (Juta) written by ANTHONY MATHEWS, Professor of Law at the University of Natal.



PROFESSOR Anthony Mathews.

Deadly blow to Press freedom

FOCUS

THE type of dilemmas facing South Africa are largely self-inflicted or, at least, the product of our history. One of these dilemmas is that through long-standing traditions of liberal democracy stemming from our Western heritage, South African history has inculcated in some of our informed citizens a sense of justice and a facility for critical analysis which transcend — and simply cannot be silenced by — the vicissitudes of any authoritarian government. From this very fact, stark anomalies flow.

Such an anomaly between a rich culture of cherished democratic values and oppressive government measures has during the past week again emerged in sharp focus. More or less simultaneous with the appearance of Professor Anthony Mathew's book, *Freedom, State Security and the Rule of Law*, the Government announced its latest stringent regulations on all newspaper reporting of unrest situations and so-called security actions. By these measures, the words of Mathews, that through the emergency laws, "the tattered remnants of the rule of law are stripped away for the duration of the crisis," acquire an even greater significance, as does his almost prophetic assessment: "The combined effect of a number of emergency regulations, considered on their face, is to impose a news and information black-out on matters connected with the unrest situation or with measures taken to combat it".

In his words, "the Public Safety Act, thus extended and rejuvenated, has become the unexpected instrument of the abolition of the remaining vestiges of the rechtsstaat as an institution of South African society".

The notion of a free Press, Mathews claims in his discussion of South African Press laws, "has strong mythical elements about it". He points out that even under the existing, ordinary laws of the land, the Press has been severly curtailed. Harsh registration requirements, the banning of speeches and writings of listed persons, the prohibition of the reporting of matters regarding prisons, police and defence and the extensive protection of official information, have all contributed to a situation in which freedom of expression and comment has been excessively eroded and in certain respects, remained almost non-existent.

What is even more worrying, in the words of Mathews, is the fact that "security legislation touching upon speech and information exemplifies all three of the basic types of rule-of-law violation — lack of clear standards, absence of independent control and procedural injustice". Through the latest restrictions, one fears that the myth of a free South African Press has received a further and perhaps fatal, blow.

Press reporting of and comment on, events of any nature must inevitably have some factual basis and possess at least some modicum of truth. A newspaper which is constantly untruthful and biased in its reporting must inevitably discredit itself since the modern Press simply does not exist and cannot function in a vacuum. Through a vast network of media reporting on similar events, a totally spontaneous system of checks and balances has been established which makes it virtually impossible for one or two irresponsible newspapers wilfully to continue with their false and distorted information.

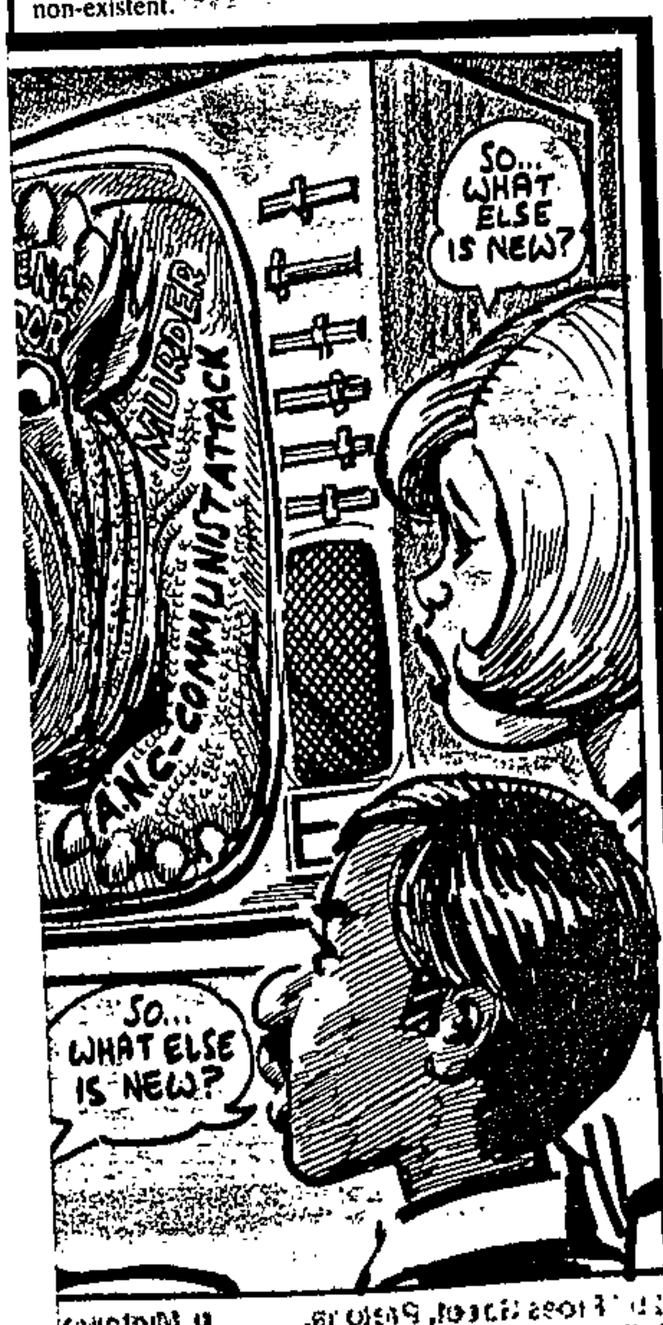
Necessary

Why then, does it become necessary for a government to impose severe curbs on Press freedom, especially in times of natural crisis? Presumably, to arrest, as Mathews puts it, "a general slide into disorder and even chaos". However, the Press cannot, on its own, through its reporting, create disorder and chaos. It can, at most, distort facts and thereby, magnify an existing state of chaotic affairs. If that happens, it can be safely inferred that ordinary, balanced and thinking readers will withdraw their support and that the broader media network will express opprobrium and censure.

When, in time of national emergency, a blanket of silence is thrown over the Press in general, the fear is inevitably created in the minds of reasonable people that the security situation has become unreportable since it has, effectively, become uncontrollable. In short, far from removing the doubts which persist about the means and methods presently employed to curb unrest and thereby, to promote political stability, excessive restrictions on the Press kindle another and far deeper anxiety. An anxiety which lives in the hearts of many people and which Mathews, for his part, expresses forthrightly: ". . . the (South African) security system has failed in the sense that it has neither eliminated unrest nor even contained it, but, more seriously, it is susceptible to the additional criticism that it has contributed to political disorder".

Nobody will contest that a democracy can be so severely threatened that a government is compelled to act with extraordinary powers. But in using such powers, a government must always carefully maintain a balance between over-reaction and under-reaction by constantly guarding against wholesale derogations from the rule of law and unswervingly following a set of clear and definable objectives. Ultimately, the question remains: "Whom or what is one seeking to defend?" A political system which demands a permanent array of security and emergency laws to exist, cannot survive. In South Africa, emergency measures, and more specifically, curbs on a free Press are applied to protect the ignorance and misguided sense of security of the white population, the warning sounded by Mathews becomes a full reality. Though democracies may well be undermined by riot or revolution, they are just as susceptible to destruction by being converted, on the pretext of the need to cope with a continuing crisis or emergency".

It has become almost impossible for ordinary people who still believe in a democratic future to know what is happening in the country. However, they can benefit from Professor Mathews' book to appreciate the full extent of our country's dilemma. At the same time, they will be comforted to know that the fiercely independent spirit defending democratic values and the rule of law which is so much part of our tradition and history, is still alive. Inversely, may this erudite work not be, one day, a lasting indictment of those who aver that through the course of events beyond their control, they could have never realised to what extent they were subjugated into ignorance and passivity.



Political comment in this issue by J Latakgomo and A Klaaste. Sub-editing, headlines and posters by S Matlhaku. All of 61 Commando Road, Industria West, Johannesburg.

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Abducted Swiss couple return home unharmed



Daniel Schneider and his fiancée, Corinne Bischoff.

MBABANE. — The Swiss couple abducted from Swaziland during a series of armed raids on houses in Mbabane on Friday have returned to Swaziland unharmed.

An informed source said the couple, Mr Daniel Schneider and his fiancée, Miss Corinne Bischoff, were met by a friend on the South African side of the border gate at Oshoek, 20km from Mbabane.

The couple said they had been well treated.

It appears they were taken on the grounds of "purely circumstantial evidence in respect of their association with people known to have connections with the ANC — either known or uknown to them," said the source.

Student unrest

Miss Bischoff's brother, Mr Pieter Mischoff, is a lecturer at the Kwalusuni campus of Swaziland University which was the scene of several months of student unrest whch culminated in the temporary closure of the university in January, last year.

Sources in Mbabane yesterday confirmed that a third person abducted, Mr Danger Nyoli, returned unharmed to Swaziland on Friday.

According to a spokesman at the Mbabane restaurant where Mr Nyoli works as a barman he had "taken a short leave" after returning to Swaziland.

Meanwhile, Sapa-AP reports from Bern that a brief statement which said that Miss Bischoff and Mr Schneider had returned to Mbabane, made no reference to South African allegations that they had links with ANC guerrillas.

Firm words

The statement noted the Swiss Ambassador to South Africa told Foreign Minister Mr Pik Botha in "firm words that the arrest of the two Swiss would strain relations between the two countries."

In Johannesburg, Mr Botha said the Government had decided to return the couple to Swaziland in view of the good relations South Africa had with both Swaziland and Switzerland. — Sapa.

Press muzzle could be relaxed for elections

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SPML 15/12/86

By David Braun, Political Correspondent

The emergency regulations will in all likelihood be partly relaxed when it comes to reporting the comments of official candidates in any parliamentary election campaigns, according to official sources today.

However, parliamentary opposition parties say this is not good enough and have continued to express outrage that the Government should be trying to muzzle them to the advantage of government speakers.

In terms of the most recent emergency regulations, only Ministers, Deputy Ministers or government spokesmen are automatically allowed to be reported on matters concerning unrest-related issues.

Ordinary MPs may make certain statements but if these fall within the ambit of "subversive statements" they may not be published without official clearance.

Mrs Helen Suzman of the Progressive Federal Party said today it was all very well to have a vague undertaking that the regulations would be suspended temporarily during the election campaign.

"But as far as we are concerned, we are already in a run-up to an election, whether that is next week or next year.

"We want to oppose, criticise and say whatever we want to; and to have that published without any government interference as is our democratic right."

Mr Jaap Marais, leader of the Herstigte Nasionale Party, said he doubted the Government would even temporarily or partly relax the regulations.

He said the HNP planned to say whatever it felt was neccessary to inform the public about the Government's actions and would take the risk of contravening the emergency regulations.

Cape Times 15/12/86

SA admits Swazi raid, releases three captives

Own Correspondent

JOHANNESBURG. — Two Swiss nationals and a third man abducted in raids into Swaziland last week have been released by South Africa.

South African involvement in the raid into Swaziland, in which two people died, was yesterday confirmed when the Department of Foreign Affairs said it would return the two Swiss nationals.

The Minister of Foreign Affairs, Mr Pik Botha, said it had been decided to return the Swiss citizens, Mr Daniel Schneider, 29, and Ms Corinne Bischoff, 25, "in view of the good relations between SA, Switzerland and Swaziland" and because the two governments had "objected to the removal of the two persons concerned from Swaziland".

Mr Botha said the detention of Mr Schneider and Ms Bischoff was "the result of information that the South African security forces had regarding their involvement in activities that affect the security of the Republic of South Africa ..."

Sapa reports from Mbabane that the couple arrived back in Swaziland unharmed at about midday yesterday.

And Reuter reports from the Swaziland capital that a Mr Franco Gonsalves said that a third person who was abducted, his employee, Mr Danger Nyoni, was driven from Middleburg to the Swazi border on Saturday night and left to walk back to Mbabane.



Mr Daniel Schneider and Ms Corinne Bischoff.

The fate of the fourth person kidnapped, Ms Grace Cele, remains unknown.

Two people were killed, including a 13-year-old, when a commando team made a series of raids in Mbabane and Manzini on Thursday night on supposed ANC planners.

The Swiss government said in a statement from Bern yesterday that after the abduction, the Swiss ambassador to South Africa told Mr Botha in "firm words that the arrest of the two Swiss would strain relations between the two countries".

A PFP foreign affairs spokesman, Mr Ray Swart, said the raid raised serious questions about the conduct of the SA government.

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SA press 'shaken'

Own Correspondent

LONDON. — The new reporting restrictions in South Africa have badly shaken an already beleaguered press, says an article in Saturday's edition of the Daily Telegraph.

Their staff correspondent Jeremy Gavron gives examples of the frustrations facing journalists from a study of bringing out an edition of the Cape Times.

The Editor of the Cape Times, Mr Anthony Heard, is quoted as saying that the new curbs are "the most severe attack on free expression in 150 years".

The Daily Telegraph describes the feelings of frustration on newspapers.

Gavron writes of the Cape Times that "many of its reporters have legal actions hanging over them because of words they have written, photographs they have taken and places they have been". In chasing stories, its reporters have been "whipped, teargassed, shot at and wounded".

Press curbs draconian, says Howe

LONDON. — The British Foreign Secretary, Sir Geoffrey Howe, at the weekend called "the draconian new restrictions on press reporting and the widespread wave of detentions" in South Africa "deeply disturbing".

Sir Geoffrey said: "All those who look for progress towards a more open society in South Africa and who have been encouraged by some of the reforms introduced by the South African government in recent years, can only be greatly disheartened by the trend which has become apparent in the last few months."

And in Cape Town, the Black Sash's national president, Mrs Mary Burton, said her organization was "filled with anger" at the clamp-down and "filled with fear for South Africa and its people".

'A mad nightmare'

She said the government has "hurtled South Africa into a mad nightmare where secret deeds and unknown powers will control our lives".

"Our only solace lies in the firm stand taken by so many newspapers and in the continued courage of those many people who will never abandon their resistance to apartheid and repression," she said.

The British Observer newspaper said in an editorial that "the measures are . . . a yell of defiance at Europe, the Commonwealth and the United States . . ."

The newspaper also said: "In Africa, the erosion of democratic freedoms has gnawed away like rust at the ideals upon which the independent black states were founded, and last week the white government of South Africa joined in by imposing new and rigorous controls on the freedom of the press.

'Persecuted journalists'

". . . the new regulations are more than simply an attempt to fetter the press. They seek to cripple any attempt to criticize the government, and to destroy extra-parliamentary organizations like the Black Sash and the United Democratic Front, which have provided one of the main channels through which news of South Africa has been disseminated."

And in Harare, the Zimbabwe Union of Journalists at the weekend condemned the South African government's actions against the press.

"Together with other progressive media and people the world over, the ZUJ declares its solidarity with the persecuted journalists in South Africa, who, side-by-side with the struggling masses in that country are contributing to their heroic efforts," a ZUJ spokesman said. — Own Correspondent, Staff Reporter and Sapa-AP

Rapport turns a deaf ear to latest Press curbs

By Don Holliday

South Africa's English-language Sunday newspapers slated government censorship yesterday — but readers of *Rapport*, the Afrikaans Sunday paper, had to wait until page four to find a report on the curbs.

Three days after the Government censored information, the lead story in *Rapport* concerned a man regaining his hearing after 38 years of deafness.

The Sunday Tribune's lead story read: "Big Brother Is Watching You, now the State can muzzle anyone who criticises its actions". Other reports were carried on inside pages.

Both The Sunday Star and *The Sunday Times* lead with a story on a top-level police investigation into spying allegations in the South African Defence Force.

The Sunday Star carried a notice on its front page which read: "This issue of The Sunday Star may have been censored. The law does not permit us to give details." Other reports on the restrictions were carried inside the paper.

The Sunday Times carried a front-page editorial comment on the restrictions and further reports inside the paper.

SA hurtled 'into mad nightmare'

CAPE TOWN — The Government's latest gags on the Press and anti-apartheid organisations has "hurtled South Africa into a mad nightmare where secret deeds and unknown powers will control our lives", the Black Sash said yesterday.

The Black Sash national president, Mrs Mary Burton, said her organisation was "filled with anger" at the clamp-down and "filled with fear for South Africa and its people".

"We search for comparable experiences of totalitarianism in other countries or in other eras and find little to comfort us," she said.

"Our only solace lies in the firm stand taken by so many newspapers and in the continued courage of those many people who will never abandon their resistance to apartheid and repression.

"The Black Sash will continue to press towards the realisation of its goals, even though we may be temporarily prevented from voicing our demands," she said.

"We remain committed to a truly democratic and non-racial future in which truth, justice and freedom will be the common goals of society." — Sapa.

Zimbabwe journalists slam clamp

HARARE — The Zimbabwe Union of Journalists (ZUJ) yesterday condemned the South African Government's actions against the Press.

Ziana, the semi-official news agency, reported ZUJ chairman Mr Charles Chikerema as saying in a statement:

"The recent measures against the Press in South Africa add to the many crimes being committed by the apartheid regime against humanity."

Calling on all the progressive journalists in the world to expose the evils of apartheid, which the United Nations identified as a crime against humanity, Mr Chikerema said:

"Together with other progressive media, and people the world over, the ZUJ declares its solidarity with the persecuted journalists in South Africa, who, side-by-side with the struggling masses in that country, are contributing to their heroic efforts." — Sapa.

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Press curbs are 'final curtain on democracy'

Own Correspondent

DURBAN — The final curtain on democracy in South Africa had been drawn with the latest Press curbs, says the Progressive Federal Party's Natal leader, Mr Ray Swart.

He said history had shown that censoring the free Press was the last step taken by any government before imposing a totalitarian regime, and South Africans had to now decide if they were prepared to allow this to happen, or stand up for values that were "democratic and decent".

It was also patently obvious that the newly created Government "news service" to deal with unrest reports, the Inter-Departmental Press Liaison Centre (IPLC), was nothing more than a media suppression mechanism.

He said this was graphically illustrated last Friday when the Star in Johannesburg submitted six stories to the IPLC for clearance. Each request received the same reply: "Your request to publish is refused, repeat: Refused."

Sapa's news service was also refused clearance on a report on the United Democratic Front's decision to challenge the new restrictions in the Supreme Court.

"The IPLC is basically just an organisation created to prevent the free flow of news," said Mr Swart.

"The Government doesn't give a damn about disseminating information it believes people should not know and at a critical period in our history, the public will be even more misinformed than ever before."

He said there was little the Press could do without breaking the law in fighting the curbs — the toughest restrictions imposed on the media in the country's history.

"What is really needed is a vigorous public campaign to support the Press. The ideal of a free Press is a bastion of democracy and the good and decent values our society should be upholding.

"Unfortunately in many instances people are apathetic about this. Indeed, some even believe that news reports should be censored."

Kidnapped pair tell of ordeal

Gulf Times 16/12/86 327

LONDON. — A Swiss woman who was kidnapped by South African security forces from Swaziland said yesterday she was sure she had been shackled alongside a dead body during her two-day ordeal.

The Swiss couple also said they were offered money if they would co-operate with their abductors.

Contacted by telephone in the Swazi capital, Mbabane, by the BBC's Radio Four, Miss Corinne Bischof, 25, a hotel manager, said she and her commercial artist fiancé, Mr Daniel Schneider, 29, were abducted on Friday by men armed with automatic weapons.

The couple, who were returned to Swaziland on Sunday, said they were woken up by an explosion at 2am on Friday, when four men burst into their Mbabane home.

'Feared for my life'

"We were brutally kidnapped. I prayed for my life," Miss Bischoff was quoted as saying in a telephone interview with the Zurich newspaper Blick yesterday.

The kidnappers blindfolded the couple, shackled their wrists and ankles, bundled them into a car and drove them to what they were later told was the Transvaal town of Middleburg.

Miss Bischof said the men smashed all the windows in their home before forcing them into waiting cars, which drove across the border into South Africa.

"We were (then) put into a police van, our legs and arms were shackled ... and I'm quite sure I had a dead body lying next to me," Miss Bischof said.

"Masks were put over our faces," her fiancé was quoted as saying. "I could not see the dead man but I could touch him. He was cold."

Miss Bischof described her abductors as a Portugese-speaker, a black and two Afrikaners.

"For the next six hours we were driven around at high speed," she said.

They were taken into custody and questioned. "They didn't know what to do with us ... it seemed that it was very embarrassing for them," she said. "They were trying to terrorize us but no explanation was given."

Miss Bischof said they had been given a change of clothes and told not to discuss their detention with the press.

Blick said the couple would claim damages from South Africa for "physical and psychic" maltreatment. Reports from Johannesburg quoted the two as saying they had undergone intensive interrogation but had not been badly treated.

Miss Bischof, who has lived in Swaziland for the

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past five years, denied she had any connections with the African National Congress (ANC).

The two were released yesterday after being questioned about their alleged ANC connections.

The Foreign Minister, Mr Pik Botha, defended the action, saying the couple had been involved in activities affecting South Africa's security.

Mr Botha said they were freed because of the good relations between Swizterland, Swaziland and South Africa. The Swiss foreign ministry said the release followed strong Swiss diplomatic representations.

Under Swaziland's non-aggression pact with South Africa curbing activity by the ANC, hundreds of the movement's followers have been expelled from Swaziland in the past four years.

The couple also told reporters in Mbabane that South African police and a Colonel Visser told them they could become rich if they helped identify a number of people.

Miss Bischof said she was shown photographs of black and white people by Colonel Visser at Middleburg. He asked her to identify the people in the pictures.

"You could become a rich young woman if you can help us with this (identification)," she said Colonel Visser told her.

Mr Schneider said he was driven to Pretoria while Miss Bischof said she was kept at Middleburg, taken to Pretoria and back to Middleburg before they were freed.

Mr Schneider said police questioning him in Pretoria made the same offer, but he and Miss Bischof had turned it down because they did not know the people in the photographs.

The couple said they were questioned about their political affiliations and they denied any connection with the ANC.

The Swiss couple said their captors told them five people had been kidnapped from Swaziland.

One Swazi national, Mr Danger Nyoni, has been freed but there has been no news about Ms Grace Cele, another Swazi, who worked for a Canadian agency giving scholarships to black South African refugees.

Swaziland put the number of people kidnapped at four, but political sources said that Mr Mathews Maphumulo, an ANC member and refugee in Mbabane, had also been taken.

Two people, including Mr Nyoni's 13-year-old son, died in the raids.

The Swiss couple, who said they were given their first meal and change of clothes on Saturday, were driven to the Swazi border on Sunday and met by Mr Samuel Sterban, South Africa's Trade and Consular Representative in Swaziland, and Mr Bischof's brother, Paul, a lecturer at Swaziland's University.

The Swazi Prime Minister, Mr Sotsha Dlamini, has condemned the raids and demanded that South Africa respect Swazi sovereignty.

☐ A Ghanaian businessman operating in Swaziland says he is going to sue the South African government for damages to his flat incurred during a raid by gunmen on his neighbour's apartment at Matsapa near Manzini last week.

Sapa's correspondent in Mbabane quotes reliable sources as saying the businessman, Mr J R Tetty, said he would sue for more than R250 000.

The claim follows the raid on the flat occupied by Mr Mathew Maphumula, who was said to be an active member of the African National Congress, operating secretly in Swaziland.

Mr Maphumula was shot in the stomach during the raid and has since been reported dead.

Mr Tetty, who runs an import-export business in Swaziland, is making the claim for alleged damage to his flat and the loss of cash and valuable goods during the raid.

☐ Since June, three ANC members have been shot dead in Mbabane, another kidnapped and several houses and offices raided for files on South African refugees. — Sapa-Reuter-AP

De Beer deviates to mention Bonner plight

By Pat Devereaux

Dr Zac de Beer, executive director of the Anglo American Corporation, last night deviated from his formal address at the University of the Witwatersrand graduation ceremony to mention the plight of Professor Phil Bonner and his wife.

Speaking on "The Challenges of Urbanisation" Dr de Beer said: "There is one huge monopoly in our country about which it is entirely proper to be deeply concerned. I refer, of course to the Government."

The Government employed escalating numbers of expensive and largely incompetent people to administer policies disliked by 80 if not 90 percent of the people to whom they are applied, he said.

He stressed the need for scrapping the Group Areas Act.

Dr de Beer then digressed from his formal address to mention the recent drama surrounding the pending deportation of Professor Phil Bonner and his wife, Mrs Chris Bonner. "I share with you immense relief at the reprieve given to Professor Bonner. He and his wife are extremely valuable to our community."

Concluding his address Dr de Beer said: "I do not believe that the policy of deliberate repression upon which our Government is at present engaged will succeed for long."

● See Page 4.

Raid a 'cowboys and crooks' game

Cape Times 16/12/86 327

By BARRY STREEK
Political Staff

THE government was playing a modernized version of cowboys and crooks by abducting people across foreign borders instead of attempting to resolve issues by international diplomacy, the leader of the Opposition, Mr Colin Eglin, said last night.

He wanted to know what was going on in the government when it abducted people from across the borders of friendly states and then released them.

Mr Eglin, who is the PFP's spokesman on foreign affairs, said the abduction of four people from Swaziland and the subsequent release of three of them raised the issue of who was responsible for South Africa's foreign policy.

He said the Minister of Foreign Affairs, Mr Pik Botha, had confirmed last week to Switzerland's ambassador that two Swiss citizens had been apprehended but had not indicated then that they had been abducted from Swaziland.

"Did the Foreign Minister know that they were apprehended in a foreign country? Or was he only informed afterwards?

"Irrespective of the other issues, is this the way to behave to a friendly country like Swaziland and a neutral country like Switzerland?

"This looks like a modernized version of the old game of cowboys and crooks and was certainly not a serious attempt to resolve the matter by international diplomacy.

"This is another indication that, quite apart from the lack of policy, the ability of the government to manage its own activities is down to zero.

"What is going on with the government?" Mr Eglin asked.

Three of the four people who were abducted last week — Mr Daniel Schneider, 29, Ms Corrine Bishoff, 25, and Mr Danger Nyoni — have been returned to Swaziland, but the fate of Ms Grace Cele remains unknown.

During the raid on Mbabane and Manzini last week, two people, including a 13-year-old boy, were killed.

CAPE TIMES 16/2/86

Eglin: Don't indulge in self-censorship

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Political Staff

HORRIFIC as the new emergency regulations were, people should not indulge in self-censorship by reading non-existent restrictions into them, the Leader of the Opposition, Mr Colin Eglin, said yesterday.

Mr Eglin said the Progressive Federal Party (PFP) was determined to carry out its activities as before although it would have to take into account the legal effect of the restrictions.

The PFP's federal executive, due to hold an urgent meeting in Cape Town on Thursday morning, is to examine its role following the gazetting of the new restrictions last week.

The chairman of the federal executive, Mr Ken Andrew, MP, said that as a political party the PFP had a responsibility, both inside and outside Parliament, to inform the public about what was going on in South Africa.

One of the objectives of the federal executive meeting was to examine every possible way of carrying out this responsibility, he said.

"I anticipate the party will decide to continue with its activities in all parts of South Africa as before — and not allow itself to be silenced by these arbitrary restrictions," Mr Andrew said.

Mr Eglin said the federal executive would look at the situation and at the legal implications of the new restrictions.

"We are a political party, and we'll stay in action. We will assume the least restrictive interpretation."

He said lawyers were examining the regulations on the PFP's behalf and the party would decide what to do after receiving their report.

Mr Eglin said there could be well be points of law in the regulations which were ultra vires but no decision to challenge them in the courts had yet been taken.

Whites should beware those emergency powers

Call Times 16/12/86 327

THE government crackdown on the press is further evidence that South Africa is irrevocably choosing the Rhodesia road.

There is special significance for South Africans in the fact that in Zimbabwe (formerly Rhodesia) Ian Smith's emergency powers still apply, 21 years after they were first introduced. Mr Mugabe finds them useful.

It seems unlikely that measures taken last week in South Africa to seal off security force action from independent scrutiny and to dampen if not totally eliminate dissent will be lifted soon. They may last even longer than some think. They, too, could prove useful to a future black government. Whites should beware.

Indeed, one of the most powerful arguments against the growing repression in South Africa is that it could one day be used against whites. The freer the press now, the freer it will be in a new South Africa, is a cogent argument. But with the white fear level pretty high, the argument tends to get lost.

It was, perhaps, expecting a lot to think that the South African government would face the cacophony of township unrest, Western hostility, sanctions, disinvestment, African National Congress plans for Christmas violence, politically inspired consumer campaigns, right-wing criticism, etc, without clamping down on what remained of civil liberties.

But that does not change the reality that civil liberties, once lost, are re-won only with a major effort — and often after convulsive events of varying severity, such as in Germany in the '40s, Portugal in the '70s or Argentina and the Philippines in the '80s.

The restrictions on the media gazetted on Thursday hermetically seal off the activities of the security forces from all but official scrutiny. They go further: They strike at a cornerstone of justice, that it should be seen to be done, by delaying publication of certain court proceedings concerning detainees until judgment is given; and they restrict a wide range of dissent or resistance to government.

NEWSPAPERS, of course, will do their best to push open the frontiers of freedom, by publishing what they can — and they are already hard at work looking for loopholes and working out editorial strategies. One problem they have is that they cannot even alert readers to the fact of censorship by use of blank spaces. Some may go to court to test the confusingly drafted regulations, as happened previously with some success.

As emerged from various quarters last week, the government recently tried and failed to strike a deal with the established press, as opposed to the "alternative" press, whereby the former would be exempted from the harsh new provisions if it would "discipline itself". The state went ahead with last Thursday's measures against all media operating in South Africa, including the foreign media. The newsflow, locally and abroad, will be down to an officially-approved trickle in many vital spheres. Only a journalistic Scarlet Pimpernel could get the full story.



By A H HEARD



Shades of Ian Smith's Rhodesia.

The established press has cautiously agreed to explore whether its internal disciplinary machinery, via its own Media Council which is headed by a respected ex-judge, can be adapted to take account of the state of emergency. Many editors feel that this is impossible. Emergencies are for governments, not for voluntary, independent disciplinary bodies like the Media Council. Ethical press codes are forever; emergency regulations are a matter of law and, one hopes, temporary.

Moreoever, the thought that the established newspapers would connive with government by seeking exemption while other, "alternative" newspapers are clobbered, is regarded with hostility by many editors and journalists. They argue that press freedom is indivisible. Today's "alternative" newspaper is tomorrow's establishment paper. They feel it better that emergency measures should apply to all, ie the government should do its damned'st. It has.

The prospect, thus, is of a long spell of repression, with detentions, bannings and over-border raids into neighbouring states increasing, and a virtually free hand for the security forces in dealing with unrest in the way they wish. This tough strategy seems to date back to May when the Commonwealth Eminent Persons' Group initiative was detonated by South African military raids into three Commonwealth countries on one day. Sanctions have clinched things.

THERE is a firm view in government that, before you can talk to the black majority, the recalcitrants among them must be severely dealt with.

Thump, then talk, is a maxim which is not used widely in public, but lies just beneath the surface of government thinking. It seems likely that a group of malleable black politicians, dubbed moderate but in fact little more than stooges, could be fielded as a basis for a deal (a la Bishop Muzorewa in Zimbabwe-Rhodesia), while the security crackdown ensures that no other views can effectively challenge this process.

Critics of government believe that the more blacks are "thumped", the less likely it is that a reasonable deal can be struck with the real moderate leaders, who realistically must include people like imprisoned ANC leader Nelson Mandela. They argue that the thump-then-talk strategy simply plays into the hands of irrevocably bitter young extremists who have foresworn the idea of dealing in any way with whites and seek to run townships almost on Cambodian lines.

In this situation, it is likely that the government will press ahead with plans to have a general election next year. The objective, in white politics, is the old game of the past decade or more of fighting off the threat from the right wing. And the tough measures the government has taken will be presented as evidence that President Botha and his determined men are not prepared to sell white interests down the river. Shades, again, of Smith.

Opposition arguments that it is impossible to hold elections while a Draconian emergency is in force are likely to be swept aside with the reminder that Ian Smith managed to hold elections during his marathon emergency; and he won well by capitalizing on white fears. In the process, he lost Rhodesia.

Indeed, Rhodesian analogies are becoming more apt by the day . . . while Ian Smith's name slowly fades from public memory.

US condemns SA raid in Swaziland

ARGUS 16/12/86 327

The Argus Foreign Service

WASHINGTON. — In a sharply worded statement, the United States Government has condemned the South African raid into Swaziland on December 12.

A senior State Department official said in Washington: "This direct military action is utterly uncalled for."

The official said the US joined the government of Swaziland in condemning "the illegal and violent actions of South African security forces in conducting a night border raid".

The US Ambassador in Pretoria, Mr Edward Perkins, met the Foreign Minister, Mr Pik Botha, at the weekend to convey America's concern over the raid, over further curtailment of Press freedom and over the detention on December 12 of more South Africans under the state of emergency.

SUING GOVERNMENT

Sapa reports from Mbabane that a Ghanaian businessman operating in Swaziland is suing the South African Government for damages to his flat incurred during a raid by gunmen on his neighbour's apartment at Matsapa near Manzini last week.

Reliable sources say the businessman, Mr J R Tetty, is suing the government for more than R250 000.

The claim follows the raid on the flat occupied by a Mr Mathew Maphumula, who was shot in the stomach. He and three other people were abducted.

A senior official in Swaziland's High Court said he had heard of the claim but the court had not yet received official notification. — Sapa.

Cape Times 16/12/86

Mandela and minister hold talks

By BARRY STREEK
Political Staff

THE Minister of Justice, Mr Kobie Coetsee, has publicly confirmed that he has held "confidential" discussions with the jailed leader of the banned African National Congress, Mr Nelson Mandela.

He also said Mr Mandela was carrying the burden of being kept in prison "in an admirable manner" because his own people did not want to give up violence.

Mr Coetsee confirmed that he had met Mr Mandela in an interview published in the latest issue of Leadership magazine.

'Circumstances'

Asked if he had met the jailed ANC leader and what the purpose of their meeting was, Mr Coetsee replied: "Yes, I have met him, but the nature of our meeting is confidential."

Asked why he had met him, Mr Coetsee replied: "I have a function as the minister responsible for prisons to relate to any prisoner in cases where circumstances dictate such contact.

"But I must emphasize that the nature of such contact is confidential."

He said the State President was on record as saying that Mr Mandela could secure his release by publicly abandoning violence as a means to bring about change and he was prepared to talk to the ANC if it forswore violence.

"I cannot comment on Mr Mandela's response to the State President's statement.

"All I say is that my impression of Mr Mandela is that it is most unfair to him that he remains incarcerated by his own people through their pursuit of violence and that they expect him to remain in prison because they do not wish to give up violence themselves.

"He is carrying this burden in an admirable manner."

Asked if he was implying that Mr Mandela had made an undertaking which satisfies the conditions for his release, but that he remained in jail because the ANC continued with its programme of violence, Mr Coetsee replied: "No, I am not implying anything.

"As a matter of face it is well known that Mr Mandela himself has not as yet met the State President's conditions of release, but it is equally well known that the ANC has purported to reply on Mr Mandela's behalf negatively, well in advance of his own decision."

'Planning takeover'

Mr Coetsee said the ANC had originated as a movement strongly motivated by nationalism, "but I think it is now experiencing a crisis of identity.

"I think that the ANC's communist wing under Joe Slovo is planning a takeover at the right moment, using the ANC as a front because of its appeal as a nationalist movement.

"They are using nationalism because it has a strong appeal and I don't think the ANC realizes what is happening.

"As far as the government is concerned, the State President has indicated that if the ANC renounces violence and commits itself to participating peacefully in the internal political process, then, of course, the world is wide open again," Mr Coetsee said.

Gunmen kidnap activist

MBABANE. — Gunmen abducted an alleged South African political activist in Swaziland on Monday night in the second raid on this tiny kingdom in five days, police sources said yesterday.

They said the man, of Asian origin, was believed to be a member of the United Democratic Front. They did not name the man.

He was abducted either on Monday night or early yesterday morning from a camping site in the scenic Umbuluzi Valley where he is believed to have written pamphlets for the UDF, the sources added.

On Friday, five people were kidnapped and two others killed in homes in Mbabane and the main industrial town of Manzini.

Three of those held, Swiss citizens Mr Daniel Schneider and his fiancee Ms Corinne Bischof, and Mr Danger Nyoni, were freed at the weekend. There has been no news of the other two people who were kidnapped.

Since June, there have been at least five raids into Swaziland during which three African National Congress members were shot dead. — Sapa-Reuter

Media curbs: 134 inquiries

17/12/86 BUSD9/ (327)

SIPHO NGCOBO
and Sapa

THE Interdepartmental Press Liaison Centre (IPLC), a government body in charge of clearing and censoring newspaper copy for publication, said yesterday it had received 134 inquiries regarding media reports.

Of those, 15 were authorised for publication by the relevant government departments and 47 not authorised. Another 40 fell outside the ambit of the regulations.

The IPLC said it referred 12 reports to departments for a decision on a higher level or for the compilation of data requested, while in one case a report's contents merely had to be confirmed.

Five inquiries pertained to reports already published and required no decision. The remaining 14 inquiries pertained to the IPLC itself or were requests for interviews.

The Black Sash has condemned the restriction orders on the *Weekly Mail* and *The Sowetan* prohibiting them from publishing statements from a number of groups if the statements "advocate" or "support" the Christmas Against the Emergency campaign.

It said the latest orders would remove all doubt from the minds of anyone wondering if media freedom had been destroyed in SA.

Black Sash said: "The people no longer know what is going on in their own country. Already rumours abound and rumour is exceedingly dangerous."

But it also said the bans were a tribute to the courage and determination of *Weekly Mail* and *Sowetan* editors and journalists. Black Sash said: "They are under threat — but so is every single person who lives in SA as we enter into this long silence."

The Sowetan's deputy editor Agrey Klaaste said the groups involved were: the UDF, the Black Sash, Congress of SA Trade Unions, Detainees' Parents Support Committee, Detainees' Support Committee, End Conscription Campaign, Federation of Transvaal Women, Johannesburg Democratic Action Committee, National Education Union of SA, Transvaal Anti-Presidents Council, Transvaal Indian Congress, National Education Crisis Committee and SA Council of Churches.

PFP leader Colin Eglin said horrific as the new emergency regulations were, people should not indulge in self-censorship by reading restrictions into them that did not exist.

Couple to ask Swiss to help sue SA

The Argus Correspondent

JOHANNESBURG. — The Swiss couple abducted from their home in Mbabane, Swaziland, last week are to ask their government for help to sue the South African Government.

Miss Corinne Bischoff, 25, and Mr Daniel Schneider, 29, said their lawyer had advised them yesterday that it was "feasible" to sue Pretoria.

Miss Bischoff said: "Our lives here have been disrupted totally. Our reputation in the community will suffer and we went through great emotional stress when we were kidnapped."

The couple said in Mbabane yesterday, shortly before they were due to meet the Swiss Ambassador to South Africa, that they had planned to settle in Swaziland before the kidnapping on Friday.

Miss Bischoff said: "Now we are not sure we will be safe in this part of the world. We are to marry in January and had just returned from buying our wedding rings in Johannesburg days before we were taken.

"We wanted to buy a plot and build ourselves a house, but now we don't know what our plans are."

FOCUS ATTENTION

She said they had first come to Swaziland in 1982 while travelling through Africa. It had been described to them as "the Switzerland of Africa", and they had decided to settle there.

Miss Bischoff and Mr Schneider said neither had had a night's sleep since their release on Saturday.

They were tired and drawn yesterday but hoped that their ordeal would focus attention on the plight of others in detention and on the fact that cross-border raids occurred.

The other person abducted over the weekend, Mr Danger Nyoni, was released on Friday evening and returned to Swaziland.

● Argus Africa News Service reports from Mbabane that South Africa's trade and consular representative in Swaziland, Mr Samuel Sterban, has been questioned by Swaziland cabinet ministers and government officials over the abduction of several people from the country last weekend.

Meanwhile, another abduction has been reported, that of an Indian man, believed to be from South Africa, who is said to have been taken from his home in Mbabane on Monday night by two armed men. Swaziland police said they were linking it with the weekend abductions.

According to the acting Principal Secretary for Foreign Affairs, Mr Philemon Dlamini, Mr Sterban was asked whether he had known about the raids before they took place and had replied that his function was that of trade representative.

POLICE PUT A CLAMP

Ban on statements by UDF and other bodies

THE Government has barred the *Sowetan* and *Weekly Mail* from publishing any statement issued by the United Democratic Front and 12 other organisations promoting four major campaigns organised by the UDF or its affiliates.

SOWETAN REPORTER

Reasons have not been given but it is believed the action against the *Sowetan* was taken after its Monday edition carried a full page advertisement by the UDF in support of its Christmas Against the Emergency Campaign.

The four campaigns are: The campaign for National United Action; Campaign for National Unity; Christmas Against the Emergency and Christmas Concern.

The other 12 organisations are: Black Sash, Congress of South African Trade Unions (Cosatu), Detainees Parents' Support Committee (DPSC), Detainees Support Committee, End Conscription Campaign (ECC), Federation of Transvaal Women (Fedtraw), Johannesburg Democratic Action Committee (Jodac), National Education Union of South Africa (Neusa), Transvaal Anti-PC Committee, Transvaal Indian Congress (TIC), National Education Crisis Committee (NECC) and the South African Council of Churches (SACC).



PRESIDENT Botha . . . declared state of emergency.

The order barring the newspapers from publishing anything that supports the campaigns by the listed organisations was issued by Major General Mulder van Eyk, Divisional Commissioner of the South African Police for the Witwatersrand.

It was delivered at the offices of the *Sowetan* shortly before 6pm.

The order was issued in terms of the Public Safety Act of 1953 with reference to the emergency regulations promulgated on June 12 by the State President, Mr P W Botha.

The Black Sash has condemned the restriction orders on the *Weekly Mail* and *Sowetan* prohibiting them from publishing statements which "advocate" or "support" the Christmas Against the Emergency Campaign.

ARGUS 17/12/86 327

Deputy Foreign Minister Miller tells British TV audience:

'South Africa is not a democracy'

The Argus Foreign Service

LONDON. — South Africa is not a democracy and will probably not be fully democratic for many generations, Deputy Foreign Minister Ron Miller has admitted on television here.

But the government was committed to negotiating a form of power-sharing with the 30 percent of black South Africans living outside the homelands. Even that, he conceded, was a political scheme which would probably take one or two decades to achieve.

Linked by satellite to a studio of Scottish school pupils in BBC Television's Open to Question programme, Mr Miller fielded critical questions from his young audience on a spectrum of apartheid-related issues.

"The South African Government rejects racial discrimination," Mr Miller said.

Unjust society

He made it clear the Government rejected the notion of a one-man-one-vote system in a unitary state because it would lead to one group dominating others and an unjust society.

The Government was committed to negotiating power-sharing with black leaders who rejected violence and recognised that this would be a lengthy process.

"We are evolutionary, not revolutionary," he said.

"Our ideal would be to establish power-sharing as soon as possible, but it will probably take a decade or two."

True democracy was not possible in the short term.

He said South Africa would probably not be fully democratic for many generations to come because of the First World and Third World components of the society.

Unemployment

He warned that sanctions would retard reform because the Government was increasingly preoccupied with the economy and rising unemployment.

Mr Miller rejected a charge of police brutality: "Police do not use force to suppress the people, but to maintain law and order."

He also told British viewers that detention without trial was necessary to "remove the perpetrators of violence" from society to "break the cycle of violence".

He accused the media of presenting a "small spectrum of the South African reality" to the world and said television companies misled viewers through their coverage of police action in the townships.

+ + EMERGENCY UPDATE + +

Day of Vow speech: Reporter warned

DURBAN. — A reporter attending a Day of the Vow gathering addressed by the head of the National Intelligence Service, Dr Neil Barnard, was warned there would be "trouble" if Dr Barnard was quoted.

During his speech at the Blood River monument in northern Natal yesterday, Dr Barnard referred to the onslaught against South Africa by the banned African National Congress and to overseas pressure on this country.

However, a spokesman for Dr Barnard told the Mercury, the paper for which the reporter works, that Dr Barnard declined to be quoted in the Press and "if you quote anything, he said there will be trouble".

He also refused to allow the reporter to speak to Dr Barnard personally, saying no interviews were allowed.

Dr Barnard was accompanied by members of his department.

A crowd of about 800 people, mainly from the northern Natal district, attended the gathering, during which two church services were conducted followed by a wreath-laying ceremony.

Asked to comment last night on whether the aide's comments were authorised by Dr Barnard, a spokesman for the NIS said:

"The policy of the NIS is to make no comment on the service itself or on the activities of its members. Therefore, we have no official comment to make on your request." — Sapa.

Arms, fences and landmines just part of their lives

Border farmers determined to stay

The Argus Correspondent

JOHANNESBURG. — South Africa has a new breed of frontiersmen — tough, uncompromising farmers occupying a 350-kilometre strip along the Limpopo River.

The strip lies in the lush bushveld along South Africa's far northern border with Botswana, Zimbabwe and Mozambique and has become the natural launching ground for African National Congress operations into South Africa.

Already sparsely populated, the area has been the target of ANC landmine attacks designed to drive farmers off the land and to clear the Limpopo River-springboard for operations into South Africa.

Landmines

This year 15 landmines were planted in the Weipe, Alldays and Pontdrif areas. Eight were detonated by vehicles and seven people died. Seven mines were detected by South African Army units and farmers, and disarmed.

As Christmas approaches and with the 75th anniversary of the founding of the ANC early in the new year, the army and farmers in the area are convinced that attacks across the border will be intensified.

During a trip to the border area by a group of pressmen at the weekend, it became apparent that if the ANC expected to panic the small farming community, they could not have picked a tougher target.

Fortified

Instead of frightening them off to safer interior regions, the attacks have united the farmers, their wives, families and labourers resulting in the emergence of a fortified, security-conscious community.

"We're not going anywhere," said cotton farmer Mr Willie Esterhuyse, who was elected by farmers in the Weipe border area as their senior military co-ordinator and link with army detachments operating on the border.

"When the first mine blasts took place last year most of us got a terrible shock. Sure we were scared. But we took stock, we discussed the problem with the army and we began organising ourselves.

"We're not scared any more, we're careful. We will fight for what we have built up."

Because of the landmine threat, the farmers' children are ferried to school hostels in army anti-mine Buffels on Mondays and returned again on Fridays.

Farmhouses are surrounded by high security fencing and farmers are installing sophisticated spotlights and are even putting grenade screens over the windows of their homes.

The cost of the security measures is being heavily subsidised by the Government, but still the cost to farmers can run into five-figure sums.

The army and farmers sweep rural roads for landmines every morning and farmers will not move a vehicle until a road has been cleared. Most farmers are eagerly awaiting the development of a reasonably priced anti-landmine vehicle which can take their whole family.

"There have already been attempts to slap something together, but nothing suitable and affordable has been made available yet," said Mr Esterhuyse.

Women on the farms have been trained in the use of submachineguns and other lights weapons and army personnel say their morale is outstanding.

Even the children have adapted to living constantly under threat.

"My children accept the situation," said Mr Wynand Malan. One of his tractor drivers was killed when the tractor detonated a mine planted only 70m from the homestead.

"We have drilled the children on exactly what to do in the event of an attack and they have adapted to react automatically," Mr Malan said.

Less than a decade ago the area along the Limpopo River was occupied by a few cattle farmers trying to survive the drought. Then the potential of the area for cotton and wheat farming was discovered and young farmers moved in clearing thousands of hectares of riverside bush and installing massive irrigation schemes.

Army sources say that virtually every farm along the border strip is now occupied.

Today, as the farmers wait for an expected increase in ANC cross-border raids, hundreds of sprinklers cast a cloud of mist over the cotton lands.

But below the surface of normality is the coiled spring — every farmer has been issued with sophisticated small arms ranging from sub-machineguns to pistols and .303 rifles are to be issued to labourers in the event of an attack.

The landmine attacks, which have taken their toll on everyone in the area, have resulted in the local black farm population insisting on being trained in the use of weapons, detection of landmines and in being involved in spotting illegal border crossings, according to the SADF.

The army has assisted the farmers in becoming a formidable first line of defence by giving them the expertise and incentive to protect their own properties.

Three years ago the army began registering every resident north of the Soutpansberge. It divided the region into seven strategic areas and asked the farmers in each area to elect a man to lead them in military organisation and training.

Army radios

Colonel Johan Swanepoel, officer commanding in the Soutpansberg military area, said 300 army radios were distributed throughout the area, giving farmers 24-hour contact with the nearest army base.

"But they can also communicate with each other and that is one of the most important things in the event of an alert.

"If there is an incident I can turn the entire population on and off at a moment's notice. If there is a confirmed terrorist crossing I can inform the farmers immediately and through the network of radios and telephones the whole area is alerted."

Colonel Swanepoel said the farmers had been alerted in this way on a few occasions during the past few months.

"At first it created some fear and worry but now they have come to terms with it.

"In a nutshell I am in command of what amounts to a hell-of-a-good force of civilian soldiers."

Colonel Swanepoel says that on the first day that weapons training was offered for labourers in the area, 56 volunteered.

"Eventually we will have 500 to 600 farm labourers trained in the use of rifles."

17, 1986 Sat Times 17/12/86

Banning order served on paper

JOHANNESBURG. — An order banning the Sowetan from publishing statements which "advocate" or "support" the Christmas Against the Emergency campaign has been served on the newspaper.

The Assistant Editor, Mr Aggery Klaaste, said yesterday the order, signed by the Divisional Commissioner of Police, was delivered about 6.30pm on Monday.

The Sowetan's Editor, Mr Joe Latakgomo, said: "It is amazing how the government can hope that by stopping us from publishing information they are addressing the problem. People want to be heard. Their voices should not be suppressed," he said.

The order bans publication of statements from organizations which "advocate, further or support the campaign known as Campaign for National United Action or Campaign for National Unity or Christmas Against the Emergency or Christmas of Concern".

A similar restriction order was placed on the Weekly Mail.

Co-editor of the Weekly Mail, Mr Irwin Manoim, said his biggest fear was that the restriction was "merely a prelude for worse to come".

"In itself it is a minor restriction and doesn't really make much sense. It's not as if the campaign was going to lead to the overthrow of the government. I think it's just a symptom of a pre-December 16 panic — like the panic before June 16 and last year's hysteria over candles.

"But it could be the start of a pattern of specific restrictions on specific newspapers, and that really concerns me," Mr Manoim said.

The Johannesburg branch of the Black Sash has condemned the restriction orders on the Weekly Mail and the Sowetan.

"If any member of the public still has any doubts as to whether freedom of the press has been destroyed in South Africa, these latest orders should remove all doubt from their minds.

"There is no press freedom any more," the branch said.

IPLC pass 'only 15 of 134' queries

CAPE TIMES 17/12/86 (327

PRETORIA. — Since the new curbs on the press were announced on December 11, until 8am yesterday, the Interdepartmental Press Liaison Centre had received 134 inquiries regarding media reports, the IPLC said yesterday.

Of these, only 15 had been authorized for publication by the relevant government departments and 47 not authorized, the IPLC said in a statement distributed by the Bureau for Information.

The IPLC said 40 reports had fallen outside the ambit of the regulations.

The centre had referred 12 reports to departments for a decision on a higher level or for the compilation of data requested..

In one case the content of a report merely had to be confirmed.

Five inquiries pertained to reports which had already been published and required no decision. — Sapa

CAPE TIMES 17/12/86

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Press curbs a 'red herring', says Eglin

Own Correspondent

LONDON. — Mr Colin Eglin, leader of the Progressive Federal Party, told Britons recently that their parliamentary role had become even more important.

They (the PFP) were taking legal advice, but it appeared that Parliament would remain a small island of free expression amid a vast sea of censorship and repression.

"I think those of us who are in opposition and in Parliament have to maximize that opportunity for free expression now. So we will seek to be as effective as we can and even more effective than we have been in the past, in using Parliament — not only as a means of attacking the government — but as a base from which the public can get information."



Mr Colin Eglin

Draconian censorship

Mr Eglin was being interviewed on the BBC Radio 4's main daytime news service, The World At One.

He dismissed as "a red herring" President Botha's explanation for the imposition of the "new Draconian censorship rules".

He was asked, that if the government had advance warning of a campaign of violence over the Christmas period, did not President Botha have not only a right but a duty to take such steps as he thought necessary to prevent it happening.

Mr Eglin said no government could fail to take measures against insurgency of one kind or another.

He added: "But this really begs the issue. This is almost becoming perennial.

"What I look for from my government is some indication that they have a political solution to solve the problem. On the one hand there is a certain legitimacy about dealing with a situation.

"But that doesn't deal with the issue. It is not going to go away by strong-arm tactics. It is only going to go away by some new political initiative."

Mr Eglin said he felt that the two issues had to be separated. The issue of stepped up violence and various challenges to the government taking place on different levels was one thing.

Clampdown on press

But that was a massive red herring as far as the press was concerned.

He said: "I really don't believe that a clampdown on the press is justified even in terms of intelligence information that the government has. That is a red herring covering up a desire to censor the press."

Mr Eglin was asked if he saw the restrictions as a further step down the road towards a totalitarian police state, as has been suggested in some quarters here.

"Over the past few years there have been some significant reforms away from the old type of apartheid, especially in the social and economic fields. The repeal of the pass law and black trade union rights, the abolition of the Prohibition of Political Interference Act and the Mixed Marriages Act and the Immorality Act were all changes which had a bearing in the field of interpersonal and economic relationships.

"But none of them dealt with the crux of the matter. And that is the issue of political rights and political power," Mr Eglin said.

IPLC rejects 47 reports, three newspapers restricted

By Colleen Ryan,
Political Reporter

The Government has already begun to exercise its new censorship powers — in the last week it has restricted three newspapers and refused permission for at least 47 reports to be published.

The Government censor board, the Inter-Departmental Press Liaison Centre (IPLC), said in a statement that from December 11 to 16 it had received 134 inquiries, which included requests for permission to publish reports, for information to be verified and for interviews to be granted.

Only 15 reports were approved, 47 were rejected and 40 reports fell outside its ambit, said the IPLC.

Other steps taken by the Government include the detention of the editor of the *New Nation*, Mr Zwelakhe Sisulu, and its refusal to renew the passport of Mr Thami Mazwai, who is news editor of the *Sowetan* and an executive member of the International Federation of Journalists.

This week police served restriction orders on the *Sowetan*, *The Weekly Mail* and *City Press*.

The restriction orders prohibit the newspapers from publishing statements which advocate or support the Campaign for National United Action, Christmas Against the Emergency Campaign, Campaign for National Unity and Christmas of Concern.

The campaigns are backed by affiliates of the United Democratic Front, the National Education Crisis Committee, the Congress of South African Trade Unions and the SA Council of Churches.

The Progressive Federal Party's unrest newsletter distributed in the Maritzburg area, *Outreach*, was one of the items rejected by IPLC.

PFP regional director Mr Radley Keys said permission to publish the December newsletter had been refused.

INTERFERENCE

The leader of the PFP in Natal, Mr Ray Swart, condemned the move, saying it was an example "of gross interference in the right of groups to monitor the situation in South Africa".

A statement released by the Media Workers Assocation of South Africa said: "These are the desperate actions of a panic-stricken Government.

"It is naive to believe that such vicious and arrogant actions will destroy the commitment of journalists to make information available to the public.

"We condemn in the strongest terms this futile attempt to intimidate journalists into silence," the statement added.

The editor of the *Sowetan*, Mr Joe Latakgoma, said the information clampdown would not solve any of the country's problems.

"If any member of the public still has any doubts as to whether freeedom of the Press has been destroyed in South Africa, these latest orders should remove all doubt from their minds," the Johannesburg branch of the Black Sash said.

The coy, faceless men who censor the news

By Andrew Walker

Who censors the news?

Which Government officials are responsible for deciding what you may or may not read?

Is there a "human" side behind the Inter-Departmental Press Liaison Centre (IPLC) set up in Pretoria to screen the news?

In an attempt to shed light on the censors — who they are and how they operate — The Star tried to get behind their doors and report on the workings of the censorship office.

The IPLC was asked if The Star could produce a feature article on their operations.

"We would like to show our readers the human face of a department of which little is known," the censors were told in a telex.

"The general idea is that we would like to write about 'a day in the life of the department', showing how the work is processed and give some human interest details about the individuals who work there."

No, said the censors.

All we know is that they are a mixed bunch — speaking to the censors on the telephone can mean talking to a naval officer one moment and to a prisons official the next.

The only further details which the IPLC were prepared to give, via telex, were:

"The IPLC is manned, 24 hours a day, by representatives of all government departments on a rotation basis.

"It is not a department or even an organisation.

"It is merely a channel established to facilitate the referral of reports/articles which, in the opinion of the media, fall within the ambit of regulation 3(1) to the relevant government department(s).

"In view of the above the representatives of the IPLC do not consider the IPLC as a subject matter for a feature story."

Govt 'interfering in open courts', lawyers warn

By Colleen Ryan

The Government's emergency regulations have eroded another basic freedom in South Africa by interfering with the principle of open courts, leading lawyers have warned.

The national vice-president of Lawyers for Human Rights, Mr Barry Jammy, said the regulations issued last week prevented publication of court proceedings dealing with evidence relating to the arrest, circumstances or treatment of emergency detainees until final judgment was given.

"It is an infringement of the principle of open courts and it means these kind of applications will be held in camera," he said.

Mr Jammy said many applications would probably never be heard since these were frequently settled out of court.

"Claims for damages are invariably settled out of court. A claim for assault in detention, for example, might never be made known."

Mr Jammy said proceedings were normally held in secret when it was deemed in the public interest.

"The publication restrictions relate to the treatment of individuals, which is something the public should know about.

"It would seem that they (the Government) are concerned about publication because they are worried about public reaction. It is one erosion after another of basic freedoms.

"The Government view seems to be that publication of these matters would endanger the security of the State — I cannot see how this can be."

Mr Tony Matthews, Professor of Law at the University of Natal, said he was strongly opposed to the restrictions.

"I think the courts should be open and all evidence given should be freely available."

The president of the Law Society of the Transvaal, Mr Stan Treisman, said he took a more conservative view.

"It is part of our legal system that court proceedings are open to the public and it is an exception that cases are heard in camera or there are restictions on what the media can report.

"The restrictions in the Gazette are very limited and then only until judgment is given. Presumably, the intention is to avoid accusations being made and reported on, which subsequently prove to be unfounded or unproved."

Mr Treisman said while any restriction on reporting court proceedings was undesirable, it should be noted the ban was not total.

"The effect is to delay reporting, rather than prevent if all together. You can report once judgment is given.

"That being so, this aspect in not too severe if you take it in the context that they have not been as severe as they might otherwise have been," he said.

Mr Treisman said if the Government felt this step was necessary in the interests of the security of the State, "then reluctantly we must accept this".

Mr Geoff Budlender, a lawyer with the Legal Resources Centre, said the restrictions were a serious infringement of the principle of open courts.

"The principle is that the courts should at all times be open and be seen to be open. Part of that openness is that the public must know what is going on in the courts without having to be there.

"The courts always have had the power to order that the proceedings should not be disclosed. The Minister has effectively said he can't trust the courts to exercise this decision.

"Under the exisiting laws, the police have always been able to ask for the proceedings to be closed: sometimes this was granted, sometimes not. Now the courts do not have a choice."

Mr Nicholas Haysom, of the University of the Witwatersrand's Centre for Applied Legal Studies, said there could be long delays before cases relating to detentions or arrests could be published.

● See Page 13.

Clamps imposed on third newspaper

A third Johannesburg newspaper has been prohibited from publishing statements concerning the "Christmas Against the Emergency" campaign.

City Press joins the *Sowetan* and *The Weekly Mail* who were served with restriction orders earlier this week.

The order prohibits the publication of statements which "advocate, further or support the campaign known as Campaign for National United Action, Campaign for National Unity, Christmas Against the Emergency and Christmas of Concern".

Sowetan will challenge restriction order in court

STAR 327 18/12/86

The *Sowetan* intends to challenge the restriction order prohibiting it from publishing statements supporting the "Christmas Against the Emergency Campaign", attorneys for the newspaper said today.

The attorneys said the newspaper would consult its legal adviser today with a view to bringing an urgent application to the Supreme Court tomorrow to have the order declared invalid and set aside.

On Monday police served restriction orders on the *Sowetan* and the *Weekly Mail*. Yesterday a similar restriction was served on the *City Press*.

Mr Percy Qoboza, editor of the *City Press*, said today that he was angered by the action.

"We in the media must not underestimate the capacity of these people to go even further than they have already. I think the Government does not want to ban the UDF and other organisations outright but it wants the media to do its dirty work for it by not quoting them," said Mr Qoboza.

'Abduction' is bid to crush us, says UDF

The apparent abduction of a United Democratic Front activist from Swaziland is the latest in a series of desperate actions to crush the UDF, says a statement issued by the organisation last night.

The statement says it is not known how many UDF activists have been detained since a number of leading people went missing last Thursday night after raids on their homes in South Africa.

Although it has been reported that a number of people are being held under section 29 of the Internal Security Act, the police have not released information to the media,' says the statement signed by acting publicity secretary, Mr Murphy Morobe.

According to the UDF a number of top-level leaders have been targeted in the last week and those raided belong to the regional executive of the UDF in the Transvaal, Natal and Western Cape.

"The entire leadership is now either in detention or operating from hiding," says the statement.

Govt is 'in state of panic'

The clampdown on some newspapers, preventing them from carrying statements supporting the Campaign for National United Action and the Christmas Against the Emergency, indicated the Government was in a state of panic, Mr Murphy Morobe of the United Democratic Front (UDF) said last night.

"If peaceful campaigns such as these threaten the mighty apartheid machine, then this government is indeed on it's last legs," he said.

"The forces of darkness unleashed by this government last week were unable to extinguish the candle flames of freedom lit in homes countrywide on December 16. Let this be a beacon to all those South Africans refusing to be plunged into the abyss of ignorance and despair," says the statement.

Information: Another State monopoly . . .

Argus 18/12/86 27

TO professional journalists who every day see the full and sombre panoply of what is happening in South Africa — before and after it has been censored — there is nothing more exasperating than the know-alls who purport to be in a position to assert that Government censorship of the Press was necessary, if not long overdue.

There are legions of them who, arrogant in their ignorance, hugely opinionated when they have only the dubious word of politicians on which to base their views, write letters to newspapers in defence of the Press restrictions and boldly make pronouncements on the subject at cocktail parties and dinners.

They do not know, as professional journalists do know, what is being kept away from them. Often close questioning reveals that they do not read newspapers regularly, or that when they do they skip much of what does not synchronise with their own political bent.

They are unable to indulge in informed speculation about what the motives might be for the Press crackdown, yet they blether on. Because of their political predilections, they blindly believe the retinue of generalisations, insidious smears and attendant balderdash put out over the years by those who are behind the censorship.

WHY should we worry about these loud-mouthed ignoramuses? Because, simply, we are all in the same boat and their defence of the Government's moves to blindfold the public helps to keep those blindfolds tight and, above all, comfortable.

High on their list of justifications is the proposition that some sort of "political theatre" is being staged by "terrorists", the reporting of which subverts public confidence and advances the cause of those who would seize power by revolution. This is a favourite theme of political scientists consulted by the SABC and it is tempting because it is based partly on fact.

It is true that throughout the world terrorists seek publicity for their actions and that these actions often are designed to weaken public confidence in the governing authority. But it is not true that banning reports on terrorist actions will discourage terrorism, or that public confidence in the governing authority will thereby be enhanced.

If terrorism were so simply combated, there would be none anywhere in the world. Other countries with terrorist problems have come to realise that when the public is kept in the dark about events manifestly taking place — and not even the strictest censorship can conceal most acts of terror — public confidence in the governing authority is *diminished* by censorship and the impact of terrorism is enlarged.

This is because once censorship is imposed the governing authority has no believable lines of



ISSUES
By Hugh Roberton

communication with the public. What thinking person would seriously believe that newspapers, let alone the Government's electronic propaganda machine, are able to give a full picture of present circumstances in South Africa? Who would be so rash to accept that an "authorised" version of, say, a bomb outrage, was the full story?

And when someone like President PW Botha gives us his assessment on the state of the nation while censorship is in force, is there anyone out there who could honestly say that he would swallow it all without the teeniest tinge of doubt?

THERE is a golden rule which professional journalists have come to learn from years of answering ringing telephones and which they could profitably pass on to political scientists of the ilk quoted by the SABC and to the military/police apparatus that is our *de facto* governing authority. It is that rumour about an event or person *always* is more extreme, more aweful or more dramatic than the facts prove to be.

By denying the public access to the facts, no matter how inconvenient they might be, the Government is committing the public to the grapevine instead — and the grapevine, as politicians ought to know, is an instrument prone to vicious manipulation and distortion and as Virgil tells us, it "has a hundred tongues, a hundred mouths, a voice of iron."

There is also the parroted claim, usually made by people who rarely read a foreign newspapers or watch television outside South Africa, of wild distortions by the foreign media. Certainly such distortions occur, especially on television, though they are far less common than Government propaganda would have us believe, and usually far more modest than the gross misrepresentation of South African affairs to which we are subjected by the SABC.

But are the occasional misdemeanours of a few foreign newspapers and TV networks a reason for blindfolding the South African public?

And if the accuracy and balance of the South African media were seriously awry, why has the Government not made use of the Media Council to rectify the matter? The fact is that the Government has no case that would stand up to even quasi-judicial scrutiny and nothing provides more telling proof of this than the fact that its censorship is not aimed so much at the Press as at the National Party's political adversaries.

THE long catalogue of restrictions amount to an attempt to deny the NP's extra-Parliamentary opponents access to the public through the media. Virtually everything they do, say and think is proscribed. The regulations deny the public access to certain court proceedings. Opponents of the Government who participate in the tri-cameral system, including the official Opposition, cannot be freely quoted on many matters of great moment. Even comments necessary to elaborate on my point of view in this column cannot be made.

This sort of repression has been tried before in South Africa and it has always resulted in violence, for that is the alternative of people who, though they are peaceful and reasonable, are denied the right to function legitimately because they pose a threat to the NP's hegemony.

It is a situation in which terrorism has become a Government-sponsored activity, another State monopoly.

News blackout total war on 'alternative' structures



By ALLISTER SPARKS

SOUTH AFRICA'S drastic new press restrictions are much more than just an attempt to muzzle the newspapers and put an end to unfavourable publicity.

They are part of a massive operation aimed at crushing the emergent black political opposition in the townships that has brought the official administrative system there to its knees over the past two years and stalled implementation of the government's neo-apartheid reforms at the regional and national levels.

They are also a declaration of defiance to the world in response to sanctions. Like a kid in a temper tantrum, Pretoria is saying: "To hell with the world, we now longer care what you think of us and now we are going to do what we damned well like."

Thirdly, they are a demonstration of *kragdadigheid* in preparation for a laager election next April in which President Botha wants to outflank the far-rightists with a display of toughness and chauvinism.

An extensive network of community organizations has sprung up in the townships in recent years — action committees, street committees, civic associations and student groups. Backed by the trade unions and co-ordinated by national political organizations like the United Democratic Front and Azapo, they have developed into a shadow civic administration in the black areas.

As they have grown in strength they have begun to challenge the authority of the official administration, making major inroads in some areas, particularly the Eastern Cape.

That has been the thrust of the black rebellion of the last two years. With the declared intention of making the townships "ungovernable", black activists have waged a campaign against the official administrative system there.

'Collaborators'

The township councils, elected under the apartheid system in heavily boycotted polls, have come under attack. Many of the councillors, discredited as "collaborators", have been killed or forced to flee. Others have resigned.

As the administrative structures have crumbled, the "alternative" community organizations have sought to take over effective control.

Apart from disrupting Pretoria's system of local black administration in large parts of the country, this has also paralyzed Mr Chris Heunis's efforts to implement his neo-apartheid reforms at the regional and national levels.

He has been unable to find credible black leaders willing to participate in the regional services councils (RSC) and the national statutory council.



Mr P W Botha



Mr B J Vorster

After June, with the sweeping powers granted them by the emergency proclamation, large contingents of police and troops moved into the townships and began a counter-offensive aimed at crippling the "alternative" community organizations and reconstructing the official administrative system.

Thousands of community leaders were detained, but the operation was more sophisticated than mere repression. A series of Joint Management Committees (JMCs), which are the local limbs of an elaborate intelligence network called the National Security Management System, have sought to re-establish the legitimacy of the state authorities by identifying and redressing local grievances.

As a corollary, they have used various techniques to try to discredit the community organizations.

From the government's point of view, the JMCs have been successful. They believe they are winning the battle in the townships and now they are being given *carte blanche* to go all out and finish the job.

The news blackout is part of a total war that has been declared on the "alternative" organizations.

By prohibiting the newspapers from reporting or commenting on their activities, the government hopes to sever their means of communication with the community at large. It will now be more difficult for them to organize and publicize their boycotts, strikes and other protest campaigns.

The detention of their members cannot be reported, nor what is done to them in detention. The security forces can crack down on them, even remove whole dissident communities, without the public attention provided by monitoring bodies like the Black Sash and the Detainees Parents' Support Committee, which have also been gagged by the press restrictions. Repression can be intensified in silence.

While this is happening, the JMCs will press ahead with their campaign of trying to win credibility for the authorities townships by attending to material shortcomings, like poor housing and civic amenities.

If the black opposition can be put out of action and the local administrative system reconstructed, the government believes it will then be easier to co-opt compliant blacks to get its "own-affairs" constitutional reforms into operation at the regional and national levels as well.

It is a strategy of repression and co-option, which is likely to form the pattern of future action by the Botha government.

Temporary lull

Its prospects of success I would rate as minimal. Perhaps it will succeed in producing another temporary lull in the unrest, as happened after the 1976 uprising was finally crushed. But repression inevitably deepens feelings of grievance and alienation, which co-option and patronage can only assuage for a few at the expense of the many.

In the long run such a society can only be maintained by force, and I doubt whether South Africa's small mandarin class has the resources in terms of manpower, skills and money to do that indefinitely.

As for his other objective, President Botha can probably get the election victory he wants. He is going to try to repeat John Vorster's electoral triumph of 1977, when Vorster followed up his repression of the Soweto uprising with a xenophobic exploitation of white resentment of the Carter administration's critical rhetoric.

President Botha is going to try to exploit the US Congress's sanctions vote in the same way, calling on divided Afrikaners to sink their differences and come into the laager together to fight off the "total onslaught" by a vindictive, American-led Western world and black revolutionaries who are the tools of Moscow.

He will use sanctions and *kragdadigheid* to outflank the far-rightists, and the scare of a right-wing take-over to get Progressive Federal Party supporters to back him.

This part of the game plan could work. The ageing president may well get the big victory he seems to want so badly, in the hope that history will finally account him a success. But it will be a pyrrhic victory. History will not forgive him for what he is doing to his country to achieve it.

Mr Botha revealed in his earlier statements that he realized South Africa needed to transform its race relations if it was to survive. History, like judges, tends to hold most culpable those who do wrong

Barnard talk: NIS 'no right' of censorship

Cape Times 18/12/86

By EBRAHIM MOOSA
Political Reporter

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THE National Intelligence Service has no power to prevent the publication of a public speech by NIS director-general Dr Neil Barnard, a senior NIS spokesman said yesterday.

The explanation follows an incident in Natal on Tuesday when a Natal Mercury reporter was threatened by one of Dr Barnard's aides. She was warned not to report Dr Barnard's speech otherwise "there will be trouble".

Dr Barnard addressed a Day of the Vow gathering at the Blood River Monument near Maritzburg, where he referred to the onslaught of the ANC and the international pressure against South Africa.

The aide reportedly told the journalist that Dr Barnard declined to be quoted and "if you quote anything he said there will be trouble".

An NIS spokesman in Pretoria yesterday said that Dr Barnard was not available and that the aide concerned had not been given an opportunity to explain the event.

"We are not trying to avoid the issue," he said, adding that it would be clarified by the NIS chief when he returns to his office today.

"The director-general acted at the Blood River Monument in his own capacity and it was not an event co-ordinated by the NIS.

"I know of no law which would prohibit the publication of something which is said in public."

Sapa reports that the Durban branch of the Southern African Society of Journalists has condemned the "unprecedented" treatment of the journalist and demanded an "immediate apology".

Cape Times 18/12/86

Burger says Reds learnt lesson of gagging the press

Political Staff

THE Soviet leader, Mr Mikhail Gorbachev, had on his own admission learnt the "very important" lesson that openness eventually overwhelmingly strengthened a community and gagging made most things worse, the official mouthpiece of the National Party in the Cape, the Burger, said yesterday.

In an editorial, headlined "Openness strengthens a country", the Burger said the Soviet government was apparently serious in its attempts to make the country a more open community.

It said under Mr Gorbachev's leadership the Soviet press had opened up on a number of issues which previously would have closed. These issues included theft and drugs, corruption among party members and the Chernobyl nuclear disaster.

"This is not say that the new openness policy is a total reversal; if it puts the government in danger, it will probably be very quickly closed again.

"Nevertheless, Mr Gorbachev has on his own admission learnt the very important lesson that openness eventually overwhelmingly strengthens a community and gagging makes most things worse," the Burger said.

The editorial did not refer in any way to the new press restrictions in South Africa.

Union Buildings.

CAR-1145 18/12/86 327

Is armed struggle now acceptable?

IT is astonishing, and disturbing, that Dr Andries Treurnicht, leader of the right-wing Conservative Party, could publicly commit his party to an "armed struggle" to achieve its political goals, as he did this week at Parow. His statement — that Afrikaners would defend their right to freedom and self-determination by means of an armed struggle if necessary — not only justifies the use of violence for loosely defined political ideals, but it also raises the political heat in South Africa at the very time when everything possible should be done to cool it.

If Dr Treurnicht can get away with such bloodletting threats, why can't others? Little imagination is needed about what the State's reaction would be if, say, the UDF threatened to resort to the "armed struggle" for its political goals. Indeed, apart from the alarming political implications of Dr Treurnicht's statement, one is left with the nasty feeling that there is one set of laws and regulations for opponents to the left of the government, and a different, far more tolerant set for those to its right.

Dr Treurnicht should be opposed to the use of violence for political purposes under any circumstance — and if he is not prepared to do that, the State should at least be consistent in applying the armoury of security laws at its disposal.

JSE queries press curbs

JOHANNESBURG. — The Johannesburg Stock Exchange is concerned the government's new censorship rules could suppress information investors need to buy and sell shares, exchange executive president Tony Norton said.

"We have appealed to the government not to allow information to be withheld if at all possible," Norton told Finance Week.

Pretoria's latest security actions last week against the press and government opponents forbid reporting of illegal strikes, work stoppages and boycotts.

Finance Week, and the country's other leading business magazine, Financial Mail, said yesterday the regulations could seriously hurt SA share investors and escalate incidents of insider trading.

Norton said: "Our real concern is general lack of relevant information".

Companies threatened by boycotts and strikes "could have difficulty not only taking evasive action but also be unable to tell their shareholders and the investment public at large why their profits are down," the Financial Mail said.

Investors with access to inside knowledge will now have the edge over investors in general, it said.

"Simply put, by eroding freedom of speech, the integrity of business and investment will be undermined," the Mail said. — Reuter

Mystery over govt's special clamp on two newspapers

GOVERNMENT'S selection of two newspapers as specific targets of further Press restrictions has mystified legal and media experts.

The newspapers are the Weekly Mail and the Sowetan, both of which have been prohibited from publishing statements from several organisations which "advocate" or "support" the Christmas Against the Emergency Campaign.

The campaign has been advertised in several newspapers apart from the Sowetan and the Weekly Mail.

Reacting to the restrictions, Weekly Mail editor Anton Harber said yesterday the paper had not yet decided how it would react to the restrictions and was consulting lawyers on the matter.

Sowetan assistant editor Aggrey Klaaste said his paper had obviously been selected because it served a large market.

THELMA TUCH

A legal expert said yesterday that one would imagine such restrictions to be aimed at newspapers read by black South Africans.

It was "inexplicable", he said, why newspapers such as The Star and City Press, which have a substantial number of black readers, were unaffected.

The Weekly Mail has an average readership of 13 598, according to the latest ABC circulation figures, while City Press has a weekly circulation of 162 084. The Star has a daily circulation of 201 426, which includes a substantial number of black readers.

Opposition spokesman on Information Peter Soal said government's action showed it was conducting a vendetta against the two newspapers.

"The bullying tactics they are using are typical of the Nats, who have been bully boys for years," he said.

YEAR IN REVIEW

The state's attorneys redo their homework

Following the Supreme Court knockdowns of several Emergency curbs, the state's men have gone back to the drawing board. CARMEL RICKARD reports

WHATEVER else you may want to say about them, those who draft South Africa's security laws have worked hard and learned a lot this year.

With the re-imposition of a State of Emergency in June, the courts took on a new significance. Test cases were fought in Supreme Court divisions all over the country; some of them had the effect of modifying certain aspects of the curbs.

However, when the new restrictions were introduced last week, it was clear the drafters had been doing their homework.

They seem to have studied closely the judgements in those cases which successfully challenged aspects of the Emergency; the new regulations take into account the judges' criticism of the wording in the initial regulations, and the rules are reworded accordingly.

This makes the situation far more difficult for lawyers wanting to test the new rules in the courts.

A similar situation arose earlier in the year with an Appellate Division decision in the Hurley case. In terms of the judgement, the police could be called on to spell out their "reasons for believing" it necessary to hold a detainee under section 29 of the Internal Security Act.

This judgement won important ground for detainees held under this section, which allows for indefinite detention for the purposes of interrogation.

But on the very day the decision was announced, the state law drafters once again showed they could learn fast, and new legislation was introduced with different wording to "plug the gap" which the case had exposed.

The Hurley judgement seemed, at the time, to confirm a trend by some judges towards favouring individual rights over the interests of the executive, when the language of the original legislation gave them the right to choose between the two.

But it has become clear during the months since then that this "trend" is not yet secure; that the courts, in the words of security law expert Professor Tony Mathews, are still giving "mixed judgements".

He gives the example of the Appellate Division judgement, delivered only a few months ago, in the case of the Control Magistrate of Durban versus Azapo (the Azanian

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NEWS/86

Let's not hype up the press clamps

Yes, the press curbs are heavy. But they're not nearly as heavy as predicted in the hyped-up media coverage which preceded them, argues a leading press lawyer

ALMOST as noteworthy as the press restrictions promulgated this month was the hype that preceded them. Before the restrictions were imposed, the public and the media were led to believe a total press clampdown was on its way.

True, heavy new restrictions have been imposed. But what has wiped news about South Africa's unfolding political drama out of the newspapers, and other media, is as much paranoia about the breadth of the restrictions as the restrictions themselves.

Most South Africans, including the majority of journalists, believe there is now a blanket ban on the reporting of all Security Force action, unrest, and resistance politics.

This belief was nurtured by a well-orchestrated set of publicity manoeuvres on the part of the government. Details were disclosed of how the Newspaper Press Union had been briefed on the revolutionary onslaught on South Africa, how it was necessary for all "concerned" editors to comply with the government's requirement, and how this would help avert the alleged insurrection which was planned for December 16 by the "revolutionary forces".

But why the need for the hype, the concerned reader of newspapers must ask, if total press bans can merely be instituted by the stroke of a pen under the Emergency powers?

Precisely because that wasn't what the government was going to do.

What it was really going to do was to put the regulations back on a sounder footing after the mauling they had received in the Natal courts in the Metal and Allied Workers Union case and the Saan-Argus case a few months ago.

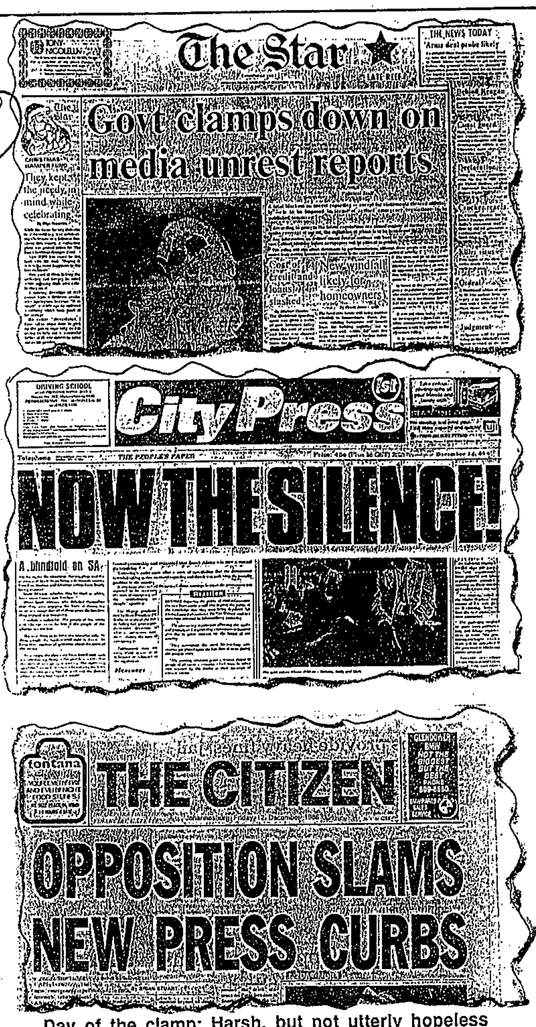
The initial result was just what the government had wanted — an almost total blackout of news regarding activities in the black townships. But journalists and press lawyers have come to realise in the past few days that, in terms of the restrictions, much of these activities can still be reported upon.

I do not wish to create the impression that these new regulations promote freedom of the press. On the contrary, they contain ominous new restrictions upon reporting on a whole range of organisational initiatives which are taking place in our country.

Thus, for example, statements which tend to encourage the readers' participation in boycott activity, civil disobedience campaigns, strikes, street committees and people's courts are among those for which restrictions on publication are sought.

Reports of the way in which Security Forces deal with unrest action, or control gatherings, or move around the townships, are forbidden.

The news media can also not publish any statement which discredits or undermines the system of military conscription. This is clearly a move aimed at preventing the End Conscription Campaign (ECC), a fast-growing front of organisations committed to bringing about an end to conscription, from continuing with its activities. Whether there is still a legal space within which the ECC can work is sure to be determined within the next few weeks.



Day of the clamp: Harsh, but not utterly hopeless

The regulations have some frightfully Orwellian aspects. Some examples:

● A public place is "any premises or place to which members of the public ordinarily or at specific times have access, irrespective of whether or not the right of admission to such premises or place is reserved and whether or not payment for such admission is required".

Sorry, people. What you used to think was a private place (remember the hallowed privacy and sanctity of the university) is now actually a public place. So a student who, within the grounds of his university, hands out a pamphlet which contains virulent criticism of the actions of the authorities in enforcing the Emergency, could face imprisonment for 10 years and a fine of R10 000.

● Unrest includes "any activity or conduct which to a reasonable bystander would appear to be any conduct which constititutes riot, public violence or a contravention of Section 1 (1) a of the Intimidation Act 1982 (Act 72 of 1982)".

Imagine the reasonable bystander (where is he "bystanding" — on the left or right side or is he hovering above in omniscient splendour?) coolly evaluating the scene before him, flipping through his digest of laws and deciding whether it constitutes unrest.

● A subversive statement includes a statement by which members of the public are encouraged "to exert power and authority in specific areas by way of structures purporting to be structures of local government and acting as such in an unlawful manner, or to establish such structures, or to support such structures, or to subject themselves to the authority of such structures, or to make payment due to local authorities to such structures".

This provision gives us a glimpse of what these regulations are really about: South African news media must not be used to disseminate information about the initiatives of local organisations which do not work within the formal system.

This particular provision purports to outlaw publicity about street committees and civic associations, and other similar provisions seek to ban information in regard to people's courts, boycott initiatives, strikes and civil disobedience.

This is the truly frightening aspect of these new regulations. Whereas the previous Emergency press regulations (which are still in force) were primarily aimed at eliminating news of violent confrontation between the populace and the Security Forces, these regulations now focus on the campaigns and initiatives of local protest and trade union organisations.

Undoubtedly local political organisations and trade unions will seek by all means to disseminate information about these protest activities. Is it not predictable that if information is not allowed to appear in the commercial press, it will be distributed in other forms? Is this what the government wants?

Two new provisions in these regulations must surely convince the reader that 1984 came two years too early to South Africa:

"No person shall publish or cause to be published any information containing news or comment on or in connection with the circumstances of, or treatment in, detention of a person who is or was detained under regulation three of the security regulations." Couple this with the later provision that testimony in judicial proceedings may only be published if a final judgement has been given, and it becomes clear that information about the situation of detainees will only be published in very rare circumstances.

Would we be wrong to ask ourselves how the publication of such information can possibly threaten the security of the state or public peace and good order?

● For professional reasons, the author's name has been withheld

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NEWS/86

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This belief was nurtured by a well-orchestrated set of publicity manoeuvres on the part of the government. Details were disclosed of how the Newspaper Press Union had been briefed on the revolutionary onslaught on South Africa, how it was necessary for all "concerned" editors to comply with the government's requirement, and how this would help avert the alleged insurrection which was planned for December 16 by the "revolutionary forces".

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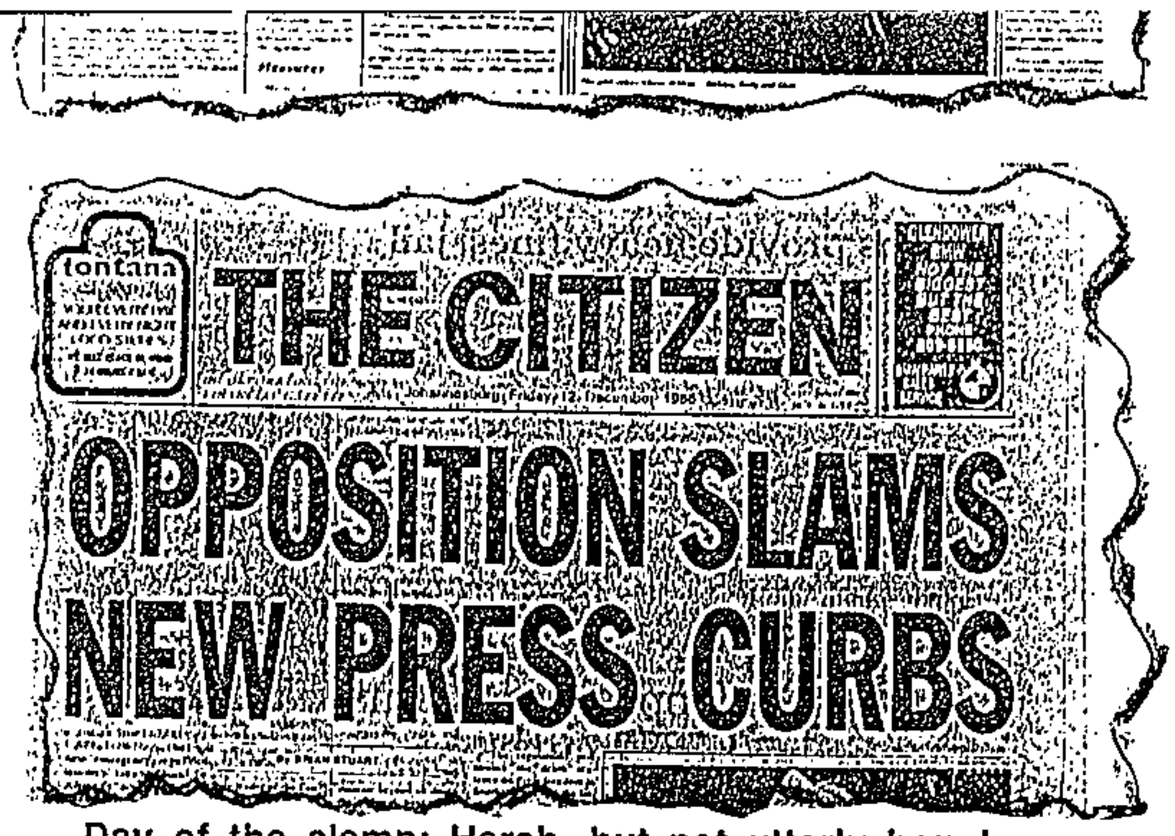
I do not wish to create the impression that these new regulations promote freedom of the press. On the contrary, they contain ominous new restrictions upon reporting on a whole range of organisational initiatives which are taking place in our country.

Thus, for example, statements which tend to encourage the readers' participation in boycott activity, civil disobedience campaigns, strikes, street committees and people's courts are among those for which restrictions on publication are sought.

Reports of the way in which Security Forces deal with unrest action, or control gatherings, or move around the townships, are forbidden.

The news media can also not publish any statement which discredits or



Day of the clamp: Harsh, but not utterly hopeless

undermines the system of military conscription. This is clearly a move aimed at preventing the End Conscription Campaign (ECC), a fast-growing front of organisations committed to bringing about an end to conscription, from continuing with its activities. Whether there is still a legal space within which the ECC can work is sure to be determined within the next few weeks.

The regulations have some frightfully Orwellian aspects. Some examples:

- A public place is "any premises or place to which members of the public ordinarily or at specific times have access, irrespective of whether or not the right of admission to such premises or place is reserved and whether or not payment for such admission is required".

Sorry, people. What you used to think was a private place (remember the hallowed privacy and sanctity of the university) is now actually a public place. So a student who, within the grounds of his university, hands out a pamphlet which contains virulent criticism of the actions of the authorities in enforcing the Emergency, could face imprisonment for 10 years and a fine of R10 000.

- Unrest includes "any activity or conduct which to a reasonable bystander would appear to be any conduct which constitutes riot, public violence or a contravention of Section 1 (1) a of the Intimidation Act 1982 (Act 72 of 1982)".

Imagine the reasonable bystander (where is he "bystanding" — on the left or right side or is he hovering above in omniscient splendour?) coolly evaluating the scene before him, flipping through his digest of laws and deciding whether it constitutes unrest.

- A subversive statement includes a statement by which members of the public are encouraged "to exert power and authority in specific areas by way of structures purporting to be structures of local government and acting as such in an unlawful manner, or to establish such structures, or to support such structures, or to subject themselves to the authority of such structures, or to make payment due to local authorities to such structures".

This provision gives us a glimpse of what these regulations are reall y about: South African news media must not be used to disseminate information about the initiatives of local organisations which do not work within the formal system.

This particular provision purports to outlaw publicity about street committees and civic associations, and other similar provisions seek to ban information in regard to people's courts, boycott initiatives, strikes and civil disobedience.

This is the truly frightening aspect of these new regulations. Whereas the previous Emergency press regulations (which are still in force) were primarily aimed at eliminating news of violent confrontation between the populace and the Security Forces, these regulations now focus on the campaigns and initiatives of local protest and trade union organisations.

Undoubtedly local political organisations and trade unions will seek by all means to disseminate information about these protest activities. Is it not predictable that if information is not allowed to appear in the commercial press, it will be distributed in other forms? Is this what the government wants?

Two new provisions in these regulations must surely convince the reader that 1984 came two years too early to South Africa:

"No person shall publish or cause to be published any information containing news or comment on or in connection with the circumstances of, or treatment in, detention of a person who is or was detained under regulation three of the security regulations." Couple this with the later provision that testimony in judicial proceedings may only be published if a final judgement has been given, and it becomes clear that information about the situation of detainees will only be published in very rare circumstances.

Would we be wrong to ask ourselves how the publication of such information can possibly threaten the security of the state or public peace and good order?

● For professional reasons, the author's name has been withheld.

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Into Vorster's stormy night

Last year was the season of dire forecasts; this year, all too many of them proved correct. Sanctions became a reality, bomb blasts became commonplace, the partial State of Emergency became a full one.
PATRICK LAURENCE reports

TEN years ago former Prime Minister BJ Vorster warned in his New Year message: "The storm has not yet struck. We are only experiencing the whirlwinds that go before it."

Today, looking back on 1986 and ahead to 1987, only an incurable optimist would conclude that the storm has passed and the country is now merely being buffeted by its dying winds.

At the start of the year South Africa was under a partial State of Emergency. As 1986 drew to a close, the country had been under a full State of Emergency for more than six months — the first since the Sharpeville crisis of 1960 — and new curbs were placed on the press in a bid to halt what Deputy Information Minister Stoffel van der Merwe described as "revolutionary forces".

The guerrilla war, which started again in 1976 after the hiatus in the African National Congress's "armed struggle" in the late 1960s and early 1970s, gained further momentum during 1986.

As outgoing Law and Order Minister Louis le Grange noted, during the 10 months ending on October 31 there had been more than 200 guerrilla attacks, considerably more than the some 130 known attacks for the whole of last year.

A particular feature of South Africa's undeclared war in 1986 was the growing number of land mine attacks. Where hardly more than a year ago land mine attacks were unheard of in South Africa, they have since become a dreaded part of life in the frontier areas.

A land mine blast was, incidentally, the immediate trigger to the renewed tension between South Africa and Mozambique which preceded the death of President Samora Machel in an air crash on October 19.

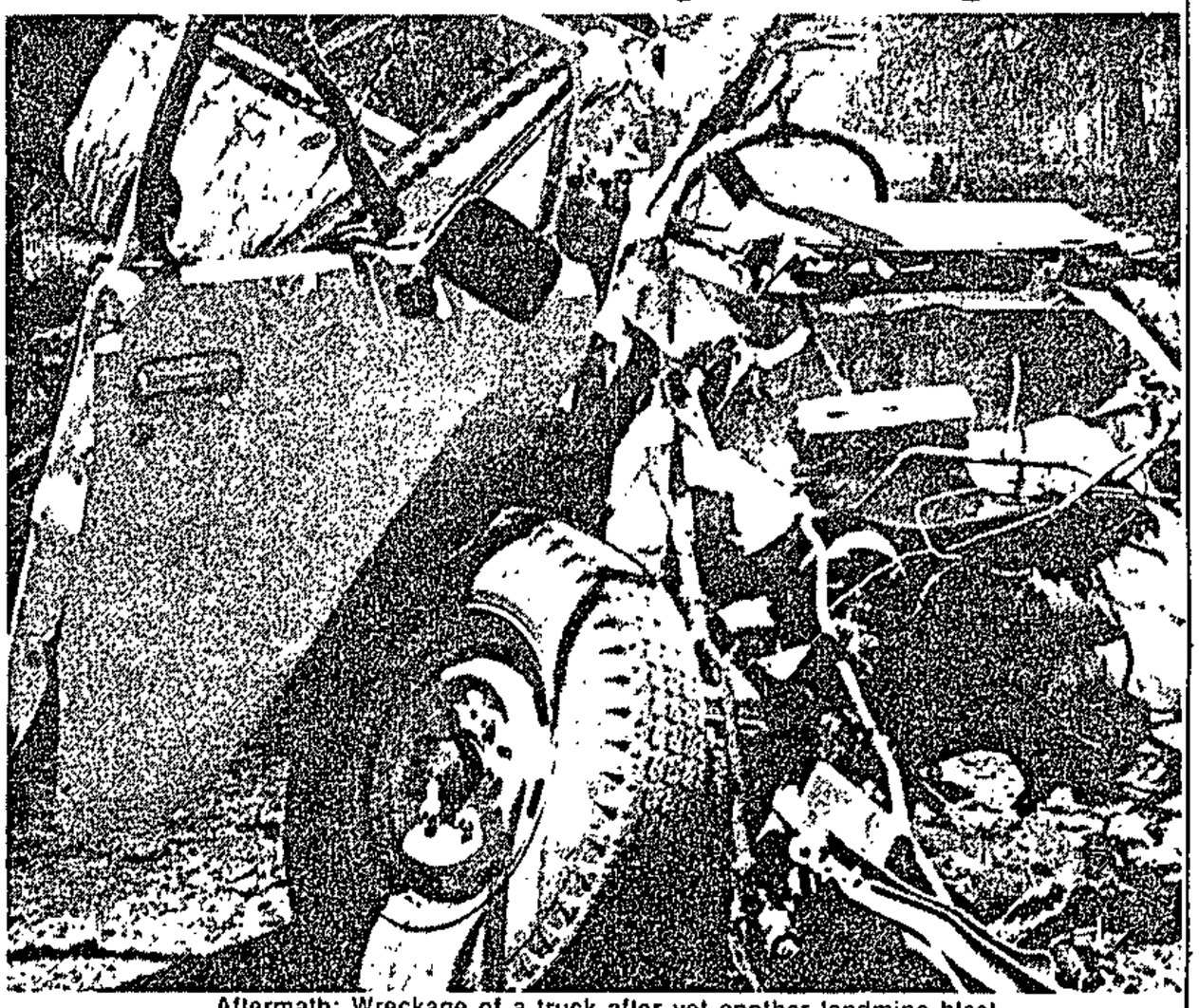
But, if the ANC stepped up its attacks during what it designated the "Year of Umkhonto we Sizwe", the security forces reported a high rate of success in either killing or capturing guerrillas.

The year witnessed the execution of three captured guerrillas for murder. One was the young man, Andrew Zondo, convicted of murdering five people killed in a limpet mine explosion at Amanzimtoti late last year.

The security forces unquestionably achieved a major success — and perhaps even a strategic advance — when a South African blockade of Lesotho helped precipitate the coup which toppled the pro-ANC government of Leabua Jonathan.

The trial and conviction for treason of Marion Sparg — the first white woman to be trained as a fighter for Umkhonto we Sizwe — provided evidence that Lesotho under Jonathan had indeed served as a staging post for ANC guerrillas.

The setbacks suffered by the ANC were reportedly acknowledged by ANC president Oliver Tambo in a declaration entitled "1987: What is to be done". Distributed to ANC command centres in October, the statement — which appears to be genuine — was given to journalists by new Law and Order Minister Adriaan Vlok, who waived the normal prohibition on quoting Tambo.



Aftermath: Wreckage of a truck after yet another landmine blast

In it Tambo reportedly said: "In the last two-and-half years we have suffered serious reverses in Mozambique, then in Swaziland, and recently in Lesotho as well as Botswana." Acknowledging that the "enemy has gained ground at our expense", the document quoted Tambo as concluding: "We have been forced to withdraw many people, dismantle machineries and re-think our plans and programmes."

On the internal front, the declaration of a State of Emergency appears to have slowed down the wave of violence which, starting in the Vaal Triangle townships in September, 1984, swept across most of the country.

The Institute of Race Relations — which meticulously records and correlates all reported deaths in politically-motivated violence — found the daily death rate fell sharply after the imposition of a national State

●Continued overleaf

of Emergency on June 12.

During that period the daily death toll was 2,27, compared to 3,75 from January to mid-March, when the partial State of Emergency pertained, and 6,31 for the period when the Emergency was lifted altogether.

But the State of Emergency did not really restore peace. It partially suppressed the street violence of the townships with the institutionalised violence of detention without trial.

The Detainees Parents' Support Committee calculated that by the end of November, 2 800 people had been detained during the year under statutory law and at least 20 000 under the State of Emergency.

With 35 people still facing charges of treason and many more indicted under the Internal Security Act, the DPSC said: "Political trials continued to choke the courts, with a considerable backlog building up."

On the international front there were signs that the storm, far from passing, was gathering impetus, that rhetoric was giving way to action. During 1986 sanctions became a reality and sanctions-busting the hope of the future.

US President Ronald Reagan failed to win over enough senators to prevent the US Congress from prohibiting trade with South African government departments and parastatals, and from withdrawing landing

Vorster's storm rages on

●From previous page

rights from South African Airways.

Once imposed, sanctions acquire a life of their own, as withdrawal from South Africa by a succession of American companies showed.

The cry by some countries — Australia and Canada come to mind — for a world boycott of South African coal, steel, and iron is, as Anglo-American chairman Gavin Relly observed, promoted by economic self-interest as much as moral repugnance. South Africa is a competitor on world markets.

But the partial hypocrisy and superficial self-righteousness of some countries is little solace for South Africa.

It means that there is little chance of captured South African markets being returned when apartheid in all its forms finally collapses, and still less of the profits made during its last days being shared with the people of South Africa.



Blockade: Lesotho migrants are searched at the South African border Picture: WENDY SCHWEGMANN, Reuter

As the government battled to thwart the ANC aim of tranforming its 25-year-old guerrilla war into a "people's war", or general insurrection, and as it prepared to resist an international sanctions campaign, it took further steps on the road to reform.

The reform programme included two initiatives: the restoration of South African citizenship to some of the 8-million blacks who were deprived of it when "independence" was granted to Transkei, Bophuthatswana, Venda and Ciskei (the TBVC states), and the scrapping of the hated influx control laws. Serious reservations were, however, expressed about the reformist moves.

Only 1,7-million blacks appeared to qualify for restoration of citizenship, barely a quarter of those deprived of it. While millions of blacks undoubtedly benefitted from the abolition of key pass laws, their gain may have been at the expense of residents of the four nominally-independent TBVC states. These former South African citizens, or descendents of former South African citizens, would be vulnerable to prosecution under the Aliens Act, a super "influx control Act" with harsher penalties than the rescinded influx control laws.

But even after allowance is made for these qualifications, the reform moves were definite steps away from old-style apartheid. If they were small steps for many black South Africans, they were giant steps for Botha.

If reform was meant to set the stage for an internal political settlement, the government failed to achieve any notable success in 1986. The National Statutory Council, which Botha spoke of during his opening address to parliament in January, did not materialise, largely because it did not attract approval from credible black leaders.

Chief Mangosuthu Buthelezi, the one black leader who could give a measure of legitimacy and viability to an internal deal with Botha, remained aloof, insisting that Botha first free imprisoned ANC leader Nelson Mandela and, in addition, declare unequivocably that he was in favour of sharing power with blacks.

Buthelezi, however, pressed ahead with what was largely his own constitutional initiative: the Natal Indaba. That won a wide range of support for its proposals for joint multiracial government for Natal and KwaZulu.

But Stoffel Botha, Natal leader of the National Party, promptly rejected it as incompatible with NP conditions for group security and "effective power-sharing".

As the year closed, the prospects of even a limited political settlement — one calculated primarily to boost white paramountcy by recruiting powerful black allies rather than one designed to end the civil war — seemed slight.



Argus 19/12/86

Argus and Saan go to court over Press laws

The Argus Correspondent

JOHANNESBURG. — The Government's new emergency regulations are to be challenged in the Supreme Court by the Argus and Saan newspaper groups and the Progressive Federal Party.

The United Democratic Front has also said it will challenge the regulations in court.

A statement issued today by attorneys representing the Argus Company and South African Associated Newspapers said: "The decision has been made by the Argus Group and Saan, the country's two largest newspaper groups, to attack certain provisions of the new censorship laws, which came into force on December 11."

"SEVERE CENSORSHIP"

It said that "although the new regulations, according to some lawyers, are somewhat clearer and more lucidly contained than their predecessor, they amount to the severest form of censorship of the media that this country has seen, certainly since the time of World War 2".

"So, as with the earlier regulations, the major English langugage newspapers have once again come together as the only guardians left of the public's right to know, to present a united front against the new regulations and, more specifically, freedom of speech for all.

"Time is no longer an affordable luxury.

"Senior lawyers, experienced in the laws affecting the media, have been consulted, and the newspapers have decided once more to seek relief from the

(Turn to Page 3, Col 1)

Dress curbs

Argus 19/2/86 (251) (268) 322

Forensic expert testifies in case against Minister

Supreme Court Reporter

A PERSON hit by birdshot fired from two metres would be lucky to survive, said a forensic expert testifying in a civil trial in which the Minister of Law and Order is being sued for R51 975 by a Salt River woman.

Mrs Jawaya Carelse alleges that her husband Ebrahim, deeds office messenger to a city attorneys' firm, was shot dead "wrongfully and intentionally, alternatively negligently" on September 5 in a neighbour's house.

The hearing started in October but was postponed for forensic evidence after a dispute arose about the clothes Mr Carelse was wearing.

Dr D J Klatzow, a private forensic specialist, said yesterday that a Luminol test revealed traces of blood on the shirt and jersey Mrs Carelse said her husband wore.

The test is used when bloodstains are not visible. Mrs Carelse said she washed the garments immediately after the shooting.

Captain P J Joubert, of the South African Police forensic laboratory, testified earlier that the test had shown no bloodstains and the garments had marks which he would not have expected if they had been washed.

Dr Klatzow said negative results from police tests did not surprise him because chemicals used during the Luminol test might break down the blood so that it did not show up in later tests.

A shotgun fired with No 5 shot from 2m, as Lieutenant John Baird said he had to stop Mr Carelse fleeing after he saw him about to petrol-bomb a shop, would be "extremely dangerous at best" and a person wounded under these conditions would be fortunate to survive, said Dr Klatzow.

(Proceeding)

JMCs have sinister role, council told

By GAYE DAVIS, Staff Reporter

THE Cape Town City Council has decided against becoming involved in the system of Joint Management Centres (JMCs), described by a councillor as "the lowest level in a military junta".

Mr Neil Ross, a member of the council, said that the JMCs — which were answerable to the State Security Council and part of a national "security management" system with a hierarchy of sub-committees at regional and local level — were playing a "sinister and dangerous role" as pivotal instruments of State policy.

"We have alongside the normal structures of local government a big brother watching over us and sometimes usurping us," he said.

Councillors heard yesterday that the council had not been approached formally to serve on a JMC or any of its subordinate bodies and received no minutes of meetings.

However, council employees were "informally approached" by members of the police and management committees to attend meetings to discuss subjects such as housing, sports facilities and roads.

Mr Dick Friedlander, the chairman of the executive committee, replying to questions by Mr Ross, said that when it appeared in July that local government issues were being dealt with outside the normal system, the practice was stopped pending clarification.

However, a letter to the Divisional Commissioner of Police in the Western Cape asking about the role and powers of the JMC had received no reply.

A senior police officer later told the town clerk that the JMC system aimed at "decentralising the management of national security by identifying local or regional threats with a view to directing attention to them so that revolutionary unrest could be defused".

No secret funds were available but if a "legitimate grievance" was identified and no funds were available elsewhere, Government funding could be applied for.

Mr Ross said the answers showed how those running the JMCs were prepared to approach council officials "through the back door".

Mr Chris Joubert (Sea Point) said that Mr Ross was "seeing ghosts". The JMC system was neither secret nor sinister. It was one of the best ways to counter revolutionary activity.

But Dr John Sonnenberg said the system represented the "lowest level in a military junta".

He said that democracy in South Africa was disappearing. The system was a subversion of local government and would not solve the country's problems.

● The council decided that civil defence and emergency services would continue to liaise with other authorities on emergency planning but where this involved contact with the JMC network, reports of the meetings would be submitted to the town clerk and made available to the executive committee.

trolley • On caster wheels

Govt clamps interfering with open courts principle, say lawyers

JOHANNESBURG—The Government's emergency regulations have eroded another basic freedom in South Africa by interfering with the principle of open courts, leading lawyers have warned.

The national vice-president of Lawyers for Human Rights, Mr Barry Jammy, said the regulations issued last week prevented publication of court proceedings relating to the arrest, circumstances or treatment of emergency detainees until final judgment was given.

'It is an infringement of the principle of open courts and it means these kind of applications will be held in camera,' he said.

Mr Jammy said many applications would probably never be heard since these were frequently settled out of court.

'Claims for damages are invariably settled out of court. A claim for assault in detention, for example, might never be made known.'

Mr Jammy said proceedings were normally held in secret when it was deemed in the public interest.

'The publication restrictions relate to the treatment of individuals, which is something the public should know about.

'It would seem they (the Government) are concerned about publication because they are worried about public reaction. It is one erosion after another of basic freedoms.

'The Government view seems to be that publication of these matters would endanger the security of the State — I cannot see how this can be.'

Mr Tony Matthews, Professor of Law at the University of Natal, said he was strongly opposed to the restrictions.

'I think courts should be open and all evidence given should be freely available.'

The president of the Law Society of the Transvaal, Mr Stan Treisman, said he took a more conservative view.

'It is part of our legal system that court proceedings are open to the public and it is an exception that cases are heard in camera or there are restricitons on what the media can report.

'The restrictions in the Gazette are very limited and then only until judgment is given. Presumably the intention is to avoid accusations being made and reported on, which subsequently prove to be unfounded or unproved.'

Mr Treisman said while any restriction on reporting court proceedings was undesirable, it should be noted the ban was not total.

Mr Geoff Budlender, a lawyer with the Legal Resources Centre, said the restrictions were a serious infringement of the principles of open courts.

'The principle is that the courts should be at all times open. Part of the openness is that the public must know what is going on in the courts without having to be there.

'The courts always have had the power to order that the proceedings should not be disclosed. The minister has effectively said he can't trust the courts to exercise this decision.

'Under the existing laws, the police have always been able to ask for the proceedings to be closed: sometimes this was granted, sometimes not'. — (Sapa)

Chest's desperate appeal for aid

Mercury Reporter

THE Durban and District Community Chest has made an urgent appeal for donations in order to meet its commitment of R137 500 by the end of this month.

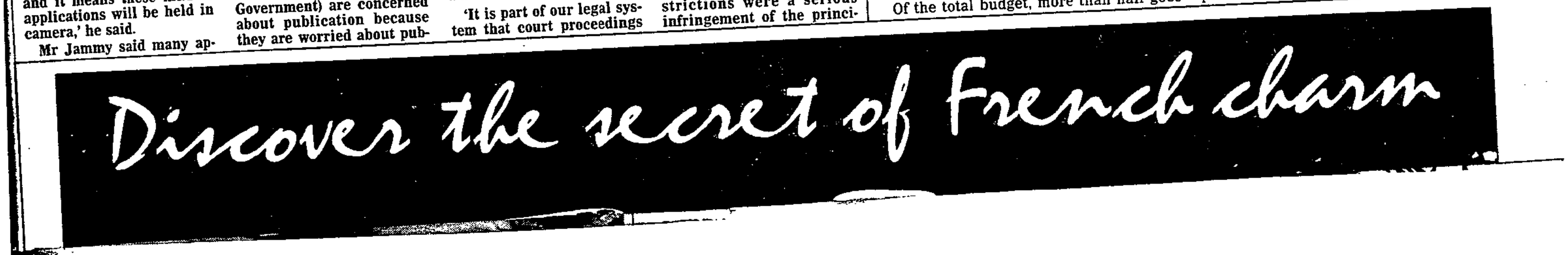
Donations go to a wide range of vital services reaching the heart of the community.

No part of the donations go towards the running costs of the organisation. These are met by interest-earning bequests given for this purpose.

Of the total budget, more than half goes towards caring for thousands of children helped by five Chest-supported child welfare societies.

There are also feeding schemes which the Chest supports where 40 000 midday meals are provided by the Community Chest's Their Daily Bread Fund.

Other areas to which funds are funnelled are community aid, helping the aged, the mentally and physically handicapped, people suffering from alcoholism and drug addiction and helping crime prevention and prisoner aid.



Two English paper groups go to court

Argus to challenge emergency muzzle

19/2/86 327 STAR

Staff Reporters

The Government's new emergency regulations are to be challenged in the Supreme Court by the Argus and South African Associated Newspapers (Saan) groups — as well as the Progressive Federal Party.

The United Democratic Front has said it will also challenge the regulations.

A statement today by attorneys representing the Argus Company and Saan said: "The decision has been made by the Argus Group and Saan, the country's two largest newspaper groups, to attack certain provisions of the new censorship laws which came into force on December 11."

It added that "although the new regulations, according to some lawyers, are somewhat clearer and more lucidly contained than their predecessor, they amount to the severest form of censorship of the media this country has seen ... certainly since World War 2.

"So, as with the earlier regulations, the major English language newspapers have once again come together as the only guardians left of the public's right-to-know, to present a united front against the new regulations, and more specifically, freedom of speech for all.

"Time is no longer an affordable luxury. Senior lawyers, experienced in the laws affecting the media, have been consulted, and the newspapers have decided, once more, to seek relief from the courts from those restrictions which are considered excessive under the circumstances, and which can, with some prospects of success, be attacked as being too wide, uncear, or ultra vires the Public Safety Act — and therefore void."

Review strategy

The chairman of the PFP, Mr Ken Andrew, said in a statement that the party wanted to challenge the emergency regulations as soon as possible and had instructed its attorneys to obtain the opinion of senior counsel.

Speaking after a special meeting of the PFP's federal executive yesterday, he said the party would be seriously reviewing its strategy in Parliament in the light of the new restrictions.

It had decided not to submit party literature to any authority for approval, and would not be silenced or intimidated.

The first challenge brought to the Rand Supreme Court yesterday failed. An urgent application by *Weekly Mail* to have a police restriction order set aside was dismissed with costs.

The police order, served on three newspapers this week, goes further than the general media restrictions by prohibiting publication of information on various Chrismas campaigns.

An urgent application challenging a restriction order prohibiting *Sowetan* from publish ing statements by 13 organisations supporting several campaigns — including "Christmas Against The Emergency" — is expected to be heard in the Rand Supreme Court today.

● See Page 4.

Newspaper fails in bid to beat emergency gag

An urgent application by the *Weekly Mail* to have a restriction order by a Divisional Commissioner of the South African Police — served on the newspaper on Monday — set aside was dismissed in the Rand Supreme Court yesterday.

Mr Justice N M MacArthur found that the application was not urgent and dismissed it with costs.

The order prohibited the newspaper from publishing any statement by certain organisations in support of the "Christmas Against the Emergency" campaign.

Mr Justice MacArthur said the application concerned only one advertisement, by the United Democratic Front, in the whole newspaper and had been brought very late without giving the other side the opportunity to reply.

In papers, a director of the newspaper, Mr Clive Rodney Cope, said the application was urgent as they had a deadline of 6.30 pm for their last edition of the year.

Mr M Mendolowitz, for the *Weekly Mail*, told the court the order would be contested on, among other things, the ground that it was beyond the power of the emergency regulations.

He said it was an issue concerning the freedom of the Press which had been considerably muzzled.

Because the advertisement was "Christmas Against the Emergency" it would not be possible to have it after Christmas. If it did not appear in this edition, it would not appear at all, he said.

Mr P A Hattingh, SC, for the Divisional Commissioner, contested the urgency of the application and submitted that the *Weekly Mail* had created its own urgency.

The only prejudice to the newspaper would be the loss of revenue from one advertisement, he said.

Appearances: Mr Justice N M MacArthur was on the Bench. Mr M Mendelowitz appeared for the newspaper and Mr P A Hattingh SC, assisted by Mr J Wessels, appeared for the divisional commissioner.

Roodepoort town secretary dies

West Rand Bureau

Roodepoort's town secretary, Mr C J "Neels" Voigt (56), died suddenly on Wednesday night in the Garden City Hospital after a short illness.

He suffered from asthma and apparently had another lung complaint.

Mr Voigt, who was born in Fauresmith in the Free State, was appointed town secretary in 1971 and acted as town clerk on several occasions.

At the time of his death Mr Voigt was a member of the management of the South African Institute of Organisation and Methods as well as serving on its examination board.

He is survived by his wife, Leonie, and two children.

Mr Voigt will be buried at 3.30 pm today from the NG Church in Daniel Malan Drive, Florida Park.

Defiant PFP threatens to challenge crisis regulations

327 BUSDAY 19/12/86

THE PFP's federal executive took a defiant stand on the latest emergency regulations yesterday, saying it would not be intimidated by them and threatening to boycott ceremonial parliamentary activities.

Federal executive chairman Ken Andrew said after a special meeting on the regulations yesterday the PFP intended to challenge them in court at the earliest opportunity.

Andrew said PFP MPs would be requested to carry on with their normal duties and to be more active than ever in monitoring events throughout SA.

"Speakers at meetings should deal with all aspects of PFP policy and say whatever needs to be said on matters affecting the well-being of the country."

Party leader Colin Eglin said yesterday the legal challenge was part of the PFP's strategy "to take SA back across the threshold into a truly democratic alternative".

MAX DU PREEZ and Own Correspondent

Eglin said it appeared an election was around the corner and urged South Africans who wanted a peaceful and constitutional future to use the election to "get rid of the Botha government as the first step towards new democratic government representative of all the people of SA".

The federal executive decided not to submit party literature to any authority for approval.

Andrew said: "Parliament cannot continue to operate in the same way as in the past and a fundamental re-appraisal is necessary. The emergency regulations are a clear attempt to manipulate public opinion and the PFP will need to use Parliament to open up debate and to get information out.

"We will be seriously reviewing our parliamentary strategies and will certainly be taking a hard look at our involvement in the more formal and ceremonial elements of traditional parliamentary activities.

"The PFP will not become part of a cover-up operation. The emergency regulations are not only unjust and undemocratic, but they are also dangerous because an uninformed public can be lulled into a false sense of security until it is too late to take remedial action.

"We will fight for the public's right to know with all the means at our disposal."

Weekly Mail plea rejected by court

(283) (327) BUSDAY 19/12/86

LIAM EGAN

AN URGENT application by the *Weekly Mail* newspaper, to have invalidated the December 15, SA Police order prohibiting it and other publications from printing statements by 13 organisations, was dismissed with costs in the Rand Supreme Court yesterday.

The *Weekly Mail* brought the unsuccessful application against Witwatersrand Divisional Commissioner of Police Major-General Mulder van Eyk after it had been banned from publishing statements about four current anti-government campaigns.

Mr Justice MacArthur dismissed "for lack of sufficient urgency" the application to invalidate Van Eyk's order, which prohibits some newspapers from promoting the Campaign for National United Action, the Campaign for National Unity, the Christmas Against the Emergency campaign and the Christmas of Concern campaign.

In a founding affidavit before the court, *Weekly Mail* business manager Clive Cope argued that Van Eyk's order should be invalidated to allow publication of a UDF advertisement, entitled "Unity Pledge", in support of the Campaign for National United Action and the Christmas Against the Emergency campaign.

Cope claimed Van Eyk's order, insofar as it prohibited publication of the UDF advertisement, was inconsistent with government's latest Press restrictions — the ambit of which had allowed

● To Page 2 ⇨

Weekly Mail application dismissed

(327) (283)

⇦ ● From Page 1

for publication of the same advertisement in the two preceeding editions of the *Weekly Mail*. BUSDAY 19/12/86

☐ The Rand Supreme Court is to hear an urgent application today, instituted by the *Sowetan*, to contest the validity of a police order of prohibition served on it on Monday.

The application, lodged with the Court Registrar yesterday, lists the Argus Printing & Publishing Company and *Sowetan* deputy editor Aggrey Klaaste as applicants and the Witwatersrand Divisional Commissioner of Police as respondent.

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Vol. 258 PRETORIA, 19 DECEMBER / DESEMBER 1986 No. 10557

GOVERNMENT NOTICE

DEPARTMENT OF HOME AFFAIRS

No. R. 2665 **19 December 1986**

PUBLICATIONS REGULATIONS MADE UNDER THE PUBLICATIONS ACT, 1974

The Minister of Home Affairs has under section 44 of the Publications Act, 1974 (Act 42 of 1974), made the regulations in the Schedule.

GOEWERMENTSKENNISGEWING

DEPARTEMENT VAN BINNELANDSE SAKE

No. R. 2665 **19 Desember 1986**

REGULASIES OP PUBLIKASIES UITGEVAARDIG KRAGTENS DIE WET OP PUBLIKASIES, 1974

Die Minister van Binnelandse Sake het kragtens artikel 44 van die Wet op Publikasies, 1974 (Wet 42 van 1974), die regulasies in die Bylae uitgevaardig.

SCHEDULE

DEFINITION

1. In these Regulations, unless the context otherwise indicates, "the Act" means the Publications Act, 1974 (Act 42 of 1974).

PRESCRIBED AMOUNTS

SUBMISSIONS

2. (1) The following amounts shall be payable in respect of—

(a) an application to obtain a decision of a committee on a publication or object referred to in section 10 (1) (a) or (aA) of the Act by any person who produces or distributes that publication or object—	
(i) in the case of a drawing, picture, illustration, painting, woodcut or similar representation, print, photograph, engraving or lithograph, figure, cast, carving, statue or model	R2,00;
(ii) in the case of any other publication or object.....	R6,00;
(b) an application for the approval of a film referred to in section 20 (1) of the Act—	
(i) in the case of a cinematograph film as defined in paragraph (a) of the definition of "film" in section 47 of the Act	R10,00 for every 10 minutes or part thereof of the actual running time or indicated running time, whichever running time is the longer;
(ii) in the case of a cinematograph film as defined in paragraph (c) of the definition of "film" in section 47 of the Act	R2,00 for 10 or fewer than 10 pictures;
(iii) in the case of a portion of a cinematograph film exhibited for the purpose of advertising such film	R2,00;
(iv) in the case of an exhibited illustration or illustrations of any matter relating to a cinematograph film	R2,00 per cinematograph film.

NEW CURB

Sowetan 19/2/86 (327)

Cops restrict the SOWETAN

POLICE on Saturday night withdrew an order that barred the *Sowetan* from publishing statements promoting four major campaigns and replaced it with new and tougher restrictions.

The order on the *Sowetan* was withdrawn only 36 hours before it was due to be contested in the Rand Supreme Court. The merits of the original order were to be argued in court this morning.

By SOWETAN Reporter

The first order on the *Sowetan* was served last Monday night. The same day a similar order was served on the *Weekly Mail*. On Wednesday the *City Press* was also served with the order.

The orders were issued by Johannesburg police chief, Major General Mulder van Eyk.

The order barred the three newspapers from publishing any statements that promoted four campaigns by the United Democratic Front, the Black Sash, and 11 other organisations.

This order was confined to Greater Johannesburg, controlled by General van Eyk.

On Friday the *Sowetan's* acting editor, Mr Aggrey Klaaste, brought an urgent application in the Rand Supreme Court challenging the order. The action was postponed to this morning by Supreme Court Judge Mr Justice G A Coetzee.

The postponement was to give the police a chance to study the papers and prepare replying affidavits. But on Saturday night the order was withdrawn and it is expected to be formally withdrawn this morning from the court's roll.

When the order was withdrawn on Saturday night, police chief General Johan Coetzee issued a new one to the three newspapers.

It affected the whole country, including self-governing territories. Late yesterday *Sowetan* executives and lawyers were consulting on whether to challenge the new order.

A decision may be announced this morning.

A spokesman for the *Sowetan* said the newspaper would contest any order that affected its duty to serve the community.

In terms of the new order the ban is no longer restricted to the 13 organisations but applies to everybody and all organisations in the community involved with the four campaigns.

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Argus, Saan to go to court

(Cont from Page 1)

courts from those restrictions which are considered excessive under the circumstances, and which can, with some prospects of success, be attacked as being too wide, unclear, or ultra vires the Public Safety Act, and therefore void.

"The details of the application are presently being finalised, whereafter the court will be requested to allocate a date for the matter to be heard by three judges of the Supreme Court," the statement said.

An urgent application challenging a restriction order prohibiting the Sowetan from publishing statements by 13 organisations supporting several campaigns — including the "Christmas Against the Emergency" — was expected to be heard in the Rand Supreme Court today.

The newspaper will seek to have an order, served by the police Divisional Commissioner for the Witwatersrand Division on December 15 in terms of the emergency regulations, declared void and of no force or effect in law.

It is expected to be challenged on the grounds that:

- The order is so wide it covers matter which is not within the powers conferred on the State President by the Public Safety Act.
- The order is so unreasonable as to give rise to the inference that the Divisional Commissioner acted in bad faith or failed to apply his mind.
- That the order is vague.

Yesterday, Mr Justice NM MacArthur dismissed the application by the Weekly Mail to have a restriction order by a Divisional Commissioner of the police set aside.

● PFP on its role in Parliament, Page 2; Paper's plea dismissed, Page 5.

EIN MAIL 19/12/86 X

STATE OF EMERGENCY

Harsh new era

The seventh month of the emergency, declared in June, saw State President P W Botha announce virtual blanket restrictions on news coverage of the unrest.

In an address to the nation, Botha warned of a new "revolutionary onslaught" by the banned African National Congress (ANC) that threatened to commence during the Christmas season.

The daily unrest bulletin released by the Bureau for Information remains the official and now the main, source of information. Independent reports gathered by the local and international media must be sanctioned by the newly formed Inter-Departmental Press Liaison Centre (IPLC) before publication. Only a small proportion of the first reports submitted to the IPLC appear to have been "passed."

As if to underscore SA's determination to halt the ANC, four people, including two Swiss nationals alleged to have ANC links, were abducted from Swaziland last Friday night by a South African commando. The Swiss couple, Daniel Schneider and Corinne



President Botha . . . warning of a revolutionary onslaught

Bischoff, were released after Switzerland protested. Danger Nyoni, whose son Dumisane (13) was killed in the raid, has also been released. The whereabouts of the fourth person, Grace Cele, remained unconfirmed as the *FM* went to press. According to Swazi reports it appears that a fifth person, allegedly an ANC member, was also shot in the operation.

The Swaziland raid shows that security is also the dominant motivation in Pretoria's relations with its neighbouring states — even where security agreements exist.

A deportation order served on a Briton, Professor Phillip Bonner of the history department at Wits University, early in the week was later revoked pending a hearing early next year.

A similar order against his wife Chris Bonner, Transvaal Branch Secretary of the Chemical Industrial Workers Union, was issued but never served. Her whereabouts are unknown.

In another move against a foreigner the work permit of Michael Parks of the *Los Angeles Times* was not renewed. However, Home Affairs Minister Stoffel Botha later announced that the decision was being held in abeyance and that Parks had been granted permission to remain in the country until January 31.

Two officials of the National Union of Mineworkers are, however, to be deported to the Transkei.

As the *FM* went to press, reports of a new wave of detentions were emerging.

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Among those known to have been detained are *New Nation* editor Zwelakhe Sisulu, and National Education Crisis Committee (NECC) members Vusi Khanyile, Reverend Molefe Tsele and Billy Jardine. Three trade unionists, Matthew Oliphant, Vincent Makonza and Fazie Solomon, were reportedly also detained.

Meanwhile, two policemen, Sergeant A Roussouw and Constable, L C Mavundla, were seriously injured by a landmine detonated by their vehicle in the eastern Transvaal.

According to bureau bulletins, an ANC insurgent was among nine people to die this week as a result of political conflict. This took the official death toll, as at midnight on Sunday, to 358 since the emergency was declared on June 12.

Among the deaths were United Democratic Front (UDF) members Feliz Hadebe and Peter Hlengwa who were attacked with pangas in Chesterville, Durban, last week. Both died in hospital, Hadebe from a handgrenade he was holding, Hlengwa from panga wounds.

Another person to die in hospital was Taylor Pasha. Pasha, a relative of singer Steve Kekana, was seriously burnt when Kekana's house was petrol bombed last week. Kekana was away on tour at the time of the attack which has been linked to his participation in the Bureau for Information's peace song.

In Duncan Village, East London, a man was killed after security force members opened fire on a crowd of about 200 who were stoning them. In KwaZekhle security force members found an injured man who had been stabbed and burnt. He also subsequently died in hospital.

Two unidentified people died in Soweto, while in Residensia, Vereeniging, a young man managed to escape after an attempt to set him alight. Another burnt body was discovered in Walmer, Port Elizabeth. Two private houses were set alight in Tembisa, Kempton Park, and a grenade was thrown at a house in Magabeni, Umkomaas. Details of other incidents, involving stone throwing, petrol bomb attacks and arson were not supplied.

Dr Fabian Ribiero and his wife, Florence, who were shot dead by masked assailants on December 1 outside their Mamelodi home, were cremated on Wednesday. The following day Mac Malatsi and Jacob Mampuru were shot and wounded at the Ribiero home while attempting to apprehend a masked man who was allegedly searching the Ribieros' house. ■

Mine wounds soldier: Swazi crisis worsens

Own Correspondent

JOHANNESBURG. — The South Africa/Swaziland crisis intensified yesterday as a South African national serviceman was seriously injured after stepping on a landmine near Komatipoort and two landmines were found near the Swazi/South African border.

Yesterday the police announced they had defused two Soviet-made landmines 800m from the Eastern Transvaal/Swazi border on the Barberton-Josefsdal dirt road, near the Josefsdal border post.

And the SADF said Private Andries Deon Herman, of Pretoria, was in a serious condition in the 1 Military Hospital after he stepped on an anti-personnel mine near Komatipoort.

A South African government statement on the Swazi raids, promised several days ago, has still not materialized.

Earlier this week a Foreign Affairs spokesman intimated there was confusion over which department would issue a statement on the fate of a Swazi national, Ms Grace Cele, and an ANC member, Mr Mathews Maphumulo, who went missing in Friday's raids in Mbabane and Manzini.

Nor has any statement been issued on the UDF man who was abducted from Umbuluzi Valley on Monday night.

Yesterday neither the Bureau for Information nor the State President's office were able to issue statements and referred the matter to Foreign Affairs. A Foreign Affairs spokesman said he believed no statement other than those made at the weekend was forthcoming.

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Cape Times 19/12/86

Mail loses court publication battle

Own Correspondent

JOHANNESBURG. — An urgent application by the Weekly Mail newspaper to have invalidated the December 15 police order prohibiting it and at least two other publications from publishing certain statements by 13 organizations was dismissed with costs in the Rand Supreme Court yesterday.

The newspaper brought the unsuccessful application against the Witwatersrand Divisional Commissioner of Police, Major-General Mulder van Eyk.

Mr Justice MacArthur dismissed "for lack of sufficient urgency" the application to invalidate Gen Van Eyk's order prohibiting publication of statements promoting the Campaign for National United Action, the Campaign for National Unity, the Christmas against the Emergency campaign, and the Christmas of Concern campaign.

A similar application has been lodged by the Argus Printing and Publishing Company on behalf of the Sowetan newspaper, in which the Sowetan deputy editor, Mr Aggrey Klaaste, will contest the validity of Gen Van Eyk's order on Monday prohibiting publication.

In a founding affidavit, Weekly Mail business manager Mr Clive Rodney Cope argued that Gen Van Eyk's order should be invalidated to allow publication of a UDF advertisement in support of the Campaign for National United Action and the Christmas against the Emergency campaign.

Mr Cope claimed that Gen Van Eyk's order, insofar as it prohibited publication of the UDF advertisement, was inconsistent with the government's latest press restrictions, the ambit of which had allowed for publication of the same advertisement in the two preceding editions of the Weekly Mail.

Banned — but busking!

Staff Reporter

THE artists affected by the ban on the "Towards a People's Culture — Arts Festival 86" will be appearing in several concerts in the city this weekend.

This was confirmed yesterday after a crisis meeting between the musicians affected by the ban and the SAP Divisional Commissioner, Major-General Chris Swart.

And, in a further development, Johnny Clegg and Savuka — currently appearing at the Baxter Theatre — have agreed to appear free at one of the concerts as a gesture of solidarity.

The ban has left the scores of musicians who flooded into Cape Town from up-country workless and without a source of income over the normally prosperous Christmas period. Desperate, some musicians have resorted to busking in the city streets.

A spokesman for the Musicians' Crisis Group said musicians were angered by the ban because it represented a major loss of earnings over the peak season.

"In September, the government spent more than R4 million telling us that 'Together We'll Build a Better Future'. Now, three months later, they prohibit us from playing our own music and singing our own songs in our communities," he said.

There will be two concerts this evening, one at the Samaj Centre in Athlone, featuring Wasamata, Sabenza and Robbie Jansen's Heartthrobs, and one at the Michaelis Art School quadrangle, featuring Wasamata (who will play at both venues), Bright Blue and Benny B Funk and the Sons of Gaddafi Barmitzvah Band.

CAPE Times 19/12/86

Emergency: PFP to make court challenge

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Political Staff

THE Progressive Federal Party yesterday announced plans to challenge the emergency regulations in court.

The legal challenge is part of the PFP's strategy, as the party leader, Mr Colin Eglin, put it yesterday, "to take South Africa back across the threshold into a truly democratic alternative".

Mr Eglin also said it appeared that an election was around the corner and he urged those who wanted a peaceful and constitutional future to use the election to "get rid of the Botha government as the first step towards a new democratic government representative of all the people of South Africa".

The PFP has also decided not to submit any party literature to any authority for approval and to review its participation in formal and ceremonial elements of Parliament.

At its special federal executive meeting yesterday, the PFP decided to instruct its attorneys to consult senior counsel "with a view to challenging the ... regulations at the earliest opportunity".

The executive's chairman, Mr Ken Andrew, said they were "alarmed at the adverse effects these draconian regulations will have on press freedom, on the right of the public to know what is happening and on the limited processes that have survived".

Mr Eglin said the government had:

- Taken the country across the threshold that divides democracy from dictatorship.
- Struck a cruel blow at the whole concept of parliamentary government.
- Retarded the prospects of a peaceful and constitutional resolution of the country's problems.

Mr Eglin said that at the same time the government had "exposed for all to see its total political bankruptcy and its inability to govern this country by democratic means".

Mr Andrew said at informal meetings of PFP MPs around South Africa, there was "clearly a recognition of the fact that Parliament cannot continue to operate in the same way as in the past.

"... the PFP will need to use Parliament to open up debate and to get information."

Group aims to fight censors

THE recently-formed Anti-censorship Action Group has called on the public to fight censorship, an ACAG committee member, Ms Pat Sidley, said yesterday.

In a telephone interview with Sapa, Ms Sidley said the group was formed in September this year because of the imposition of the second state of emergency on June 12 and out of "direct concern for the public being deprived of information".

On its membership recruitment form, Acag defines its aims as:

- Educating the public about the dangers of censorship;
- Creating a sense of unity and purpose among those subject to censorship;
- Joint action to end censorship;
- Monitoring the effects and implementation of censorship in South Africa; and
- Expressing solidarity with groups opposing censorship locally and internationally.

The group had finalised a constitution and had set up committees in Johannesburg, Durban and Cape Town.

Ms Sidley said the Acag would launch a membership drive early next year and would hold a debate on the subject of "self censorship".

The debate would hinge on some newspapers which, "in addition to Government censorship, seemed to take a more conservative position" and, she said, took censorship beyond the requirements of the law.

Police curb 12 groups

CAPE TOWN — Police yesterday issued orders under the emergency regulations aimed at silencing calls in the Western Cape for the release of detainees, the withdrawal of troops from the townships and a "Christmas of concern".

The Divisional Commissioner of Police for the Western Province, Major General C A Swart, has ordered that no one in his division may take part in certain activities of 12 groups.

- Support or promote a call for the release of detainees or those convicted of treason, sedition or public violence.
- Support or promote a call for the unbanning of the ANC, Cosas or any other banned body.

The 12 organisations are the Campaign for National United Action, the Congress of South African Trade Unions, the National Education Crisis Committee, the South African Council of Churches, the Western Province Council of Churches, the Student Union for Christian Action, the Young Christian Students, the United Women's Congress, the Cape Youth Congress, the UDF and affiliates, the ECC and the Ad Hoc Christmas of Concern Committee. — Sapa.

Police ban Christmas campaign

Cape Times 20/12/86

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By BARRY STREEK

THE police yesterday banned outright any participation in the "Christmas Against the Emergency" or "Christmas of Concern" in the Western Cape.

The activities of 12 organizations, as well as all United Democratic Front affiliates, in the area have also been severely restricted.

The new clampdown, made in terms of the emergency regulations, was published yesterday by the Divisional Commissioner of Police, Major-General Chris Swart.

Among other things it bans the organizations from calling for the release of detainees, calling for the unbanning of the African National Congress and the removal of troops and police from the townships.

The restrictions were condemned last night as "monstrous" and "frankly defying all common sense" by the leader of the Opposition, Mr Colin Eglin.

"It is not even kragdadigheid by a strong government. It is the vindictive thrashing around by confused and frightened men," he said.

In terms of the regulations, "any person at any place" is prohibited from "taking part in any manner whatsoever in the campaign or project known as the 'Christmas Against the Emergency' or 'Christmas of Concern'."

'Treason and sedition'

The 12 organizations are:

The Campaign for National United Action, the Congress of South African Trade Unions, the National Education Crisis Committee, the South African Council of Churches, the Western Province Council of Churches, the Student Union for Christian Action, Young Christian Students, the United Women's Congress, the Cape Youth Congress, the UDF and its affiliates, the End Conscription Campaign and the Ad Hoc Christmas of Concern Committee.

No person may take part "in any manner whatsoever" in any activity of these organizations "insofar as such activity is intended to have the effect or is likely to have the effect":

- Of encouraging or inciting people to support or promote a call for the release of emergency detainees, or persons convicted for offences under the Internal Security Act, 1982, or any law repealed by that Act, or of treason, sedition or public violence;
- Of encouraging or inciting people to support or promote a call for the unbanning of the ANC, the Congress of South African Students or any other banned organization;
- Of encouraging or inciting people to support or promote a call for the withdrawal of police or South African Defence Force from the townships.
- Of encouraging or inciting people to take part in a protest against any action taken in terms of the emergency regulations by a force as defined in the regulations.

Now, just to make it quite clear

Newspapers asked the Bureau for Information exactly what the function of the new Internal Press Liaison Committee (IPLC) was. Readers might find the reply as informative as we did:

"The Bureau for Information notes the media still seems to be under some misapprehension as to the IPLC and its function. It is hoped the following explanation will be of assistance:

"The IPLC is not an organisation. It is purely a venue (sic) where representatives from all Government departments do duty on a rotation basis with the sole purpose of facilitating the channelling of reports to the relevant Government department for authorisation.

"After a decision has been made by die (sic) department, the department may make its decision known to the media directly or via its representative at the IPLC."

Ja, well ... now you know as much as we do.

sunrise news

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Urgent application by Sowetan postponed until Monday

By Lesley Cowling and Jenni Tennant

The urgent application by *Sowetan* challenging a restriction order prohibiting the newspaper from publishing statements by 13 organisations supporting several campaigns — including the "Christmas Against the Emergency" — was yesterday postponed to Monday in the Rand Supreme Court.

The newspaper is seeking to have an order, served by the Divisional Commissioner of the South African Police for the Witwatersrand Division on December 15, in terms of the emergency regulations, declared void and of no force or effect in law.

The Deputy Judge President, Mr Justice G A Coetzee, yesterday said that the matter appeared to be an important one concerning the public interest and should not be dealt with in a hurry.

Mr P A Hattingh SC, for the Divisional Commissioner, said time was needed to answer certain allegations made in the papers and asked that the hearing be postponed to Monday.

Mr S Kentridge SC, for *Sowetan*, said that the case concerned the freedom of the Press.

He said that if the application was not completed on Monday it would become academic because it concerned a matter that ended at Christmas.

The order, which prohibits the newspaper from publishing any "publication" or statement by the 13 organisations in support of the "Campaign for National United Action", "Campaign for National Unity", "Christmas Against the Emergency" and "Christmas of Concern", was served on *Sowetan* last Monday.

Similar restrictions have been served this week on *Weekly Mail* and *City Press*.

In papers before court this morning the deputy editor of *Sowetan*, Mr Aggrey Klaaste, said that the police order would be challenged on the grounds that:

- The order was so wide it covered matter which was not within the powers conferred on the State President by the Public Safety Act.
- The order was so unreasonable as to give rise to the inference that the Divisional Commissioner acted in bad faith or failed to apply his mind.

Mr Klaaste submitted that the terms of the police order discriminated against *Sowetan* and not against the media industry as a whole. The order was partial and unequal and therefore unreasonable, it was submitted.

- That the order was vague.

Mr Klaaste submitted that the application was urgent because the order restricted the daily business of the paper — restricting the free flow of information and comment on a wide range of activities of the 13 organisations, many of which were high profile and constantly in the news.

He added that the order further restricted the daily business of *Sowetan* in that it prohibited the publishing of advertisements which the organisations may wish to place, resulting in a loss of revenue.

He said he and his employees were experiencing difficulties interpreting the order.

Mr Justice G A Coetzee was on the Bench. Mr S Kentridge SC, assisted by Mr G Marcus, instructed by Webber Wentzel, appeared for *Sowetan*. Mr P A Hattingh SC, assisted by Mr J Wessels, appeared for the Divisional Commissioner.

Grandmother tells of police shooting

By SHAUNA WESTCOTT
Supreme Court Reporter

A SALT RIVER grandmother told the Supreme Court yesterday of the "sickening feeling" she got when a policeman she discovered in her home one night asked if he could use the phone to call an ambulance.

Mrs Sadea van der Schyff, of 17 Burns Road, was giving evidence in a R51 975 damages suit brought against a police lieutenant and the Minister of Law and Order by the widow of Mr Ebrahim Carelse.

Mr Carelse was shot in the head from two metres by Lieutenant John Baird, then a warrant officer, on the evening of September 5 last year.

Petrol bomb

His widow, Mrs Jawaya Carelse, claims he was peacefully visiting the Van der Schyffs, who lived opposite their Burns Road home, en route to meeting pilgrims returned from Mecca that day, when a policeman burst into the house and shot him at the back door.

Lt Baird admitted shooting Mr Carelse but claimed it was after he was spotted with a burning petrol-bomb in his hand and fled from police into the house.

Mrs Van der Schyff told the court she was at the pilgrims' house, also in Burns Road, when her daughter-in-law told her at about 9pm: "Mommy, you better go down to your house because there is some disturbance and the kids are all outside."

At her house she saw people running and shouting in the street but didn't take much notice because her main concern was to get her grand-children, who were playing on the stoep, inside.

She shooed them inside, remembers one of them pulling at her while she was reprimanding another, and then heard a loud "bang" which she thought was a car backfiring outside.

A silence fell and one of the children said: "Granny, there's a policeman in the back."

She was shocked to see the uniformed man in her passage and asked him what he was doing in her house.

"He asked me something like 'I just want to ring the ambulance, have you got a phone?' and I got that sickening feeling in me that something was wrong. It just clicked in my mind. I never answered him. I just ran to the back and saw Ebrahim Carelse lying there bleeding.

"He was looking at me with glazed eyes and I took hold of his hands and I was rubbing them. The policeman came and I said 'Why did you shoot this man?' and he said 'These are the people causing all the trouble.'

Mrs Van der Schyff said the victim was like a son to her and confided in she and her husband.

"He never expressed an interest in politics. His interest was sport and he was very fond of singing. Also he was a bit of a clown. He couldn't pronounce 'r' sounds and we took great delight in that."

Asked by the bench to comment on police claims that Mr Carelse was seen with a petrol bomb in his hands, she said: "Yes, that came up the next day when three Casspirs came to my place to question me. I told them why didn't the policeman mention petrol bombs that night?

"I know it's not the truth. He was not a person like that. He was a jolly person. He spent most of his time watching TV with us and liked to talk about horse racing and religion. We used to talk to him about Mecca."

Shot Uncle Hima

Earlier two of Mrs Van der Schyff's grandchildren told the court they saw Mr Carelse leave his own house and walk across the street to where they were playing.

One said he followed "Uncle Hima" down the passage to the kitchen because they wanted to look over the wall to see what was going on in the street.

Mr Carelse told him to wait and was opening the backdoor when a policeman ran past the child. "He said nothing. He just shot Uncle Hima," the child said.

The case continues on Monday.

Mr Acting Justice B Hoberman presided. Mr R P Hoffman, instructed by Herbsteins, appeared for Mrs Carelse. Mr W J Louw, instructed by the State Attorney, appeared for the defendants.

New emergency clamp on 12 West Cape bodies

NEW emergency regulation orders have been issued which aim to silence calls in the Western Cape for the release of detainees, for the withdrawal of troops from the townships and for a "Christmas of concern".

The orders were issued by the Divisional Commissioner of Police, Major-General C A Swart.

He ordered that no one in the Western Province division could take part "in any manner whatsoever" in certain activities of 12 organisations, among them the End Conscription Campaign and the United Democratic Front.

The activities are those intended or likely to have the effect of encouraging or inciting members of the public to:

- Support or promote a call for the release of people detained under the emergency regulations, or who have been convicted under the Internal Security Act, or convicted of treason, sedition or public violence;
- Support or promote a call for the unbanning of the ANC, Congress of South African Students or any other banned organisations;
- Support or promote a call for the withdrawal of the police or the defence force from "any area in which they perform functions in connection with the state of emergency" or for the "termination of any such functions"; and
- Take part in protest "against any action taken in terms of the said regulations by a force as defined in the said regulations".

General Swart has also forbidden anyone in his division from "taking part in any manner whatsoever in the campaign or project known as the 'Christmas against the Emergency' or 'Christmas of Concern'". — Sapa.

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MP slates new press restrictions

Cape Times 20/12/86

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IF the editor of the Burger, the official mouthpiece of the National Party in the Cape, was arrested for inadvertently contravening the emergency regulations, no newspaper would be able to mention it, Mr Nic Olivier, MP, said yesterday.

He also said: "The unpleasant and unpalatable fact seems to be that both sides — the government and the 'revolutionary forces' — seem intent, in the name of democracy and freedom, to destroy the fundamentals of a free and democratic society in the very methods they are employing to achieve their aims."

Mr Oliver, an indirectly elected MP and a lawyer, reached these conclusions after a detailed study of the new emergency restrictions, which were gazetted last week.

He said it appeared to him that it was unlikely that the new regulations could be declared invalid because the phrasing of the relevant section of the Public Safety Act was so wide, but only the courts could decide this issue.

However, Mr Olivier said the blanket prohibition on journalists in areas of unrest would probably be ultra vires (beyond one's power) because any order issued by the Commissioner of Police would have to relate to a specific area.

"It is hardly conceivable how a journalist could ask for 'prior' consent, unless he has pre-knowledge of such an event (which could lead to embarrassing questions), or unless the event itself may be of a relatively lengthy duration and he comes to know of it, or unless he is informed by the security forces themselves (which seems unlikely).

"As far as I have been able to ascertain, it is the first time that a group or category of people has been barred in advance from being present (or within sight!) of such an event ('any unrest, restricted gathering or security action')."

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EEC demarche on emergency laws

By BARRY STREEK
Political Staff

PRESSURE against the emergency restrictions, particularly those on the press, mounted yesterday as the 12 European Economic Community nations delivered a strong diplomatic protest to Pretoria, and the SAAN and Argus newspaper groups announced they were to challenge the regulations in court.

The new emergency regulations are also to be challenged in court by the Progressive Federal Party and the United Democratic Front.

The European demarche, one of the strongest forms of diplomatic protest, was delivered yesterday to the Deputy Minister of Foreign Affairs, Mr Kobus Meiring, by the British Ambassador, Sir Patrick Moberly, on behalf of the 12 EEC governments.

Afterwards, Sir Patrick made it clear that it was the view of the 12 governments that the infringements and abuses of human rights brought into question the South African government's claim to be committed to Western values.

He said the European Community governments were gravely concerned at the growing evidence of serious abuses of human rights in South Africa.

In a press release yesterday, Sir Patrick said that in the demarche the 12 governments had particularly deplored:

"The apparent continuation of forced removals from black townships, contrary to assurances previously given by the South African government that such removals had stopped; the continuing and indefinite detention without charge of large numbers of people and especially of many young people and children; and the imposition of draconian new restrictions on press freedom, running counter to the principles of democracy and freedom of information."

The Argus Company and SAAN in a statement, issued yesterday by attorneys representing them, said: "The decision has been made by the Argus Group and SAAN, the country's two largest newspaper groups, to attack certain provisions of the new censorship laws, which came into force on December 11."

The statement said "although the new regulations, according to some lawyers, are somewhat clearer and more lucidly contained than their predecessor, they amount to the severest form of censorship of the media that this country has seen, certainly since the time of World War II.

"So, as with the earlier regulations, the major English language newspapers have once again come together as the only guardians left of the public's right to know, to present a united front against the new regulations, and more specifically, freedom of speech for all.

"Senior lawyers, experienced in the laws affecting the media, have been consulted, and the newspapers have decided, once more, to seek relief from the courts from those restrictions which are considered excessive under the circumstances, and which can, wth some prospects of success, be attacked as being too wide, unclear, or ultra vires the Public Safety Act, and therefore void."

An urgent application challenging a restriction order prohibiting the Sowetan from publishing statements by 13 organizations supporting several campaigns — including the Christmas Against the Emergency — was postponed yesterday in the Rand Supreme Court to Monday.

The fine line between the right to know and the need to suppress

By David Braun,
Political Correspondent

The Government's new emergency regulations are not intended to prevent information reaching the public or to shield the Government from legitimate criticism, says Deputy Minister of Information Dr Stoffel van der Merwe.

"The basic motivation is to prevent the Press from reporting in a biased fashion and to prevent unsubstantiated and substantially untrue reports from being put out," he said in an interview in Pretoria.

Dr van der Merwe was enlarging on an earlier interview in which he said the Government has a right to withhold information from the public.

He said two opposing principles were at work: the right of the public to know and the right of the Government to withhold information.

"In no country can the government make available to the public and the media all information at its disposal.

"It is universally recognised that governments have the right to withhold information such as diplomatic or security strategies," he said.

However, a problem arises when it comes to drawing the line between these principles.

"In stable and sound society, more emphasis will be placed on the right of the public to know," said the Deputy Minister.

"But in a society under stress or at war the government's right to withhold information becomes emphasised at the expense of the public's right to know.

"Of course, it suits any government to give less information while the newspapers always want more. That is why the line between the two rights is always in dispute, and especially in a situation such as ours."

Dr van der Merwe agreed that withholding information from the public could be counter-productive in the long term.

"There is a lot of sense behind the principle of the right to know, and after all we are talking about democracy.

"The public's right to know is one of the very foundations of democracy."

However, in practice it becomes difficult to determine where the right to know should begin.

"The present limitations are not intended to shield the Government from legitimate criticism but to safeguard the security of the State," said Dr van der Merwe.

He said that from the Bureau for Information's point of view, as much information as possible should be divulged to the public.

The latest restrictions were motivated by the deterioration of the security situation and by the Government's wish to end the state of emergency as soon as possible, he said.

"It is perhaps desirable that harsher measures be instituted for a shorter period rather than imposing more tolerable measures for a longer time."

Asked why the Government upholds the privilege of Parliament which can be used by opposition parties to circumvent the curbs on the publishing of information which is considered too sensitive for public consumption, Dr van der Merwe said: "We want to retain the basic essentials of democracy, and Parliament is at the core."

Asked what the point was of refusing to release the names of people in emergency detention when by law such information had to be tabled in Parliament, whereupon it would be public knowledge anyway, the Deputy Minister said: "In cases like this it might be that it sometimes gives the security people a little more leeway to conduct their investigations if the names of detainees are not published immediately."

Dr van der Merwe would not be drawn on allegations the Government was failing to give Parliament sufficient information, as was evidenced by Ministers refusing to answer questions "in the public interest".

But he pointed out that the principle that a government could withhold information on the grounds of national interest was built into the Westminster system.

Asked if the Government was satisfied the latest restrictions on the media were necessary, Dr van der Merwe said: "Yes. The regulations have been carefully considered and they are also supposed to be temporary."

Dr van der Merwe said the basic motivation for the restrictions was to prevent the Press from reporting in a biased fashion and to further prevent unsubstantiated or substantially untrue reports from being put out.

"It is easy enough to say you can put the situation right afterwards, but you know as well as I do that once the damage is done it can very rarely be put right."

He said the Government was aware that restrictions on hard information could facilitate the spreading of rumours and that this was one reason why it would try its best to facilitate the free flow of information.

"I can make an open invitation to the Press to discuss instances where they are convinced information is being unduly withheld either with the Bureau or even myself.

"We will discuss this fully with both the Press and the Government departments involved."



Dr Stoffel van der Merwe ... new curbs not meant to shield the Government from criticism.

Pik Botha for Swaziland talks

Political Staff

JOHANNESBURG. — The Foreign Minister, Mr Pik Botha, is due in Mbabane this morning for top-level discussions with the Swazi government to try to repair the damage done by South African raids into Swaziland.

Swaziland was one of Pretoria's few African friends.

The raids and abduction of five people by masked South Africans took place last Friday and again three days later and left a South African exile as well as the 13-year-old son of one of the abducted people dead.

A senior government source in Pretoria confirmed yesterday that Mr Botha knew of the raids in advance. This could make his conciliatory talks today very difficult.

The kidnappings were expected to be one of the main topics at yesterday's summit of frontline states in Lusaka. The raids were followed by strong protests from Swaziland and Western countries.

The raids were contrary to the non-aggression pact signed with Swaziland shortly before the Nkomati Accord with Mozambique. Sources in Mbabane said co-operation between South African and Swazi security forces on the activities of African National Congress activists in exile had been good since the signing of the accord.

"This makes the kidnappings and the brutal way in which it was done totally inexplicable. Don't the Bothas have any control over their soldiers and police?" a Swazi official said yesterday. He described the atmosphere in Mbabane as "paranoid and bitterly anti-South Africa".

The Western diplomatic community in South Africa was stunned by the kidnappings and by the role that the Department of Foreign Affairs played, knowing that the raids would be disastrous for South Africa's efforts to improve relations with neighbours such as Botswana.

One diplomatic source said ANC officials who met the United States Under-Secretary for Political Affairs, Mr Michael Armacost, in Lusaka at the weekend had made "good use" of the Swazi raids in justifying their stand on the use of violence.

Media again blamed for SA 'climate'

Staff Reporter

EXPLAINING the latest news clampdown in "true perspective" in an advertisement in Sunday newspapers yesterday, the Bureau for Information again claimed that the country's "revolutionary climate . . . is generated to a considerable extent by the media".

The half-page advertisement says that in spite of the emergency regulations imposed on June 12 this year, "most of the media have continued to generate perceptions which have, on balance, been more favourable to the radical cause than to the cause of the moderates".

Although the government respected the role of the media in criticizing the government, there were "individuals within the established media and organs of the alternative media who strongly believe that the media should be overtly and covertly used to promote the objectives of the radical revolution.

'Mobilize public opinion'

"The media can become the main ally of terrorists if reporting on a terrorist incident helps to generate the climate of fear, panic and despair which is the terrorist's main objective.

"In the same fashion reporting on clashes between security forces and demonstrators can be used to mobilize public opinion against the police, to further polarize opinion and promote further confrontation and conflict", the bureau said.

According to the advertisement, the new restrictions "were not directed at the established media but at those elements of the media which are consciously and continuously supporting the cause of the radicals".

"They were not intended to limit the right of the media to continue to criticize the government across a broad spectrum of national affairs."

The advertisement also claims that the new curbs "were not imposed without prior consultation".

The government had invited representatives of the "established media" to draw up their own code to ensure "responsible reporting" during the state of emergency.

This would have exempted them from the new regulations.

The representatives had, however, called for the curbs to be applied to all media until they had reported back to the government on the outcome of their discussions with the Media Council.

The advertisement says the state of emergency "has succeeded in achieving some its immediate objectives".

However, it had "not yet succeeded in eliminating the political agitation, incitement and subversive propaganda which have created the revolutionary climate".

"Under current circumstances, there would be a quick return to violence and unrest if the state of emergency were now to be lifted."

□ Opposition and media spokesman have hit back at the advertisement, our correspondents report.

The PFP Information spokesman, Mr Peter Soal, said the advertisement was "misleading" and did not reflect the true picture.

'Normalizing society'

The deputy managing director of SAAN, Mr Roy Paulsen, said it appeared from the tone of the advertisement that government realized it had damaged the image of a free press that was valuable to it, and was trying to justify its stand.

The Argus MD, Mr Peter Mclean, said the government's message appeared to be that the media should choose sides between "radicals" and "moderates".

"It is the task of our newspapers to present the facts so that the process of normalizing our society can be assisted. Regrettably the new emergency regulations prevent us from presenting all the facts," he said.

Ambivalence on press curbs

Own Correspondent

JOHANNESBURG. — A weight of business opinion, expecting more consumer boycotts and strikes in the shopping days to Christmas, is ambivalent about the government's media curbs.

Pick 'n Pay chairman Mr Raymond Ackerman said late last week: "Press censorship is supposed to cool things down, but I've never known anything so difficult as this time."

He believes that the curbs will have the "short-term rub" of not inflaming consumer boycotts and unofficial strikes as "headline stories accelerate these activities".

"It's a double-edged sword. You don't want to promote the causes of strikes and boycotts, but restrictions make people more obdurate," he said.

Assocom, the Afrikaanse Handelsinstituut and the Department of Trade and Industry report no negative feedback on the press curbs.

Few retailers trading in black areas believe that lack of information on boycotts and strikes will affect their business.

SA Breweries for one, has its own information network in the townships to keep abreast of political actions that could mar beer sales.

"But you still want more not less information when making business decisions in difficult times," said an SAB spokesman.

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New curbs on three newspapers

JOHANNESBURG. — New restriction orders banning reports on the Christmas Against the Emergency campaign were imposed on the Weekly Mail, City Press and the Sowetan on Saturday.

The orders, which replace earlier curbs on the three newspapers, were issued by the Commissioner of Police, General Johan Coetzee.

Weekly Mail's manager, Mr Clive Cope, said the order banned publication of "any report, pamphlet, comment or advertisement or any other news in connection with the four campaigns for a Christmas Against the Emergency".

The three newspapers recently ran advertisements for the campaign.

Mr Cope said staff had already consulted attorneys with a view to fighting the order in court.

He said the order was wider than earlier measures. The main changes are:

☐ The ban is no longer restricted to statements from 12 organizations listed in the old order but now applies to comments on the campaign by any person or organization.

'Any part of South Africa'

☐ It prohibits news reporting on the campaigns by the three newspapers whereas the previous order focused only on advertisements and statements that were designed to promote the campaigns.

☐ Publication of news or comments on the campaigns is now banned in any part of the country, including "self-governing homelands". The old order applied only to the Witwatersrand.

Last week the Weekly Mail and Sowetan both launched Supreme Court applications against the first set of restrictions. On Thursday, the Rand Supreme Court rejected the Weekly Mail's application on the grounds that it was "not urgent" and the Sowetan's hearing was postponed for Monday.

Mr Thami Mzwai, news editor of the Sowetan, said he thought the new regulations targeted the three newspapers because they were the main suppliers of news to residents of the black townships in which the campaigns were most widespread.

The campaign calls on people to turn off their electricity and light candles between 7pm and 9pm from December 16 to December 26 in solidarity with detainees. — Sapa

The Deputy Minister of Information, Dr Stoffel van der Merwe, talked to DAVID BRAUN of The Argus Political Staff about the public's right to know — and the Government's right to cut the information flow

New curbs on Press 'to protect the truth'

THE Government's new emergency regulations are not intended to prevent information reaching the public or to shield the Government from legitimate criticism, says Deputy Minister of Information Dr Stoffel van der Merwe.

"The basic motivation is to prevent the Press from reporting in a biased fashion and to prevent unsubstantiated and substantially untrue reports from being put out," he said in an interview in Pretoria.

Dr van der Merwe was enlarging on an earlier interview in which he said the Government has a right to withhold information from the public.

He said two opposing principles are at work: the right of the public to know and the right of the Government to withhold information.

"In no country can the government make available to the public and the media all information at its disposal.

"It is universally recognised that governments have the right to withhold information such as diplomatic or security strategies," he said.

However, a problem arises when it comes drawing the line between these principles.

"In stable and sound society, more emphasis will be placed on the right of the public to know," said the Deputy Minister.

"But in a society under stress or at war the government's right to withhold information becomes emphasised at the expense of the public's right to know.

"Of course, it suits any government to give less information while the newspapers always want more. That is why the line between the two rights is always in dispute, and especially in a situation such as ours."

Dr van der Merwe agreed that withholding information from the public could be counterproductive in the long term.

"There is a lot of sense behind the principle of the right to know and after all we are talking about democracy.

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However, in practice it becomes difficult to determine where the right to know should begin.

"The present limitations are not intended to shield the Government from legitimate criticism but to safeguard the security of the State," said Dr van der Merwe.

He said that from the Bureau for Information's point of view, as much information as possible should be divulged to the public.

The latest restrictions are motivated by the deterioration of the security situation and by the Government's wish to end the state of emergency as soon as possible, he said.

"It is perhaps desirable that harsher measures be instituted for a shorter period rather than imposing more tolerable measures for a longer time."

Asked why the Government upholds the privilege of Parliament which can be used by opposition parties to circumvent the curbs on the publishing of information which is considered too sensitive for public consumption, Dr van der Merwe said: "We want to retain the basic essentials of democracy, and Parliament is at the core."

Asked what is the point of refusing to release the names of people in emergency detention when by law such information had to be tabled in Parliament, whereupon it would be public knowledge anyway, the Deputy Minister said: "In cases like this it might be that it sometimes gives the security people a little more leeway to conduct their investigations if the names of detainees are not published immediately."

Dr van der Merwe would not be drawn on allegations that the Government is failing to give Parliament sufficient information, allegations which resulted from Ministers refusing to answer questions "in the public interest".

But he pointed out that the principle that a government could withhold information on the grounds of national interest was built into the Westminster system.

Asked if the Government is satisfied the latest restrictions on the media are necessary, Dr van der Merwe said: "Yes. The regulations have been carefully considered and they are also supposed to be temporary."

Dr van der Merwe said the basic motivation for the restrictions is to prevent the Press from reporting in a biased fashion and to further prevent unsubstantiated or substantially untrue reports from being put out.

"It is easy enough to say you can put the situation right afterwards, but you know as well as I do that once the damage is done it can very rarely be put right."

He said the Government is aware that restrictions on hard information could facilitate the spreading of rumours and that this is one reason why it would try its best to facilitate the free flow of information.

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"We will discuss this fully with both the Press and the Government departments involved."

Pressing on with news

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FOLLOWING legal advice, many newspapers have gone ahead and published certain articles which government censors staffing the Interdepartmental Press Liaison Centre (IPLC) have refused to authorise.

These articles include the United Democratic Front's reaction to the new Press emergency regulations, released on December 11.

That night the IPLC would not authorise a story sent to it by the SA Press Association (Sapa), stating that the UDF planned to challenge the regulations in the Supreme Court.

However, media lawyers said such information did not contravene the emergency regulations and newspapers heeded their advice and published.

The new emergency regulations prohibit the publication of any news dealing with security force action, restricted gatherings, boycotts, illegal alternative structures and detentions, unless such information is released by government or authorised for publication by the IPLC.

The IPLC was set up by the Bureau of Information to deal with media inquiries regarding the above categories of information.

By authorising certain stories they effectively assure the media the content of the articles does not contravene the regulations.

But refusal to authorise does not automatically imply the stories contravene the regulations. It means that government is not interested in disclosing such information or is unaware of the facts, according to legal experts.

A second example of the IPLC attempt to prevent certain information being conveyed to the public is that of the detention of *New Nation* editor, Zwelakhe Sisulu early last Friday. His mother, Albertina Sisulu, confirmed that she had been notified of his detention.

The telexed response from the IPLC read that police had no record of the detention and therefore could not authorise publication. Newspapers went ahead and published the news.

Another story the IPLC would not authorise was the turning off of lights and lighting of candles by Soweto residents on December 16 between 7pm and 9pm in response to a call by the UDF for such action, to observe a "Christmas against the Emergency" campaign.

The process of liaising iwth the IPLC is arduous and largely unsuccessful. The usual reply to inquiries is a blanket refusal to authorise publication.

But in certain cases private lawyers have challenged such a refusal stating that the new restrictions do not prohibit their publication.

And there has not yet been any government reaction to newspapers' decisions to publish such stories.

The refusal to authorise stories later cleared by lawyers leads one to the conclusion that IPLC responses merely hamper the publication of certain stories, according to legal sources.

The standard responses from the IPLC to newpaper inquiries are usually brief and unspecific, a curt reply refusing to authorise publication.

In most cases no reasons are given.

The entire procedure appears directed towards inconveniencing and delaying the media in their attempts to convey news. It also makes the constant consultation of lawyers an ongoing necessity.

The lawyers fight on: more and more challenges to the emergency

Legal challenges to the latest Press restrictions are under way. The first — brought by the *Weekly Mail* — was dismissed as not urgent last week by the Rand Supreme Court. This week another Johannesburg newspaper, *Sowetan*, went to court. And already this year the courts have heard a number of challenges — on a variety of grounds — to the emergency regulations. Jenni Tennant looks at some of them.

Countrywide challenges to the emergency regulations were heard in the Supreme Courts after the declaration of the state of emergency on June 12. The cases ranged from testing the new regulations to applications for the release of those detained.

These are just a few of those court cases.

MAWU'S APPLICATION

One of the most ambitious was the June application brought by the Metal and Allied Workers' Union to the Durban Supreme Court for an order declaring the state of emergency null and void.

Although the validity of the state of emergency was upheld, six of the clauses or portions of the clauses in the regulations were declared invalid because they were either too vague or because the State President had acted beyond his authority.

The judges found that the State President had acted beyond his power in denying emergency detainees access to lawyers.

The union had argued that because the emergency regulations had not been placed before the three houses of Parliament within 14 days of the proclamation they were of no force or effect since June 26, and the continued detention of people was unlawful.

DETAINEE'S APPLICATION

On July 6 the Rand Supreme Court ordered the release of Worldwide Television News soundman Mr Theophilus Mashiyani after his arrest and detention under the emergency regulations were declared unlawful. He was arrested on June 15 at a University of the Witwatersrand residence and the period of his detention was extended on June 22.

Mr Justice R J Goldstone ruled the arrest was unlawful as the arresting officer had not formed a bona fide opinion that it was necessary to do so in terms of the emergency regulations.

UDF CHALLENGE

A full Bench of the Rand Supreme Court in July declared invalid an order made by the Divisional Commissioner of Police (Soweto) prohibiting meetings of 26 organisations in specific areas.

The police order and two of the emergency regulations were challenged by the United Democratic Front, which asked for an order declaring emergency regulations 7 and 11 invalid and the police order prohibiting the meetings invalid.

A phrase in regulation 7, which stated that the commissioner or anyone authorised by him could make certain orders, was deleted by the court. The phrase "or any person authorised thereto by him" was deleted and the ban on meetings was not valid because it depended on this phrase.

(Later the State President delegated powers to the divisional commissioners).

OPPOSITE JUDGMENTS

In Natal confusion arose from two opposite judgments made within days of each other from the two divisions — Durban and Maritzburg.

On August 11 the Durban Supreme Court ordered the release of the United Democratic Front's Natal publicity secretary, Mr Solomon Lechesa Tsenoli, after it found that his arrest and detention were unlawful.

The court found that the State President had acted beyond his authority in terms of the Public Safety Act and that clauses 3(1) and 3(3) of the emergency regulations were invalid.

Four days later the Maritzburg Supreme Court reversed this decision, and found the regulations to be valid and that the Durban judges had incorrectly interpreted an emergency regulation.

The Appeal Court subsequently confirmed the validity of the two clauses.

NEWSPAPERS' CHALLENGE

The challenge by the English language newspapers, Natal Newspapers (Pty) Ltd, Natal Witness (Pty) Ltd, the Argus Printing and Publishing Company Ltd and South African Associated Newspapers Ltd, against six of the emergency regulations was heard by a full Bench of the Natal Supreme Court.

During the hearing it was conceded that two regulations concerning news reports about police conduct and the presence of journalists in townships and unrest areas were not binding because they had not been properly promulgated.

'We have no ulterior motives' 23/12/86.

Black Sash is alarmed over Info Bureau's new strategy

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By Colleen Ryan,
Political Reporter

The Black Sash has expressed alarm at the Bureau for Information's "communication" activities — in particular its interest in contacting women's organisations.

The director of the Johannesburg office of the Black Sash, Mrs Sheena Duncan, expressed concern in a statement about the "establishment of a whole new bureaucracy ... to make contact with independent organisations".

She also questioned the establishment of the new Women For South Africa organisation, and asked why the bureau seemed to be promoting it so vigorously.

"Is Women For South Africa a bureau creation?" she asked.

Women For South Africa, launched in June, has been running TV advertisements with the slogan: "If it is not good enough for our children, it is not good enough for us."

The head of Women For South Africa, Mrs Jenny Malan, is away on holiday.

In a recent SABC-TV interview, a spokesman for Women For South Africa denied that it received funds from the Government. She said it got most of its money from businessmen and companies.

Miss Luise Nicholson, co-ordinator of women's activities for the bureau, denied that it had any ulterior motives in its communication efforts.

"Our function is information and communication," she said. "Our aim is to promote effective communication between the Government and the people of South Africa."

Miss Nicholson said she liaised with the various branches of the bureau and promoted communication between the Government and various women's organisations.

There was no connection between Women For South Africa and the bureau, she added.

Asked if Women For South Africa received any Government funding, she said there was no link-up to her knowledge. "I don't know who sponsors it.

"We don't have any other link other than a communication link. I would approach any women's organisation that is having a meeting, and ask if I may attend. If it said yes, I would go along."

Miss Nicholson said that although she was not associated with Women For South Africa, she had acquainted herself with its formation and had attended one of its meetings in her personal capacity.

NATIONAL DEBATE

She said her chief aim was to contact as many women's organisations as possible "to tell them about Government policy, the achievements of the Government, to get a national debate going".

"I firmly believe that unless we talk to people we are not going to solve our problems," she said.

Miss Nicholson confirmed that the bureau had contacted many organisations and had made inquiries about their aims and objectives.

Asked what the bureau did with this information, she said the initial idea was to establish a register of various organisatons.

"If someone does not want to be included on the register, they need not be."

The idea was that "if someone phoned us and asked who could they contact about flower arranging, for example, we could refer them."

Asked whether the bureau could expect anti-apartheid women's organisations to trust it, Miss Nicholson said that was a policy issue and she could not comment on it.

She did not think the State of Emergency was counterproductive to communication. Asked how there could be communication when some leading women were in hiding or detention, she said: "I can't, obviously (communicate with them)".

She stressed that the bureau had successfully contacted many organisations and had received a good response.

"Some of the groups don't wish to talk to the bureau, but those who are, we are happy to talk to."

● See Page 10.

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No comment on Swazi talks

MBABANE. — The South African Foreign Minister, Mr Pik Botha, yesterday held private talks with the Swazi Prime Minister, Mr Sotja Dlamini, and left for home without making any public comment.

A government spokesman declined to comment but said a statement may be issued later.

Government sources said earlier that the talks were expected to centre on a raid into Swaziland by South African security forces 10 days ago in which five people were abducted.

Three people, two of them Swiss nationals, have since returned to Swaziland from South Africa. One is still missing and one, Mrs Grace Cele, is being held by South African authorities, the sources added.

Mrs Cele is reported to be alive and well.

A friend of Mrs Cele's family in Mbabane said she received a phone call from Mrs Cele at the weekend from an unidentified place in South Africa.

She said she had phoned to find out how her children were but did not say where she was being detained.

The friend said from her conversation it was obvious she was being closely guarded while she spoke. — Sapa-Reuter

Police gag City Press

21/12/86 City Press 327

By ZB MOLEFE

CITY PRESS on Wednesday became the third newspaper this week to have a police restriction order served on it – preventing it from publishing statements which advocate or support the "Christmas Against the Emergency" campaign.

Similar restriction orders were served on *The Sowetan* and *Weekly Mail* on Monday.

City Press' editorial staff do not work on Mondays and Tuesday was a public holiday.

The Sowetan yesterday announced that it would fight the restriction order in the Rand Supreme Court.

Argument is expected to be heard today in the Rand Supreme Court, when the paper will ask the judge to declare the police order invalid.

The restriction on *City Press* came at a time when commentators thought it was specifically aimed at the *Weekly Mail* and *The Sowetan*.

The restriction order served on *City Press* is identical to those served on the two other newspapers.

Broadly it prohibits publication of statements from a number of organisations which "advocate, further or support the "Campaign for National United Action", "Campaign for National Unity", "Christmas Against the Emergency" and "Christmas of Concern".

The papers are restricted from quoting statements promoting the four major campaigns by the United Democratic Front, Congress of SA Trade Unions, Detainees' Parents Support Comittee, Detainees Support Comittee, End Conscription Campaign, Federation of Transvaal Women, Johannesburg Democratic Action Comittee, National Education Union of SA, Transvaal Anti-PC Committee, Transvaal Indian Congress, National Education Crisis Comittee and the SA Council of Churches.

The restriction orders against *City Press* and the other two newspapers were issued by Witwatersrand divisional police commissioner Major-General Mulder van Eyk.

They were issued in terms of the Public Safety Act of 1953 with reference to the emergency regulations promulgated on June 12 by President PW Botha.

Boxer dies after bout

CP Correspondent

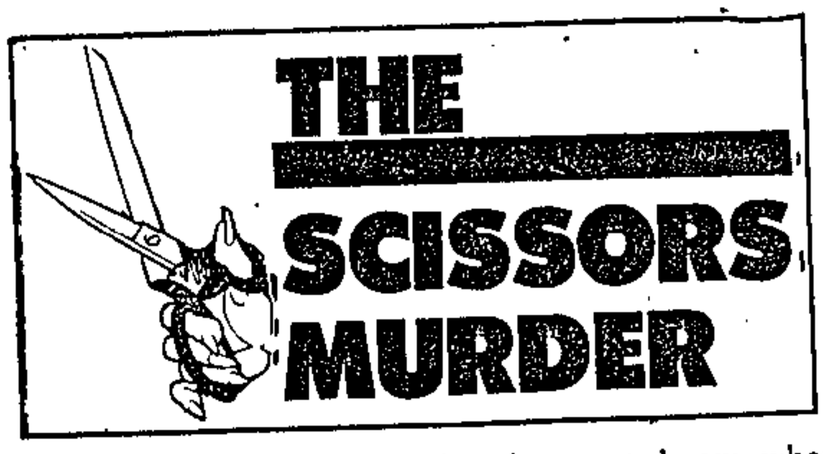
PORT ELIZABETH lightweight boxer, Sipho Nobadula, became the fourth professional fighter from the city to die after being hurt in the Centenary Hall this week.

Nobadula died at Livingstone Hospital after he was stopped in the third round of the scheduled six-round bout by Mongezi Loliwe on Tuesday night.

Nobadula is the fourth boxer to have died at the Centenary Hall. The others are Lulamile "Young Clay" Dunjana, Simon "Razor" Monamodi – who both campaiged in the bantamweight division – and Mongezi Mbengashe, who collapsed during training session.

Although arrangements for the funeral service have not been made, the service will be held at the Trinity Methodist Church at Kwa-Zakhele over the weekend.

Scissors murdere



MARLENE Lehnberg, 31, the scissors murderess who was released from prison after serving 11 years and nine months of her 20-year sentence "became a Christian and wants to start a new life" – like her accomplice Marthinus Choegoe.

"She is free and forgiven," a member of her family said.

Lehnberg was only 19 when she was found guilty of the murder of Susanna van der Linde. She appealed succesfully against the death sentence imposed on her in the Cape Town Supreme court.

Lehnberg's accomplice Marthinus Choegoe, who was sentenced to 15 years was released on 13 June this year. Since then he acts as lay preacher at religious gatherings.

Lehnberg was released on parole in Cape Town on Monday, a spokesman of the Prison Services confirmed on Wednesday.

The last chapter has now been written about a murder trial which Judge DA Diemont described in the Cape Town Supreme Court as the most peculiar he had ever handled.

A family member in Cape Town said yesterday he does not know where Lehnberg is. "You will have to go far to look for her."

A Transvaal family member said Lehnberg's sister Vivian Warland, left for Cape Town this week to fetch her after her release. They were expected back last night.

Lehnberg will probably spend the next few days with family on the East Rand.

"The whole family suf-

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MEDIA CLAMPDOWN

FEATURE

Choking the messenger

The new and amended curbs inflicted on the press in the name of security differ in a number of significant respects from the existing regulations.

They are more stringent, explicit and all-embracing. However, interestingly, there are one or two areas in which government has actually conceded a point — though this is small beer compared to the overall effect on news reporting.

Regulation 3 of the new regulations provides that "no person shall publish, without governmental permission any publication, television recording or sound recording containing news or comment on or in connection with . . ." a number of matters, particularly those concerned with "security action."

Under the old regulations there was no equivalent to this rule which introduces a far more stringent element of control. It is important, however, that newspaper editors draw a distinction between the categories of information that are subject to government control, and information which may constitute a subversive statement and which may not be published at all.

Information subject to control can be submitted to the Bureau for Information for approval. This covers all unrest-related topics not specifically covered under the definition of a "subversive statement."

In addition, government has formed the Interdepartmental Press Liaison Centre, though most queries put to this body had gone unanswered or had been turned down, at the time of going to press.

No blanks

The regulations prohibit the publication of any blank space or any obliteration of part of the text of a report or photograph. This particular prohibition is worded in such a way that any indication that a report has been censored is forbidden.

However, it is still permissible to publish a statement that a newspaper or a report has been restricted because of the regulations.

The definition of "security forces" has also been widened to include forces under the control of local authorities. As a result, the township police, commonly known in Johannesburg as "blackjacks," who are under the control of the local authorities, and who have recently been involved in a number of disturbing incidents of violence, are included in this definition.

According to legal advice, it is possible that the ban on security force action does not apply where the reports refer to illegal security force action.

Perhaps the most significant changes revolve around the definition of a "subversive statement."

The new definition has been extended to include statements which incite or encourage members of the public to take part in boycotts against any particular firms or against any particular products.

In fact the clauses enshrining these bans are so widely couched that they virtually amount to curbs on the right of a newspaper to recommend (or warn against) the use of any product at all.

In fact, it is a moot point whether a newspaper even has the right to say whether a particular company's trading results have been adversely affected by boycott action, according to the *FM*'s lawyers.

For example, to quote the regulations, it is illegal to incite anyone to boycott "any particular product or article of any particular nature, class or kind" and this also applies to statements inciting people to boycott educational institutions.

Subversive statement

The definition of a subversive statement also includes any statement that incites or invites civil disobedience and the definition has also been broadened to include any statement that supports in any way bodies that have set themselves up to act, without any recognised authority, as judicial or administrative bodies.

This would seem to be a reference to the street committees and peoples' courts that have sprung up in townships all over South Africa, as different factions try to wrest control of the townships both from the authorities and each other. What this amounts to is a ban on reporting the activities of any underground organisation.

Strikes

As far as strike action is concerned, the definition of subversion makes it clear that while a newspaper cannot encourage people to strike, there is no prohibition on simply reporting the existence of a strike.

The aim of the legislation appears to be to stop the circulation of any news concerning what is going on in the townships. There is a distinct emphasis on controlling local information rather than anything else.

The definition of a subversive statement also includes a clause that makes it illegal in any way to discredit or undermine the system of compulsory military service.

Of course, in addition to these new definitions of a subversive statement, the original definitions covering resistance to ministers or, in effect, any member of the government or official of the Republic still apply. In fact this clause even covers resistance to officials of any of the homelands.

This particular clause cannot but help lead one to wonder just how "self-governing" the so called self-governing territories really are, if the SA government can legislate on their behalf in this fashion.

However, a subversive statement also encompasses various scenarios mentioned in the definition of "unrest." In this context, the concept of the "reasonable bystander" is found.

So it is now the reasonable bystander's view as to whether, for example, a gathering is in contravention of the security regulations, or whether conduct constitutes a riot or public violence in contravention of the Intimidation Act.

Of course the new regulations do not attempt to qualify just who the reasonable bystander is likely to be or what qualities he or she should possess. One imagines that the man on the Diepkloof bus, for instance, might take a rather different view of a particular situation than would the man on the Parktown bus or the Verwoerdburg bus.

The clause permitting the seizure of publications, which was thrown out by the Natal Supreme Court in September, has been reintroduced.

However, there has been a subtle but meaningful change here. Previously, if Commissioner of Police General Johan Coetzee, was *of the opinion* that a publication, TV film, sound recording or whatever was subversive, he could order its seizure.

New rules

In terms of the new rules, however, it would appear that the commissioner or the Minister of Home Affairs will have to show that the publication is in contravention of various clauses, which stipulate explicitly that they must contain subversive statements within the definition as set out in the new rules. That may not offer much succour to newspaper proprietors, but it certainly presents them with a better situation than that which has so far applied.

The blanket ban on reporting any security action has, since the earlier regulations were promulgated, always contained a clause forbidding discussion in the press on the circumstances or treatment of a detainee. Now this has been extended to forbid the disclosure by the press of what detainees say in court, until such time as judgment has been given.

In the past the press has been able to extract much useful comment from detainees in terms of the law, which has permitted anything said in court to be published. The new stricture is obviously an attempt to close this loophole.

Penalties for infringement of the regulations provide for a fine of up to R20 000, imprisonment for not more than 10 years, or imprisonment without the option of a fine. In the event of a publication being banned and its production halted, the minister has to issue orders banning it for three months at a time.

All in all, the effect of the new regulations is to stifle the free flow of news relating to political interest.

28/4/76 WEEKLY MAIL 327

Still no Helen passport

By ADRIAN HADLAND

HELEN JOSEPH, a listed person for 22 years, has been informed by the Department of Home Affairs that her first application for a passport since 1955 has been "unsuccessful".

Joseph was due to fly to London today, and then to Houston in the United States to receive the human rights Rothko Chapel Award, granted to her and Albertina Sisulu.

The award, initiated in 1981 and carrying prize money of $5 000 (about R12 500), is conferred on "those who have committed themselves in the struggle for truth and freedom."

Among the other six recipients are The Sanctuary, a group based in the United States which provides for refugees from San Salvador, and dissident psychiatrist Anatole Karazin from the USSR. Archbishop of Cape Town, Desmond Tutu, will be one of the major speakers at the ceremony this year.

A month after the official announcement of the winners by the Board of Rothko Chapel, Joseph was finally informed of the department's decision by a midnight telephone call,

REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

Government Gazette
Staatskoerant

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Vol. 258 PRETORIA, 29 DECEMBER DESEMBER 1986 No. 10563

PROCLAMATIONS

by the

State President of the Republic of South Africa

No. R. 235, 1986

REGULATIONS IN TERMS OF THE PUBLIC SAFETY ACT, 1953

By virtue of the powers vested in me by section 3 (1) (a) of the Public Safety Act, 1953 (Act 3 of 1953), I hereby make the regulations contained in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this First day of December, One thousand Nine hundred and Eighty-six.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:

G. VAN N. VILJOEN,
Minister of the Cabinet.

SCHEDULE

Definitions and application of regulations

1. (1) In these regulations, unless the context otherwise indicates—

"Director-General" means the Director-General: Education and Training;

"Education Act" means the Education and Training Act, 1979 (Act 90 of 1979);

"hostel" means a hostel attached to a school, and where in the Afrikaans text 'koshuis' is used as part of a compound word, it shall have a corresponding meaning in such word;

"pupil" includes a student at a college of education;

"school" means a public school as defined in the Education Act, and where in the Afrikaans text 'skool' is used as part of a compound word, it shall have a corresponding meaning in such word.

(2) No provision of the Education Act shall derogate from the validity of any provision of these regulations or an order issued thereunder.

PROKLAMASIES

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 235, 1986

REGULASIES KRAGTENS DIE WET OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by artikel 3 (1) (a) van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), vaardig ek hierby die regulasies vervat in die Bylae uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Eerste dag van Desember Eenduisend Negehonderd Ses-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

G. VAN N. VILJOEN,
Minister van die Kabinet.

BYLAE

Woordomskrywing en toepassing van regulasies

1. (1) In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

"Direkteur-generaal" die Direkteur-generaal: Onderwys en Opleiding;

"koshuis" 'n koshuis verbonde aan 'n skool, en waar dit as deel van 'n saamgestelde woord gebruik word, het dit in so 'n woord 'n ooreenstemmende betekenis;

"leerling" oor 'n student aan 'n onderwyskollege;

"Onderwyswet" die Wet op Onderwys en Opleiding, 1979 (Wet 90 van 1979);

"skool" 'n openbare skool soos omskryf in die Onderwyswet, en waar dit as deel van 'n saamgestelde woord gebruik word, het dit in so 'n woord 'n ooreenstemmende betekenis.

(2) Geen bepaling van die Onderwyswet doen afbreuk aan die geldigheid van enige bepaling van hierdie regulasies of 'n bevel daarkragtens uitgevaardig nie.

Orders

2. (1) The Director-General may, for the purpose or the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person, issue orders—

(a) whereby—

(i) the presence of a pupil on any school or hostel premises during such hours of the day as may be specified in the order or during weekends or public or school holidays;

(ii) the presence at any time of any other person on any school or hostel premises; or

(iii) the use of school property, facilities, equipment or accesories,

is or are prohibited without authority of a person specified in the order or regulated or controlled in such other manner as may be so specified;

(b) prohibiting the offering on any school or hostel premises of any syllabus, work programme, class or course which has not been approved in terms of the Education Act;

(c) prohibiting a person who is not officially concerned in the activities of a school from interfering with any such activities;

(d) a person is prohibited from obstructing or disrupting any activity of a school;

(e) prohibiting the wearing, possession or displaying on any school or hostel premises of a uniform, part of a uniform, T-shirt or other article of clothing, case, flag, banner, pennant or poster or any article on which—

(i) a slogan specified in the order, appears; or

(ii) the badge, emblem, name or flag of any organisation specified in the order appears;

(f) prohibiting the distribution on any school or hostel premises of any notice, letter, book, pamphlet, poster, paper or any other writing dealing with, or containing any material on, a subject specified in the order; or

(g) regulating or controlling the movement or activities of pupils on any school or hostel premises.

(2) An order under subregulation (1) shall, as may be indicated in the order, apply—

(a) generally to all persons or to a person specified in the order or to all persons belonging to a category of persons so specified;

(b) generally in respect of all schools or in respect of a school specified in the order or in respect of all schools belonging to a category of schools so specified;

(c) generally or in an area specified in the order,

and shall be of force for such period as may be specified in the order or, if no period is specified, until the order is withdrawn.

(3) If in any proceedings before a court of law a question arises as to—

(a) the fact whether or not a particular order under regulation 2 has been issued; or

(b) the contents of a particular order,

a document purporting to be a copy of such order and purporting to have been certified under the Director-General's hand shall be accepted as *prima facie* proof of the fact that the order was issued and of the contents of the order.

Bevele

2. (1) Die Direkteur-generaal kan, vir die doel van die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, en sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, bevele uitreik waarby—

(a) (i) die aanwesigheid van 'n leerling op 'n skool- of koshuisperseel gedurende die ure van die dag in die bevel vermeld of gedurende naweke of openbare feesdae of skoolvakansiedae;

(ii) die aanwesigheid te eniger tyd van 'n ander persoon op 'n skool- of koshuisperseel; of

(iii) die gebruik van skooleiendom, -fasiliteite, -uitrusting of -toebehore,

sonder magtiging van 'n persoon in die bevel vermeld, verbied word of op 'n ander aldus vermelde wyse gereguleer of beheer word;

(b) die aanbieding op 'n skool- of koshuisperseel van 'n sillabus, werkprogram, klas of kursus wat nie ingevolge die Onderwyswet goedgekeur is nie, verbied word;

(c) 'n persoon wat nie amptelik betrokke is by die werksaamhede van 'n skool nie, verbied word om hom met sodanige werksaamhede te bemoei;

(d) 'n persoon verbied word om 'n werksaamheid van 'n skool te ontwrig of te belemmer;

(e) die dra, besit of vertoning op 'n skool- of koshuisperseel van enige uniform, uniformstuk, T-hemp of ander kledingstuk, tas, vlag, banier, wimpel of aanplakbiljet of enige ander artikel waarop—

(i) 'n slagspreuk verskyn wat in die bevel vermeld word, verbied word; of

(ii) die wapen, embleem, naam of vlag verskyn van 'n organisasie in die bevel vermeld, verbied word;

(f) die verspreiding op 'n skool- of koshuisperseel van 'n kennisgewing, brief, boek, pamflet, aanplakbiljet, blad of ander geskrif wat handel of enige stof bevat oor 'n onderwerp in die bevel vermeld, verbied word; of

(g) die beweging of werksaamhede van leerlinge op skool- of koshuispersele gereguleer of beheer word.

(2) 'n Bevel kragtens subregulasie (1) is, na gelang in die bevel aangedui, van toepassing—

(a) in die algemeen op alle persone of op 'n persoon in die bevel vermeld of op alle persone wat behoort tot 'n kategorie persone aldus vermeld;

(b) in die algemeen ten opsigte van alle skole of ten opsigte van 'n skool in die bevel vermeld of ten opsigte van alle skole wat behoort tot 'n kategorie skole aldus vermeld;

(c) in die algemeen of in 'n gebied in die bevel vermeld,

en is van krag vir dié tydperk in die bevel vermeld of, indien 'n tydperk nie vermeld word nie, totdat die bevel ingetrek word.

(3) Indien in enige verrigtinge voor 'n geregshof 'n vraag ontstaan betreffende—

(a) die feit of 'n bepaalde bevel kragtens regulasie 2 uitgereik is of nie; of

(b) die inhoud van 'n bepaalde bevel,

word 'n geskrif wat 'n afskrif van so 'n bevel heet te wees en wat onder die Direkteur-generaal se handtekening gewaarmerk heet te wees as *prima facie*-bewys aanvaar van die feit dat die bevel uitgereik is en van die inhoud van die bevel.

Notification of orders

3. (1) Any order issued under regulation 2 shall, subject to subregulation (2) of this regulation, be made known by—

(a) publishing that order by notice in the *Gazette;*

(b) publishing that order in a newspaper circulating in an area in the Republic or, if the order applies in a particular area only, in a newspaper circulating in that area;

(c) announcing that order by means of radio or television; or

(d) delivering or tendering the order, if it applies to a particular person only, in written form to that person.

(2) Whenever an order issued under regulation 2 cannot in the opinion of the Director-General due to the urgency thereof or for any other reason be published, delivered or tendered, in accordance with paragraph (a), (b), (c) or (d) of subregulation (1), such order may be made known, if it applies to a particular person or persons, by oral announcement to such person or persons.

Offences and penalties

4. Any person who contravenes or fails to comply with a provision of an order issued under regulation 2 shall be guilty of an offence and on conviction be liable to a fine not exceeding R4 000 or to imprisonment for a period not exceeding two years or to that imprisonment without the option of a fine, and the court convicting him may declare any goods, property or instrument by means of which or in connection with which the offence has been committed, to be forfeited to the State.

Bekendmaking van bevele

3. (1) 'n Bevel kragtens regulasie 2 uitgereik, word behoudens subregulasie (2) van hierdie regulasie, bekend gemaak deur daardie bevel—

(a) by kennisgewing in die *Staatskoerant* te publiseer;

(b) in 'n nuusblad wat in omloop is in die Republiek of, indien die bevel slegs in 'n bepaalde gebied van toepassing is, in 'n nuusblad wat in omloop is in daardie gebied, te publiseer;

(c) deur middel van radio of televisie aan te kondig; of

(d) indien dit slegs op 'n bepaalde persoon van toepassing is, in 'n skriftelike vorm aan daardie persoon te oorhandig of aan te bied.

(2) Wanneer 'n bevel kragtens regulasie 2 uitgereik, na die oordeel van die Direkteur-generaal vanweë die dringendheid daarvan of om enige rede nie ooreenkomstig die bepalings van paragraaf (a), (b), (c) of (d) van subregulasie (1) gepubliseer, aangekondig, oorhandig of aangebied kan word nie, kan so 'n bevel bekend gemaak word, indien dit op 'n bepaalde persoon of persone van toepassing is, deur mondelinge aankondiging daarvan aan so 'n persoon of persone.

Misdrywe en strawwe

4. 'n Persoon wat 'n bepaling van 'n bevel kragtens subregulasie 2 uitgereik, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens twee jaar of met daardie gevangenisstraf sonder die keuse van 'n boete, en die hof wat hom skuldig bevind, kan enige goed, eiendom of instrument waarmee of in verband waarmee die misdryf gepleeg is, aan die Staat verbeurd verklaar.

THE ONDERSTEPOORT JOURNAL OF VETERINARY RESEARCH

The Onderstepoort Journal of Veterinary Research is printed by the Government Printer, Pretoria, and is obtainable from the Director, Division of Agricultural Information, Private Bag X144, Pretoria, 0001, to whom all communications should be addressed.

This publication is a continuation of the Reports of the Government Veterinary Bacteriologist of the Transvaal which date back to 1903 and of which 18 have appeared up to 1932. These were followed by 52 volumes of the Onderstepoort Journal. At present each volume comprises four numbers which are obtainable from the above address at R5 per copy or R20 per annum plus GST local or other countries R6,25 per copy or R25 per annum (air mail: R10 per copy or R40 per annum).

Directors of laboratories etc. desiring to exchange publications are invited to communicate with the Director, Veterinary Research Institute, P.O. Onderstepoort, 0110, Republic of South Africa.

THE ONDERSTEPOORT JOURNAL OF VETERINARY RESEARCH

Die "Onderstepoort Journal of Veterinary Research" word deur die Staatsdrukker, Pretoria, gedruk en is verkrygbaar van die Direkteur, Afdeling Landbou-inligting, Privaatsak X144, Pretoria, 0001, aan wie ook alle navrae in verband met die tydskrif gerig moet word.

Hierdie publikasie is 'n voortsetting van die "Reports of the Government Veterinary Bacteriologist of the Transvaal" wat terugdateer tot 1903 en waarvan 18 verskyn het tot 1932. Dit is gevolg deur 52 volumes van die "Onderstepoort Journal". Tans bestaan elke volume uit vier nommers wat teen R5 per kopie of R20 per jaar plus AVB binnelands en R6,25 per kopie of R25 per jaar buitelands van bogenoemde adres posvry verkrygbaar is (lugposbestellings: R10 per kopie of R40 per jaar).

Direkteure van laboratoriums ens. wat begerig is om publikasies om te ruil moet in verbinding tree met die Direkteur, Navorsingsinstituut vir Veeartsenykunde, Pk. Onderstepoort, 0110, Republiek van Suid-Afrika.

New emergency powers

The Director-General of the Department of Education and Training has been given wide powers under the state of emergency to restrict and control the movements of black pupils.

The latest emergency regulations, published in an extraordinary Government Gazette in Pretoria yesterday, are aimed specifically at countering continuing unrest at black schools and colleges. They are also apparently aimed at stopping any form of "peoples or alternative education".

The Director-General of the DET, Dr Braam Fourie will, in terms of the regulations, wield extensive censorship and other powers.

The notice gives the Director-General the authority "for the purpose of maintaining the safety of the public ... and without hearing any person" to issue the orders either by publishing a notice in the Government Gazette, circulating it through the media, delivering it to a particular person or by oral announcement.

The orders cover a wide range of activities, including the presence of pupils on school properties at any time, the types of reading material and clothing pupils may possess and display.

New laws affect union movement

STAR (327) 30/12/86

By Sheryl Raine

The new emergency regulations are already having a profound effect on the union movement and could become the main issue of industrial conflict next year, says the independent Labour Monitoring Group (LMG).

In its last report for 1986 on the impact of the state of emergency on industrial relations, the LMG noted mounting pressure against the labour movement over the Christmas period.

Pressure included the new emergency regulations, increased detentions of unionists, vigilante attacks against the Metal and Allied Workers' Union (Mawu) in Natal, as well as attempted deportations of top union officials of the National Union of Mineworkers (NUM) and the Chemical Workers' Industrial Union (CWIU).

The combination of these actions amounted to a new phase of pressure on the union movement under the emergency and, if the pressures continued, they were likely to become the main issues of industrial conflict early next year.

The LMG said although the new regulations had been aimed mainly at the alternative media, community organisations, the End Conscription Campaign and the Christmas Against the Emergency Campaign, the union movement had also been affected.

'SUBVERSIVE'

The redefinition of "subversive statements" in the regulations included a ban on calling for illegal strikes or consumer boycotts. This had already affected union activities, said the LMG.

"The Commercial, Catering and Allied Workers' Union reports that it has been unable to call for a consumer boycott during the current legal wage strike by its members at nearly all OK Bazaars stores across the country.

"The Council of Unions of SA says its affiliate, the Transport and Allied Workers Union, has been unable to call for a boycott of Putco buses during a dispute with the company over retrenchments.

"Although nearly all strikes in South Africa are technically illegal, the possibility of strike action has become a regular part of the repertoire of union organisers and shop stewards during industrial bargaining.

"Unions point out that such talk, even if made in a company boardroom, could open officials to charges of 'subversion' and the NUM has already begun briefing its officials and shaft stewards on the language they can use during negotiations. Other unions expect the regulations to pose major problems when they resume work in the new year."

Lawyers for one union have been quick to point out that the regulations clash with the provisions of the new Labour Relations Bill which allows for primary boycotts during an industrial dispute.

The LMG also criticised employer bodies for failing to speak out against the latest emergency regulations imposed on December 12.

Except for employer representations to the Minister of Home Affairs about the deportation of unionists, the LMG was not aware of any major statement by employer bodies criticising the new emergency regulations or other action taken recently against trade unions.

DAMAGING EFFECTS

This was in contrast to the beginning of the emergency (on June 12) when some employer bodies and major industrialists made a number of statements pointing to the damaging effects of the emergency on industrial stability.

Representatives of the retail industry were the most outspoken at the time. OK Bazaars has now been noticeably silent on the detention of shop stewards during the current legal strike.

"It would appear that the limited opposition by mangement to the emergency has now given way to complacency or even acceptance of it."

Because of various difficulties, figures of unionists in detention contained in the report could be higher than reflected.

The LMG said 45 unionists were known to have been detained under emergency and security regulations in the last four weeks.

At least 614 unionists had been held since the start of the emergency. At least 2 000 workers were held in mass detentions during various disputes. About 256 unionists had been released from detention but 358 were still being held.

LMG

The LMG expressed concern about vigilante attacks early in December on Mawu members and their relatives at Mpophomeni near Howick in Natal. Four people were killed.

The attempted deportation of four unionists and a professor of history and specialist in the labour field, Professor Philip Bonner, was another pressure exerted on the labour movement.

DEPORTATION

Although two NUM officials and Professor Bonner had their deportation orders withdrawn, the Minister of Home Affairs has warned he may reimpose them after hearing representations.

Mrs Chris Bonner, Transvaal secretary of the CWIU, for whom a deportation order was filled out but never served, is still in a precarious position. Representations are being sent to the Minister on her behalf.

TOTALITARIANISM — GENERAL

1987

JANUARY — FEBRUARY

The suppression of the Press

by Gerald Gordon QC and Dennis Davis, associate professor of law, University of Cape Town.

"Yonder sits the fourth estate, more important than them all."

With these words Edmund Burke, the great British statesman, pointed to the reporters' gallery in Parliament, and elevated the daily press to a position beside the three other "estates of the realm" — the Lords Spiritual, the Lords Temporal and the Commons.

Authoritarian governments have always found the smell of printer's ink intolerable and have preferred swords to books, soldiers to thinkers, muscle to mind. The ruthless and reactionary Alexander III, succeeding to the Czardom of Russia in 1881 after the assassination of his father, said: "The trouble with our country is that too many of the peasants are sending their children to school and reading the newspapers".

The two great checks on the abuse of power by would-be dictators — an individual or an elite group — are through the spread of knowledge among the people and the observance of the rule of law.

In regard to the former, the press has the enormous responsibility of giving the public the true facts: it fails in this democratic task if its shrinks from or glosses over abuses and practices harmful to the general welfare. Its duty is to speak up, its loyalty is to the public, not to any government or authority.

What has happened in South Africa to the "Fourth Estate"? Ever since the Nationalists gained power, they have mounted a prolonged assault on these basic guarantees of free values. The culmination of the strategy against the press has now arrived, in the form of the complete gag on unofficial reporting of all aspects of the unrest.

The vehement reaction, both here and overseas, to these ferocious new regulations (11.12.86) have led to the Bureau of Information to publish an "advertisement" on December 21, 1986 in the Sunday newspapers throughout South Africa. It stated "The Government would like to set the record straight with regard to ... the regulations affecting the media."

After giving "sound reasons" for the declaration of the State of Emergency on June 12, 1986, such as the "revolutionary" intention of the "radical elements", the large number of deaths and the destruction of property, the advertisement said that, although "able to deal with this situation", the government "could not effectively do so in terms of the normal laws of the land."

"Most of the media," it said, "have continued to generate perceptions which have, on balance, been more favourable to the radical cause than to the cause of the moderates, and while bona fide critical attitudes towards the government of the day are respected by the Government, there are individuals within the established media and organs of the alternative media who strongly believe that the media should be used to promote the objectives of the radical revolution." The new regulations were directed at those elements.

The established media (the Newspaper Press Union) were invited to draw up "their own code to ensure responsible reporting during the State of Emergency." They would have been exempted from the new regulations and only a number of smaller weekly newspapers (the so-called "alternative press") would have fallen under the new prohibitions.

The NPU declined to do the censorship for the government and to their credit stood by the principle that freedom of the press is indivisible.

Over the last four decades the press has been subjected to increasing legislative restrictions. Indeed an editor had to tread cautiously through the minefield of well over a hundred prohibitions. These were severe enough but what was involved till now was the fear of post-publication prosecution.

The new regulations add a completely new and disastrous dimension to journalism. It is the introduction of pre-publication censorship side by side with the existing post-publication prosecution.

The new curbs which apply to all publications produced in or imported into the Republic, prohibit — unless officially cleared by an authorised person — the publication of reports, news and comment:

(1) On any security action or resistance thereto or the deployment of a security force;

(2) On boycott actions including statements encouraging boycotts of firms, products, educational institutions, obligations in respect of rent or a municipal service or work stayaways;

(3) On "restricted gatherings" giving details about dates, times, venues, or any account of speeches, statements or remarks at such gatherings;

(4) Discrediting or undermining the system of compulsory military service;

(5) On the circumstances, treatment and release of detainees or their detention;

(6) On how the public may be incited or forced into supporting alternative structures.

In addition the regulations prohibit the publication of blank spaces or obliterations, thus seeking to conceal rather than reveal the fact of censorship — in other words to have the game without the name.

This is the briefest outline of the authoritarian censorship now being enforced upon the media; and members of the press face a fine of R20 000 or imprisonment for 10 years for non-compliance.

The government also has the power to seize any publication or recording and to ban for three months at a time any newspaper or periodical publishing prohibited matter.

Why is this being done? The advertisement argued that we are engaged in a struggle not "between whites and blacks, or between the government and the Opposition, but between moderates and radicals. It is between those who advocate negotiation and evolutionary change and those who avocate violence and revolutionary change."

But the option given with respect to this "negotiation" is an extremely narrow one. It is clear that what is meant is negotiation on the government's narrow terms — the preservation of white political control or rather control by an elite white power group, the National Party.

The government's strong resistance to a cautious, indeed timid, effort at power-sharing in Natal (the Indaba) forces the conclusion that any negotiation would be lop-sided.

If you do not accept the government's basic premise, you fall by definition (and explanatory advertisement) into the camp of violent revolutionaries. On this basis the advertisement warns: "The media would do well to decide which side they are on."

This exhortation to take sides is a gross over-simplication. It ignores the wide spectrum of South African politics which cannot be forced into the polarity suggested by the bureau. The government seeks to justify this polarity approach by invoking the spectre of the total onslaught.

The advertisement told us that there are "radical elements attempting to make the country ungovernable"; President P. W. Botha informed the nation during his television speech on December 12 last year that South Africa was confronted by "a revolutionary onslaught".

Interestingly, when the government was attempting to persuade the international community of the genuineness of its reform programme, the concept of total onslaught was, as Professors Geldenhuys and Kotze put in Leadership 1985, "seldom if ever trotted out in public". Now that with sanctions the government is back in the laager, we hear again the cry of "total onslaught".

What this concept implies is that any person or organisation which opposes the government's framework for political "reform" is considered to be either a witting or unwitting tool of Moscow and its allies. For over 30 years the government has failed to prove that its political opponents are subject to the control of a communist conspiracy. In the important treason trials of 1956 in Pretoria and 1985 in Maritzburg, the state failed to prove the validity of this thesis in the Supreme Courts.

The bureau stated: "All or nearly all democracies reserve the right, and when necessary use the right to take emergency measures to meet serious threats to public security." But when the totalitarian politician demands restraints like censorship, is he doing so for the safety of the state? Or for the advancement of protection of his own position of power or that of his narrow group?

When Britain was at war all the people were behind their leaders to save their state and country against the common enemy. Are all the people of South Africa — of all races — behind the government introducing these Tartarean measures? Are even all the whites behind it?

Ask the media. Even the advertisement has conceded that the media have vehemently alleged "that the new regulations have made South Africa a 'totalitarian state'." By contrast, press censorship in Israel during the Lebanese war was modified as result of government recognition of vehement public pressure.

"Freedom of speech and freedom of assembly are part of the democratic rights of every citizen of the Republic," said Mr Justice van Zyl in S v Turrell (1973 Cape) "and ... part of the very foundations upon which Parliament itself rests."

A democratic system of government can function only with freedom of speech and the press.

Otherwise, we are on the way to the complete police state — a condition which of course some find desirable: "It is the State's duty ... not to be led astray by the will-o-the-wisp of so-called freedom of the press ... it must keep control of the instrument of popular education with absolute determination and place it at the service of the state and the nation." Hence "it must be forbidden to publish papers which do not conduce to national welfare."

The author? Adolf Hitler in Mein Kampf.

SOWETAN, Tuesday, January, 6,1987

PFP MAY CHALLENGE LAWS

SOWETAN 6/1/87

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THE Progressive Federal Party, which believes the opposition's election campaign may be hampered by the Government's emergency regulations, is considering legal action to challenge some of the regulations in court.

The chairman of the Party's Federal Executive, Mr Ken Andrew, said yesterday impediments caused by the emergency regulations had taken on "greater significance and urgency" in the light of the general election for the House of Assembly announced by President P W Botha.

"The PFP has obtained opinion from eminent senior counsel to the effect that there are grounds on which we can challenge at least some of the regulations in court," he said.

Gathering information

"The PFP's attorneys are in the process of gathering information and drawing up the necessary documents to enable us to take the Government to court on this issue."

Mr Andrew, MP for Gardens, said that so far the PFP had received no indication from the Government that there would be any relaxation of emergency regulations for the election campaign.

The Deputy Minister of Information, Dr Stoffel van der Merwe, could not be reached for comment yesterday. A spokesman at the Bureau for Information said he was on holiday.

Opposition parties have expressed concern that under the emergency regulations they could be muzzled to the advantage of Government candidates.

In terms of recent regulations only Ministers, Deputy Ministers or Government spokesmen can be automatically quoted on unrest-related issues.

If ordinary MPs make what is regarded as a "subversive statement" their comment may not be published without official clearance.

Manipulate news

Mr Andrew said: "It is clear to me that one of the main objectives of the Government in introducing the regulations was to manipulate the news and to withhold information from the South African public.

"Given that background and the present Government's complete disregard for democratic procedures, it would not surprise me if no changes are made (to the regulations).

"It is my view that it would be farcical to believe that one can have a fair election when the opposition and the Press are shackled while the Government is free to disseminate misinformation at will.

"Together with the incessant SABC-TV propaganda, this represents the major obstacle in our attempts to make an electoral breakthrough and to start the process of bringing about an enlightened alternative government in South Africa."

Mr Andrew said unrest-related matters such as school boycotts and detentions without trial were an essential part of any evaluation of the Government's policies and actions.

A central issue in the election would be the question of how to bring about racial harmony and stability in South Africa, as well as controlling inflation and encouraging sustained economic growth.

Policy

The PFP's policy of a non-racial geographically-based federation with a bill of rights was "in stark contrast to the Government's contorted apartheid-based constitutional tinkering that is forcing people apart rather than bringing them together."

Boland violence: How the news got out

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.

West Coast town hit by race violence

Cape Times 6/11/87

From Page 1

incidents, the local traffic official, Mr W D Luiters, arrived on the scene with a bakkie-load of white holiday-makers bearing side-arms and dressed in civilian clothes.

The eyewitnesses alleged the white men took up an opposing stance to the residents.

Mr Luiters last night declined to comment and said "the matter is still being investigated by the police".

Laaiplek, next to Veldrif and Port Owen, has a town centre consisting of two main tarred roads with the white and "coloured" villages merging.



Jonathan Slabbert

By TONY WEAVER

THE sleepy West Coast fishing village of Laaiplek was still reeling yesterday after an alleged racial incident sparked off two days of violence which left a young man dead and at least three men injured — including a policeman who is in a very serious condition.

Mr Jonathan Slabbert, 17, was fatally wounded on Saturday night after a white man opened fire in a café after another white man was "head-butted" following an alleged racist remark.

Eyewitnesses said that shortly before sunset, Jonathan was among a large group in the Oase Café when a white man said to a youth "julle Hotnots moet loop" (you Hotnots must get out).

The youth headbutted him and a fight broke out, during which another white man with a revolver allegedly fired two shots in the air. A third shot was fired. Jonathan was struck and fatally wounded.

The crowd in the café then smashed windows and overturned counters.

Yesterday the shopfront, in Jameson Street, was boarded up. A large bloodstain marked the floor at the rear of the shop.

Other shopkeepers said the owner had "left town".

Jonathan's parents and a family friend found him lying in an open plot next to the café, put him in a bakkie and took him to Vredenburg Hospital, from where he was transferred to Groote Schuur. He died before reaching Cape Town.

About 11am on Sunday, residents said, between 300 and 400 Laaiplek township residents gathered at the police station after morning church services.

They asked to see the station commander and demanded that the white man allegedly responsible for Jonathan's death be arrested.

Soon after, a squad of police arrived and warned the crowd to disperse.

A young man was shot in his side, and another young man was said by family members to have been shot in his stomach and head with birdshot.

During the incident, a number of stones were thrown at the police con-

Unrelated incident

The Cape Times has a list of 11 names of people who were not to be found after the fracas, but it cannot be disclosed in whose care they are.

The Bureau for Information's report on the incident said seven men had been arrested.

Other details of the incident and allegations made by eyewitnesses have been withheld from publication pending their being sent to Police Headquarters in Pretoria for comment.

□ In an apparently unrelated incident, a fight broke out at the Pelican Municipal Caravan Park, Laaiplek, about 4pm on Saturday, and Mr Johannes Saul, 22, was stabbed.

The bleeding Mr Saul ran through the park office and escaped from his assailants through a back window.

On Saturday morning the park was fully booked out, with 30 tents pitched, 10 caravans in use and all 15 bungalows occupied.

By Sunday morning, only five tents were left and all the caravanners had left. Visitors said this was a direct result of the fight.

□ Several eyewitnesses said that during the caravan park, and later

He collapsed two hours later while on patrol and was rushed to Tygerberg

BUS DAY 7/1/87

Challenge to govt adjourned

Own Correspondent

AN application challenging government's emergency regulations was adjourned in the Maritzburg Supreme Court yesterday to January 29 and 30.

Mr Justice Wilson adjourned the case for hearing before a full bench and to allow the respondents to file answering affidavits.

The application was brought by the UDF and the Release Mandela Campaign (RMC) against the State President, the government, the Minister of Home Affairs, the Minister of Law and Order and the Commissioner of Police.

The UDF and RMC are asking the court to find that the emergency regulations, or alternatively certain key sections of the regulations, which were promulgated on December 11 last year, are of no force and effect in law.

The grounds for the application are that the regulations contain provisions that are *ultra vires* and could never have been contemplated by the legislature; they contain provisions which are void for vagueness; they confer such wide discretion on officials that they take the position of legislator without giving them any directions or guidelines on how to exercise their delegated powers.

The applicants submit in papers that they, and similar organisations in their position, conducting a "contemporane-

● To Page 2

Challenge to govt adjourned

● From Page 1

ous, vigorous and daily campaign of opposition to the basic objects of government policy in South Africa" find it quite impossible to conduct their affairs with the "ever looming threat of administrative and other action in terms of the regulations, which are wide and uncertain in their meaning".

Attorney Amichand Soman submitted in papers that the regulations constituted serious invasions of the applicants' right of free expression and comment.

Curnick Ndlhovu, executive chairperson of the UDF, said it was the belief of the applicants that unrest and tension would continue and that the state of emergency would not end unless and until government had radically changed and amended its policies and allowed those who disagreed with its policies to make manifest their views in terms of structures which were both legitimate and credible.

Both applicants had consistently and publicly reacted to and commented on the socio-political realities in SA, he said, and they wished to continue their deep-felt opposition to what they believed to be be the unwise policies of government and the legislation it had adopted to curb opposition.

Aubrey Mokoena of the RMC said the organisation had focused its campaign on the political injustices of SA society and the release of political prisoners and detainees.

Supporters and officials of the organisation firmly believed there could be no lasting peace or reconciliation unless the socio-political causes giving rise to these conflicts were attended to.

The effect of the regulations was to paralyse many of the activities of the RMC, he said.

Application challenging emergency postponed

DURBAN — An urgent application in the Maritzburg Supreme Court yesterday challenging the Government's latest emergency regulations was adjourned to January 29.

The application is being brought by the United Democratic Front (UDF) and the Release Mandela Campaign (RMC) against the State President, the Government, the Minister of Home Affairs, the Minister of Law and Order and the Commissioner of Police.

UDF executive chairman Mr Curnick Ndhlovu, and Mr Aubrey Mokoena of the RMC, asked in papers that all the regulations promulgated on December 11 be declared null and void, alternatively, that key sections be declared unlawful.

The application was provisionally set down for January 29 and 30 for hearing by a Full Bench, and to allow the respondents time to file affadavits.

In his founding affidavit, Mr Ndhlovu said the UDF sought an order declaring the December 11 regulations to be of no force and effect. Alternatively, the UDF challenged the validiity of regulations 3(1), 4(1), 5, 7; the definition of "security action" in 1(1); the definition of "subversive statement" in 1(1) and regulation 1(2).

He said the applicants considered it "fundamental that they should have the right to be vigorously critical of (the Government's) policies and to organise and conscientise public opinion against such policies without the inhibitions sought to be prescribed.

"It is the belief of the applicants that the present state of unrest and tension will continue in the country and that the state of emergency will not be terminated unless and until (the Government) radically changes and amends its present policies and permits those who disagree with such policies to make manifest their views in terms of structures which are legitimate and credible."

The regulations contained provisions which were "void for vagueness in that no ascertainable meaning can be given to them", Mr Ndhlovu submitted.

An attorney for the applicants, Mr Amichand Soman, said in a supporting affidavit that the regulations constituted "serious invasions into the applicants' right of free expression and comment", and that they impeded their activities and publications.

Mr Mokoena said in his affidavit that the RMC and its supporters believed there could be no lasting peace or reconciliation in South Africa until and unless the socio-political causes which gave rise to conflict were addressed.

"The effect of the regulations has been substantially to paralyse many of the activities of (the RMC), which has prepared literature and statements which cannot be distributed if the regulations are indeed valid," he said. — Sapa.

SA curbs to be discussed at conference on censorship

The Star Bureau

LONDON — South Africa's sweeping Press restrictions will be among the restrictive measures analysed and discussed at a world conference on censorship here later this month.

The purpose is to "identify censorship practices, hear from news people who have had personal experience with censorship, and to consider what steps would help and prepare an action programme" to challenge censors throughout the world, a spokesman said.

Called by the World Press Freedom Committee, together with five other free-Press organisations, the conference will be held over two days, from January 17.

SA REPRESENTATIVE

The South African representative on the journalists' panel is Mr Harvey Tyson, editor of The Star in Johannesburg.

As far as the Index on Censorship — the British organisation which compiled the working paper for the conference — is concerned, South Africa, with its "blanket censorship and restriction on what can be reported" now ranks among the most heavily restricted.

The report also censures Western countries for acts of censorship, and the author, Mr George Theiner, says even in Britain there is far too much censorship for "a liberal democracy that prides itself on its record where freedom of expression and of the individual in concerned".

But despite objections to the Official Secrets Act and the kind of secrecy which impaired reporting of the Falklands War, Mr Theiner stresses that what happens in a one-party dictatorship ("be it the USSR or any other totalitarian state") cannot be likened to what occurs in a country with a genuine democratic system.

"There is a difference — not merely in degree but in kind," he says. But, "that is not to say that censorship here in the UK, in the rest of Western Europe, in North America or Australia is of little concern.

"It is censorship everywhere that must be opposed.

"How best to do this — and how to be more effective in countering censorship throughout the world — is what we shall be discussing in the two days of our conference."

'Emergency' court case postponed

Own Correspondent

MARITZBURG — An application challenging the government's new emergency regulations was adjourned in the Supreme Court here yesterday to January 29.

Mr Justice Wilson adjourned the case for hearing before a Full Bench; and to allow the respondents to file answering affidavits.

The application was brought by the United Democratic Front and the Release Mandela Campaign (RMC) against the State President, the SA Government, the Minister of Home Affairs, the Minister of Law and Order and the Commissioner of Police.

The UDF and RMC is asking the court to find that the emergency regulations; alternatively certain key sections of the regulations, which were promulgated on December 11 last year; are of no force and effect in law.

The grounds for the application are that the regulations contain provisions that are ultra vires and could never have been contemplated by the legislature; contain provisions which are void for vagueness; confer such wide discretion on officials that they take the position of legislator without giving the officials concerned any directions or guidelines as to how they should exercise their delegated powers.

The applicants submit in papers that they and similar organizations, conducting a "contemporaneous, vigorous and daily campaign of opposition to the basic objects of governmental policy in South Africa" find it "quite impossible" to conduct their affairs with the "ever-looming threat of administrative and other action in terms of the regulations which are wide and uncertain in their meaning".

Cape Times 8/1/87

Govt curbs on New Nation

JOHANNESBURG. — The government has barred the New Nation, a weekly newspaper based in Johannesburg, from publishing any statement issued by the United Democratic Front and 12 other organizations promoting four campaigns, a senior journalist at the newspaper said yesterday.

The prohibition was signed by the Commissioner of Police, General Johan Coetzee, and delivered to the paper's offices on Tuesday morning.

Mr Zwelakhe Sisulu, editor of the paper which is funded by the Southern African Catholic Bishops Conference, has been in detention since December 12.

The order bans the publication of statements dealing with the Campaign for National United Action, the Christmas Against the Emergency Campaign, Campaign for National Unity and Christmas of Concern. — Sapa

Reporter to appear

CAPE TIMES reporter Mr Tony Weaver was yesterday summonsed to appear in the Cape Town Regional Court on February 9 on four charges under Section 27 (b) of the Police Act.

The charges relate to reports in the Cape Times and an interview conducted by the BBC with Mr Weaver following the shooting dead by police of seven alleged ANC guerillas in Guguletu on March 3 last year. The State alleges the reports contained "untrue matter".

The summonses were served on Mr Weaver by the head of the Murder and Robbery Squad, Colonel Quinton Visser. If found guilty, Mr Weaver is liable to a maximum fine of R10 000 or a maximum sentence of five years in prison — or both — on each of the four alleged offences.

Section 27 (b) of the Police Act relates to the alleged "unlawful publishing" of "untrue matter" concerning actions by the South African Police or members of the force in relation to the performance of their duties.

The alleged untrue matter was that:

□ A Warrant Officer Callie Bothma interviewed and took a statement from Mr Cecil Msutu concerning the shootings.

□ Mrs Adelaide Mkanyuza, a receptionist at Mahlubi Funeral Services in Guguletu, alleged that a Mr Lane of the police demanded the bodies of the seven be buried five days earlier than the scheduled funeral date or the funeral parlour would be in "serious trouble about their licence".

□ Mrs Nomvuyo Hamza, a receptionist at Mahlubi, alleged that Mr Lane had contacted her and asked her for the names and addresses of the dead men and their families and that she was told the bodies had to be buried "immediately".

□ In a BBC interview on March 4, Mr Weaver is alleged to have said the seven were "shot by members of the said force in cold blood and that members of the said force had then 'planted' weapons on the deceased claiming that they were guerillas to justify the fact that they had been shot".

Ad calling for unbanning of ANC angers Govt

Clamp on the Press is tightened further

Staff Reporters

New curbs on the South African media were imposed late last night — virtually preventing newspapers writing about the ANC.

The new clamp comes after the publication in many newspapers yesterday of advertisements calling for the unbanning of the ANC.

The row over the advertisements, placed by organisations headed by the United Democratic Front, National Education Crisis Committee and the South African Council of Churches, has been followed by:

- Government orders restricting newspapers from reporting on or publishing advertisements about aspects of banned organisations.
- A police investigation into possible contraventions of the law by the publication of the advertisements.
- The expulsion of the *New York Times* correspondent in South Africa, and the Government's refusal to grant a visa to his successor.

It also emerged yesterday that even statements by the Government's Bureau for Information are not exempt from the stringent Press curb laws introduced last month.

A bureau statement emphasised that responses to inquiries "regarding, or confirmation of, unrest-related incidents by the Bureau for Information did not constitute authorisation of publications in terms of the regulations promulgated on December 11 1986".

Clearance will have to be obtained from the Government's Inter-Departmental Press Liaison Centre or relevant Government departments.

The orders restricting reporting on banned organisations were gazetted at midnight. The Commissioner of Police issued them in terms of the Public Safety Act.

They prohibit publication of an advertisment or report calculated to improve or promote the public image or esteem of banned organisations.

Mr Paul Jenkins, media lawyer from the firm Webber Wentzel, said today: "Once again the Government has demonstrated its fear of a free Press. It has responded to yesterday's advertisements ... calling for the unbanning of the ANC with restrictive police orders.

"Not only do the two police orders ... make it virtually impossible to publish any news of the ANC and other banned organisations at all, but the orders are so widely framed as to be virtually unintelligible.

"As a result of the new police order, it will be considered to be a subversive statement to encourage or invite members of the public to support an unlawful organisation. In addition, no newspaper may improve or promote the public image or esteem of a banned organisation.

"Whatever that means, we will consider whether the order is not so wide and far-reaching as to render it invalid and beyond the powers conferred upon the Commissioner of Police. If so ... urgent application to court to have the order set aside is a distinct possibility."

The police public relations directorate said in a statement that a docket on the publication of the ads had been opened after "numerous" complaints. It would be forwarded to the Attorney-General for his decision.

● See Page 9.

New restrictions

The full text of the two Ministry of Law and Order notices published in Government Gazette No 10584 at midnight last night restricting reportage on unlawful organisations:

Ministry of Law and Order
No 101 — 8 January 1987
Notice by the Commissioner of the South African Police — Public Safety Act, 1953

Under the powers vested in me by paragraph (a) (ix) of the definition of "Subversive statement" in regulation 1 of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R.224 of 1986, I, Petrus Johannes Coetzee, Commissioner of the South African Police, hereby identify the act specified in the Schedule hereto as an act which has the effect of threatening the safety of the public or the maintenance of public order or of delaying the terminatin of the state of emergency.
P J Coetzee,
Commissioner of the South African Police.

Schedule

To support any organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982).

No 102 — 8 January 1987
Order by the Commissioner of the South African Police — Public Safety Act, 1953
Under the powers vested in me by regulation 7 (1) of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 109 of 1986, as amended, I, Petrus Johannes Coetzee, Commissioner of the South African Police, hereby issue the order set out in the Schedule hereto.
P J Coetzee,
Commissioner of the South African Police.

Schedule

1. No person who holds office as an editor of a newspaper, magazine or other periodical or who otherwise has control over the matter which may be published in that periodical or which may be distributed in or as an addendum to such a periodical, shall allow, permit or direct, or authorise any other person to allow, to permit or to direct, the publication in that periodical or the distribution in or as an addendum to that publication of any advertisement or report calculated —

(A) to improve or to promote the public image or esteem of an organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982); or

(B) to commend, to defend, to explain or to justify any action, policy or strategy of such an organisation, of resistance against or subversion of the authority of the State.

2. This order shall apply in the Republic including any territory declared under section 26 of the National States Constitution Act, 1971 (Act 21 of 1971), to be a self-governing territory.

— Sapa.

New curbs follow row over advertisements in daily newspapers

Press clamp

ANC

The Argus Correspondent

JOHANNESBURG. — New curbs have been imposed on the media.

This clamp follows the publishing in many newspapers yesterday of advertisements calling for the unbanning of the African National Congress.

The row over the advertisements, placed by organisations headed by the United Democratic Front, the National Education Crisis Committee and the South African Council of Churches, has been followed by:

● Government orders restricting reporting on banned organisations;

● A police investigation into possible contraventions of the law by the publishing of the advertisements, placed under the heading: 75 Years of the ANC.

Three policemen came to the offices of The Argus today with a search warrant and left with documents and printing plates. Security police also called on the editor of The Daily News in Durban, Mr Michael Green, and left with documents.

And it emerged yesterday that even statements by the Bureau for Information are not exempt from stringent laws curbing the Press which were introduced last month.

A bureau statement said clearance should be obtained from the Inter-Departmental Press Liaison Centre.

The orders restricting reporting on banned organisations were gazetted at midnight last night. The Commissioner of Police issued them in terms of the Public Safety Act.

The orders prohibit publication of an advertisment or report calculated to improve or promote the public image or esteem of banned organisations.

Mr Paul Jenkins, a media lawyer, said today: "Once again the Government has demonstrated its fear of a free Press. It has responded to yesterday's advertisements in most of the country's English daily newspapers, calling for the unbanning of the ANC, with restrictive police orders which go beyond the pale.

"Not only do the two police orders, issued at the 11th hour

(Turn to Page 3, Col 6)

Full text

NO person who holds office as an editor of a newspaper, magazine or other periodical or who otherwise has control over the matter which may be published in that periodical or which may be distributed in or as an addendum to such a periodical, shall allow, permit or direct, or authorise any other person to allow, to permit or to direct, the publication in that periodical or the distribution in or as an addendum to that publication of any advertisement or report calculated — (a) to improve or to promote the public image or esteem of an organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982) — or (b) to commend, to defend, to explain or to justify any action, policy or strategy of such an organisation, of resistance against or subversion of the authority of the State.

This order shall apply in the Republic including any territory declared under section 26 of the National States Constitution Act, 1971 (Act 21 of 1971), to be a self-governing territory. — Sapa.

New clamps on Press reports, ads

(Cont from Page 1)

last night, make it virtually impossibe to publish any news of the ANC and other banned orgainsations at all, but the orders are so widely framed as to be virtually unintelligible.

"The restrictions contained in the Internal Security Act which prohibited a person from advocating or supporting the objects of a banned orgainsation are now virtually redundant after these new orders.

"As a result of the new police order, it will be considered to be a subversive statement to encourage or invite members of the public to support an unlawful organisation.

"In addition no newspaper may improve or promote the public image or esteem of a banned organisation.

"We will consider as a matter of urgency whether the order is not so wide and far-reaching as to render it invalid and beyond the powers conferred upon the Commissioner of Police.

"If we reach this view, an urgent application to court to have the order set aside is a distinct possibility."

In a statement, the police Public Relations Directorate in Pretoria said a docket about the publishing of the advertisements had been opened after "numerous" complaints were made to police throughout the country.

It said that when completed the docket would be forwarded to the Attorney-General for his decision as soon as possible.

hundreds of ANC ... Lusaka's Mulungushi hall and conference centre to celebrate the ANC's anniversary.

In his speech to the meeting, Tambo predicted massive demonstrations against the forthcoming white election.

Kaunda told the meeting he regarded the ANC as the "legitimate representative of all the people of South Africa". Addressing a press conference at midday, Tambo told about 60 foreign journalists he believed whites had been "misled" into believing there was any future for white minority domination in South Africa.

He made it clear that it was the ANC's "earnest wish" to to create a society in which the colour of a person's skin did not matter.

Tambo repeated the movement's rejection of the targeting of civilians in military actions by the ANC.

He also indicated that the ANC had never been in favour of necklacing but had been reluctant to condemn those who felt themselves compelled to use this method.

Tambo also indicated that the ANC still stood by its call for a blanket academic and cultural boycott of South Africa. But this was being reconsidered.



After months of boycotts and shut-outs, it's peace in the classrooms ... for the moment. None of which is of much comfort to these Soweto toddlers, facing their first terrifying day in the big world of school

Picture: SANTU MOFOKENG, Afrapix

Police probe into 'unban ANC' adverts

WEEKLY MAIL REPORTER

POLICE are investigating "possible contraventions of the law" in a United Democratic Front advertisement calling for the unbanning of the African National Congress.

The advert appeared this week in a number of newspapers, including the *Weekly Mail*.

Police said in a statement late yesterday that they had opened a docket following "numerous complaints" from various parts of the country.

The docket is to be forwarded to the attorney-general as soon as possible.

The *Weekly Mail* has been advised by its lawyers that the advert, which appears on pages 14 and 15, does not contravene any law.

Meanwhile, lawyers believe that new Emergency restrictions on the *Weekly Mail* and four other newspapers were issued in a bid to circumvent court action.

The new orders, issued by the Commissioner of Police in the final week of last year, prohibit the publication of any comment, report, pamphlet or advertisement or any news in connection with any of four specific campaigns.

These are the Campaign for National United Action, the Campaign for National Unity, Christmas against the Emergency and Christmas of Concern.

The order was served on *Weekly Mail* co-editor Anton Harber as well as the editors of the *Sowetan* and *City Press*. Orders were also served on sub-editors at *New Nation*, whose editor, Zwelakhe Sisulu, is in detention.

The orders were issued as previous restrictions on these newspapers were being challenged in the Rand Supreme Court.

The *Weekly Mail* was proceeding with a case that had been ruled by the court not to be a matter of urgency. The Argus Company was contesting the *Sowetan* restriction on the basis that the order was *inter alia* "void for vagueness".

Lawyers believe the new order, issued the day after the matter had been postponed in the Supreme Court, was designed to counter this legal attack.

The *Weekly Mail's* lawyers are considering an attack on the new restriction order.

● *Business Day* journalist Sipho Ngcobo is still being held under Section 29 of the Internal Security Act. Security Police held him at his office two weeks ago, shortly after he had written an account of the workings of street committees.

● *Cape Times* journalist Tony Weaver has been summoned to appear in court to face four charges under Section 27(b) of the Police Act. The charges relate to reports of a shoot-out between police and alleged ANC members in Guguletu township last year.

He is due to appear on February 9.

THE CONTENTS OF THIS NEWSPAPER HAVE BEEN RESTRICTED IN TERMS OF THE EMERGENCY REGULATIONS

APARTHEID BAROMETER

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DECEMBER DETENTIONS

According to the Detainees Parents' Support Committee, their advice office processed 253 reports of detentions during the month of December 1986, the majority being detentions leading up to and including the Christmas period.

At least 145 of these detainees (59 percent) were 18 years or younger. The youngest of these detainees was 12 years old.

During December, the DPSC processed 57 released detainees, two of them 11 years old. The ratio of detentions to releases during this period was almost 5:1. The DPSC stressed that these figures represented only those cases which they had dealt with — mainly in their Johannesburg offices.

The DPSC estimates that at least 8 800 people aged 18 or under were detained under the Emergency regulations, constituting about 40 percent of known Emergency detainees.

According to a document issued by the South African Council of Churches, over 40 000 people were detained during 1986.

BRAIN DRAIN

According to the Central Statistical Services, a total of 11 835 people emigrated from South Africa in the first 10 months of last year, while 5 983 people immigrated to South Africa — a net loss of 5 852. In the whole of 1985, 11 401 people emigrated, while 8 550 emigrated in 1984.

A total of 1 976 of the emigrants between January and October were professionally qualified people, while there were 948 professionals among the immigrants — a net loss of 1 028.

During the month of October, 1 068 people emigrated and 648 immigrated — a net loss of 420 people, compared with a net gain of 238 people during October 1985.

INSOLVENCIES AND LIQUIDATIONS

A total of 701 companies were liquidated between August and October last year — 19 percent more than in the same period of 1984, according the Central Statistical Services. Insolvencies totalled 1 171 during this period — 16 percent more than last year.

PRISONER OF CONSCIENCE

CHRIS TYAWANA, 25, Zwelethemba civic and youth leader, was detained under section 29 of the Internal Security Act on August 27 last year while attempting to draw money from his building society account. He is still being held.

Tyawana, a cousin of the late Eastern Cape United Democratic Front leader Matthew Goniwe, is an executive member of the Zwelethemba Youth and Civic Associations, a founder member and organiser of the South African Allied Workers Union in the area and a member of the Worcester UDF area committee. He has also played a key role in media training and has been active as a poet, playwright and cultural organiser. He had been in hiding for several months before he was detained.

Shortly before his detention he had, along with other community leaders, been engaged in talks with the local municipality.

He was arrested at a Cape Town branch of the Allied Building Society after an Allied official assisted the Security Police by "hot-carding" him and then kept him talking until police arrived. A group called Allied Shareholders Against Apartheid was formed to campaign against Tyawana's detention, while the UDF met with Allied management. ASAA demanded the building society apologise, take action against the bank official responsible, compensate the Tyawana family and call for Tyawana's release. An advertisement in the form of a letter from Allied group MD Alan Tindall fulfilled most of these conditions.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

Stag Vol 6 no 1 (Viclen Promotions).

Unbanned:

Lenin Vol 1: Building the Party (Tony Cliff); The Communist Manifesto (Karl Marx and Frederick Engels); Lenin and the Russian Revolution (Christopher Hill); The Essential Works of Lenin (Henry H Christman) (all four unbanned for possession); Up Against Apartheid, the Role and Plight of the Press in South Africa (Richard Pollack); Black Africa on the Move (Leslie Alexander Lacey); Traffic in Innocents (Charles Terrot); Bloedbad in Sharpeville (Ambrose Reeves); Upfront no 3 March 1986 (UDF Observatory and Claremont Area Committees); New Era vol 1 no 1 March/April 1986 (Grassroots Publications Rylands Estate); Amateur Photographer Supplement November 1; Zoom No 127 (Publicness, Paris).

Weekly Mail appears with blank pages instead of ads

9/11/87

By Jo-Anne Richards

The *Weekly Mail* appeared today with a double-page blank space in place of an advertisement calling for the unbanning of the ANC, which appeared in several newspapers yesterday.

Orders restricting the publishing of the advertisement were gazetted late last night in terms of the Public Safety Act.

The co-editor of the *Weekly Mail*, Mr Irwin Manoim, said today the newspaper had no choice but to leave two pages blank.

The newspaper's attorneys had come to an arrangement with the senior Springs Security Police officer, a Major Zaayman, about the blank space, he said.

The use of blank spaces or blacked-out sections is a contravention of the Press restrictions issued under the state of emergency.

Mr Manoim said Major Zaayman first telephoned the offices at about 9 pm, just as the newspaper had been sent to the printer.

"He warned us that the orders would be gazetted, and he was giving us fair warning. He said the basis of the order would be to prevent the publication of the ad and he said we had better pull the ad out or he would take the paper.

"We had the printers standing by while we tried to obtain legal advice and a copy of the gazette.

"At about 11 pm Major Zaayman phoned again and read the gazette out over the phone. Then our lawyers came to an arrangement with him — we had no option but to leave the pages blank."

This newspaper may have been cen

Jan 1987

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Organisations slam latest curbs

The Progressive Federal Party has slammed the Government's latest media curbs as "incredibly stupid" and the move has drawn criticism from several sectors.

The New Republic Party was less critical.

Reacting to a ban on reports or advertisements which promoted the public image of banned organisations, Mr Peter Soal, Progressive Federal Party spokesman on information, said: "The latest ban is incredibly stupid.

"The Government should accept the invitation of the ANC to negotiate, and not behave in their typically authoritarian and frightened way. The ANC will not go away, no matter how much it is gagged," said Mr Soal.

Law and order spokesman for the New Republic Party, Mr Vause Raw, however, said he "could not get excited about the banning of an advertisement that promotes an organisation which threatens the safety of South Africa".

The Reverend Allan Hendrickse, leader of the Labour Party and member of the Cabinet without portfolio, said today he had no problems with the controversial ANC advertisements which appeared in about 20 newspapers nationwide yesterday.

"My party has itself called for the unbanning of the ANC and the release of Nelson Mandela," he said.

On the latest Press curbs, Mr Hendrickse said he would have to study the Government Gazette before commenting.

National president of the Black Sash Mrs Mary Burton said: "What it does is to keep a majority of the white population in ignorance.

"We believe all organisations have the right to be heard."

Mr Jules Browde SC, national chairman of Lawyers for Human Rights, said: "This type of regulation appears to be an effort by the Government to remove the last vestige of freedom of the Press, but what is perhaps more deplorable is that the restriction against saying anything publicly which may heighten the esteem of people in banned organisations means a curtailment of the freedom of association and expression of opinions."

Leader of the National People's Party, Mr Amichand Rajbansi, said his party's full caucus would meet in Cape Town on January 27 to discuss, among other things, the media curbs and representations the party had received from members of the public, including representatives of the Press.

Co-president of the United Democratic Front Mrs Albertina Sisulu said the new restriction was clearly aimed at "muzzling the progressive forces opposed to apartheid".

"We denounce the restrictions as more oppression and harassment. Anyone who opposes the Government is muzzled," she said.

The Conservative Party was not prepared to comment on the new curbs at the time of going to press.

Ad calling for unbanning of ANC angers Govt

Clamp on the Press is tightened further

Staff Reporters

New curbs on the South African media were imposed late last night — virtually preventing newspapers writing about the ANC.

The new clamp comes after the publication in many newspapers yesterday of advertisements calling for the unbanning of the ANC.

The row over the advertisements, placed by organisations headed by the United Democratic Front, National Education Crisis Committee and the South African Council of Churches, has been followed by:

- Government orders restricting newspapers from reporting on or publishing advertisements about aspects of banned organisations.
- A police investigation into possible contraventions of the law by the publication of the advertisements.
- The expulsion of the *New York Times* correspondent in South Africa, and the Government's refusal to grant a visa to his successor.

It also emerged yesterday that even statements by the Government's Bureau for Information are not exempt from the stringent Press curb laws introduced last month.

A bureau statement emphasised that responses to inquiries "regarding, or confirmation of, unrest-related incidents by the Bureau for Information did not constitute authorisation of publications in terms of the regulations promulgated on December 11 1986".

Clearance will have to be obtained from the Government's Inter-Departmental Press Liaison Centre or relevant Government departments.

The orders restricting reporting on banned organisations were gazetted at midnight. The Commissioner of Police issued them in terms of the Public Safety Act.

They prohibit publication of an advertisment or report calculated to improve or promote the public image or esteem of banned organisations.

Mr Paul Jenkins, media lawyer from the firm Webber Wentzel, said today: "Once again the Government has demonstrated its fear of a free Press. It has responded to yesterday's advertisements ... calling for the unbanning of the ANC with restrictive police orders.

"Not only do the two police orders ... make it virtually impossible to publish any news of the ANC and other banned organisations at all, but the orders are so widely framed as to be virtually unintelligible.

"As a result of the new police order, it will be considered to be a subversive statement to encourage or invite members of the public to support an unlawful organisation. In addition, no newspaper may improve or promote the public image or esteem of a banned organisation.

"Whatever that means, we will consider whether the order is not so wide and far-reaching as to render it invalid and beyond the powers conferred upon the Commissioner of Police. If so ... urgent application to court to have the order set aside is a distinct possibility."

The police public relations directorate said in a statement that a docket on the publication of the ads had been opened after "numerous" complaints. It would be forwarded to the Attorney-General for his decision.

● See Page 9.

New restrictions

The full text of the two Ministry of Law and Order notices published in Government Gazette No 10584 at midnight last night restricting reportage on unlawful organisations:

Ministry of Law and Order
No 101 — 8 January 1987
Notice by the Commissioner of the South African Police — Public Safety Act, 1953

Under the powers vested in me by paragraph (a) (ix) of the definition of "Subversive statement" in regulation 1 of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R.224 of 1986, I, Petrus Johannes Coetzee, Commissioner of the South African Police, hereby identify the act specified in the Schedule hereto as an act which has the effect of threatening the safety of the public or the maintenance of public order or of delaying the terminatin of the state of emergency.
P J Coetzee,
Commissioner of the South African Police.

Schedule

To support any organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982).

No 102 — 8 January 1987
Order by the Commissioner of the South African Police — Public Safety Act, 1953
Under the powers vested in me by regulation 7 (1) of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 109 of 1986, as amended, I, Petrus Johannes Coetzee, Commissioner of the South African Police, hereby issue the order set out in the Schedule hereto.
P J Coetzee,
Commissioner of the South African Police.

Schedule

1. No person who holds office as an editor of a newspaper, magazine or other periodical or who otherwise has control over the matter which may be published in that periodical or which may be distributed in or as an addendum to such a periodical, shall allow, permit or direct, or authorise any other person to allow, to permit or to direct, the publication in that periodical or the distribution in or as an addendum to that publication of any advertisement or report calculated —

(A) to improve or to promote the public image or esteem of an organisation which is an unlawful organisation under the Internal Security Act, 1982 (Act 74 of 1982); or

(B) to commend, to defend, to explain or to justify any action, policy or strategy of such an organisation, of resistance against or subversion of the authority of the State.

2. This order shall apply in the Republic including any territory declared under section 26 of the National States Constitution Act, 1971 (Act 21 of 1971), to be a self-governing territory.

— Sapa.

Cape Times 3/7
9/1/87

De Jonge flaunts immunity

PRETORIA. — Dutch fugitive Klaas de Jonge has opened his own "Information Bureau" in the centre of Pretoria while police can only look on helplessly.

Mr De Jonge has started displaying political posters from the diplomatic sanctuary of the second-floor offices of the Dutch Embassy.

Giving a clenched-fist salute through the window, he displayed a range of posters he had made — including "Away with Apartheid" and "Viva Mandela".

Asked to comment, police said: "Mr De Jonge is not in our custody."

PFP slams Govt move as 'incredibly stupid'



Mr Peter Soal

THE Progressive Federal Party has slammed the Government's latest media curbs as "incredibly stupid", and the move has also drawn criticism from several other sectors.

Mr Peter Soal, Progressive Federal Party spokesman on information, said: "The Government should accept the invitation of the ANC to negotiate and not behave in its typically authoritarian and frightened way. The ANC will not go away, no matter how much it is gagged."

Mr Vause Raw, law and order spokesman for the New Republic Party, said he could not get excited about the banning of the advertisement.

The Rev Allan Hendrickse, leader of the Labour Party and member of the Cabinet without portfolio, said he had no problems with the controversial advertisements, which appeared in about 20 newspapers nationwide yesterday.

The president of the Black Sash, Mrs Mary Burton, said: "We believe all organisations have the right to be heard."

Mr Jules Browde, SC, national chairman of Lawyers for Human Rights, said: "This type of regulation appears to be an effort by the Government to remove the last vestige of freedom of the Press. But what is perhaps more deplorable is that the restriction against saying anything publicly which may heighten the esteem of people for banned organisations means a curtailment of the freedom of association and expression of opinions.

"This can lead only to ignorance on the part of the public."

Co-president of the United Democratic Front, Mrs Albertina Sisulu said the new restriction was clearly aimed at "muzzling the progressive forces opposed to apartheid".

The Conservative Party was not prepared to comment on the new curbs at the time of going to press.

Afrikaans churches' editors regret press restrictions

By BARRY STREEK
Political Staff

THE emergency restrictions on the press were regrettable because the misuse of power might not come to light quickly, the editors of Afrikaans church publications have said.

But most stated that South Africa was facing a revolutionary onslaught and people must accept that extraordinary measures had to be imposed.

Their views have been published in the latest issue of the Kerbode, the weekly mouthpiece of the Ned Geref Kerk.

In an editorial, the Kerkbode said that those who had to repulse the revolutionary onslaught, restore order in South Africa and protect lives "deserve our support and prayers".

But "the church must always point out the ever-present danger of the misuse of power in times of an emergency, and plead persistently for just and reasonable actions to all people", it said.

"It will also be a sorrowful day if the Afrikaans churches, which accept the integrity of the government and the security forces in this matter, must find that their trust has been put to shame."

Mr Willie Maree, the editor of the NGK's monthly newspaper, the Voorligter, said the tighter regulations were unexpected because the impression had been created that unrest had decreased.

Ds Dawie Botha, editor of the Ligdraer, the NG Sendingkerk's newspaper, said he did not like the strong control over the flow of information and it was a reflection of weak coexistence in South Africa that the emergency had been extended.

Comment and judgment on the emergency in terms of the Word of God had to be maintained "even if it clashed with particular regulations", Ds Botha said.

Dr Daan van Wyk, editor of the Hervormer, the Nederduitsch Hervormde Kerk's newspaper, said it was unfortunate that the restrictions had been imposed on the press. This meant that the misuse of power could take place more easily, without the press being able to publish it.

Dr Van Wyk said he would be very happy if the state of emergency were lifted.

Info singer hurt by petrol bomb

By ANDREW DONALDSON

ABIGAIL KHUBEKA — one of the musicians who took part in the controversial Bureau for Information song, "Together We Will Build a Brighter Future" — was injured in a petrol-bomb attack on her Soweto home on Wednesday night.

Miss Khubeka, 40, suffered injuries to her hands caused by flying slivers of glass and was admitted to Baragwanath Hospital, the Bureau said yesterday.

Her condition was "stable", a hospital spokeswoman said last night.

Two bedrooms and the dining room of her Orlando Road home were extensively damaged.

Miss Khubeka was last year ousted from the judges' panel of the R1,5-million Shell Road to Fame Contest as organizers feared the controversy surrounding the Info song would hamper the intentions of the contest — to audition for black musical talent in townships around the country.

The Bureau said there were "allegations" that Wednesday's attack was made "in view of the fact that Miss Khubeka was one of the artists who participated in the recording of the song ... with the purpose of promoting peace and co-operation between the peoples of South Africa".

As one of the song's lead singers, Miss Khubeka has featured prominently in the frequently televised video recording of "Together We Will Build A Brighter Future".

REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

Government Gazette
Staatskoerant

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Vol. 259 PRETORIA, 9 JANUARY JANUARIE 1987 No. 10585

GOVERNMENT NOTICE

MINISTRY OF LAW AND ORDER

No. 116 **9 January 1987**

ORDER BY THE COMMISSIONER OF THE SOUTH AFRICAN POLICE.—PUBLIC SAFETY ACT, 1953

Under the powers vested in me by regulation 7 (1) of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 109 of 1986, as amended, I, Petrus Johannes Coetzee, Commissioner of the South African Police, hereby issue the order set out in the Schedule hereto.

P. J. COETZEE,
Commissioner of the South African Police.

SCHEDULE

1. In this Schedule, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the regulations published by Proclamation R. 109 of 1986, as amended, has a corresponding meaning, and—

"Education Act" means the Education and Training Act, 1979 (Act 90 of 1979);

"hostel premises" means premises on which a hostel attached to a public school as defined in the Education Act is situated;

"school premises" means premises on which a public school as defined in the Education Act is situated.

2. Any gathering organized or convened or which is organized or convened by or on behalf or under the auspices or banner of the National Education Crisis Committee (NECC) and on which a discussion is held on—

(a) the presentation or proposed presentation on school or hostel premises or on any particular school or hostel premises of a course which has not been instituted under the Education Act, in the stead of or in addition or as an alternative to any course so instituted; or

GOEWERMENTSKENNISGEWING

MINISTERIE VAN WET EN ORDE

No. 116 **9 Januarie 1987**

BEVEL DEUR DIE KOMMISSARIS VAN DIE SUID-AFRIKAANSE POLISIE.—WET OP OPENBARE VEILIGHEID; 1953

Kragtens die bevoegdheid my verleen by regulasie 7 (1) van die regulasies afgekondig kragtens die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), by Proklamasie R. 109 van 1986, soos gewysig, reik ek, Petrus Johannes Coetzee, Kommissaris van die Suid-Afrikaanse Polisie, hierby die bevel in die Bylae hierby uiteengesit uit.

P. J. COETZEE,
Kommissaris van die Suid-Afrikaanse Polisie.

BYLAE

1. In hierdie Bylae, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die regulasies afgekondig by Proklamasie R. 109 van 1986, soos gewysig, 'n betekenis geheg is, 'n ooreenstemmende betekenis, en beteken—

"koshuisperseel" 'n perseel waarop 'n koshuis verbonde aan 'n openbare skool soos omskryf in die Onderwyswet geleë is;

"Onderwyswet" die Wet op Onderwys en Opleiding, 1979 (Wet 90 van 1979);

"skoolperseel" 'n perseel waarop 'n openbare skool soos omskryf in die Onderwyswet geleë is.

2. 'n Byeenkoms wat gereël of belê is of word deur of ten behoewe, onder die beskerming of vaandel van die National Education Crisis Committee (NECC) en waarop 'n bespreking gevoer word oor—

(a) die aanbieding of beoogde aanbieding op skool- of koshuispersele of op enige bepaalde skool- of koshuisperseel of -persele van 'n kursus wat nie kragtens die Onderwyswet ingestel is nie, in die plek van of aanvullend of as 'n alternatief tot 'n kursus wat aldus ingestel is; of

(b) the determination of the syllabus of any such first-mentioned course with a view to the presentation or proposed presentation of any such course,

is hereby prohibited.

3. This order shall apply in the Republic excluding any territory declared under section 26 of the National States Constitution Act, 1971 (Act 21 of 1971), to be a self-governing territory.

(b) die bepaling van die sillabus van so 'n eersbedoelde kursus met die oog op die aanbieding of beoogde aanbieding van so 'n kursus,

word hierby verbied.

3. Hierdie bevel is in die Republiek met uitsluiting van 'n gebied wat kragtens artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), tot 'n selfregerende gebied verklaar is, van toepassing.

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Police visit Cape Times 10/1/87

10 papers over adverts

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By HILARY VENABLES

TEN newspapers around the country, including the Cape Times, were visited by security police yesterday in connection with the publication this week of an advertisement calling for the unbanning of the African National Congress.

Police with search warrants took documents relating to the advertisement from the Cape Times, the Argus, Business Day, the Pretoria News, the Star, City Press, the Eastern Province Herald, the Daily Dispatch, the Daily News and the Natal Witness.

The Cape Times was also asked to surrender documentation and final production material relating to an advertisement which the newspaper carried yesterday calling for the release of Mr Nelson Mandela; and the original manuscript of an article by the United Democratic Front's acting publicity secretary, Mr Murphy Morobe.

Mr Morobe's article was published in the Cape Times on December 30 under the heading: "Steel grip of the state tightens around UDF."

'ANC won't go away'

The security police action follows yesterday's clampdown on the publication of any advertisement or report calculated to enhance the image of the ANC.

The PFP spokesman on information, Mr Peter Soal, described the latest restrictions as "incredibly stupid" after the "extraordinarily moderate and conciliatory tone" of the speech by the ANC leader, Mr Oliver Tambo, in Lusaka on Thursday.

"They (the government) should rather accept the invitation of the ANC to negotiate. The ANC will not go away however much they gag it. It should be unbanned and they should speak for themselves," he said.

In Newspaper House yesterday morning, three plainclothes security policemen spent about half-an-hour with the Editor of the Cape Times, Mr Anthony Heard, and Cape Times lawyer Mr Tim McIntosh in Mr Heard's office.

Mr McIntosh said the police had indicated that they might consider laying charges against the newspaper "at a later date", but had not questioned Mr Heard.

A police spokesman in Pretoria said police had taken documents to investigate whether they contravened the emergency regulations, but did not believe any charges had yet been brought against any newspaper.

The police visits came virtually hours after the Commissioner of Police, General Johann Coetzee, issued a proclamation outlawing "any report or advertisement calculated to improve or promote the public image or esteem of an organization which is an unlawful organization under the Internal Security Act".

The order, which media lawyers described as "virtually unintelligible and vague", came into force on Thursday at midnight.

Staff Reporter

ANC: New press curbs

JOHANNESBURG. — New curbs on the South African media were imposed on Thursday night — virtually preventing newspapers from writing about the ANC.

The new clamp comes after the publication in many newspapers on Thursday of advertisements calling for the unbanning of the African National Congress.

It also emerged on Thursday that even statements by the Bureau for Information are not exempt from the stringent press curb laws introduced last month.

A bureau statement emphasized that responses to inquiries "regarding, or confirmation of, unrest-related incidents by the Bureau for Information did not constitute authorization of publication in terms of the regulations promulgated on December 11, 1986".

Clearance will have to be obtained from the government's Inter-Departmental Press Liaison Centre or relevant departments.

The orders restricting reporting on banned organizations were gazetted at midnight yesterday. The Commissioner of Police issued them in terms of the Public Safety Act.

They prohibit publication of an advertisement or report "calculated to improve or promote the public image or esteem" of banned organizations.

Mr Paul Jenkins, media lawyer at the firm Webber Wentzel, said yesterday: "Once again the government has demonstrated its fear of a free press. It has responded to yesterday's advertisements, calling for the unbanning of the ANC, with restrictive police orders.

"Not only do the two police orders make it virtually impossible to publish any news of the ANC and other banned organizations at all, but the orders are so widely framed as to be virtually unintelligible." — Sapa

● **Shock new gag on Press forbids vital details about ANC to the public**

● **Opposition MPs fear blanket curbs will hit white election debate**

SILENCED

Penny's plunger!



By LESTER VENTER and CAS St LEGER

NEW Press gag laws have virtually banished the African National Congress from public debate in South Africa.

Legal experts said yesterday that even factual information about the banned organisation's activities and strategies was now largely beyond the reach of the media, and, by law, it will henceforth be concealed from the local public.

Already there are signs of division on the wisdom of imposing such a complete gag, with even some Government-supporting observers privately calling them counter-productive.

Critics said South Africans would be deprived of information many would regard as essential for planning their private lives or formulating their political positions. Rumour, they added, could become rife.

On legal advice, reports by a Sunday Times reporter on the ANC's 75th anniversary celebrations in Lusaka this week have been severely curtailed to expunge all news about its future strategies within and outside South Africa.

Opposition politicians and academics warn that the gags ordered by the Commissioner of Police on Thursday night will make effective debate during the coming election impossible.

And scores of proposed books and academic articles on the ANC could fall foul of the comprehensive gag.

Clauses

Even quotations from Government propaganda publications such as "Talking with the ANC" could be contraventions.

Key clauses in the new regulations — which prevent explanations of ANC strategy or reports "improving" its image — mean that only derogatory things about the ANC can be safely published.

The new clamp, apparently spurred by an advertisement in South African newspapers calling for the unbanning of the ANC, comes in the same week as two important developments:

● The ANC celebrated its 75th anniversary in Lusaka with a high-profile jamboree attended by scores of foreign diplomats and journalists.

● A United States State Department report on the ANC confirmed a strong communist representation in the organisation, but warned that the continuing refusal of the South African Government to talk to the organisation simply strengthened the hands of the banned South African Communist Party.

● Barclays Bank, one of Britain's leading commercial banks which pulled out of South Africa in November, has been holding secret talks with the

Newspapers go to law

THE two major English-language newspaper groups are to challenge in court the Government's latest gag on publishing news or comment on the African National Congress.

The challenge by South African Associated Newspapers and the Argus Group was launched yesterday. Papers were served on the Minister of Law and Order and the Commissioner of the South African Police.

The application asks the court to declare the order, issued on Thursday by the commissioner, to be void.

The main grounds are that the order is vague, extends beyond the powers conferred on the commissioner and is grossly unreasonable.

Mr Tertius Myburgh, editor of the Sunday Times, said the sweeping and restrictive nature of the order and notice made the proper performance of his duties virtually impossible.

"There are now vast areas of activity which are of crucial public importance, and which we believe readers will regard as essential in the planning of their private lives, about which they can no longer be informed."

Mr Rex Gibson, acting editor of the Star, said the notice imposed almost total censorship on the publication of any statements relating to an unlawful organisation.



Swedish blonde Lena Hansen — former fiancee of Guy Aubert

The 'ambassador' and the blondes: Page 5

Wounded cop hero drives to safety

prevent explanations of ANC strategy or reports "improving" its image — mean that only derogatory things about the ANC can be safely published.

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● A United States State Department report on the ANC confirmed a strong communist representation in the organisation, but warned that the continuing refusal of the South African Government to talk to the organisation simply strengthened the hands of the banned South African Communist Party.

● Barclays Bank, one of Britain's leading commercial banks which pulled out of South Africa in November, has been holding secret talks with the ANC.

Mr Peter Leslie, chief general manager of Barclays, confirmed the meetings had taken place at a senior level.

And there is speculation in financial quarters that the discussions focused on the question of guarantees about the R2-billion owed to the bank by its former associate in South Africa.

Challenge

The Press gags — the most draconian yet imposed — are to be challenged in court next week by South African Associated Newspapers and the Argus Group.

The challenge will rest on the grounds that the regulations are vague, go beyond the powers conferred on the commissioner and are unreasonable.

This weekend, political parties were carefully assessing the implications of the ban.

In the Progessive Federal Party, Official Opposition in the House of Assembly, there is confusion about how the ban will affect the party's campaign if the court challenge fails.

One of the party's planks in the election is a call for the unbanning of the ANC and negotiations with it. Under the new regulation this could be considered "improving" the image of the organisation and would not be publishable.

Election pamphlets already in the process of being printed will have to be pulled back.

But Dr Stoffel van der Merwe, Deputy Minister of Information, yesterday denied that the bans would seriously affect the political process. He conceded that the measures could be re-examined and, if needed, adjustments made.

The Sunday Times, in common with other newspapers, has been hit in its coverage of the ANC's anniversary in Zambia.

Reporter Stephan Terblanche, in Lusaka since Wednesday, cannot report far-reaching decisions by ANC president Oliver Tambo and the national executive

□ To Page 2

THE contents of this issue of the Sunday Times have been restricted in terms of the emergency regulations.

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Mr Rex Gibson, acting edito
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unlawful organisation.

Wounded cop hero drives to safety

By SYBRAND MOSTERT

A WOUNDED policeman drove a burning patrol car carrying one dead and one injured colleague to the safety of a police station after a hand grenade attack.

The policemen were patrolling in Guguletu, near Cape Town, when the grenade was thrown through a window.

Constable Gysbert Jacobus Labuschagne, 20, was killed in the blast. Warrant Officer H C J Barnard and Reservist Constable G V Langford were injured by shrapnel, according to the Bureau of Information.

Flames enveloped the car after the blast. Warrant Officer Barnard drove the burning car — with three tyres punctured — to the Guguletu police station.

Constable Labuschagne died before he could reach hospital. Warrant Officer Barnard and Reservist Constable Langford are in a satisfactory condition.

A large-scale police search was launched but no arrests have been made.

● In Chesterville, Durban, two policemen broke down the door of a petrol-bombed house to save a child who would otherwise have died in the flames.

● Community leader shot — page 2

g' dress

e neck. I have never been a *risqué* dresser. But you lease everbody."

y's critics also faced the er of Johannesburg's fash- e. Following the SABC's wop policy, several design- e dressed the show's pre- in turn — and received lugs".

Exclusive

r Soldatos, Greta Abraham- Marianne Fassler, Elzbieta werth and her prize-winning ter, Gaby, and Anneline have all contributed exclu- lothes to Sundowner.

ny's controversial dress was clusive "one-off" made by de Fredericksz, highly rated Sunday Times annual Best ed Women list.

s the fifth dress of mine that has worn on the show," said.

s certainly not revealing ared with Princess Di's cele- d black ball gown."

said Penny's dress would about R500.

Penny played it much safer riday — her moderately low- ress and trim jacket was less revealing.

DEYSEL



Press gagged on ANC

□ From Page 1

committee — particularly on the crucial issues of violence, negotiation, relations with domestic resistance groups, sanctions, international support for the ANC and the role of whites.

The sudden Government crackdown, which saw police delivering official notices at midnight on Thursday to a number of South African newspapers, has meanwhile been opposed from an unexpected source.

Mr Russel Crystal, conservative student leader and now executive director of the Washington-based International Freedom Foundation, expressed regret at the "over-hasty" banning of the United Democratic Front advertisement on the ANC.

"This will naturally have the negative effect of curtailing discussion about the true facts regarding ANC terror," he said in a statement yesterday.

"For too long organisations such as the ANC and UDF have been able to successfully hide their real intentions behind the Government's information blackout, enabling them to project a false aura of reasonableness and legitimacy," Mr Crystal said.

The IFF has, meanwhile, withdrawn a proposed counter-advertisement attacking the ANC ad

International response to the move has been hostile. British and United States newspapers published front-page stories — with the Times of London claiming the move had every appearance of a last-minute scramble by the Government to suppress mention of the ANC save for its own commentary.

The new restrictions were gazetted after the advertisement celebrating the 75th anniversary of the African National Congress appeared in South African newspapers.

The Star and Business Day were among the major newspapers which carried it on Thursday prior to the banning. It had been booked to appear in The Sunday Times, Sunday Tribune and Sunday Star today.

The appeal was supported, according to the advertisement, by 15 organisations.

Orders issued by the Commissioner of Police in terms of the Public Safety Act, restricting newspapers from reporting on or publishing advertisements about aspects of banned organisations, were gazetted at midnight on Thursday.

'Complaints'

A police investigation into possible contraventions of the law by the publication of the advertisements was also launched on Thursday.

The Police Public Relations Directorate in Pretoria said the docket had been opened after "numerous complaints" from various parts of South Africa and the docket would be forwarded to the Attorney General for his consideration.

During the week, a Warrant Officer Cilliers of the SAP called in at the offices of the Sunday Times and asked for all documentation relating to the ANC advertisement.

Policemen made similar calls at other newspaper offices throughout the country.

ploying every trick in the book of totalitarian governments.

They may have banned the ANC, but they did not destroy its dream. That dream – the desire for freedom and justice – is deeply rooted in mankind.

From its early inception, the ANC has had nothing but good intentions for this nation. Their philosophy of nonviolent confrontation with the system, coupled with passive resistance, was followed with meticulous dedication by thousands of people in this land.

Every peaceful overture was met with brutal institutionalised violence on the part of the government.

Yet those founding fathers persevered with determination in the face of provocation and suffering. They did so in the belief that one day we will all be free. Not only black people will be free – but in the process white people will also be free.

It is this, more than anything else, that should make the government aware of the acute and urgent importance of negotiating with the ANC. They cannot indefinitely bury their heads in the sand and hope to wish away the ANC. The movement won't vanish.

The prevailing crisis demands sane heads to negotiate a future based on the universally accepted norms of negotiation.

It is our only hope for survival.

Historic case postponed

11/1/87



Advocate Ismail Mohamed (right) with his legal team after the hearing was postponed.

By REVELATION NTOULA (327) (252) CITY PRESS

STATE President PW Botha and three of his top government executives were not represented in court this week when an attempt was made in the Natal Supreme Court to declare the latest emergency regulations invalid.

The executives are: Minister of Home Affairs Stoffel Botha, Minister of Law and Order Adriaan Vlok, and the Commissioner of Police, General Johan Coetzee.

Two days – January 29 and 30 – have provisionally been set aside by Justice Wilson for the historic hearing when the United Democratic Front and the Release Mandela Campaign will seek to have the latest emergency regulations declared unlawful.

In an urgent application made before Justice Wilson in the Maritzburg Supreme Court, Ismail Mohamed SC, for the applicants, said the application to nullify or declare unlawful the powers conferred on the officials was a matter of extreme urgency.

He also urged the judge to consider having a full bench of three judges hear the application in view of the gravity of the case.

Justice Wilson said the Judge-President of Natal had already agreed to the case being heard by a full bench but that it would only be possible some time next month.

Justice Wilson, however, said an attempt would be made to have the case heard on January 29 and 30.

In his affidavit, UDF executive chairman Curnick Ndlovu – who represented the organisation in the application – said the body sought an order declaring the December 11 regulations to be of no force or effect. Alternatively, the UDF challenged certain sections in the regulations and the definition of the phrase "security action" and the use of "subversive statements".

Ndlovu further stated that the UDF considered it "fundamental that it should have the right to be vigorously critical of policies and to organise and concientise public opinion against such policies without the inhibition sought to be prescribed by the regulations".

"It is the belief of the applicant that the present state of unrest and tension will continue and that the state of emergency will not be terminated unless and until the government radically changes and amends its present policies and permits those who disagree with such policies to manifest their views in terms of structures which are legitimate and credible."

Representing the RMC, Aubrey Mokoena said the organisation and its supporters believed that there could be no lasting peace or reconciliation in South Africa until and unless the socio-political causes which gave cause to them were addressed.

RELEASE MANDELA CAMPAIGN



"The People Shall Govern"

NEW YEAR MESSAGE TO ALL THE PEOPLE OF SOUTH AFRICA

INTRODUCTION

Throughout the history of mankind, there are only seven internationally recognized acts of admiration or miracles known as the SEVEN WONDERS OF THE WORLD, namely, the Temple of Artemis at Ephesus; the Statue of Zeus at Olympia; the Mausoleum at Halicarnassus, the Colossus of Rhodes, the Pharos Light House at Alexandria; Egyptian Pyramids and the Hanging Gardens of Babylon.

However, the Nationalist government through its oppressive misrule, hopes to create the eighth wonder of the world!

In our case the minority, white, oppressive, exploitative and (internal) colonialist regime fervently hopes to impose its will over the vast, freedom-loving majority until the cows come home.

1. WHAT THE RMC STANDS FOR

THE RELEASE MANDELA CAMPAIGN is a campaign that involves all peace-and freedom-loving people of S.A. regardless of race, colour, sex, age or creed, who cherish a vision of a non-racial democratic S.A. More Specifically, the RMC demands and works for:

1.1 The unconditional release of the people's leader, Nelson Mandela, and all other political prisoners.

1.2 The unconditional and safe return of all exiles.

1.3 The unbanning of all people's movements, notably the African National Congress.

Top SAP man after killers of Ribeiros

By SOL MORATHI

INVESTIGATIONS into the fatal shooting of Mamelodi medical practitioner Dr Fabien Ribeiro and his wife, Barbara, in December, have been intensified with the appointment of a "top" investigating officer.

Brigadier Daan van Wyk, head of Pretoria Police Headquarters' special investigations unit attached to the Riot Squad, has been appointed to investigate the killings.

Before Van Wyk took over, police indicated that their investigations into the shootings were hampered by the hostile attitude of Ribeiro family members and lack of co-operation from witnesses.

Meanwhile, the owner of the vehicle apparently used by the men who shot Ribeiro and his wife is reported to be missing from his Schoemansville home.

Neighbours said Noel Robey, a former Selous Scout whose landrover was spotted near the scene of the shooting, headed for an "unknown destination" with his family a few days after the shooting.

Witnesses at the scene of the shooting said Ribeiro's assailants escaped in a maroon Opel Kadett with an NPN registration prefix. They then swopped the car with two men in a landrover, registration KYK 899T, at the entrance to Mamelodi.

Investigations have revealed that the vehicle belonged to Robey.

Soon after the shootings, his wife allegedly told reporters that Robey was a security consultant with a Pretoria firm.

Media curbs 'confuse even legal profession'

Own Correspondent

JOHANNESBURG. — The new media restrictions issued by the Commissioner of Police on January 8 were so confusing that even the legal profession had difficulty in knowing what could be published.

Mr D Kuny, SC, argued this before Mr Justice H Daniels in the Rand Supreme Court yesterday at the conclusion of an urgent application brought by South African Associated Newspapers and the Argus Printing and Publishing Company challenging the regulations.

The judge reserved his decision till tomorrow.

The new restrictions prohibit the editor of a newspaper, magazine or periodical from publishing any report or advertisement calculated to improve or promote the public image of an unlawful organization or commend, defend, explain or justify any of its actions, policies or strategies.

The new restrictions were imposed after various newspapers published an advertisement placed by the UDF, NECC and SACC calling for the unbanning of the ANC.

The urgent application has been made on the grounds that the Commissioner exceeded his powers under the emergency regulations.

It has also been asked that the order and notice should be declared void and without force and effect in law because they are so vague and unreasonable that they cannot be understood and implemented.

Mr P C van der Byl, SC, who appeared for the Minister of Law and Order and the Commissioner of Police, argued yesterday that the commissioner was entitled to make orders for the entire country and not only in a "particular area". He said the commissioner was also entitled to act against the media under Regulation 7.

The fact that the State President had promulgated separate media and security regulations did not mean that he had intended to exclude the power to act against the press in the other regulations.

Dealing with Mr Kuny's submission that the new restrictions were unreasonable because they did not act against the other branches of the media, Mr Van der Byl said the Commissioner was also entitled to do this.

He said that if an advertisement or report was found to lend support to an unlawful organization it was a "subversive statement" and therefore could not be published by anyone.

He asked that the application be dismissed with costs.

SOWETAN, Monday, January, 12, 1987

PRESS TO CHALLENGE NEWS CLAMP

THE major English-language newspaper groups — The Argus and SA Associated Newspapers — are to challenge in court the midnight police proclamation restricting reporting on "unlawful" organisations like the African National Congress.

At the weekend, lawyers acting for the two groups served notice on the respondents, the Minister of Law and Order and the Commissioner of the South African Police, of their intention to challenge the new reporting bans in an urgent application which is expected to be heard in the Rand Supreme Court on Wednesday.

The restrictions by the Commissioner of Police, published in an extraordinary *Government Gazette* on Thursday night, have been described by Mr Rex Gibson, acting editor of *The Star*, as placing newspapers and editors in daily peril of harsh penalties for falling foul of vague regulations.

SA PRESS ASSOCIATION

They prohibit newspapers from publishing any advertisement or report calculated to improve or promote the public image or esteem of an organisation which is deemed to be unlawful under the Internal Security Act.

Affidavits

The newspaper groups are to submit that the order was *ultra vires* and of no force or effect in law.

The attack on the order, according to the supporting affidavits of Mr Gibson and Mr Tertius Myburgh, editor of the *Sunday Times*, was based on the grounds that the order exceeded the powers given to the Commissioner of Police under the emergency regulations and that the orders were vague and extended beyond the bounds of what was reasonable or necessary.

The Government's new clampdown on the media was a sequel to advertisements placed in newspapers throughout the country on Wednesday.

The adverts, placed by the United Democratic Front and several other organisations, called on the Government to unban the ANC.

The notice issued by the Commissioner of Police extends the category of statements which are considered subversive and which could carry a penalty of R20 000 or 10 years in jail.

In terms of the new notice, it is an offence to "commend, to defend, to explain or to justify any action, policy or strategy" of an organisation — such as the ANC — which has been declared unlawful.

The application was brought after lawyers acting for Argus, Webber Wentzel, and those acting for SAAN, Bell Dewar and Hall, had consulted senior counsel and confirmed that the order could be invalid.

In his affidavit supporting the application, Mr Gibson said a central point of the objection to the order and the notice was that they made unwarranted inroads into the public's right to be informed.

"The likely effect of the order and of the notice is that South Africans would be denied information that they need to make urgent and crucial decisions on their own future," Mr Gibson stated in his affidavit.

"*The Star's* legal advice has been that a dispassionate article relating to the history of the ANC which was published in Thursday's edition of the paper (hours before the promulgation of the order and the notice) may not be published in *The Star's* weekly airmail edition, which is produced on Fridays.

He continued: "When Wednesday's news becomes Friday's "subversion" it is no longer possible for a conscientious editor to apply intelligent judgment to what he may publish."

Cape Times 12/11/87 327

Storm of protest at new press clamp

Own Correspondent

JOHANNESBURG. — Police were usurping the duties of Parliament in their latest clamp on reporting of banned organizations, a prominent media lawyer here has charged.

The regulations, which effectively prohibit reporting on the African National Congress, will be challenged in court by the two major English newspaper publishing houses, SAAN and Argus.

Lawyers for the two companies have served papers on the Commissioner of Police and the Minister of Law and Order asking for the regulations to be declared invalid on the grounds that they are vague and unreasonable, and that the commissioner has gone beyond the powers vested in him by law.

Commenting on the regulations, media lawyer Mr Peter Reynolds, of the legal firm Webber Wentzel, said it was "extraordinary" that the commissioner, General Johann Coetzee, had been able to both "extend and override" existing legislation.

Mr Reynolds's voice was just one in the storm of protest against the regulations, which he said virtually prohibited reporting on any aspect of banned political organizations.

He said the regulations went much further than the existing Internal Security Act, which makes it illegal to "further the aims" of a banned organization.

"It means the Commissioner of Police is now empowered to make laws affecting the security of the State. Under the Internal Security Act charges would have to have been laid," he said.

He added, however, that publication of material harmful to banned organizations would not, in terms of the regulations, be deemed illegal.

The regulations were published late on Thursday night after English newspapers had carried an advertisement calling for the unbanning of the ANC on its 75th anniversary last week. Police said they had opened a docket to investigate "possible contraventions of the law".

Hours after they were published security police visited the editors of major newspapers countrywide and confiscated documents relating to the advertisement.

The regulations prohibit any "advertisement or report calculated to improve or to promote the public image or esteem of an organization which is an unlawful organization under the Internal Security Act".

Mr Reynolds said the publication of the advertisement had been the "direct cause" of the regulations.

They follow a wide range of emergency restrictions imposed on the press last month.

Newspaper editors strongly criticized the regulations in editorial comments at the weekend.

The Sunday Times said it was "unwise to the point of dangerous folly in believing that it can hermetically seal off the public from virtually all information" about the ANC.

"It is appropriate, in this week of its 75th anniversary, to discuss the place of the ANC in South Africa's political equation. Founded about the same time as the NP was conceived, it has become a significant factor in our political affairs. This is acknowledged even by the government, whose spokesmen devote inordinate hours denouncing it or proclaiming new measures to defeat it.

"Flawed political movements thrive in the dark. They are defeated when they are exposed to the light and when their policies are weighed against alternatives that offer a better vision, more security and real hope. Do such policies exist?"

Rapport said, however, that a subtle but thorough attempt was being made to lend respectability to the ANC.

"To improve the image of the ANC is dangerous. To live in the misbelief that its threat will go away if the subject is not mentioned is equally dangerous."

The Sunday Star said: "This is darkest Africa now. The light that full information can throw on public perceptions and responsible executive action has been drastically dimmed by the government through the imposition of states of emergency and savagely restrictive measures against the media.

"The midnight government gazette on Friday, with all its cloak-and-dagger menace, cut deeply once more into the public's right to know what is going on in their own country. It seems an amazing over-reaction to the publication of political advertisments and reports timed to coincide with an ordinarily newsworthy event, the 75th anniversary of the ANC."

[redacted]

Ban on people's education

THE Government introduced sweeping new restrictions this weekend which in effect ban people's education for black schoolchildren.

In the first week of registration for pupils, the Commissioner of Police banned the National Education Crisis Committee from gathering to discuss the presentation of such courses at the Department of Education and Training's schools and hostels.

The gazetting of the order on Friday night — it was issued in terms of Emergency Regulations 7(1) — follows an announcement by the National Education Crisis Committee that an alternative history course had already been produced.

Meanwhile, hundreds of thousands of black children returned to their classrooms this week.

Their first week at school was marked by a war of words between the Minister of Education and Development Aid, Dr Gerrit Viljoen, and the National Education Crisis Committee.

The committee accused the Minister of slandering their organisation after he had stated on television that there had been "more talk and promises than results" from those involved in people's education.

Almost the entire executive of the NECC with the exception of two members — one of whom is in hiding — have been detained.

"There is no guarantee the children will stay in school," said Dr Nthato Motlana, president of the Soweto Civic Association.

"The issues that kept them out of school still have to be addressed and of course provocative statements from the Minister are not helping matters.

Restrictions on Press are harshest SA has known

By Kym Hamilton and Sue Leeman, Pretoria Bureau

The Press has reeled from a series of blows inflicted by the Government in the past seven months, curtailing Press freedom.

Local and foreign journalists are now operating under the harshest restrictions yet imposed here.

Since June 12 when the State of Emergency was declared, there have been three major moves to clamp down on the media and free speech.

Prior to this, the Press had been working within a comprehensive set of restrictions laid down by more than 100 Acts, including the Prisons Act, Police Act, Internal Security Act and the Defence Act.

These laws had already eroded the Press's freedom to report on certain matters. The media could not quote listed people and banned organisations and could not report on conditions in prisons and certain actions of the police and defence force.

Further amendments to both the Internal Security and Public Safety Acts were before Parliament to give wider powers to the police. The houses of Representatives and Delegates refused to pass them, but the President's Council put the stamp of approval on them during June.

On June 12 came the first major blow. Emergency Regulations prohibited the media from reporting on unrest incidents or any action taken by security forces. All filming of such incidents was banned.

Subversive statements

In addition, a comprehensive list of definitions of "subversive statements" was issued and the Press was forbidden to disseminate them.

Hundreds of restrictions and orders were issued and enforced. A blanket ban on reporters entering townships was issued and all live radio and television transmissions from South Africa to abroad were silenced.

Later the restrictions were extended to the self-governing homelands.

The Bureau for Information became sole spokesman on the state of emergency and its ramifications.

A number of newspapers, including the *Sowetan*, *The New Nation* and *The Weekly Mail* were raided by security forces. Some had copies seized.

Newspapers made use of blank spaces in the place of photographs or reports to indicate censorship. Both official and other accounts of events were published.

The courts threw out a few of the regulations for being too vague and wide. The release of some detainees was secured in other cases.

Six months later, on December 11, the Government hit back and imposed its harshest-yet restrictions on all sections of the media, blacking out all non-official news and comment on unrest, illegal strikes, unlawful gatherings, consumer and rent boycotts and alternate structures such as peoples' courts.

Authority to seize

The clampdown was backed by the authority to seize, without notice or hearing, any publication, film or sound recording. Fines of up to R20 000 or ten years' jail applied for contraventions.

Publications were no longer allowed to give any indication that they were being censored, either by way of blank spaces or symbols.

The term "subversive statement" was broadened to include the encouragement and support of any boycott action against any firm, product or educational institution; to set up or support any structure claiming to be an alternative to local government or the courts; to stay away from work or strike illegally; to discredit or undermine military conscription.

The only items exempted are those disclosed or cleared by a Cabinet Minister, a member of a Minister's Council, a Deputy Minister or a Government spokesman.

The role of the Bureau for Information in controlling the flow of information was further entrenched and an Inter-Departmental Liaison Committee (IPLC) was set up to clear stories for publication.

On Thursday, when most English-language newspapers published a full-page advertisement calling for the unbanning of the ANC, the Government banned any advertising campaign of this nature.

The latest curbs bar the publishing of anything which could improve or promote the public image or esteem of an organisation declared unlawful in terms of the Internal Security Act.

No publication may commend, defend, explain or justify any action or policy of an organisation which is aimed at the resistance again or subversion of the authority of the State.

Curbs to be adjusted in run-up to election

BUSDAY 14/1/87

THE Department of Law and Order and the State President's office are working jointly on adjustments to the state of emergency before the general elections, it was confirmed yesterday.

A Law and Order spokesman said the adjustments were being investigated to accommodate election campaigns.

A statement on the adjustments would be issued before the end of the week, he said.

DOMINIQUE GILBERT

Neither the State President's office nor the Bureau for Information was prepared to comment yesterday on the possibility that the emergency regulations might be eased to enable party candidates to conduct their campaigns more freely.

Reports have quoted top-level sources as saying government has rejected the idea of temporarily lifting the emergency regulations for the duration of the election for a maximum period of about 56 days.

It is not known whether easing the regulations, which is likely to apply only to electioneering party candidates, will allow the media, already heavily curbed by restrictions, to report freely on campaigns.

The Law and Order spokesman was unable to give more details, but said the adjustments would definitely not include lifting the state of emergency.

'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.

Press groups challenge gag

STAR 14/1/87

An application by The Argus Company and South African Associated Newspapers challenging restrictions on reporting on "unlawful" organisations, is being launched in the Rand Supreme Court today.

The English newspaper groups are asking the court to set aside an order by the Commissioner of Police, issued last week in terms of the emergency regulations.

It prohibits editors from publishing "anything calculated to improve or to promote the public image or esteem" of any organisation declared unlawful under the Internal Security Act. These would include the ANC and the South African Communist Party.

ADVERTISEMENTS

The order was a sequel to advertisements placed in newspapers countrywide calling for the unbanning of the ANC.

The newspaper groups are contesting the order on the grounds that:

- It exceeds the powers granted to the commissioner in terms of the emergency regulations.
- It is so wide that it covers matter that cannot fall within the powers conferred on the State President by the Public Safety Act.
- It is manifestly unjust.
- It is grossly unreasonable.
- It is vague and uncertain.

Press curbs 'distort debate'

BUS DAY 15/1/87

327

SUSAN RUSSELL

THE latest Press restrictions distort debate on matters of public importance, *Sunday Times* editor Tertius Myburgh said in papers before the Rand Supreme Court yesterday.

Myburgh's affidavit is in support of an urgent application by South African Associated Newspapers (SAAN) and the Argus Printing and Publishing Company challenging an order prohibiting the publication of reports or advertisements calculated to promote or improve the public image of a banned organisation.

The order was issued on January 8 by the Commissioner of Police after an advertisement appeared in various newspapers calling for the unbanning of the ANC. The advertisement was placed jointly by the UDF, the National Education Crisis Committee and the SA Council of Churches.

The Press groups want the order declared void and of no force in law.

SAAN and Argus also want an order declaring that the advertisements calling for the unbanning of the ANC are not rendered unlawful by the commissioner's order.

The Press application was postponed by Mr Justice Steyn until January 23 to give the Minister of Law and Order and the Commissioner of Police time to file answering affidavits.

Counsel for the Press groups, D Kuny, SC, said although his clients had agreed to the postponement they did not concede the application was not urgent.

"It is only with great reluctance that our clients have agreed to the postponement because the Press has been placed under severe constraints and restrictions.

"As a result of the order the Press is sitting with a great deal they cannot publish for fear of contravening the order and are under constant threat of possible seizure."

In his affidavit Myburgh said the order was so sweeping it made it virtually impossible for him to perform his duties properly.

Myburgh said the practical effect of the order was to distort debate on matters of public importance.

The Star's acting editor Rex Gibson also said in an affidavit that the order halted a vital public debate.

"No evidence has been produced by the state to show that this debate has been harmful."

Gibson said when Wednesday's news became Friday's subversion it was no longer possible for a conscientious editor to apply intelligent judgment to what may be published.

V d Merwe's bid to clarify TV statement

Political Staff

PARLIAMENTARY privilege will remain intact and the media will be allowed to print what is said in Parliament, the Deputy Minister of Information, Dr Stoffel van der Merwe, said last night.

Dr Van der Merwe issued a statement to try and clarify his remarks on the TV programme Netwerk on Tuesday night when he said he believed all media reports should comply with the latest emergency regulations.

But he clouded the issue once again last night by adding to his statement on parliamentary privilege that: "The final test would be whether a particular piece of journalism promoted the cause of an undemocratic organization or not."

Dr Van der Merwe also did not clarify the question of how far the freedom of speech of candidates in the coming election would be curtailed during the election campaign.

Dr Van der Merwe's Netwerk appearance on Tuesday night was seen by political observers as his first public blunder since he took over from Mr Louis Nel on December 1 last year.

The statement released in his name by the Bureau for Information last night said: "The regulations issued by proclamation on December 11 provided that certain matters such as particulars appearing from debates, documents or proceedings of Parliament or the President's Council are exempted from publication control as introduced by the said regulations.

"Dr Van der Merwe reaffirmed that parliamentary privilege will remain intact. He added that the final test would be whether a particular piece of journalism promoted the cause of an undemocratic organisation or not.

"The fact that these assurances, given during an SATV programme, were ignored by some members of the press and opposition spokesmen, clearly indicates that both were merely out to score some early points in the coming general election."

Election pact still on, say NRP, PFP

Political Staff

THE leaders of the PFP and the NRP confirmed yesterday that the election pact between them was still on in spite of rumblings of discontent in some quarters.

Both Mr Colin Eglin, leader of the Opposition, and Mr Bill Sutton, the NRP leader, said they had no doubt the agreement would work.

Doubts about the pact arose yesterday when the Transvaal leader of the NRP, Mr Martin Stephens, said he would have nothing to do with the PFP.

Mr Sutton said yesterday he believed that problems would be sorted out at a head committee meeting in Durban at the weekend.

The NRP in Natal is facing a backlash from its right-wing which a former Point MPC, Mr Roger Whiteley, warned in a letter to the Press "might be greater than the liberals imagine".

PFP may challenge Press curbs in court

13.1.87 STAR

Pretoria Bureau

The Progressive Federal Party may start a second court application to challenge the latest newspaper curbs.

Yesterday the application in the Rand Supreme Court brought by the two major English-language newspaper groups to have the censorship regulations set aside was postponed to January 23.

PFP leader Mr Colin Eglin said his party was looking at the possibility of taking the "State President and his Government" to court in a bid to have the latest clamps set aside.

In the present circumstances, a fair election was impossible, he said.

The Press was unable to publish the PFP's statements on a vast range of subjects concerning the state of the country and the emergency, he said.

"But Cabinet Ministers, Deputy Ministers and government spokesman — no doubt all National Party candidates — can say what they like and be freely reported," Mr Eglin added.

"Our lawyers have advised us that these regulations are invalid and should be set aside by the courts. The Public Safety Act was aimed at securing the safety of the public. The State President's regulations under that Act seem to be aimed at giving the NP a wholly undemocratic and unfair electoral advantage."

The PFP leader added that there had to be a good reason why the NP was "frightened to allow the public to hear the truth".

Application to have press curbs lifted postponed

Cape Times 15/1/87 327

JOHANNESBURG. — An urgent application by the two major English newspaper groups challenging government restrictions on reporting was postponed to January 23 in the Rand Supreme Court yesterday.

Mr Denis Kuny, SC, for The Argus Company and South African Associated Newspapers, said it was with great reluctance that the newspaper groups agreed to the postponement because the matter was urgent.

He said that the press found itself under severe constraints and restrictions and had in its possession a great deal of material which, in terms of the government order, could not be published.

He told Mr Justice Irving Steyn that the postponement had been agreed to because the Minister of Law and Order and Commissioner of Police had not had enough time to file answering affidavits.

The application contests an order and notice issued by the Commissioner of Police on January 8 prohibiting newspapers from publishing anything calculated to promote the public image of any unlawful organization.

The newspaper groups are asking the court to set aside the order and notice and to find that an advertisement calling for the unbanning of the African National Congress (ANC) is not affected and is not unlawful.

Both Mr Rex Gibson, acting editor of The Star, and Mr Tertius Myburgh, editor of the Sunday Times, said in affidavits that the restrictions made it almost impossible for their newspapers to carry on their daily business without a real threat of committing a criminal offence.

Mr Gibson said newspapers could be seized on publication of a subversive statement as defined in the notice. In that event, losses could run to hundreds of thousands of rands and in the case of the Sunday Times, could be even higher.

The notice would make unwarranted inroads into the public's right to be informed and the likely effect would be that South Africans would be denied information they needed to make crucial decisions on their own future.

The order and notice effectively halted a vital public debate on whether the ANC should be involved in negotiations on South Africa's future.

Mr Gibson said that the state had presented no evidence to show that this debate had been harmful.

Mr Gibson submitted that the order was unlawful because:

- ☐ It exceeds the powers granted to the Commissioner of the SAP in terms of the emergency regulations;
- ☐ It is so wide that it covers matter that cannot fall within the powers conferred on the State President by the Public Safety Act;
- ☐ It is manifestly unjust;
- ☐ It is grossly unreasonable;
- ☐ It is vague and uncertain.

Mr Myburgh, who supported Mr Gibson's submissions, said that while his newspaper carried no brief for the ANC and even though SAAN deplored the nature of many of the ANC's strategies, it believed that knowledge of these strategies was important to readers.

He said that constitutional debate in the imminent white general election would be dangerously distorted by the exclusion of many of the most important issues confronting the electorate.

Mr PC van der Byl, SC, for the respondents, said he reserved the right to contest the urgency of the application.

The respondents have until 4pm on January 21 to file answering affidavits. — Sapa

PFP may go to court over press curbs

15/11/87 FOLIO DAY

THE PFP is considering taking the "State President and his government" to court to set aside the emergency censorship regulations, party leader Colin Eglin said yesterday.

He said the media could not publish the PFP's statements on a "vast range of subjects concerning the state of the country and emergency".

But Cabinet Ministers, Deputy Ministers and "government spokesmen (no doubt all National Party candidates) can say what they like and be freely reported," he said.

"In these circumstances a fair election is impossible," he said.

Thelma Tuch reports that National Education Crisis Committee national organiser Eric Molobi says the NECC may challenge orders issued last week banning the organisation from meeting to discuss courses in "people's education" on school premises.

Although up to 90% of Soweto pupils had returned to school many of them were refusing to sign DET application forms — which indemnify the state in case of injury to pupils — a condition for their registration, he said.

Parliament still privileged

MAX DU PREEZ

PARLIAMENTARY privilege will remain intact and the media will be allowed to print what was said in Parliament, Deputy Information Minister Stoffel van der Merwe said last night.

Van der Merwe issued a statement to try and clarify his remarks on the TV programme Netwerk on Tuesday night when he said he believed all media reports should comply with the latest emergency regulations.

But he clouded the issue once again last night by adding to his statement on parliamentary privilege: "The final test would be whether a particular piece of journalism promoted the cause of an undemocratic organisation or not."

Readers will be told when reports have been censored

When more stringent restrictions on the Press were gazetted on December 11 last year it was generally accepted by lawyers and journalists that one vague and badly worded clause prevented newspapers from identifying which particular reports had been censored.

Accordingly, The Star — in the interests of keeping its readers as informed as possible — began publishing the following general statement: "This newspaper may have been censored. We are not permitted to say where, how or to what extent."

Now closer analysis of the tortuous clause has led legal advisers to conclude it is legal, after all, to tell readers that a particular report has been censored.

Since The Star believes it is necessary to convey the maximum information possible it will henceforth return to the practice of telling readers which reports have been censored and recording when reports have had to be suppressed altogether.

Le Grange pondering 'gag' issue

MAX DU PREEZ
Political Correspondent

OPPOSITION politicians are urging government to clarify how much freedom of speech election candidates will have in terms of the emergency and whether the Press will be completely free to quote from parliamentary speeches.

PFP Deputy Chief Whip Alf Widman said yesterday acting Speaker Louis le Grange had assured him the matter was receiving attention.

He had approached Le Grange about the views of Information Deputy Minister Stoffel van der Merwe on the TV programme, Network, on Tuesday and a subsequent statement yesterday.

He said: "The acting Speaker has given me his assurance the matter will receive his attention."

Van der Merwe was not available for further clarification of his remarks. Other government spokesmen said they would prefer not to discuss the issue before the Cabinet had laid down guidelines.

Widman said he found unacceptable Van der Merwe's statements in which he reaffirmed that parliamentary privilege would remain intact, but that the final test would be whether a particular piece of journalism promoted the cause of an undemocratic organisation.

He said: "I reject that view. I find it politically unacceptable, a breach of the privilege of Parliament and against the democratic principles of Parliament."

y, January 16, 1987

Cape Times 16/1/87 (327)

Govt 'would like to end press curbs'

By BARRY STREEK
Political Staff

FOLLOWING is a transcript of the interview with the Deputy Minister of Information, Dr Stoffel van der Merwe, on the Network television programme on Tuesday night:

Freek Robinson (SATV): Doctor, it seems to me that your portfolio is a fairly hot one and we have had two media curbs in one month. Where do you plan to go? Where do you plan to end? What is the goal?

Van der Merwe: The goal is a full democratic society in South Africa and therefore the emergency regulations and the press curbs are abnormal measures if one has a goal such as that. Therefore, we would like to end the press curbs as well as the state of emergency as soon as possible. There's nobody in the government who likes these curbs. But they are necessary at this particular point of time in order to restore a degree of normality under which democracy can develop.

Ormande Pollok (Natal Mercury): Those are the old lofty ideas — democracy and all that. I don't think a true democratic system can support the kind of press curbs we have had recently. You are the man who is responsible for information, communication. How can you justify a situation where I cannot ask you certain questions here tonight without the risk of being picked up the police when I leave the set tonight?

Van der Merwe: It is unfortunately so that we live in abnormal times and therefore we have to have abnormal rules for the game, because the rules of the game are not normal at the moment.

Pollok: But, Doctor, I ask you here then: if the situation is so abnormal, do you think that by banning references to banned organizations — I am not even sure if I can mention some of the names here tonight — do you think that by all references to these organizations that they are going to disappear? We have a network, an underground operating throughout the country. People know and hear about them all the time. Don't you think it is better for people to know your enemy rather than to shut them out of all sorts of information?

Van der Merwe: I think it is an established principle of this type of struggle, a revolutionary movement trying to take over the power through a violent revolution thrives on publicity. It is so that that calls for alternative methods of communication, but they cannot do without publicity and this is the way they misuse the normal freedoms of democracy to obtain the publicity which is essential for them. By denying them this publicity, one makes life much more difficult for them.

Johan Vosloo (Rapport): I would like to know, one of the allegations against the press, or certain members of the press, or certain sections, is that they are lacking in responsible reporting. How do you define responsible reporting? How do you see it in these days?

Van der Merwe: I think that what we are trying to prevent is that people propagate and give publicity to movements which have got no democracy at the back at their minds and use the most undemocratic methods, like intimidation and killing of people, in order to arrive at their goals. I think that if publicity is given to those people and their goals are being promoted, that is definitely from a democratic point of view highly irresponsible reporting.

The SATV 'Network' interview of the Deputy Minister of Information, Dr Stoffel van der Merwe, has awakened a controversy over the issue of reporting on parliamentary debates. Here is the transcript of the interview.

Vosloo: Our idea of good, or responsible, reporting is balanced reporting. Now, would you say that the reports we are now allowed to print in the papers is balanced reporting on what is happening now in South Africa?

Van der Merwe: A balanced report, of course, very often only exists in the mind of the ajudicator in the sense that what one person would regard as a balanced report would not of necessity be regarded as such by the other. And if one tries ...

Vosloo: To give both sides.

Van der Merwe: To give both sides, sure. But if one tries always to give the one side in a much more convincing way than the other side and then technically if you have any technical measurement of what balance is, then this can be circumvented very easily.

Vosloo: But as it stands now, we are hundred percent dependent on Pretoria for our information.

Van der Merwe: True ... er ... or partially true in certain facts. Because it is only facets of information that is under restriction. The principle is not to deny information and that is why the essential information is still supplied through press releases from the government.

Robinson: But still the accusation is there that the government is actually a censor — and that we are only allowed to hear what you deem fit that we can hear or what we can't really conceal.

Van der Merwe: I am very glad you make this statement because it points a very popular misconception that the Bureau for Information in fact acts as a censor. There is no way which the Bureau for Information does that. What happens is that regarding the release of unrest information, we act as a spokesman for the government in the sense that the information garnered and released by other departments to us is then given through to the press. Under the latest press restrictions, we have set up a centre to assist the media because the regulations say in certain categories of information can only be published if it is approved or is a statement by a minister or a spokesman or if it is approved by a minister or a spokesman. We assist the members of the press, if they so wish, to obtain these statements and approvals. We do not censor information.

Pollok: You have indirect censorship and, as Johan says, we are dependent on Pretoria either through the Bureau or some other government department for the sort of news we are allowed to publish in terms of the restrictions that we have at the moment, Pretoria censors the news. The fact remains that Pretoria decides what the average South African is going to hear or to see.

Van der Merwe: Again, it concerns only a limited section of information.

Pollok: A very vital section.

Van der Merwe: I agree it is a very important section. The aim is not to put a blanket on such information.

Pollok: But we have a blanket on that information right now as far as banned organizations are concerned. We have it right now. The people in South Africa are not allowed to read what is the standpoint of the ANC vis-a-vis South Africa or a social democratic or whatever situation we have. That is controlled by the press code.

Van der Merwe: The ban on statements by unlawful organizations has actually been in place for a very long time here.

Pollok: We are not necessarily talking about statements by them. If you want to know, if you want to make up your mind in a rational decision, you need all the facts available to you. We cannot publish today what ANC's policy is in terms of the economy of the country.

Van der Merwe: Again that has [illegible]

could equally argue that if you were to lift the press curbs and the state of emergency then we would actually go back to the previous state of violence. So what we have to do in fact, one you have reduced the state of violence and unrest, then one has to tackle problems that exist in the community itself and once a better climate has been created in the community itself so that democracy can function as normal again then one can lift these curbs — which does not mean that it needs to be a very long time.

Pollok: I think you have struck on an important point here, by improving the climate and conditions in which people live. What you are really saying is that government policy and attention to these people over the years has been contributive to the unrest situation we have right now. So, possibly, the government should do a little bit more in terms of political policies to reduce the unrest we have in the country.

Van der Merwe: I think the factors that created the initial situation was not solely due to government and the responsibility of the government. There are many factors. Urbanization and a myriad of things, sanctions and so forth, contribute to this, but the point is that we have a society in change and therefore is this why the government is busy with a reform policy. In fact, the government is pressing ahead as best we can under these circumstances with a variety of reforms, not the type of reforms which make the front pages, the type of reform which actually improves the conditions of the person in the street.

Robinson: We have been talking about our freedom but what about your fre[illegible]

say that the intention of the government is most certainly not to hamper the democratic process on an election and we will look at that, but what will actually come out of that is something which I cannot say at this moment. The only think I can say is that there is no intention to hamper an election.

Vosloo: And what about Parliament and parliamentary debates? If they say in Parliament the UDF used the opposition — it could easily happen — to convey certain news to the public, are we allowed to print those stories?

Pollok: There is a ruling by the Speaker on that.

Van der Merwe: Again the regulations are not to hamper the democratic process. The normal parliamentary privileges will remain intact but then, again, the judgment would be whether a particular piece of journalism promotes the cause of an undemocratic organization and that will be the final test.

Pollok: But I do think a free press is part of the democratic system. The MPs might have the power or be allowed to say what they want to within the privilege of Parliament. Will the press still be allowed to report what they say in Parliament? It is a fundamental part of democracy.

Van der Merwe: I think what will be the case, again I am not a legal expert and it is not my job to look at restrictions, but rather to look at ways and means of facilitating the flow of information — by the way, I have to be *au fait* with this. Again, I think the two principles, one of parliamentary freedom and on the other hand of not promoting the aims of unlawful organization. I think those two principles

years. Whether you agree with it or not, it is true. The fact that publications by, and statements by, unlawful organizations such as which you would garner this information has been prohibited for many, many years. So, the latest press curbs have got nothing to do with it. What we actually prohibit is to promote the aims or the image of such organizations.

Pollok: You can no longer publish what their strategy is in terms of the economy or anything else. We could be charged with furthering the aims of a banned organization. We are not furthering the aims, we simply want to inform people: this is what we are dealing with. Now we are not allowed to do that.

Van der Merwe: Again, I think it is definitely so that this type of publication where you say this and that are the aims of this organization has been under restriction for many years. Fair enough, lately, there was a growing disregard of the previous restrictions and what we have created now is a situation almost back to normal in that regard.

Pollok: I couldn't agree with you on that.

Van der Merwe: I don't think we should fall into a discussion of individual statements, whether they are liable or not, because that is in fact not my function.

Pollok: The point is this. You are suggesting that because it is not so different, the situation is back to where it was, I don't think in democratic terms and in a country which professes to have a free press the fact that you have had curbs for many years, doesn't make it right at all.

Van der Merwe: I just wanted to differentiate from the previous situation, which was regarded as a normal situation, more or less, and ...

Pollok: Perhaps by the government, not by the press. Certainly not by the press.

election campaign, and you want to talk about what is happening in the country and you want to explain it to the electorate, you want to say this and this is happening and this and this is what we are doing. Can you do it?

Van der Merwe: Firstly, I think the basic principle behind this is intended to limit the undemocratic part of the political activity in the country. It has never been intended to limit the democratic part of the process. One can actually distinguish these two processes in South Africa. The democratic part and the undemocratic part. I think the limitations on the democratic part are not so huge. In fact, if it proves that there are real problems in that regard then I am pretty sure we will have a further look at it. You must remember ...

Robinson: Are you going to look at it?

Van der Merwe: At the time when the emergency regulations were introduced there was no election in the offing. So, the announcement of the election has changed the circumstances and I assume that the relevant departments will then look at the emergency regulations again in the light of the changed circumstances. But, unfortunately, I cannot comment further on that because it is not my department's province.

Pollok: But do you think there will be exemptions for politicians to say and for the media to report public meetings what are presently banned by the media curbs? Will there be an exemption on that level? Because I don't think you have an election with half your mouth closed?

Van der Merwe: I just want to put this way again, just to against each other.

Pollok: In regard to promoting the aims of unlawful organizations, the Smith government tried to ban all mention of Mugabe's party, of Nkomo's party, and a variety of other parties, and a good Afrikaans saying, kyk hoe lyk hulle nou.

Van der Merwe: I think you will admit that is not the extent to which the government has gone in this regard and in fact we have tried to keep the restrictions on the press as low as possible under a particular set of circumstances, because we know a free press is essential for the proper functioning of a democracy.

Pollok: Except right now we are not free. There are 100 laws which govern what we can do and what we can say apart from the most recent press curbs. We are certainly not a free press.

Van der Merwe: That may be so. I don't think the press anywhere in the world is totally free. Total freedom is actually licence. So, it is a matter of degree. So what you should bear in mind is that if one has censorship, actual censorship, then no paper is allowed to publish anything which is not approved by the government.

Robinson: And will you get there? Is it possible you get there?

Van der Merwe: I can't judge what is possible, but I just want to point out that we are far, far away, from that, in the sense that the press can publish anything except the things that have been mentioned and accepted. Fair enough, this body which is exempted from the press freedom has grown over the past time in response to the needs of the situation. And again with lots of restraint on the side of the government.

Van der Merwe: If I can just make a point. There is no doubt that the aims, and especially the means, of these organizations are profoundly undemocratic. I don't see in any society that is vulnerable because one goes through a period of reform one should allow free play to people who are obviously using undemocratic means.

Vosloo: Was there a notable decline in the unrest since the restrictions on the press and was it mainly due to the restrictions? Or how would you see it?

Van der Merwe: I think the period we are dealing with is too short to come to firm conclusions yet, but it is so that after the past month there has been a much lower rate of unrest than one could have expected.

Vosloo: Wouldn't the government be tempted to keep the press curbs after we reach normality? Wouldn't you say that? It worries us.

Van der Merwe: Yes, I can see that it worries you.

Vosloo: Because they can argue that this is the case for press curbs.

Van der Merwe: And one can point to many cases in history where powers once taken were then kept, but I can give you the assurance that the view inside the government is profoundly democratic and there is no one, even though sometimes at National Party congresses we cross swords with the press, there is no one who welcomed it inherently.

Pollok: If, as you say, the incidence of unrest, schoolburnings and buses being bottled or whatever has diminished, why then maintain the state of emergency, because that was the original reason for introducing the state of emergency, according to Mr Roelf Meyer. If, as you say, is correct — that the incidence of unrest has come down — why not undo the state of emergency and let us get back to normality and democracy without press curbs?

Van der Merwe: Well, one

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Skotaville say they'll appeal

By ADRIAN HADLAND

SKOTAVILLE Publishers, whose *Diary of Liberation* has been banned for possession, will be taking the decision to the Publications Appeal Board within the next few days.

"It's a matter of principle," said Skotaville's managing director Mothobi Mutloatse, "a publishing company cannot have its freedom of expression interfered with."

The diary was banned on the grounds that certain quotations by, among others, publishing pioneer T.D. Mweli Skota who inspired the emergence of Skotaville, were considered as "undesirable". Sections of the foreword were also labelled as "objectionable" by the Publications Directorate.

Despite setbacks, which included the detention of two of the diary's compilers in the first state of emergency early last year, 2 000 of the 3 000 printed have already been sold.

APARTHEID BAROMETER

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GUERRILLA ATTACKS

A total of 228 guerrilla attacks occurred during the first 11 months of last year, compared with 136 for the whole of 1985 and 44 in 1984, according to Pretoria University's Institute of Strategic Studies.

The head of the Institute, Professor Mike Hough, said that between January and November last year police had killed or captured 160 alleged ANC guerrillas. He said two people had been killed and a small number injured in attacks during December 1986, compared with 12 people killed and 53 injured in December 1985.

MATRIC RESULTS

Of the 89 235 black full-time matric candidates under the Department of Education and Training, 51,99 percent passed their final exams. Of these, 13,07 percent passed with matric exemption, 33 candidates passed with distinctions in two or more subjects and two candidates achieved A aggregates.

Of coloured Department of Education and Culture candidates, 67,6 percent passed and 15,3 percent gained matric exemption. There were 11 359 Indian Department of Education and Culture matric candidates; 85,98 percent passed, with 33,3 percent achieving matric exemption. Out of all white Transvaal Education Department matric candidates, 92,1 passed — with 43,2 percent gaining matric exemptions.

EDUCATION EXPENDITURE

According to the South African Institute of Race Relations 1985 Survey, the breakdown of education expenditure during the 1985/6 financial year was as follows:

African education in white designated areas: R 917 486 000
Education in non-"independent homelands": R498 275 133
Education in "independent homelands": R526 788 180
Coloured education: R724 065 000
White education: R2 973 697 000
Department of National Education: R4 872 000.

According to the SAIRR, per capita expenditure by the state during 1984/5 on pupils of different groups was as follows (including capital expenditure):

African (in white areas and non-"independent homelands"): R293,86
Coloured: R708,32
Indian: R1 182,00
White: R1 926,00

According to these figures, per capita education expenditure on whites is 6,22 times that on blacks.

Per capita expenditure on education by the homelands ranged between R135,97 in Lebowa and R252,00 in Venda.

TEACHER PUPIL RATIOS

According to the SAIRR annual survey, the pupil/teacher ratios in the white areas were as follows:

African — 41,2 to 1; coloured — 25,4 to 1; Indian — 22,5 to 1; white — 18,7 to 1.

In the "independent homelands", the ratio was as follows: Bophuthatswana — 42 to 1 (primary), 37 to 1 (secondary); Ciskei — 45 to 1 (primary), 32 to 1 (secondary); Venda — 38 to 1 (primary), 25 to 1 (secondary); Transkei — 67 to 1 (primary), 23 to 1 (secondary).

HOUSING EXPENDITURE

The SAIRR survey says the government's expenditure in 1985/6 was as follows:

African: R42 505 000
Coloured: R97 467 000
Indian: R53 797 000
White: R54 358 000
Department of Public Works and Land Affairs: R244 689 000.

PRISONER OF CONSCIENCE

REV MAKHENKESI ARNOLD STOFILE, 42, UDF Border secretary general, was detained under section 26 of the Ciskei National Security Act on October 17 last year and is still being held.

Stofile, an ordained minister of the Presbytarian church and a lecturer in Systematic Theology at Fort Hare University, first became politically active through his involvement in the church and in sporting circles. In the late 60s and early 70s he was a top rugby player, captaining the Border side and representing his province at scrumhalf and wing. He was later elected president of the Victoria East Rugby Union and to the executive of the Victoria East Council of Sport. In 1984, Stofile represented the UDF in New Zealand where he played a prominent role in the successful campaign against the All Black tour. He was detained for four months last year, shortly after returning from New Zealand.

For the past three years Stofile has served as the Border UDF secretary general and has been a member of the UDF national executive committee. He is also a member of the NECC education committee.

In December last year Stofile and five others were charged with "harbouring terrorists". He was refused bail.

Stofile is married and has three children.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

Skotaville's Diary of Liberation (Skotaville, Johannesburg); Anti-Apartheid News — October and November 1986 (Anti-Apartheid Movement); Socialist Worker Review — November 1986, issue 92 (not stated); Socialist Worker no 1010 October 25 1986 (Bookmarks, London — banned for all future editions); International Viewpoint issue 109 Novembe 1986 (Presse-Edition-Communication, France); Zimbabwe News — vol 17 no 11, November 1986 (Jongwe Printing and Publishing Co, Harare) and FND Magazine 2de jaargang no 13 November 22 1986 (FNV Pers, Amsterdam).

Unbanned:

Shooting at Sharpeville (Bishop Ambrose Reeves); Gravity's Rainbow (Thomas Pynchon), Karl Marx's Theory of Revolution — part one (Hal Draper) and Essential Works of Lenin (Henry M Chrisman, ed — unbanned for possession but still banned for distribution and importation).

® In an earlier Barometer, it was stated that Morice Smithers was coordinator of the Jodac education committee. In fact, he is an ordinary member of that committee.

Banned Putco ad examined boycott

Own Correspondent

JOHANNESBURG. — The Putco advertisement banned yesterday by the Inter-departmental Press Liaison Committee (IPLC) of the Bureau for Information made an attempt to put forward Putco's position on the boycott being waged against the company.

The advertisement explained why Putco's fares are constantly rising and employees are being retrenched. It also described the company's services to commuters.

This advertisement was submitted, unsuccessfully, to the IPLC on the advice of lawyers for the Sowetan.

Putco said in a statement yesterday: "We believe in communication with the community and with our staff and we do not think the decision is helpful in this regard."

Minister 'can't have it both ways'

By BARRY STREEK
Political Staff

THE Progressive Federal Party yesterday demanded that the Deputy Minister of Information, Dr Stoffel van der Merwe, give an unambiguous undertaking that everything said in Parliament could be reported in the press.

The PFP's spokesman on information, Mr Peter Soal, MP, said Dr Van der Merwe "must stop speaking out of both sides of his mouth. He can't have it both ways".

"He cannot say there is parliamentary privilege while at the same time saying the press can't report everything which is said in Parliament."

The PFP's deputy chief whip, Mr Alf Widman, said yesterday that the acting Speaker of Parliament, Mr Louis le Grange, had given him an assurance that the question of parliamentary privilege and the state of emergency was receiving attention.

☐ Mr Stoffel van der Merwe 'Network' interview — page 8

...ed to stand down before nomination day.

FIN MAIL 16/1/87

CENSORSHIP 327

Press fights back

As the *FM* went to press, the Argus Printing & Publishing Company and SA Associated Newspapers (SAAN) were poised to apply for an urgent application to have the latest set of seemingly endless clamps on the media set aside.

The latest restrictions were announced last week in response to the publication of an advertisement on the 75th anniversary of the African National Congress (ANC). The advertisement, placed by the United Democratic Front and other groups calling for the unbanning of the ANC, appeared in, among others, *Business Day* and *The Star* before a Government Gazette was issued prohibiting further publication. In a nutshell, the government order prohibits the publishing of anything which could promote or improve the public image of an organisation declared unlawful in terms of the Internal Security Act.

The urgent application is being brought in the Johannesburg Supreme Court and is based on the premise that the latest restrictions are beyond the powers of the commissioner of police, Johan Coetzee; that they are vague; and that they are unreasonable.

The application is being supported by affidavits from Tertius Myburgh, editor of the the *Sunday Times*, and Rex Gibson, acting editor of *The Star*. The Argus Company is being represented by Webber Wentzel and SAAN by Bell, Dewar and Hall. The respondents are the Minister of Law and Order, Adriaan Vlok, and Coetzee as Commissioner of Police.

Some posers

The latest gags pose some interesting questions. For example, if a terrorist organisation were reported to have told its followers not to attack civilian targets, would this reflect the organisation's true intentions or not, and would the publication of such a statement reflect an attempt to improve its image? Again, if the organisation renounced violence and this were published, would the publication of this intent also be construed as an attempt to improve the image of the organisation?

In terms of the new legislation, no publication may commend, defend, explain or justify any action or policy of an organisation which is aimed at the resistance or subversion of the authority of the State. Does that "resistance" again cover the activities of opposition parties in parliament?

Hopefully the latest court action will supply a few answers. The State, however, is expected to seek a delay in the action in order to prepare its case.

The latest action comes within weeks of the stringent controls placed on newspapers publishing "subversive" statements. The term subversive is now more finely defined. It includes the promotion of any boycott action, a stayaway from work, illegal strikes, the support of any structure claiming to be an alternative to local government or the courts, or discrediting military conscription. ■

Archbishop Desmond Tutu answers questions at his Press co
back from his controversial tour of Australia.

You will be told when reports are censored

17/1/87 SMR 2R 327

When more stringent restrictions on the Press were gazetted on December 11, it was generally accepted by lawyers and journalists that one vague and badly-worded clause prevented newspapers from identifying which particular reports had been censored.

Accordingly, The Star — in the interests of keeping its readers as informed as possible — began publishing the following general statement: "This newspaper may have been censored. We are not permitted to say where, how or to what extent."

Now closer analysis of the tortuous clause has led legal advisers to conclude it is legal, after all, to tell readers that a particular report has been censored.

Since The Star believes it is necessary to convey the maximum information possible it will henceforth return to the practice of telling readers which reports have been censored, and recording when reports have had to be suppressed altogether.

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teeth around the bars, crushing the cage and throwing the two scientists off their feet. An underwater camera was knocked over and the door flew open.

The shark hung on to the cage for 30 seconds as Mr McKay battled to regain his balance. When he did, he managed to close the cage door and pick up the camera. Only then did the monster let go and swim away.

"I was spellbound by this magnificent Great White. I was mesmerised by it. There were about five of them in the area where we went down

about 7 km offshore,"
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any stress.

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Great Whites with a

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.

ganizations that raised funds.

CAR-TMG 17/8/327

Paper's censorship move

JOHANNESBURG. — A leading Johannesburg newspaper told its readers yesterday it would in future identify censored reports. The Star said in a front-page report that it would do this after it had become clear that it was not illegal to say a specific report has been censored.

Press curbs hearing later

By MARTIN NTSOELENGOE

THE hearing into the Press curbs which was to be held this week has been postponed to January 23.

PC Van der Byl, assisted by P Kemp, for the Law and Order Minister and the police commissioner, told acting Judge Irving Styen his team had not had enough time to file replying affidavits.

The Press curbs – which have caused a countrywide uproar – are being contested in the Rand Supreme Court by two leading English newspaper groups.

The application was brought after Argus lawyers Weber and Wentzel and SAAN lawyers Bell, Dewar and Hall had consulted senior counsel and confirmed that the order could be invalid.

Dennis Kuny, assisted by G Magus, for both Argus and SAAN, agreed on the new date.

In terms of the new notice, it is an offence to "commend, to defend, to explain, or to justify any action, policy or strategy" of organisations such as the African National Congress or Pan Africanist Congress which have been declared unlawful.

The new curbs prohibit papers from publishing any ad or report calculated to improve or promote the public image or esteem of an organisation deemed to be unlawful under the Internal Security Act.

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Vol. 259 PRETORIA, 8 JANUARY JANUARIE 1987 No. 10584

GOVERNMENT NOTICES

GOEWERMENTSKENNISGEWINGS

MINISTRY OF LAW AND ORDER

No. 101 **8 January 1987**

NOTICE BY THE COMMISSIONER OF THE SOUTH AFRICAN POLICE.—PUBLIC SAFETY ACT, 1953

Under the powers vested in me by paragraph (a) (ix) of the definition of "subversive statement" in regulation 1 of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 224 of 1986, I, Petrus Johannes Coetzee, Commissioner of the South African Police, hereby identify the act specified in the Schedule hereto as an act which has the effect of threatening the safety of the public or the maintenance of public order or of delaying the termination of the state of emergency.

P. J. COETZEE,
Commissioner of the South African Police.

SCHEDULE

To support any organization which is an unlawful organization under the Internal Security Act, 1982 (Act 74 of 1982).

No. 102 **8 January 1987**

ORDER BY THE COMMISSIONER OF THE SOUTH AFRICAN POLICE.—PUBLIC SAFETY ACT, 1953

Under the powers vested in me by regulation 7 (1) of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 109 of 1986, as amended, I, Petrus Johannes Coetzee, Commissioner of the South African Police, hereby issue the order set out in the Schedule hereto.

P. J. COETZEE,
Commissioner of the South African Police.

MINISTERIE VAN WET EN ORDE

No. 101 **8 Januarie 1987**

KENNISGEWING VAN DIE KOMMISSARIS VAN DIE SUID-AFRIKAANSE POLISIE.—WET OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by paragraaf (a) (ix) van die omskrywing van "ondermynende verklaring" in regulasie 1 van die regulasies afgekondig kragtens die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), by Proklamasie R. 224 van 1986, identifiseer ek, Petrus Johannes Coetzee, Kommissaris van die Suid-Afrikaanse Polisie, hierby die handeling in die Bylae hierby uiteengesit as 'n handeling wat die uitwerking het om die veiligheid van die publiek of die handhawing van die openbare orde te bedreig of die beëindiging van die noodtoestand te vertraag.

P. J. COETZEE,
Kommissaris van die Suid-Afrikaanse Polisie.

BYLAE

Om 'n organisasie wat kragtens die Wet op Binnelandse Veiligheid, 1982 (Wet 74 van 1982), 'n onwettige organisasie is, te ondersteun.

No. 102 **8 Januarie 1987**

BEVEL DEUR DIE KOMMISSARIS VAN DIE SUID-AFRIKAANSE POLISIE.—WET OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by regulasie 7 (1) van die regulasies afgekondig kragtens die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), by Proklamasie R. 109 van 1986, soos gewysig, reik ek, Petrus Johannes Coetzee, Kommissaris van die Suid-Afrikaanse Polisie, hierby die bevel in die Bylae uiteengesit uit.

P. J. COETZEE,
Kommissaris van die Suid-Afrikaanse Polisie.

SCHEDULE

1. No person who holds office as editor of a newspaper, magazine or other periodical or who otherwise has control over the matter which may be published in that periodical or which may be distributed in or as an addendum to such periodical, shall allow, permit or direct, or authorize any other person to allow, to permit or to direct, the publication in that periodical or the distribution in or as an addendum to that publication of any advertisement or report calculated—

(a) to improve or to promote the public image or esteem of an organization which is an unlawful organization under the Internal Security Act, 1982 (Act 74 of 1982); or

(b) to commend, to defend, to explain or to justify any action, policy or strategy of such an organization, of resistance against or subversion of the authority of the State.

2. This order shall apply in the Republic including any territory declared under section 26 of the National States Constitution Act, 1971 (Act 21 of 1971), to be a self-governing territory.

BYLAE

1. Geen persoon wat die amp van redakteur van 'n koerant, tydskrif of ander periodieke publikasie beklee of wat andersins beheer het oor die stof wat in so 'n publikasie gepubliseer of in of as 'n addendum by so 'n publikasie versprei mag word, mag toelaat of magtiging verleen of gelas, of 'n ander persoon magtig om toe te laat, magtiging te verleen of te gelas, dat enige advertensie of berig wat daarop bereken is—

(a) om die openbare beeld of aansien van 'n organisasie wat 'n onwettige organisasie kragtens die Wet op Binnelandse Veiligheid, 1982 (Wet 74 van 1982), is, te verbeter of te bevorder; of

(b) om enige optrede, beleid of strategie van so 'n organisasie, van verset teen of ondermyning van die gesag van die Staat aan te prys, te verdedig, te verduidelik of te regverdig,

in daardie publikasie gepubliseer of in of as 'n addendum by daardie publikasie versprei word nie.

2. Hierdie bevel is in die Republiek met inbegrip van 'n gebied wat kragtens artikel 26 van die Grondwet van die Nasionale State, 1971 (Wet 21 van 1971), tot 'n self-regerende gebied verklaar is, van toepassing.

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Abducted pair return home

Argus Africa News Service

MBABANE. — A Swiss couple who were abducted from Swaziland last month and held in South Africa for three days of interrogation have returned to Switzerland.

Mr Daniel Schneider and his fiancée Miss Corinne Bischoff were kidnapped from their house in Mbabane on December 11 and were returned on December 15.

The South African authorities said the pair were involved in anti-South African activities, but they denied the allegations.

Their abduction was followed by strong protests from the Swiss government to Pretoria. It is believed the couple might seek financial compensation from South Africa.

Mr Schneider owns a graphic design company in Mbabane which will be run by a colleague while he is away. Miss Bischoff was an assistant hotel manageress here.

They are to be married in Switzerland later this month.

Even their departure was not without drama. Miss Bischoff's mother, who had come from Switzerland to accompany her, was mugged near her hotel on Friday and robbed of R700.

Mail challenge to curbs 'not urgent' — court

THE state's latest attempts to black out news were challenged by the *Weekly Mail* yesterday in what is expected to be the first of several such actions.

The newspaper brought an urgent application before the Johannesburg Supreme Court contesting a police order which bans the *Mail* from publicising the United Democratic Front's "Christmas Against the Emergency" and other campaigns.

Manager Clive Cope, who brought the legal action, said in an affidavit that the UDF had applied to place an advertisement to publicise its campaign. He said the matter was urgent as this week's issue of the *Mail* was the last of the year.

Judge NM MacArthur dismissed the application with costs, ruling that — as it concerned only one advert — it was not sufficiently urgent to warrant a hearing without giving the respondents an opportunity to reply.

The half-hour hearing dealt solely with whether the matter was urgent or not.

In his affidavit Cope said the *Mail* had published the UDF's "Unity Pledge" advert twice before the Witwatersrand Divisional Commissioner, Major General M van Eyk, served the restriction order on the newspaper this Monday. The order banned statements by a number of organisations which advocated or furthered the UDF's campaign for "National United Action" or a "Christmas Against the Emergency".

Michael Mendelowitz, for the *Mail*, told the court he would argue that the order be declared invalid as it was beyond the scope of the Emergency's powers.

He also told the court the application went far beyond the scope of a single advert and touched the very nature of press freedom.

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Vol. 259 PRETORIA, 20 JANUARY JANUARIE 1987 No. 10592

GOVERNMENT NOTICE

MINISTRY OF LAW AND ORDER

No. 157 **20 January 1987**

ORDERS UNDER THE REGULATIONS MADE UNDER THE PUBLIC SAFETY ACT, 1953

Under the powers vested in me by regulation 7 (1) of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 109 of 12 June 1986, as amended, I, Andries Petrus van Zyl, Divisional Commissioner of the South African Police for the Soweto Division, hereby issue the orders set out in the Schedule.

A. P. VAN ZYL,
Divisional Commissioner: Soweto

SCHEDULE

Definitions

1. In this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Regulations has a corresponding meaning, and—

"ceremonial gathering", in relation to the burial of a person, means any gathering associated with such a burial, including any memorial service, commemorative service or any other service held in connection with such a burial, and also a funeral procession;

"designated area" means—

(a) the areas in the Magisterial District of Johannesburg known as—

(i) Soweto, as demarcated and described in Government Notice 1506 of 17 August 1956, as amended;

(ii) Diepkloof and Meadowlands, as demarcated and described in Government Notice 2603 of 24 December 1954, as amended;

(b) the area in the Magisterial District of Roodepoort known as Dobsonville, as demarcated and described in Government Notice 1551 of 24 October 1958, as amended;

GOEWERMENTSKENNISGEWING

MINISTERIE VAN WET EN ORDE

No. 157 **20 Januarie 1987**

BEVELE KRAGTENS DIE REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by regulasie 7 (1) van die regulasies kragtens die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), afgekondig by Proklamasie R. 109 van 12 Junie 1986, soos gewysig, reik ek, Andries Petrus van Zyl, Afdelingskommissaris van die Suid-Afrikaanse Polisie vir die Afdeling Soweto, hierby die bevele in die Bylae uiteengesit uit.

A. P. VAN ZYL,
Afdelingskommissaris: Soweto.

BYLAE

Woordomskrywing

1. In hierdie Bylae, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Regulasies 'n betekenis geheg is 'n ooreenstemmende betekenis, en beteken—

"aangewese gebied"—

(a) die gebiede in die landdrosdistrik van Johannesburg bekend as—

(i) Soweto, soos afgebaken en omskryf in Goewermentskennisgewing 1506 van 17 Augustus 1956, soos gewysig;

(ii) Diepkloof en Meadowlands, soos afgebaken en omskryf in Goewermentskennisgewing 2603 van 24 Desember 1954, soos gewysig;

(b) die gebied in die landdrosdistrik van Roodepoort bekend as Dobsonville, soos afgebaken en omskryf in Goewermentskennisgewing 1551 van 24 Oktober 1958, soos gewysig;

"Afdelingskommissaris" die Afdelingskommissaris van die Suid-Afrikaanse Polisie in die Afdeling Soweto;

Funeral curbs permanent in some areas

Permanent restrictions on funerals for unrest victims in several Johannesburg townships were issued in Pretoria last night.

The move has brought criticism from the PFP's Mr Peter Soal, who said it was "a transparent attempt to interfere with people's grief".

The Soweto Divisional Police Commissioner made the restrictions applicable in Soweto, Diepkloof, Meadowlands and Dobsonville.

The orders, issued under emergency regulation 7 (1), closely resemble the "temporary" orders which have often been issued in the past proscribing certain funerals.

The orders include a ban on:

- Holding a funeral without police permission for someone who died during "security action" or unrest,
- Holding a funeral out of doors or using a public address system.
- Displaying placards or flags.

Only bona fide ministers of religion may preside.

"Security action" is defined as "any action by a security force or a member of a security force."

Lawyer: new curbs make mockery of democracy

Dispatch Correspondent

PIETERMARITZBURG — Amendments to the emergency regulations promulgated on Thursday night make "a sheer mockery" of democracy.

This was said by Mr Ismail Mahomed, SC, in the Supreme Court here yesterday morning where he is representing the United Democratic Front and the Release Mandela Campaign, which are seeking to have the emergency regulations declared unlawful.

Referring to the clause prohibiting any attack on the government, Mr Mahomed said the implication created "a classic illustration of a government saying we will tell you what you need to know but our opponents cannot".

In terms of the regulations it meant that any opposition spokesman needed permission to attack the government outside Parliament but government spokesmen did not.

Because the regulations only empowered members of the goverment to speak and because this did not extend to the "self-governing territories" people such as Chief Mangosuthu Buthelezi could not comment, even in his own legislative assembly.

This effectively excluded blacks from criticising the regulations while it gave Indian, coloured and white government spokesmen the right to do so.

In reference to the clause which prohibited the photographing or videoing of security force action, Mr Mahomed said it merely protected the unlawful actions of the police from the public gaze.

"Such protection and secrecy must have been beyond the contemplation of Parliament."

Mr Mahomed said in certain instances the regulations gave powers to the Commissioner of Police that even the State President did not have. He was referring in particular to the regulation concerning the publication of subversive statements.

A clause in the December emergency regulations banning the publication of evidence at judicial proceedings relating to the arrest and detention of anyone in terms of the emergency until a final judgment is handed down was an "intolerable invasion into the right of the judiciary to control its own proceedings" and should be struck down.

Mr Mahomed said the clause showed a failure to understand that it was part of the judicial process that justice should operate in the public glare.

"Where justice is not administered openly it has the potential for abuse."

The courts already had the neccessary machinery, skill and experience to limit the publication of evidence if this was considered essential in the interests of justice, including the security of the state, he said.

When it came to questions of how justice and court proceedings should be administered the judiciary would guard its preserves with "vigorous jealousy".

Mr Mahomed said the government attempted to justify the clause by stating that newspapers distorted proceedings and only reported one side of the story.

He pointed out that there were statutory provisions which made it a criminal offence for anyone to publish an untrue statement about the police or prisons. The government acted on the premise that whatever the police said was the truth and if newspapers said otherwise it had to be false, he said. "The courts are engaged in finding out who is telling the truth."

The hearing was adjourned till February 9.

convention could be blatantly abused. — Sapa-AP

Cape Times 21/7/87

Township funerals restricted

PRETORIA. — Permanent restrictions on funerals for unrest victims in several Johannesburg townships were issued here last night under an emergency regulation.

Soweto Divisional Police Commissioner Andries van Zyl made the restrictions applicable in Soweto, Diepkloof, Meadowlands and Dobsonville.

The orders include a ban on:

- Holding a funeral without prior police permission for someone who died during "security action" or unrest.
- Holding a funeral out-of-doors or using a public-address system.
- Displaying placards or flags.

— Sapa

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BUSDAY

Press and Parliamentary privilege



The Deputy Minister of Information, Stoffel van der Merwe (left), explains his recent controversial statements on Press curbs, Parliamentary privilege and other matters in an interview with *Business Day*

MAX DU PREEZ/Political Correspondent

***BUSINESS DAY*: What exactly is the position with Parliamentary privilege and the Press's right to report on debates?**

VAN DER MERWE: There is a clause in the legislation covering Parliamentary privilege that states that the Press may report what was said in Parliament, provided it is done in a bona fide way. So Parliamentary privilege has never been absolute.

For instance, if someone says something slanderous in Parliament, a newspaper may repeat it. But it may not use these statements to slander the person further. So the emergency regulations did not change anything; I merely pointed out the dangers of a newspaper using statements in Parliament to further the image of an undemocratic organisation.

WHAT FREEDOM would candidates in the election have to talk about matters covered by the emergency regulations, and would the Press be able to report these statements?

THIS IS not covered by Parliamentary privilege. The regulations were aimed at unlawful organisations, not at curtailing the democratic process. So we would want a situation where candidates could be reported fairly freely. But I am not a legal expert and we will soon get clarity on this from other sources.

YOUR statement that you are curbing Press freedom and democracy to protect freedom and democracy was widely criticised.

THE ANC wants to take over power by force. Until this policy changes, we will view it as an undemocratic organisation. The lesson of the past all over the world is that the moment this type of movement takes over power, they terminate Press freedom. One has to use undemocratic methods to ensure that the democratic process lives on.

It is an accepted principle that when a democracy is put under pressure through external factors, steps such as a state of emergency are permissible.

BUT WERE the steps you took not completely out of proportion with the threat?

LOOK AT how Press freedom was curtailed during the Second World War in Britain — far more than we have done now. So it depends on the seriousness of the threat.

IS IT not dangerous to leave your population with so little information? The people now get a distorted view of the ANC while the credibility of the media is undermined.

IF THE ANC was engaged in an election campaign in SA, one could have said it was not fair to distort their image. The rules of a battle for power are vastly different from the rules of democracy. This fair play is not applied to us by the outside world. Why should we play fair?

PERHAPS because this organisation represents a large number of South Africans and their aspirations and has to be part of any solution?

THAT may be so. But that so-called support has not been democratically tested.

BUT THEY have never had the opportunity to test their strength at the polls.

WE HAVE started with that through the third tier authorities, and the ANC decided not to take part. We have opened the doors for negotiation, but they chose not to use it. We have made this offer time and time again.

THE ANC's statement last week said they would grab any opportunity to negotiate, but government has to release their leaders first so consultation can take place before negotiation.

THERE IS the open offer that, if they reject violence as a method, they would be freed. If they reject violence, they would be unbanned.

SO THE whole of SA is caught in the deadlock between the ANC and government, and government is not going to take any initiative to break it?

WE HAVE made our move. We have changed our policies and end ideals 180 degrees; we have said we believe in the sharing of power up to the highest level; we said we wanted to negotiate a settlement. They have not deviated more than, say, 20 degrees from their position. The only way they would want to negotiate, is when there would be no question about who is going to be the next government.

They will back off from their policy of a seizure of power only if they can bargain for a hand over of power.

IN JANUARY last year the Minister of Law and Order gave full permission for the publication of Oliver Tambo's statements. This year there was a blanket ban. Is it because this year's ANC statement was more moderate than last year's?

LAST YEAR we had a completely different set of circumstances. The present state of emergency was imposed after January. Then we still hoped that lifting the state of emergency could promote negotiation. When we did it, the opposite happened.

Last year we thought that through gentlemanly behaviour one could come to agreement. Since then we have realised that we have to do with a naked struggle for power.

IS GOVERNMENT going to try to break the deadlock on negotiation this year?

CERTAINLY. The levels of violence has slowed down the negotiating process. It is important to bring down the political temperature to get negotiation going. I cannot tell you a timetable; it depends on circumstances. Sanctions and foreign intervention have also slowed things down.

That is why government has said to hell with it, we are not going to try to be nice. All we get for being nice is that people think we are crumbling. No one negotiates with someone who is crumbling. So now you have to prove that you are not crumbling.

IS A settlement without the ANC possible? Albert Nothnagel says no.

IF THE ANC softens its stance in the coming 12 months, as it did in the last 12 months, perhaps we will get within speaking distance of each other. But there is no future in negotiating with the ANC just for the sake of negotiating with them. If you cannot negotiate an acceptable future for all South Africans with the ANC, then you will just have to keep on fighting until you have won or lost.

It would, of course, be better if it were possible to include them in a settlement. But if we have to wipe them out in order to ensure a better future for SA, then we will do it.

IS THAT possible?

IT IS possible.

News clamps redrafted

Pretoria Bureau

The Government has redrafted the new regulation prohibiting the promotion of banned organisations, according to Information Department sources.

It has been reliably learnt from government sources that a relaxation of some emergency regulations — to enable political parties to fight the election more effectively — is coming.

It is believed the regulation banning the promotion of "illegal organisations" could now be published as part of the broad emergency regulations.

Significantly, this move comes shortly before the hearing of an application by the Argus Company and South African Associated Newspapers in which they ask the court to set aside the order.

The order was issued two weeks ago by the Commissioner of Police after most English language newspapers carried an advertisement calling for the ANC to be unbanned.

Argus and Saan have contended that the Commissioner exceeded his powers in issuing his order.

The order prohibits editors from publishing "anything calculated to improve or to promote the public image or esteem" of any organisation declared unlawful under the Internal Security Act. These would include the ANC and the South African Communist Party.

The State had until 4 pm yesterday to file answering affidavits. They furnished the attorneys with papers shortly before this deadline in unattested form.

The hearing resumes tomorrow.

Media groups' case over curbs resumes

By Lesley Cowling

An urgent application by the two major newspaper groups, Argus Printing and Publishing Company and South African Associated Newspapers (Saan), challenging Government restrictions on reporting, was due to resume in the Rand Supreme Court today.

The application, which contests an order and notice issued by the Commissioner of Police on January 8 prohibit ing newspapers from publishing anything promoting any unlawful organisation, was postponed last week to allow the Minister of Law and Order and the Commissioner to file answering affidavits.

The newspaper groups are asking the court to set aside the order and notice, and to find that an advertisement calling for the unbanning of the African National Congress (ANC) is not unlawful.

Last week, Mr Denis Kuny, SC, for the two newspaper companies, said it was with great reluctance that the groups agreed to the postponement.

Both Mr Rex Gibson, acting for the editor of The Star, and Mr Tertius Myburgh, editor of the Sunday Times, said in affidavits that the restrictions made it almost impossible for their newspapers to carry on their daily business without a real threat of committing a criminal offence.

Mr Gibson said newspapers could be seized on publication of a subversive statement as defined in the notice. In that event, losses could run to hundreds of thousands of rands or the newspaper could be closed down.

The notice would make unwarranted inroads into the public's right to be informed and the likely effect would be that South Africans would be denied information they needed to make decisons on their future.

The order and notice effectively halted a vital public debate hinging on whether the ANC should take part in negotiations in South Africa's future, he said.

"Prominent and highly reputable South Africans from many walks of life had held discussions with ANC representatives in the interests of seeking common ground," he said.

Many of them had also called for the unbanning of the ANC and other unlawful organisations without action by the State and, in failing to act until now, the State had tacitly recognised them to be legitimate statements, Mr Gibson said.

Weekly Mail
23/1/87
(327)

London call for Sisulu release

By SHAUN JOHNSON in London

ARTICLE 19, a recently-formed human rights body monitoring freedom of expression throughout the world, has called for the urgent release of *New Nation* editor Zwelakhe Sisulu.

Sisulu — recently appointed a member of the organisation's international board — is supposed to attend Article 19's crucial policy meeting in London in May.

The organisation has been making urgent representations for his release since learning of his re-detention last month.

The organisation's London-based director, Professor Kevin Boyle, says the group is concerned by Sisulu's detention.

"Mr Sisulu was elected in recognition of his international reputation as a journalist," he said, "and we have made approaches to the South African authorities for his immediate release, as well as that of other journalists.

"We have had no response, but will step up our campaign."

A total of six journalists are in detention under South African Emergency regulations.

Article 19 is retaining the services of a lawyer at the Legal Resources Centre in Johannesburg to help secure Sisulu's release.

The chairman of Article 19 is celebrated British writer William Shawcross. The organisation derives its name from article 19 of the Universal Declaration of Human Rights, which states that everyone has the right to freedom of expression. This right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through media regardless of frontiers.

Global 'hotline' to help censored journalists

By ANTON HARBER and SHAUN JOHNSON in London

AN international "censorship hotline" and a "fund against censorship" are being established as a result of the World News Media Action Conference in London.

The hotline will be a clearing house for complaints by journalists subjected to censorship, who will be able to get assistance and advice as well as publicise their plight.

This will be allied to an "early-warning system" which will focus international attention on imminent clampdowns on journalists around the world.

The fund against censorship will support legal challenges to other abuses of press freedom, and a list of international legal specialists on the media will be compiled.

This week's conference — which brought together more than 100 of the world's top journalists and publishers — culminated in the Declaration of London, which highlighted formal and informal censorship practices around the globe.

"Worldwide, freedoms are being threatened by censorship, some of it crude and naked, some of it clothed in other guises, but all of it directed to the same ends — restriction of the public's right to knowledge of public business, denial of people's right to be fully informed of all that affects their lives and their future," the declaration said.

The declaration pointed to an ominous trend: the growing use of brute force by government powers, criminal forces and other interests seeking to intimidate the news media.

The conference was equally concerned with "the proliferation of press controls which equate with censorship in all but name".

These included punitive press codes, threats to withdraw publishing or broadcasting rights, the licensing of journalists, and economic pressures.

Delegates were concerned by recent developments in South Africa, and agreed that "national security and the needs of public order and national development are frequently invoked in justification for restraints on the free flow of information".

There was also concern that foreign journalists were regularly refused visas to cover events in countries like South Africa.

"Foreign journalists should be allowed to travel freely within a country," said the declaration.

Delegates made mention of the South Africa government's recent expulsion of *New York Times* correspondent Allan Cowell.

The conference decided that missions may be sent to countries facing severe suppression of news, and South Africa was suggested as an urgent example of such need.

The conference — dominated by mainstream American journalists and publishers — heard horrifying testimony from Latin American and African journalists.

A stunned audience listened to a tape recording made by a Uruguayan editor of a mob attack on his newspaper offices, and to a Nigerian journalist who survived a recent bomb blast which killed his editor.

Nicholas Daniloff of *US News and World Report* gave a detailed account of his time in a Moscow prison, and delegates heard a smuggled tape recorded message from Stefan Bratowski, former leader of Poland's Solidarity Journalists' Union.

Criticism of the performance of Western newspapers and their managements was noticeably absent, and attacks on governments focussed largely on eastern European and socialist countries.

The conference represented an unprecedented gathering of publishers' power, ensuring that the deliberations will be widely publicised in the print and broadcasting media in the West.

Underlying the contributions of most delegates was an implacable hostility to the "new world information order" pioneered by Unesco.

Although the few delegates from the Third World expressed some dissent at the dominance of the American *weltenschaung*, consensus over the need to fight censorship was enough to unite the conference behind the Declaration of London.

Publishers call on NPU: Stay out of the Laager

By SHAUN JOHNSON in London

SOME of the world's top journalists and publishers are to ask South African newspaper managements not to make a deal with the government which would isolate independent newspapers like the *Weekly Mail*.

They have drawn up a condemnation of governments censoring news, and a plan of action for beating restrictions.

Called the Declaration of London, it is endorsed by more than 100 of the world's top journalists and publishers, who gathered in London last weekend to plan ways of fighting news censorship.

Participants included Lord Ardwick, chairman of the Press Freedom Committee; International Press Institute (IPI) director Peter Galliner; *Reader's Digest* editor-in-chief Kenneth Gilmore; Nicholas Daniloff, the *US News and World Report* correspondent recently expelled from the Soviet Union; and the editors of the *Christian Science Monitor*, Scripps Howard Newspapers, *The Economist*, Associated Press, the *International Herald Tribune*, *El Pais* of Spain, the *Wall Street Journal* and several Latin American and African newspapers.

The South African government's unprecedented press restrictions were attacked during the two-day gathering.

But South African delegates insisted that the managements of the major press groups be reminded of their responsibilities in defending journalists against pressures from the government.

South Africans at the conference included the editor of *The Star*, Harvey Tyson, former *Rand Daily Mail* journalists Raymond Louw and Benjamin Pogrund, exiled former editor Donald Woods and *Weekly Mail* co-editor Anton Harber.

During the adoption of the declaration, Harber urged delegates to exert pressure on major SA press groups, currently involved in negotiations with the government.

"There is a real fear, particularly among newspapers such as the *Weekly Mail* and *New Nation*, that the Newspaper Press Union might be tempted during its talks to enter into self-restricting agreements in order to avoid government attacks.

"This would make papers like ours much more vulnerable."

After a debate, the conference decided not to include the call to the managements in its formal declaration, but resolved to send an urgent letter to NPU leaders calling on them "not to enter into agreements with the government which may curtail the rights of competing newspapers".

George Theiner, editor of the influential *International Index on Censorship* — who delivered the conference's keynote address — told delegates: "It would be a disgrace if we did not give our fullest support to South African newspapers."

The conference organisers— the World Press Freedom Committee, the IPI and the International Federation of Newspaper Publishers — are presently drawing up the letter of appeal.

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Media groups' case over curbs resumes

By Lesley Cowling

An urgent application by the two major newspaper groups, Argus Printing and Publishing Company and South African Associated Newspapers (Saan), challenging Government restrictions on reporting, was due to resume in the Rand Supreme Court today.

The application, which contests an order and notice issued by the Commissioner of Police on January 8 prohibiting newspapers from publishing anything promoting any unlawful organisation, was postponed last week to allow the Minister of Law and Order and the Commissioner to file answering affidavits.

The newspaper groups are asking the court to set aside the order and notice, and to find that an advertisement calling for the unbanning of the African National Congress (ANC) is not unlawful.

Last week, Mr Denis Kuny, SC, for the two newspaper companies, said it was with great reluctance that the groups agreed to the postponement.

Both Mr Rex Gibson, acting for the editor of The Star, and Mr Tertius Myburgh, editor of the Sunday Times, said in affidavits that the restrictions made it almost impossible for their newspapers to carry on their daily business without a real threat of committing a criminal offence.

Mr Gibson said newspapers could be seized on publication of a subversive statement as defined in the notice. In that event, losses could run to hundreds of thousands of rands or the newspaper could be closed down.

The notice would make unwarranted inroads into the public's right to be informed and the likely effect would be that South Africans would be denied information they needed to make decisons on their future.

The order and notice effectively halted a vital public debate hinging on whether the ANC should take part in negotiations in South Africa's future, he said.

"Prominent and highly reputable South Africans from many walks of life had held discussions with ANC representatives in the interests of seeking common ground," he said.

Many of them had also called for the unbanning of the ANC and other unlawful organisations without action by the State and, in failing to act until now, the State had tacitly recognised them to be legitimate statements, Mr Gibson said.



Liver transplant patient Samantha Bunce (10) was full of bounce at Heathrow yesterday as she and her mother Caroline prepared to fly home to Port Elizabeth. She had arrived in England five months ago suffering from a rare disease and desperately ill. Doctors at Addenbrooke's Hospital in Cambridge in a six-hour operation gave her a new liver . . . "And a new lease of life," said her mother, shown here with her before boarding their flight for Johannesburg. Her father Clive who saw her leave in a wheelchair will see her walking off the plane. She, for her part, can't wait to see her brother Mark and to start swimming again. Samantha's operation was paid for by money raised in a national fund-raising campaign in South Africa.

Soweto funerals: Clamps enforced

JOHANNESBURG — Special restrictions on the attendance of mourners at funerals were enforced this week at the burials of two alleged ANC guerillas in Soweto.

The special police passes obtained by mourners are part of new permanent restrictions placed on funerals of unrest victims in several Johannesburg townships earlier this week by the Soweto Divisional Police Commissioner Andries van Zyl.

The 200 mourners who obtained the passes attended the graveside service in Soweto for Mr Edward Mokuto. He was one of the four alleged ANC guerillas who were killed by the security forces on December 26 after illegally crossing into South Africa on an apparent sabotage mission.

The new regulations were enforced in Soweto for the first time on Thursday at the funeral of another alleged guerilla, Mr Richard Nyangeni.

Despite the reading by a police officer of the emergency regulations, about 150 mourners finally allowed into the cemetery defied the orders, chanting: "Long live the ANC, long live (Nelson) Mandela."

Under the emergency regulations declared on June 12, police can limit the number of mourners, ban flags and banners and use force if necessary to prevent anti-government slogans and so[illegible] — UPI

Info: Regulations under review

PRETORIA — In view of speculation in the press regarding possible changes to the regulations prohibiting the promotion of unlawful organisations, the Deputy Minister of Information, Dr C. J. van der Merwe, confirmed in a brief statement that "the situation prohibiting the media from promoting unlawful organisations is being evaluated."

He added: "No final decision in this regard has been taken."

Dr Van der merwe said that as far as the relaxation of some other emergency regulations were concerned, comments in this regard were "at present pure speculation." — Sapa

Press: powers of police chief argued

24/1/87

Dispatch Correspondent

JOHANNESBURG — The Commissioner of Police did not have the power to act against the media in terms of emergency regulation 7 as he purported to do when he issued the latest press restrictions on January 8, it was argued in the Rand Supreme Court yesterday.

The commissioner's notice and order prohibits newspapers, magazines and periodicals from publishing anything which commends, defends, explains or justifies an unlawful organisation or is calculated to improve or promote their public image and esteem.

The two major press groups have challenged the order and notice on the grounds that the commissioner exceeded his powers and are so vague and unreasonable that they should be declared void and of no force and effect in law.

Mr D. Kuny, SC, who appeared for the press, said the notice and order were grossly unreasonable and partial and unequal in that they did not apply to radio or television.

He argued that the order should be declared invalid because in making it applicable to the entire country and the self-governing territories the commissioner went beyond the powers vested in him.

The commissioner was only entitled to make orders for a specific area, he said, and not for the entire country.

Mr Kuny said the commissioner had purported to act against the media in terms of regulation 7 but this was never intended by the enabling Act.

He said the commissioner could not have applied his mind to the implications of the order because if he had it would have been obvious to him that there were whole areas that had nothing to do with the maintenance of public order and the safety of the public.

"If this is what he has done he has acted ultra vires.

"He obviously had in mind casting the order and notice as widely as possible because although it followed after the ANC advertisement he has seen fit to sweep every unlawful organisation into the net.

"By doing that he has gone way beyond the powers available to him."

Mr Kuny said it appeared the commisisoner had not applied his mind to the implications of the order and the loopholes in it.

"The commissioner appears to consider himself to be armed with very, very wide powers to stop public debate about any unlawful organisation.

"The order and notice are so wide that they have created chaos and confusion in the minds of people about what they may or may not publish."

Mr P. C. van der Byl, SC, who appeared on behalf of the Minister of Law and Order and the Commissioner of Police argued that regulation 7 (1) (b) was wide enough to allow the commissioner to make the order he had.

He said the Commissioner of Police submitted that a Natal decision declaring regulation 7 (d) ultra vires was wrong.

Regulation 7 (d) allowed the commissioner to regulate, control or prohibit any matter without giving reasons, any matter which in his opinion was necessary for maintaining public safety or maintenance of law and order. The hearing continues on Monday.

Appeal to Media Council

CAPE TOWN—The Southern African Society of Journalists made representations to the Media Council in Cape Town yesterday to urge it not to compromise on Press freedom issues during current deliberations between the Government, the newspaper industry and itself.

Representatives of the SASJ presented a statement to the council saying it feared current discussions would result either in the establishment of new, restrictive, censorship mechanisms or in the industry taking over the implementation of existing mechanisms.

'We are particularly concerned that the NPU will agree to some voluntary form of censorship and that this will involve pressure being brought to bear on the Media Council.' — (Sapa)

Further press curbs feared

JOHANNESBURG — A new wave of "voluntary" press censorship and restrictions could be in the offing, the Southern African Society of Journalists has warned.

The warning came after the SASJ made representations to the Media Council in Cape Town and urged it "not to compromise on press freedom issues during current deliberations between the government, the newspaper industry and itself".

The SASJ met with the chairman of the council, Mr Justice L. de Villiers van Winsen, at the council's offices.

In the SASJ submission to the council, the society said they believed the talks between the Media Council, the government and the newspaper industry could result in further restrictions to the flow of information in the country.

"We stated our concern late last year when the government sought the voluntary co-operation of the NPU and the Media Council in restricting the media further," said the president of the SASJ, Miss Pat Sidely.

"Already South Africa has more than 100 statutory limitations on this freedom, not to mention the many other restrictions on civil liberties."

The state of emergency had curtailed the right of people to know what was happening around them.

The SASJ feared the current discussions would result either in the establishment of new restrictive mechanisms or in the industry taking over the implementation of existing mechanisms, Miss Sidley said.

"We are particularly concerned that the NPU will agree to some voluntary form of censorship and that this will involve pressure being brought to bear on the Media Council."

DDC-Sapa

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Police chief acted beyond his powers, court is told

Own Correspondent

JOHANNESBURG. — The Commissioner of Police did not have the power to act against the media in terms of emergency regulation 7 as he purported to do when he issued the latest press restrictions on January 8, it was argued in the Rand Supreme Court yesterday.

The commissioner's notice and order prohibit newspapers, magazines and periodicals from publishing anything which commends, defends, explains or justifies an unlawful organization or is calculated to improve or promote its public image and esteem.

The two major press groups have challenged the order and notice on the grounds that the commissioner exceeded his powers and they are so vague and unreasonable that they should be declared void and of no force and effect in law.

Mr D Kuny, SC, who appeared for the press, said the notice and order were grossly unreasonable, partial and unequal in that they did not apply to radio or television.

He argued that the order should be declared invalid because in making it applicable to the entire country and the self-governing territories the commissioner went beyond the powers vested in him by regulation 7 (1) b (ii).

The commissioner was entitled to make orders only for a specific area, he said, and not for the entire country.

Mr Kuny said the commissioner had purported to act against the media in terms of regulation 7 but this was never intended by the enabling Act.

He said the commissioner could not have applied his mind to the implications of the order because if he had it would have been obvious to him that there were whole areas that had nothing to do with the maintenance of public order and the safety of the public.

"If this is what he has done he has acted ultra vires.

"He obviously had in mind casting the order and notice as widely as possible because although it followed after the ANC advertisement he has seen fit to sweep every unlawful organization into the net.

"By doing that he has gone way beyond the powers available to him."

Mr Kuny said it appeared the commissioner had not applied his mind to the implications of the order and the massive loopholes in it.

"The commissioner appears to consider himself to be armed with very, very wide powers to stop public debate about any unlawful organization.

"The order and notice are so wide that they have created chaos and confusion in the minds of people about what they may or may not publish."

Mr P C van der Byl, SC, who appeared on behalf of the Minister of Law and Order and the Commissioner of Police, argued that regulation 7 (1) (b) was wide enough to allow the commissioner to make the order he had.

The hearing continues on Monday.

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Press curbs 'being evaluated'

SASJ fears wave of 'voluntary' curbs

Political Staff

THE emergency restrictions prohibiting the media from promoting unlawful organizations were being evaluated, the Deputy Minister of Information, Dr Stoffel van der Merwe, said yesterday.

In a statement to Sapa, he said that in view of press speculation over possible changes to the regulations, he could confirm this but "no final decision .. has been taken".

The Progressive Federal Party spokesman on information, Mr Peter Soal, said yesterday: "We welcome this review, but the restrictions should not have been imposed anyway."

Staff Reporter

A NEW wave of "voluntary" press censorship and restrictions could be in the offing, the Southern African Society of Journalists said yesterday.

The warning came in a submission the SASJ made to the Media Council at a meeting in Cape Town.

The SASJ urged the council "not to compromise on press freedom issues" during current deliberations between the government, the newspaper industry and the council.

In the submission, SASJ president Pat Sidley said she believed the talks could result in further restrictions to the flow of information in the country.

Ms Sidley said the SASJ believed in a non-racial democratic society, a prerequisite of which was the right to know what was happening in that society.

"Already South Africa has more than 100 statutory limitations on this freedom, not to mention the many other restrictions on civil liberties."

The states of emergency had substantially curtailed the right of people to know.

The SASJ feared the current discussions would result either in the establishment of new restrictive mechanisms or in the industry taking over the implementation of existing mechanisms.

Ms Sidley said: "We are particularly concerned that the NPU will agree to some voluntary form of censorship and that this will involve pressure being brought to bear on the Media Council."

Order on 'unrest' funerals

PERMANENT restriction orders on funerals of unrest victims in several Johannesburg townships were issued in Pretoria on Tuesday night under an emergency regulation.

Soweto divisional police commissioner Andries van Zyl made the restrictions applicable in Soweto, Diepkloof, Meadowlands and Dobsonville.

The orders, issued under regulation 7(11), resemble the "temporary, routine" orders which have often been issued in the past, in respect of specific funerals.

The orders include a ban on:

- Holding a funeral without prior police permission for someone who died during "security action" or unrest.
- Holding a funeral out of doors or using a public address system.
- Displaying placards or flags.

"Security action" was defined as "any action by a security force or member of a security force." – Sapa.

Press curbs are 'absurd' lawyer tells court

DIFFICULTIES posed by the Government's new Press gags were highlighted in the Rand Supreme Court on Friday when two newspaper groups applied to have the Press regulations declared unlawful.

The court was told that an affidavit submitted by the Commissioner of Police, General Johan Coetzee, might infringe the gags he had imposed, and that the official SA Law Report's account of an Appeal Court case may have contravened the regulations.

The application to have the Press gags declared void was brought by SA Associated Newspapers — publishers of the Sunday Times — and the Argus Group.

Vague

The basis of the application was that the wording of the notice and order issued by Gen Coetzee was either so vague that it could not be interpreted, or so wide that the legislators could not have meant to have given him so much power.

The two newspaper groups brought the urgent application to have the Press gags declared invalid after Gen Coetzee had gazetted the restrictions on January 8.

The proclamation of the new restrictions was a sequel to the UDF placing advertisements with the two newspaper groups calling on the Government to unban the ANC.

The gags make it an offence for editors to allow advertisements or statements to be published which improve or promote the public image or esteem of an unlawful organisation.

Addressing Mr Justice Daniels, Mr Dennis Kuny, SC, for the two newspaper groups, highlighted the absurdities of the the new curbs, asking whether newspapers would be allowed to publish statements like the following:

By NEIL HOOPER

● Gen Coetzee's affidavit to the court in which he explained the strategy of the ANC, and why it had been necessary to curb the Press.

"If a newspaper tonight publishes the affidavit of Gen Coetzee's explanation of the strategy of the ANC, it would be hit by the order," he said.

● The SA Law Report coverage of an Appeal Court case involving a cassette recording of Oliver Tambo explaining the policy and aims of the ANC.

"Members of the public reading the report could be encouraged to support the ANC, and as a consequence the report and its editors could be subject to heavy penalties, and the report could be seized," Mr Kuny said.

● A university lecture on the ANC, even if it were for academic purposes or was in the form of a condemnation.

● A call for the release of Nelson Mandela.

● Details of the ANC Freedom Charter. It had been adopted as the policy of several other organisations which had not been declared unlawful.

● A politician saying that he supported the ideals of the ANC but not its violent methods of achieving them.

● The Government saying that it was prepared to hold talks with the ANC if it renounced violence.

● Overseas Press reports that American Secretary of State George Schultz was to have a meeting with ANC leader Oliver Tambo.

Mr Kuny described the situation facing editors of South African newspapers as "one absurdity piled on another" trying to interpret the regulations.

The case continues tomorrow.



Newspaper groups resume court challenge

The challenge by South Africa's major English newspaper groups to the latest emergency media restrictions is due to resume in the Rand Supreme Court today.

Argus and South African Associated Newspapers (Saan) last week brought an urgent application against an emergency order restricting reporting on unlawful organisations.

They have asked that an order issued by the Commissioner of Police prohibiting the publication of anything that promoted unlawful organisations be set aside.

The order goes beyond the powers granted to the commissioner by the emergency regulations, the applicants argued.

Mr Rex Gibson, deputy editor of The Star, said in an affadavit last week that the restrictions made it almost impossible for newspapers to carry on their daily business without a real threat of committing a criminal offence.

The notice would make unwarranted inroads into the public's right to be informed and the likely effect would be to deny South Africans information they needed to make crucial and urgent decisions on their own future, he said.

The newspaper groups have also asked the court to find that an advertisement commemorating the 75th anniversary of the African National Congress — and asking that it be unbanned — was not unlawful.

The Commissioner of Police, General Johan Coetzee, denied the emergency restriction was a reaction to the ANC advertisement.

Necklace horror report censored

26/11/87. Star

(327)

The latest issue of *Time* magazine carries a report on the horror of necklacing — but the original article will not be read by South Africans — it has been censored.

The South African edition of *Time* carries a note which says portions of the report have been omitted because of "emergency Press restrictions".

The expurgated version still gives a horrific description of what the report calls "one the world's most savage forms of execution".

"This is how it happens: In the townships of South Africa, militant black youths first capture a victim. Next they chop off his hands or tie them behind his back with barbed wire.

"Finally they place a gasoline-filled tyre over the terrified victim's head and shoulders and set it ablaze. The melting rubber clings like tar to the victim's flesh, while flames and searing fumes enshroud him.

"Within minutes the execution is over ... The charred body is usually burned beyond recognition. Horrified family members, who may be forced to watch, are often too intimidated to identify the murderers."

The account describes other methods of "black-on-black" killings perpetrated recently and describes them as ranging from necklacings to petrol bombings and shootings. It also mentions tribal fights.

Responsibility

Of the more than 2 300 people killed since September 1984, *Time* notes that nearly three-quarters of the victims were blacks killed by other blacks and says the "issue of who is ultimately responsible for the bloodshed is one of the most politically charged in South Africa".

The killings have given the South African Government a powerful propaganda weapon, the magazine says, with officials suggesting it proves blacks are too uncivilised to rule.

The article says, however, that the killings are a reflection of the "apartheid system" with blacks "bottled up in teeming townships and denied any voice in political life".

Another reason given for the "relentless toll" is the detention of activist community leaders and the breakdown of traditional authority in the townships.

New and more violent leaders have come forward, the article says. "In some cases the toughest person on the street rules."

Time says the "comrades" are seen as the most dangerous militant group.

Their power is such that they can terrify residents by simply holding up boxes of matches, according to the article.

A backlash just as violent has developed against the "comrades". This is the vigilantes ... "fathers (who) have donned white headbands and armbands".

"While the debate goes on, the appalling parade is one more sign of a people in agony," *Time* says.

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Police exceeded powers, says Press

SUSAN RUSSELL

THE challenge of Press restrictions, begun on January 8 by two major Press groups, continues in the Rand Supreme Court today.

D Kuny, SC, who is appearing for the Press, said on Friday the Commissioner of Police had gone beyond the powers vested in him by Regulation 7 (1) b (ii) by making it applicable to the entire country and that it should be declared void and of no force and effect in law.

Kuny said it appeared the commissioner had not applied his mind to the implications of the order and the loopholes in it.

"The order and notice are so wide that they have created chaos and confusion in the minds of people about what they may or may not publish."

P C van der Byl, SC, who is appearing on behalf of the Minister of Law and Order and the Commissioner of Police, argued that the regulation was wide enough to allow the commissioner to make the order he had.

The regulation allowed him to regulate, control or prohibit any matter without giving reasons, any matter which in his opinion was necessary for maintaining public safety or the maintenance of law and order.

technology over the past 133 years, we today are as much committed to our clients as we were in 1853. Still small enough to



THE shower room in a compound at Crown Mines in the 1930s.

Revealing pictures of old Joburg

Book: Johannesburg: Images and Continuities
Author: P Kallaway and P Pearson
Publisher: Ravan Press
Price: R19,50
Review by: Sam Mabe

APARTHEID has a past which can at times be amusing. The advent of the 99-year leasehold system has resulted in blacks being allowed to get loans at banks and building societies to build the type of mansions you see in Protea North.

This was unheard of about 10 years ago. There were also days when blacks were not allowed even to save their money at banks, let alone being given loans.

Banks were for whites only and all the natives were saving their money at the post office.

There were also the days when a black dared not be seen walking on a street pavement in town.

That was a white privilege and heaven help any black man whose shadow crossed or touched that of a white man. He would be sorted out on the spot and given a hiding he'd never forget.

These are some of the things you will be reminded of in Peter Kallaway and Patric Pearson's book, which will give you a pictorial account of working class life in Johannesburg between 1885 and 1935.

It covers life in Johannesburg including the discovery of gold, life in a mining compound, working class living areas like Vrededorp and Pageview, the passive resistance movement.

Imagine a policeman, clad in uniform but walking barefoot and carrying a spear or a knobkierrie. That was long before the advent of "the kwela-kwela" (police van), the hippo or even the rifles that are common sight in black townships nowadays.

Black labour in the mines was scarce and the book shows the propaganda that was used by mineowners to entice blacks to see the benefits of the migrant labour system.

Migrant labourers were ferried in the same train coaches that are used for ferrying coal — uncovered at the top — and heaven knows what happened when it rained or what it was like to travel in cold winter nights.

In some of the pictures, you will see what looks like concrete wall shelves; they are bunks in which miners slept at the mine compounds.

Some of the old residents of Alexandra Township might still remember the boards which in 1914 advertised the fact that "natives and coloureds" could buy land under the freehold rights system.

These rights were granted because blacks were living in areas outside the white municipal boundaries.

The people of Alexandra lost all those rights at the stroke of a pen. That was after all how the rights were granted in the first place.

People who could also find themselves walking down memory lane when reading this book are those who lived in the slums of Ferreira's Town, Doornfontein, Malay Camp, around 1918 to 1930.

In these areas, where ethnicity was not as enforced as it came to be in later years, a mixing of the African, European and Asiatic cultures started taking place.



COMPOUND policemen.

The book also carries pictures of cards announcing parties or dance and concert shows which used to be well attended in places like Undermoon Hall in Sophiatown and the well-known Bantu Men's Socia' Centre in Eloff Street, Johannesburg, in the late 1930s.

In those days, one shilling, which is traditionally accepted to be an equivalent of 10 cents, though by today's rate of exchange it could be equivalent to about 40 cents, could allow you admission to a dinner party where you'd be treated to good music and food. The advent of the black enterpreneurship, where blacks started opening barber shops and other businesses in Johannesburg is also well documented in the book.

23/11/87 BUSDAY

Restrictions extended

PERMANENT restrictions have been imposed on funerals of unrest victims in a further 23 Witwatersrand townships.

The orders, gazetted in Pretoria over the weekend under emergency regulation 7 (1), embrace what have become known as the "standard" restrictions on funerals of unrest and security action victims.

They effectively extend the permanent restrictions imposed on funerals in Soweto, Diepkloof, Meadowlands and Dobsonville last Tuesday to another 23 townships across the Reef.

The orders prohibit holding a funeral for an unrest victim without prior police approval; where anyone but an ordained minister acts as a speaker; where a public address system is used or where more than 200 people attend; where flags, banners or posters are displayed. — Sapa-Reuter.

Media curbs baffle lawyers, court hears

SUSAN RUSSELL

THE new media restrictions issued by the Commissioner of Police were so confusing that even the legal profession had difficulty in knowing what could be published.

Denis Kuny SC argued this before Mr Justice H Daniels in the Rand Supreme Court yesterday at the conclusion of an urgent application brought by South African Associated Newspapers (Saan) and the Argus Printing and Publishing Company challenging the regulations.

The judge reserved his decision until tomorrow .

Kuny said the notice and order issued by the Commissioner in terms of the emergency regulations on January 8 were so vague they could not be reasonably understood and acted upon.

The new restrictions prohibit the editor of a newspaper, magazine or periodical from publishing any report or advertisement calculated to improve or promote the public image of an unlawful organisation or commend, defend , explain or justify any of it's actions, policies or strategies.

The urgent application has been made on the grounds that the commissioner exceeded his powers under the emergency regulations.

It also asks that the order and notice be declared void and without force and effect in law because they are so vague and unreasonable they cannot be understood and implemented.

P C Van der Byl, SC, who appeared for the Minister of Law and Order and the Commissioner of Police, argued yesterday that the commissioner was entitled to make orders for the entire country and not only in a "particular area" as submitted by Kuny.

ple who have been harassed by this guy."

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More talks are e

Info musicians to sing new song

The Argus Correspondent

JOHANNESBURG. — Eight musicians involved in the Bureau for Information's R4,3-million song, *Together We'll Build A Brighter Future*, have decided to record a song to raise funds for community projects.

One of the singers, Blondie Makhene, said they met representatives of the Azanian People's Organisation (Azapo) and the United Democratic Front (UDF) yesterday and Friday to discuss the dead-end situation the musicians found themselves in because of their participation in the controversial song.

He said: "The song will not be an anti-Info song because the Info song does not say South Africa is nice. It says we must start working together to build a better future, which in itself is a good sentiment.

"We are going to come out with a positive song that expresses the sentiments of the people.

"Meeting the UDF and Azapo through the South African Musicians' Alliance was a great achievement. Recording a song to raise money for community projects is a viable way of getting out of the trouble we are in.

"It was no use asking us for the money we earned because we no longer have it. Recording the song would be our way of saying thanks for pardoning us."

Restrictions not discriminatory court told

JOHANNESBURG — An order by the Commissioner of Police restricting newspapers from reporting on unlawful organisations was not unreasonable in discriminating against the print media, it was argued in the Rand Supreme Court yesterday.

The court was hearing an urgent application by the Argus Company and South African Associated Newspapers, who are asking that the order and an accompanying notice be declared unlawful.

Mr P.C. van der Byl, SC, for the Minister of Police and the commissioner, argued that the commissioner had the right in terms of the emergency regulations to discriminate.

He said that should another section of the media publish reports or advertisements which contravened the order if published by newspapers, that would also be unlawful because of the notice.

Mr Van der Byl was answering an argument by Mr Denis Kuny, SC, for the newspapers, who said it was unreasonable to discriminate against newspapers.

Mr Van der Byl also argued that the order and notice were not vague and uncertain. He returned to an example discussed in court last week — the question of whether the commissioner could contravene his own order by addressing his recruits on the ANC.

It was heard that the commissioner could not contravene the order because it specifically forbade editors to report on the ANC — and the commissioner was not an editor.

The newspaper groups have also attacked the order and notice on the grounds that they go beyond the powers vested in the commissioner by the emergency regulations.

Mr Kuny argued that the order restricted newspapers throughout the country, but the emergency regulations granted the commissioner powers only in a "particular area".

"Particular area" referred to parts of South Africa only. It was not in the commissioner's power to make the order so geographically sweeping.

Mr Van der Byl argued that "particular area" referred both to parts of the country and South Africa as a whole. — Sapa

Curbs extended

PERMANENT restrictions were imposed on funerals for unrest victims in a further 23 Witwatersrand townships over the weekend.

The orders, gazetted in Pretoria under Emergency Regulation 7 (1), entail what have become known as the "standard" restrictions on funerals for unrest and "security action" victims.

The orders effectively extend permanent conditions imposed on funerals in Soweto, Diepkloof, Meadowlands and Dobsonville last Tuesday to a further 23 townships across the reef.

The conditions, among others, prohibit the holding of a funeral for an unrest victim:

- Without prior police approval;
- Where anyone but an ordained minister acts as a speaker;
- Where a PA system is used or where more than 200 people attend; and
- Where flags, banners or posters are displayed.

The orders are apparently intended to obviate the need for promulgating temporary restrictions in respect of specific funerals, as was previously done.

The additional townships are: Sebokeng, Evaton, Sharpeville, Bophelong, Boipatong, Mohlakeng, Bekkersdal, Kagiso, Munsieville, Wattville, Daveyton, Katlehong, Thokoza, Tembisa, KwaThema, Duduza, Balfour, Greylingstad, Botleng, Ratanda, Vosloorus, Tsakane and Alexandra. — Sapa.

Winnie grilled on township football team

SOWETO. — The Mandela FC, a township football team, was the main object of inquiry during Mrs Winnie Mandela's six hours of questioning by security police on Sunday night, she told reporters yesterday afternoon.

"The football club is what they were really interested in," Mrs Mandela told a group of about 40 local and foreign journalists at a hastily convened press conference on the pavement of her Orlando West home.

Mrs Mandela and her daughter Zinzi were held at Protea police station on Sunday night after more than 50 security policemen spent about two hours searching through the house, she said.

The police swoop followed the funeral of 18-year-old Mr Frank Makgatla, a member of the Mandela FC, who Mrs Mandela and team-mates allege was shot by a member of the Kabasa vigilante gang in Phomolong, Soweto, two weeks ago.

Thirteen Mandela FC members were arrested outside Mrs Mandela's home in the swoop, she said.

"I just sat at the police station while they searched through my filing cabinet letter by letter and asked me about the Mandela FCs.

"I explained I was behind the team and that it consisted of young members of street committees in the Orlando West area."

The object of the team was to keep young activists off the street and away from shebeens where recent clashes between radical "comrades" and right-wing vigilantes have taken place.

Ironically, Mr Makgatla had been shot while trying to protect a friend involved in a brawl with a member of the Kabasa gang soon after the formation of the team, according to members of the Mandela FC. Mrs Mandela said his killer was a well-known member of the Kabasa gang and alleged that he operated openly without police interference.

More youths

"He is openly known as somebody whose mission is to eliminate comrades. He had been to Frank's home before, brandishing weapons and threatening to kill him."

Mrs Mandela said she planned to expand the Mandela FC into a sports club that would provide for more youths.

On Sunday night a police spokesman in Pretoria, Lieutenant-Colonel Steve van Rooyen, confirmed that Mrs Mandela was escorted by police from her home to a nearby police station, but said she had "definitely not been arrested or detained". — Sapa

New media curbs so confusing, judge told

(307) 27/1/87 - W/m.

Mercury Correspondent

JOHANNESBURG—The new media restrictions issued by the Commissioner of Police were so confusing that even the legal profession had difficulty in knowing what could be published.

Mr D Kuny SC argued this before Mr Justice Daniels in the Rand Supreme Court yesterday at the conclusion of an urgent application brought by South African Associated Newspapers and the Argus Printing and Publishing Company challenging the regulations.

The Judge reserved his decision until tomorrow.

Mr Kuny said the notice and order issued by the commissioner in terms of the emergency regulations on January 8 were so vague they could not be reasonably understood and acted upon.

The new restrictions prohibit the editor of a newspaper, magazine or periodical from publishing any report or advertisement calculated to improve or promote the public image of an unlawful organisation or commend, defend, explain or justify any of its actions, policies or strategies.

The new restrictions were imposed after various newspapers published an advertisement placed by the UDF, NECC and SACC calling for the unbanning of the ANC.

The application has been made on the grounds that the commissioner exceeded his powers under the emergency regulations.

The Press groups have also asked that the order and notice should be declared void and without force and effect in law because they are so vague and unreasonable that they cannot be understood and implemented.

Mr P C van der Byl SC who appeared for the Minister of Law and Order and the Commissioner of Police argued that the commissioner was entitled to make orders for the entire country.

He said the commissioner was also entitled to act against the media.

Entitled

The fact that the State President had promulgated separate media and security regulations did not mean that he had intended to exclude the power to act against the Press in the other regulations.

Dealing with Mr Kuny's submission that the new restrictions were unreasonable because they acted against newspapers, magazines and periodicals but not against the other branches of the media, Mr van der Byl said the commissioner was also entitled to do this.

He said if an advertisement or report was found to lend support to an unlawful organisation it would be a 'subversive statement' and therefore could not be published by anyone.

Mr van der Byl said the Commissioner of Police was just an official and not a politician who had to see that public order and public safety were maintained.

This was what he was trying to do.

He asked that the application be dismissed with costs.

Government blamed for SA isolation

Dispatch Reporter

EAST LONDON — The vice-chairman of the Progressive Federal Party in the Border region, Mr Errol Spring, said yesterday the failure of the government to carry out its promised reform programme had created a climate of total international isolation of South Africa.

He was responding to a statement in yesterday's Daily Dispatch by the National Party's candidate for East London North, Mr Calle Badenhorst.

Mr Spring said he found it somewhat strange that the NP offered law and order when, in fact, law and order had broken down in the country and the government has been forced to impose a nationwide state of emergency backed by restrictions on the freedom of the press.

He suggested that Mr Badenhorst ask the people who had had their houses burgled and their cars broken into or stolen, and those who have been mugged and robbed what they thought of the NP's ability to maintain law and order.

"As for reform, it was a total failure of the government to carry out its promised reform programme or to present any reform strategy that led to the complete breakdown of law and order and has created a climate of total interational isolation of our country.

"The myth that the NP is a party of moderates is exposed by the resignation of the MP for Randburg, Mr Wynand Malan, and, closer to home, that of councillor Gwyn Bassingthwaighte.

"The actions of Mr Badenhorst's fellow NP member and the Minister of Education and Culture in the Assembly, Mr Piet Clase, endorsed by the State President, Mr P. W. Botha, in refusing to sanction the appointment of Miss Gail Thomas as a computer science teacher in Grahamstown, despite having all the necessary qualifications and the support of the local school board, because she is a coloured South African is certainly not the hallmark of a moderate.

"Moderate and reasonable South Africans are appalled that in 1987 this sort of ministerial mentality is still present," he said.

"The true moderates are the thousands of voters who have indicated to our workers that they are voting for the alliance due to the collapse of our economy, our security and all things we as South Africans hold dear.

"We believe that in a land of plenty these are the birthright of us all, regardless of race, colour, sex or creed," Mr Spring concluded.

Probe told of bargain

Dispatch Reporter

UMTATA — The former Minister of Agriculture and Forestry, Mr E. Z. Booi, made a unilateral decision regarding a purchase of close on 2 000 tractors worth about R58 million from an Austrian company, without Treasury or Tender Board approval.

This emerged here yesterday during the Commission of Inquiry into the Department of Commerce, Industry and Tourism, chaired by Mr Justice Van Reenen.

The commission

JUDGMENT TODAY

JUDGMENT in the Argus and South African Associated Newspapers challenge to an order and notice restricting reporting on unlawful organisations is expected to be given in the Rand Supreme Court today.

The newspaper groups have asked the court to set aside both the order and the notice, issued by the Commissioner of Police in December last year.

On Monday Mr Justice H Daniels heard the last arguments from Mr P C van der Byl, SC, counsel for the Minister of Police and the Commissioner, and Mr Dennis Kuny, SC, for the newspapers.

The newspaper groups challenge has been on four broad grounds:

- That the Commissioner is not empowered to issue such an order;

Curbs are challenged

- That the order is too wide;
- That both order and notice are grossly unreasonable and both are vague and uncertain;
- The Commissioner exceeded his powers.

Mr Kuny argued that the order restricted newspapers throughout the country, but the emergency regulations the Commissioner relied on granted him powers only in a "particular area".

Mr van der Byl argued that "particular area" referred both to parts of the country and South Africa as a whole.

Mr Kuny said that the State President had promulgated a separate set of emergency regulations dealing with the media.

This implied that orders to do with the media should be issued in terms of these "media regulations", but the Commissioner had used the original regulations to do this.

Mr van der Byl replied that the fact that the State President promulgated separate regulations for the media did not mean he meant to exclude the power to control the media from the original regulations. This was a "drastic" inference to draw, he said.

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Sowetan 28/1/87

Jan 1987

Yes, it's all normal on the ANC front

By JO-ANN BEKKER

BUREAU for Information chief Stoffel van der Merwe was surprised at the outrage levelled at the government's recent press curbs on African National Congress reports.

"We are just bringing things back to normal," he told a face-three-members-of-the press session on SABC-TV this week.

And he was right. For years, as Van der Merwe pointed out, there were virtually no reports on the ANC's policies or views.

The latest restrictions — barring newspaper editors from publishing any report or advertisement which improves the public image of a banned organisation or explains its strategies — enforces what was until very recently the status quo.

Researchers who have sifted through newspaper archives point out that through the almost 50 years the ANC was a legal organisation, it was given no more than a mention in the inside pages of white-owned newspapers, which treated black political organisations with condescending amusement.

It was only in 1959 that the *Rand Daily Mail* became the first paper to appoint a specialist journalist, Benjamin Pogrund, to cover black politics. And his reports received little prominence, even during the national campaign against the pass laws.

Analysts say the first time ANC leader Nelson Mandela became a media personality in white newspapers was when he stood trial for treason in the Sixties and was depicted as public enemy number one.

From the mid-Sixties to the Seventies there was no coverage of the then outlawed ANC or Pan-Africanist Congress, beyond occasional references to unspecified Moscow-controlled "terrorist organisations".

The freeze on independent reports on the ANC thawed less than three years ago when *Beeld* columnist Piet Muller took a cue from the government's reformist tone and headed off to meet the exiled organisation.

A subsequent business outing to Lusaka, led by Anglo America's Gavin Relly, caused a media sensation and soon pilgrimages to meet the ANC by Afrikaans and English church representatives, students and homeland leaders became regular news items.

White newspapers' attitudes towards the ANC and its guerrilla war had not changed, however. What had changed was they ceased to represent the organisation as a band of faceless monsters.

While little of substance was reported from the discussions, readers learnt for the first time that ANC executive member Thabo Mbeki smoked a pipe and had a sense of humour.

Cape Times editor Tony Heard took the demystification process one step further by publishing a full transcript of ANC president Oliver Tambo's views on present and future ANC policy. Heard was let off lightly after charges against him were switched to his newspaper company, South African Associated Newspapers (Saan), who paid a R300 admission of guilt fine.

Political observers believe the reasons for the government's greater leniency was its tentative efforts to appease the outside world by unbanning the ANC and freeing political prisoners. But reform hardened into repression as Pretoria thumbed its nose at the West and settled down to endure sanctions from abroad and political turmoil at home.

Last Friday saw the latest show of government *kragdadigheid* in response to a United Democratic Front "Unban the ANC" advertisement which was carried in 11 newspapers. The authorities apparently decided the unveiling of the ANC had gone far enough and introduced the latest press curbs restricting reports of banned organisation.

That baffling blank centre

WEEKLY MAIL readers may have been bewildered by the blank centrespread in last week's issue, particularly as a front-page report said the newspaper had been advised by its lawyers that "the advertisement which appears (on the middle pages) does not contravene any law".

The advert calling for the unbanning of the African National Congress was legal when the proof pages were completed at 7pm and sent to the printers. But by midnight a new Emergency order had been gazetted banning any newspaper report or advert which promoted a banned organisation or explained its strategies.

The Mail was telephoned by the Security Police at 9pm and informed of the midnight Gazette which would make the advert illegal. A Major Zaaiman warned a confiscation order had been prepared and said police were ready to seize copies of the newspaper if they contained the advert.

The printing presses were put on hold for several hours while legal advice was sought. Finally, the Mail decided it had no option but to withdraw the advert.

The Security Police gave permission for the centre pages to remain blank, although the Emergency press curbs prohibit newspapers from carrying any "blank space, obliteration or deletion" to indicate where reports have been censored.

Outrage at banning of scientific reports

Mercury Correspondent

CAPE TOWN—Delegates and officials at a major psychiatric conference in Cape Town have reacted with outrage and anger at the banning of reports on the psychological effects of detention and political violence on township children.

The Interdepartmental Press Liaison Committee refused permission on Tuesday for the Cape Times to publish extracts from papers presented at the fifth National Congress of the Society of Psychiatrists of South Africa (SPSA).

The papers dealt with the physical and psychological effects of detention on 28 former detainees and on the psychological problems encountered by a group of 40 adolescents forced to flee from their township homes because of internecine strife.

Yesterday Prof Oved Ben-Arie, chairman of the national executive of the SPSA and one of the speakers at the conference, attacked the ban.

Dr Robin Friedlander, who presented the paper on the psychological consequences of detention, said he believed scientific papers or reports should always be published.

● See Editorial Opinion

REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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Vol. 259 PRETORIA, 29 JANUARY JANUARIE 1987 No. 10599

PROCLAMATION

by the

State President of the Republic of South Africa

No. 18, 1987

REGULATIONS UNDER THE PUBLIC SAFETY ACT, 1953

Under the powers vested in me by section 3 (1) (a) of the Public Safety Act, 1953 (Act 3 of 1953), I hereby make the regulations contained in the Schedule that amend the Regulations made under Proclamation R. 224 of 11 December 1986.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-third day of January, One thousand Nine hundred and Eighty-seven.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:
J. C. G. BOTHA,
Minister of the Cabinet.

SCHEDULE

Definition

1. In these regulations, unless inconsistent with the context—

"the Regulations" means the regulations published by Proclamation R. 224 of 1986.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended—

(a) by the insertion in subregulation (1) after subparagraph (vi) of paragraph (a) of the definition of "subversive statement" of the following subparagraph:

"(viA) to take part in any activities of or to join or to support an organization which is an unlawful organization in terms of the Internal Security Act, 1982, or to take part in, or to support, any of any such organization's campaigns,

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. 18, 1987

REGULASIES KRAGTENS DIE WET OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by artikel 3 (1) (a) van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), vaardig ek hierby die regulasies vervat in die Bylae uit wat die Regulasies wysig wat by Proklamasie R. 224 van 11 Desember 1986, uitgevaardig is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Drie-en-twintigste dag van Januarie, Eenduisend Negehonderd Sewe-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

J. C. G. BOTHA,
Minister van die Kabinet.

BYLAE

Woordomskrywing

1. In hierdie regulasies, tensy uit die samehang anders blyk, beteken—

"die Regulasies" die regulasies afgekondig by Proklamasie R. 224 van 1986.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig—

(a) deur in subregulasie (1) na subparagraaf (vi) van paragraaf (a) van die omskrywing van "ondermynende verklaring" die volgende subparagraaf in te voeg:

"(viA) om deel te neem aan enige bedrywighede van 'n organisasie wat 'n onwettige organisasie ingevolge die Wet op Binnelandse Veiligheid, 1982, is, of om by so 'n organisasie aan te sluit of dit te ondersteun, of om deel te neem aan enige van so 'n organisasie se

projects, programmes or actions of violence or resistance against, or subversion of, the authority of the State or any local authorities, or of violence against, or intimidation of, any persons or persons belonging to any particular category of persons;''; and

(b) by the substitution for subregulation (2) of the following subregulation:

''(2) A provision of these regulations which does not already by itself limit the application, effect or scope thereof to matters connected with the safety of the public, the maintenance of public order or the termination of the state of emergency shall, notwithstanding the fact that the words of that provision may literally have a wider meaning, be construed in such a manner as to limit the application, effect or scope thereof to the said matters.''.

Amendment of regulation 3 of the Regulations

3. Regulation 3 of the Regulations is hereby amended—

(a) by the substitution in subregulation (1) in the words preceding paragraph (a) for the words ''news or comment'' of the words ''any news, comment or advertisement'';

(b) by the substitution in paragraphs (c), (d) and (e) of subregulation (1) for the words ''news or comment'' of the words ''news, comment or advertisement'';

(c) by the insertion after subregulation (1) of the following subregulation:

''(1A) (a) The Commissioner may, for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person, issue an order not inconsistent with a provision of these regulations, prohibiting any publication, television recording, film recording or sound recording containing any news, comment or advertisement on or in connection with any matter specified in the order, to be published.

(b) For the purposes of paragraph (a) the provisions of regulations 7 (2) and (4) and 8 of the Security Regulations shall *mutatis mutandis* apply.'';

(d) by the substitution in subregulation (2) for the words ''news or comment'' of the words ''news, comment or advertisement'';

(e) by the substitution in paragraphs (a) and (b) of subregulation (4) for the words ''news or comment'' of the words ''any news, comment or advertisement''; and

(f) by the addition of the following subregulation:

''(6) For the purposes of subregulations (2) and (4) a reference therein to a matter specified in subregulation (1) shall be construed as a reference also to a matter specified in an order under subregulation (1A) (a).''.

Amendment of regulation 4 of the Regulations

4. Regulation 4 of the Regulations is hereby amended by the addition of the following subregulation:

''(3) No person shall publish—

(a) any publication containing any photograph, drawing or other depiction; or

(b) any television, film or sound recording,

taken, made or produced in contravention of a provision of subregulation (1) or (2) or of a regulation which has been repealed by these regulations.''.

kampanjes, projekte, programme of aksies van geweld of verset teen, of ondermyning van, die Staatsgesag of enige plaaslike owerhede, of van geweld teen, of intimidasie van, enige persone of persone wat tot 'n bepaalde kategorie van persone behoort, of om enige sodanige kampanjes, projekte, programme of aksies te ondersteun;''; en

(b) deur subregulasie (2) deur die volgende subregulasie te vervang:

''(2) 'n Bepaling van hierdie regulasies wat nie reeds self die toepassing, uitwerking of bestek daarvan beperk tot aangeleenthede wat verband hou met die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand nie, word, ondanks die feit dat die woorde van daardie bepaling letterlik 'n wyer strekking mag hê, uitgelê op 'n wyse wat die toepassing, uitwerking of bestek daarvan beperk tot bedoelde aangeleenthede.''.

Wysiging van regulasie 3 van die Regulasies

3. Regulasie 3 van die Regulasies word hierby gewysig—

(a) deur in subregulasie (1) in die woorde wat paragraaf (a) voorafgaan die woorde ''nuus of kommentaar'' deur die woorde ''enige nuus, kommentaar of advertensie'' te vervang;

(b) deur in paragrawe (c), (d) en (e) van subregulasie (1) die woorde ''nuus of kommentaar'' deur die woorde ''nuus, kommentaar of advertensie'' te vervang;

(c) deur na subregulasie (1) die volgende subregulasie in te voeg:

''(1A) (a) Die Kommissaris kan, vir die doel van die veiligheid van die publiek, die handhawing van die openbare orde of die beëindiging van die noodtoestand, en sonder vooraf kennisgewing aan enige persoon en sonder om enige persoon aan te hoor, 'n bevel, wat nie met 'n bepaling van hierdie regulasies onbestaanbaar is nie, uitreik wat verbied dat 'n publikasie, televisie-opname, rolprentopname of klankopname wat enige nuus, kommentaar of advertensie bevat oor of in verband met enige aangeleentheid in die bevel vermeld, gepubliseer word.

(b) By die toepassing van paragraaf (a) is die bepalings van regulasies 7 (2) en (4) en 8 van die Veiligheidsregulasies *mutatis mutandis* van toepassing.'';

(d) deur in subregulasie (2) die woorde ''nuus of kommentaar'' deur die woorde ''nuus, kommentaar of advertensie'' te vervang;

(e) deur in paragrawe (a) en (b) van subregulasie (4) die woorde ''nuus of kommentaar'' deur die woorde ''enige nuus, kommentaar of advertensie'' te vervang; en

(f) deur die volgende subregulasie by te voeg:

''(6) By die toepassing van subregulasies (2) en (4) word 'n verwysing daarin na 'n aangeleentheid in subregulasie (1) vermeld, uitgelê as 'n verwysing ook na 'n aangeleentheid wat in 'n bevel kragtens subregulasie (1A) (a) vermeld word.''.

Wysiging van regulasie 4 van die Regulasies

4. Regulasie 4 van die Regulasies word hierby gewysig deur die volgende subregulasie by te voeg:

''(3) Geen persoon mag—

(a) 'n publikasie wat 'n foto, tekening of ander uitbeelding bevat; of

(b) 'n televisie-, rolprent- of klankopname,

wat geneem of gemaak is in stryd met 'n bepaling van subregulasie (1) of (2) of van 'n regulasie wat deur hierdie regulasies herroep is, publiseer nie.''.

Amendment of regulation 6 of the Regulations

5. Regulation 6 of the Regulations is hereby amended by the insertion in subregulation (1) after the expression "3 (1)" of the expression "or (1A) or 4 (3)".

Amendment of regulation 7 of the Regulations

6. Regulation 7 of the Regulations is hereby amended by the insertion in paragraph (a) of subregulation (2) after the expression "3 (1)" of the expression "or (1A) or 4 (3)".

Amendment of regulation 8 of the Regulations

7. Regulation 8 of the Regulations is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) contravenes a provision of regulation 2 (1), 3 (1), (2) or (3), 4 (1), (2) or (3) or 5 or an order under regulation 3 (1A) or 7 (1) or (6); or".

Wysiging van regulasie 6 van die Regulasies

5. Regulasie 6 van die Regulasies word hierby gewysig deur in subregulasie (1) na die uitdrukking "3 (1)" die uitdrukking "of (1A) of 4 (3)" in te voeg.

Wysiging van regulasie 7 van die Regulasies

6. Regulasie 7 van die Regulasies word hierby gewysig deur in paragraaf (a) van subregulasie (2) na die uitdrukking "3 (1)" die uitdrukking "of (1A) of 4 (3)" in te voeg.

Wysiging van regulasie 8 van die Regulasies

7. Regulasie 8 van die Regulasies word hierby gewysig deur paragraaf (a) deur die volgende paragraaf te vervang:

"(a) 'n bepaling van regulasie 2 (1), 3 (1), (2) of (3), 4 (1), (2) of (3) of 5 of 'n bevel kragtens regulasie 3 (1A) of 7 (1) of (6) oortree; of".

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Water conservation is very important to the community and industry to ensure their survival. So save water!





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CAPE TIMES 24/1/87

Clampdown on psychiatry papers angers delegates

By CHRIS ERASMUS

DELEGATES and officials at a major psychiatric conference in Cape Town have reacted with outrage and anger to the ban on publication of reports on the psychological effects of detention and political violence on township children.

The Interdepartmental Press Liaison Committee (IPLC) refused permission on Tuesday for the Cape Times to publish extracts from papers presented at the fifth national congress of the Society of Pschiatrists of South Africa (SPSA).

The papers dealt with the physical and psychological effects of detention on 28 former detainees and on the psychological problems encountered by 40 adolescents forced to flee from their homes.

Yesterday Dr Francois Daubenton, the conference convener, said he deplored the ban on the publication of scientific papers, while Professor Oved Ben-Arie, chairman of the national executive of the SPSA and one of the speakers at the conference, attacked the ban.

"These academic studies were conducted by people without a political axe to grind and should not have been withheld from the public," said Prof Ben-Arie.

"I feel strongly that the proceedings of a professional body such as ours should be made public — particularly as the papers in question dealt with topics of vital interest to the country at large."

Professor Ben-Arie, who presented a paper in which he said the time had passed when concerned doctors could stand aside and not speak out against social injustices, said he could see no reason why the contents of the papers should not be made publicly available.

Dr Robin Friedlander, who presented the paper on the psychological consequences of detention, said he believed that scientific papers or reports should always be published.

"If there are inaccuracies or biases, then they can be scrutinized and criticized in public but their publication should not be banned," he said.

Council to discuss Press restrictions

W(M- 29/1/87 (328) (327)

Municipal Reporter

THE Government's Press curbs are expected to come under attack next Monday during the first meeting of the Durban City Council this year.

Ms Margaret Ambler (Essenwood) has called on the council to reject the censorship because the council 'recognises the needs of its citizens to have the fullest possible information on all issues of importance to society'.

Several councillors were 'very concerned' about the restrictions, she said.

Ms Ambler last month said the mayor, Mr Stan Lange, should resign after he applauded the curbs because 'they have cut down on a lot of necklacings'.

The mayor yesterday said he had no comment to make on the council's vote on Monday.

DD; 30/1/87 (327)

Court told regulations vague

PIETERMARITZBURG — The new emergency regulations would fail to pass any legal test, Mr Ismail Mahomed, SC, told the Supreme Court here yesterday.

Mr Mahomed was arguing before Mr Justice Page and Mr Justice Galgut — on behalf of the United Democratic Front and the Release Mandela Campaign — as to why the emergency regulations promulgated on December 11 should be declared null and void.

Firstly they were unreasonable, they were also vague and, thirdly, gave officials "unfettered discretion without the proper guidelines".

He said that the regulations also gave the Commissioner of Police "powers to make ad hoc definitions of subversive statements".

The Minister of Law and Order, Mr Adriaan Vlok, said in his affidavit that the regulation prohibiting the use of blank spaces or the blacking out of articles in newspapers arose because "blank spaces or the blacking out of parts of texts is an old method to get at the legislator who applies restrictions and censorship".

This, he said, made the reader politically aware, and it aroused suspicion that the state had sinister motives in hiding the true facts.

The action is being brought against the State President, the Government of the Republic of South Africa, the Minister of Law and Order and the Commissioner of Police.

The hearing continues today. — Sapa

Jan 7 1987

Judge declares police gag on Press reporting invalid

SUSAN RUSSELL

THE Commissioner of Police had exceeded his jurisdiction when he issued an order on January 8 banning the Press from reporting on unlawful organisations. The order was therefore ultra vires and invalid.

This was the finding of Mr Justice H Daniels in the Rand Supreme Court yesterday.

The Argus Printing and Publishing Company and South African Associated Newspapers (SAAN) had asked the court to declare both the order and a notice, issued simultaneously, void and without force and effect in law.

The judge said it was his prima facie view that regulation 7 (1)(b)(ii) under which the commissioner had purported to make the order could not be used for imposing some form of censorship.

The order prohibited newspapers, magazines and periodicals from publishing anything calculated to promote the image or esteem of an unlawful organisation or explain, commend, justify or defend any of their actions, aims or policies.

The judge ruled that the notice was valid. The notice, issued under the media regulations, extended the meaning of a subversive statement as defined under the emergency regulations to include support for an unlawful organisation.

The judge said the attack on the notice as vague and uncertain was unwarranted. "The terms of the notice are clear and unequivocal."

Both the order and notice were issued after an advertisement calling for the unbanning of the ANC had been placed in various newspapers by the UDF, NECC and SACC.

The judge said in the regulations the State President had, by implication, imposed some limitation on the area for which the commissioner could make orders by use of the word "particular".

He said it seemed to him the State President had wanted the commissioner to be able to impose orders for particular areas and circumstances but not to give him carte blanche to issue orders.

He said he agreed with a full bench decision of the Natal division that declared that sub-regulation ultra vires.

"Regulation 7 (1)(d) which, to a limited extent, dealt with the control of the media, was deleted on December 11 when a new set of regulations were promulgated to deal with the media.

"It is inconsistent with the scheme of the regulations to extend to the commissioner power to exercise some form of control over the media when the State President specifically promulgated a new set of regulations for that contingency."

The Minister and the commissioner were ordered to pay the costs of the applications except for the court appearance on January 14 when no order as to costs was made.

After the judgment, legal representatives for Argus and SAAN said the Press would now have greater freedom to report on unlawful organisations as the prohibitions of the order had been far wider than those of the notice.

Commenting on the judgment, SAAN MD Stephen Mulholland said: "It's gratifying that in our country we can still take government to court and get judgment in our favour.

"This is evidence that we remain basically a rational state."

Press victory neutralised by govt

MAX DU PREEZ
Political Correspondent

GOVERNMENT last night published new regulations that neutralise the decision in the Rand Supreme Court in Johannesburg to declare invalid a countrywide order imposed after newspapers published advertisements asking for the unbanning of the ANC.

Law and Order Minister Adriaan Vlok said last night: "Because of the finding that such an order, which was aimed against advertisements concerning the ANC and other prohibited organisations, were in terms of the regulations not authorised, it was decided that in addition to other amended regulations, to also promulgate new enabling regulations.

"This is being done because the government is detemined that there will be no suportive statements and/or advertisements for terrorist organisations in any way whatsoever."

Vlok also gave newspapers permission to use editorial comment on the ANC that has appeared in the *Washington Post*, the *Wall Street Journal* and the *New York Post*. In every case the ANC was strongly condemned for its policies on violence.

The country's major English-language Press groups (South African Associated Newspapers and Argus) yesterday won their application in the Rand Supreme Court to have orders issued by the Commissioner of Police on January 9 declared invalid.

● See Page 5

Sweeping new powers tighten Press gag

The Commissioner of Police has been given even wider powers as South Africa's new chief censor in a late-night Government Gazette.

The new powers were given to him in reaction to a court ruling yesterday that he had exceeded his powers under the emergency regulations when he sought to muzzle the Press.

The Argus and South African Associated Newspaper Press groups had won a Rand Supreme Court action in which the judge declared a wide-ranging order by the commissioner to be invalid. The order had restricted what could be published about banned organisations.

With the commissioner's latest powers barely three hours old, he used his new authority to prohibit the publication of any advertisements in connection with any unlawful organisation, defending, praising or endeavouring to justify any of such organisations' campaigns and actions of violence or resistance against the State.

The new order only affects publication of advertisements.

But the sweeping powers which have now been conferred by the State President on the Commissioner of Police authorise him to impose publication control in respect of any matter which he may determine.

Media lawyer Mr Paul Jenkins said today: "These actions by the Government have the potential to eradicate every last shred of Press freedom and it remains to be seen how the commissioner will exercise his censorship powers.

"If last night's order is indicative of things to come, we are sure to see tighter restrictions being imposed by the commissioner, on an ad hoc basis, whenever he deems it necessary for the security of the State."

The commissioner was given these powers by an addition to the provisions in the media regulations, which impose publication control over certain defined matters.

If a newspaper wishes to publish any such matter it must first obtain permission from the relevent Minister, through the Inter-Departmental Press Liaison Centre.

The categories of matter which may only be published with such permission are now potentially unlimited.

The provision conferring the commissioner with his new powers reads: "The commissioner may, for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency and without notice to any person or without hearing any person, issue an order not inconsistent with these regulations, prohibiting any publication, television recording, film recording or sound recording containing any news, comment or advertisement on or in connection with any matter specified in the order, to be published."

● See Pages 3, 6 and 10

New decree 'undemocratic'

Law and Order spokesman for the Progressive Federal Party Mrs Helen Suzman said the issuing of new restrictions on the media was typical of the Government.

"The Government is always complaining that the world moves the goal posts, but the Government changes the rules of the game," she said.

"Every time it loses a case in the courts of law," she added, "it uses the simple and totally undemocratic expedient of issuing a new decree.

"It doesn't even have to go to Parliament to get approval for amending the law. More and more we move into an era of an automatic regime."

Mrs Suzman added it was significant that the new regulations were printed and at the ready in anticipation of an unfavourable decision for the Government in the law courts.

"This sort of action not only undermines the authority of Parliament but makes a mockery of the courts of law," she said.

Argus 30/1/87

Commissioner of Police gets wider power over Press

Political Staff

THE Commissioner of Police was given even wider powers as South Africa's new chief censor in a late-night Government Gazette last night.

They were given to him in reaction to a court ruling yesterday that he had exceeded the powers given him in terms of the emergency regulations when he sought to muzzle the Press.

The Argus and South African Associated Newspaper Press groups had won a Rand Supreme Court action in which the judge declared a wide-ranging order by the Commissioner to be invalid.

USED NEW POWERS

With the Commissioner's latest powers barely three hours old, he used his new authority to prohibit the publication of any advertisements in connection with an unlawful organisation defending, praising or endeavouring to justify any of such organisations' campaigns and actions of violence or resistance against the State.

The new order only affects the publication of advertisements, but the sweeping powers which have now been conferred by the State President on the Commissioner of Police, authorised him to impose publication control in respect of any matter which he may determine.

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AT THE READY

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"This sort of action not only undermines the authority of Parliament, but makes a mockery of the courts of law," she said.

Media lawyer Mr Paul Jenkins said today: "These actions by the Government have the

(Turn to Page 3, Col 6)

Police get wider media powers

PRETORIA — Wide-ranging powers were given to the Commissioner of Police last night to prohibit the publication of "any matter."

The powers are afforded by amendments to emergency regulations gazetted in Pretoria last night:

"The Commissioner may, for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person, issue an order not inconsistent with a provision of these regulations, prohibiting any publication, television recording, film recording or sound recording containing any news, comment, or advertisement on or in connection with any matter specified in the order, to be published."

The definition of subversive statement has also been broadened to include the taking part in "any activities of or to join or to support an organisation which is an unlawful organisation in terms of the Internal Security Act, 1982, or to take part in, or to support, any of any such organisations' campaigns, projects, programmes or actions of violence or resistance against, or subversion of, the authority of the state or any local authorities, or of violence against, or intimidation of, any persons or persons belonging to any particular category of person."

The Minister of Law and Order, Mr Adriaan Vlok, said earlier last night the government would promulgate new "enabling" regulations on reports by the media and "amend" other regulations following a decision by the Rand Supreme Court yesterday.

"This is being done because the government is determined that there will be no supportive statements and/or advertisements for terrorist organisations in any way whatsoever," he said in a statement from Pretoria, released by the Department of Information.

In yesterday's court case a country-wide order imposed after several English language newpapers published advertisements commemorating the 75th anniversary of the African National Congress was declared invalid in the Rand Supreme Court.

Two English language newspaper groups, South African Associated Newspapers and Argus, challenged the order issued by the Commissioner of Police on January 8 which prevented newspaper editors from publishing almost anything about the ANC.

But an application to invalidate a notice prohibiting the encouragement of support for an unlawful organisation was rejected.

Mr Justice H. Daniels said the Commissioner had exceeded his authority by issuing the blanket order which included a prohibition on any advert calculated to improve the public image of an unlawful organisation.

Mr Justice Daniels said Regulation 7 (B) gave the Commissioner, General Johan Coetzee jurisdiction to prohibit actions in a "particular area" — and he imposed the prohibition on the whole of South Africa.

● Early this morning the Commissioner of Police prohibited the publication of advertisements which defended, praised or endeavoured to justify unlawful organisations' campaigns, projects, programmes or actions.

The order was issued in terms of Proclamation R224 of 1986 as amended in the Government Gazette earlier last night.

The order contained in Gazette number 10605 reads:

"No publisher of a periodical shall publish any periodical containing an advertisment on or in connection with an organisation which is an unlawful organisation in terms of the Internal Security Act, 1982 (Act 74 of 1982), defending, praising, or endeavouring to justify any of such organisation's campaigns, projects, programmes, actions or policies of violence or resistance against, or of subversion of, the authority of the state or any local authorities, or of violence against, or of intimidation of, any persons or persons belonging to any particular category of persons."

The commissioner also repealed Notice 101 of January 8 which made it subversive to "support" an unlawful organisation.

He furthermore "withdrew" Notice 102 of January 8, the provisions of which were invalidated by the Rand Supreme Court yesterday. — Sapa.

Govt creates new category of subversive statements

The Government took new steps over censorship after yesterday's Rand Supreme Court ruling in favour of the Argus Company and South African Associated Newspapers. These are the steps and an assessment of them by media lawyer Paul Jenkins.

In response to yesterday's court ruling declaring invalid an order by the Commissioner of Police restricting newspapers from publishing advertisements or reports which improve the public image of an unlawful organisation or explain its policies, the Government last night issued two new Government Gazettes overriding the court's finding.

In terms of the Government Gazette published at about 8.30 the State President has created a new category of subversive statements which relates to the encouraging of members of the public to take part in or to join or to support an unlawful organisation or to take part in such organisation's campaigns of violence or resistance against the State.

In addition, the commissioner was empowered to prohibit the publication of any matter whatsoever, which he determined by way of subsequent orders.

In a subsequent Government Gazette issued at about 11.30 the commissioner made use of his three-hour-old powers by prohibiting the publication of any advertisements in connection with an unlawful organisation if such advertisements defend, praise or endeavour to justify any campaigns and policies of violence or resistance against the State.

In addition, the order which was declared invalid in the Rand Supreme Court yesterday was withdrawn, as was the commissioner's definition of subversive statements, which the court upheld.

Media lawyer Paul Jenkins said the actions of the Government in the handling of the ban on statements about unlawful organisations should be condemned in the strongest possible terms.

The commissioner's original ban went so far as to obliterate even legitimate public debate about the role of the ANC in the country's future. Notwithstanding a public outcry and in the face of an urgent court application, the Government persisted with its ban, until its hand was forced yesterday.

When the Rand Supreme Court overturned a portion of the ban, the way once again opened for the resumption of the ANC debate. But in its customary fashion new restrictions have been imposed which are potentially even more far-reaching than anything before in that the commissioner is now given powers to declare what may or may not be published.

The fact that the commissioner has already used his powers in terms of a midnight order by banning only advertisements which relate to unlawful organisations indicates that this was probably what he meant to prohibit in his first ban.

However, were it not for the fact that the Government was taken to court on its initial restrictions, it would have been content to allow the unintended consequence of the order, ie the killing of all public debate, to remain, even though the target of its restrictions was ostensibly only the type of advertisement which was published on the ANC's 75th anniversary, calling for its unbanning.

UDF, RMC challenge new laws

AN URGENT application challenging the Government's latest emergency regulations began before a Full Bench in the Supreme Court, Pietermaritzburg, yesterday.

The application, which is being heard by Mr Justice Page and Mr Justice Galgut, is being brought by the United Democratic Front and the Release Mandela Campaign, against the State President, the Government, the Minister of Home Affairs, the Minister of Law and Order and the Commissioner of Police.

The leader of the applicants' legal team, Mr Ismail Mahomed, SC, said the regulations were being challenged on the grounds of vagueness, of being *ultra vires*, of containing impermissible delegations of power and of being based on "wrong principles and irrelevant considerations."

Unreasonable

Mr Mahomed said states of emergency were not unique to South Africa. However, even in times of war in other countries, there always existed a degree of jurisdiction preventing an executive arm of a government from being so unreasonable that it introduced measures never contemplated by Parliament.

The executive chairman of the UDF, Mr Curnick Ndhlovu, said in his founding affidavit that his organisation considered it "fundamental" that it should have the right to be vigorously critical of Government policies and to organise and conscientise public opinion against those policies without the inhibitions prescribed by the regulations.

Mr Aubrey Mokoena of the RMC said in an affidavit on behalf of his organisation that the effect of the regulations had been to "paralyse" many of its activities.

His organisation and its supporters believed there could be no lasting peace or reconciliation in South Africa until and unless the socio-political causes which gave rise to conflict were addressed.

Botha defends emergency curbs

30/1/87
EWN POST

By PATRICK CULL
Political Correspondent

CAPE TOWN — The State President, Mr P W Botha, opened Parliament today with a commitment to retain the state of emergency and a promise that a package of reform proposals would be put to the electorate for approval in the general election.

In a address which can best be described as bland, Mr Botha:

- Defended the imposition of a state of emergency.
- Anticipated a positive economic growth rate.
- Reiterated the Government's commitment to expanding the democratic base of Government and
- Presented a lukewarm response to the Natal-Kwazulu Indaba.

With regard to the state of emergency, the State President said "the correctness of this course of action has been substantiated by the decline in the occurrence of incidents of unrest since then".

However, he stressed: "The revolutionary climate necessitates the continued maintenance of these measures of control."

Mr Botha said ANC documents obtained recently by the Government showed beyond doubt that the "ANC-SACP alliance is endeavouring to incite the black communities not only against one another, but also against the whites in SA.

Mr Botha said that discussions with the ANC would only be possible if it severed its relations with the SACP, abandoned violence and participated as peaceful South African citizens in the constitutional processes in South Africa.

He said there had already been several encouraging developments in the economy and that there was evidence of returning business and consumer confidence.

Mr Botha said that inflation remained a serious problem.

CM & Times 30/1/87

Order on SAAN, Argus invalid

JOHANNESBURG. — A countrywide order imposed after several English-language newpapers published advertisements commemorating the 75th anniversary of the African National Congress was declared invalid in the Rand Supreme Court yesterday.

But an application to invalidate an accompanying notice prohibiting the encouragement of support for an unlawful organization was rejected.

Two English-language newspaper groups, South African Associated Newspapers and Argus, challenged the order issued by the Commissioner of Police on January 8 which prevented newspaper editors from publishing almost anything about the ANC.

Mr Justice H Daniels said the commissioner had exceeded his authority by issuing the blanket order which included a prohibition on any advert calculated to improve the public image of an unlawful organization.

Mr Justice Daniels said General Johan Coetzee derived his powers from Regulation 7 (B) under the Emergency Regulations which gave him jurisdiction to prohibit actions in a "particular area" — and he imposed the prohibition on the whole of SA.

"The real question is whether any particular area means a definite and fixed area . . ." he said.

Counsel for the commissioner, Mr Piet van der Byl, argued that South Africa and its territories were a "particular area" and fell within the regulations. He submitted the section contained no limitation in size and area.

The newspaper groups' lawyer, Mr Denis Kuny, said the commissioner was unreasonable when he imposed the order on the whole of South Africa.

"The State President has imposed some limitation on the area by the use of the word 'particular'," Mr Justice Daniels said.

The State President did not grant the commissioner "carte blanche", he said.

"The only logical conclusion is that any particular area must be interpreted as an area distinguished from others and something less than the Republic of South Africa."

Having invalidated the order on those grounds it was not necessary to consider other arguments about the order's lawfulness. He was of the opinion that the relevant regulations were never "intended to be used to impose censorship on the media".

The "technical victory" was described by a newspaper lawyer as "a case where the court has fulfilled their proper function of protecting the public against the abuse of power by the executive".

"The Commissioner's powers to impose censorship in terms of security regulations and also to regulate other matters on a countrywide basis has been severely circumscribed," Mr Paul Jenkins said.

The notice extended the definition of "subversive statement" to mean a statement likely to incite a person to support an unlawful organization.

SAAN and Argus sought to have the notice invalidated because it was vague and uncertain.

Mr Justice Daniels found there was "nothing uncertain about the notice", and there was no reason to believe the commissioner had acted beyond his powers in respect of the notice.

"This prohibition, now that it has been interpreted by the court as meaning 'to promote the interests of an unlawful organization', doesn't to my mind differ markedly from the prohibition contained in the Internal Security Act Section 13 which made it an offence to advocate, advise, extend or encourage the achievement of any of the objects of an unlawful organization," the lawyer said. — Sapa

ANC debate can now resume

PRESS WINS CASE

A COUNTRY-WIDE order imposed after several English language newspapers published advertisements commemorating the 75th anniversary of the African National Congress was declared invalid in the Rand Supreme Court yesterday.

Two English language newspaper groups — South African Associated Newspapers and Argus — challenged the order issued by the Commissioner of Police on January 8 which prevented newspaper editors from publishing almost anything about the ANC.

Mr Justice H Daniels said the Commissioner had exceeded his authority by issuing the blanket order which included a prohibition on any advert calculated to improve the public image of an unlawful organisation.

"LET THE ANC SPEAK", the advert stated in bold capitals and accused the Bureau for Information and the South African Broadcasting Corporation "of bombarding the people of South Africa with distortions and untruths about the ANC".

Afrikaans language newspapers and the English-language Johannesburg-based *Citizen* newspaper rejected the advertisement.

Powers

Mr Justice Daniels said General Johan Coetzee derived his powers from Regulation 7 (B) under the emergency regulations which gave him jurisdiction to prohibit actions in a "particular area" — and he imposed the prohibition on the whole of South Africa.

Newspaper lawyer Paul Jenkins said the whole ANC debate could now be resumed.

He also said the judgment on the order had wide implications for a number of organisations, including the order preventing the National Education Crisis Committee from discussing "people's education".

(327) (328) Sowetan 30/1/87.

Govt takes wider power over media

NM 30/1/87

PRETORIA—Wide-ranging powers were given to the Commissioner of Police last night to prohibit the publication of 'any matter'.

The powers are contained in amendments to emergency regulations gazetted in Pretoria.

In reaction, a Johannesburg newspaper lawyer Mr Paul Jenkins said the commissioner had now been given carte blanche to decide on what may be published in South Africa and had been 'elevated to the country's chief censor'.

The powers are afforded by the sub-regulations inserted into Regulation 3 of Proclamation 224 of December 11, 1986.

Control

'The Commissioner may, for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person, issue an order not inconsistent with a provision of these regulations, prohibiting any publication, television recording, film recording or sound recording containing any news, comment, or advertisement on or in connection with any matter specified in the order, to be published.'

The effect of this is that the Commissioner had been empowered to determine what matters shall be subject to 'publication control' and which may only be published with the permission of a Cabinet minister or the Interdepartmental Press Liaison Committee, Mr Jenkins said.

The definition of a subversive statement has also been broadened to include the taking part in 'any activities of or to join or to support an organisation which is an unlawful organisation in terms of the Internal Security Act, 1982, or to take part in, or to support, any of any such organisations' campaigns, projects, programmes or actions of violence or resistance against, or subversion of, the authority of the State or any local authorities, or of violence against, or intimidation of, any person or persons belonging to any particular category of person'.

Last night's Government Gazette Number 10599, contains six amendments to Proclamation R224, but most of them entail technicalities.

The new powers follow a Supreme Court decision to declare invalid a countrywide order imposed after newspapers published advertisements asking for the unbanning of the ANC.

Later last night the Commissioner of Police prohibited the publication of advertisements which defended, praised or endeavoured to justify unlawful organisations' campaigns, projects, programmes or actions.

The order was issued in terms of Proclamation R224 of 1986 as amended in the Government Gazette earlier last night.

The order contained in Gazette number 10605 reads:

'No publisher of a periodical shall publish any periodical containing an advertisment on or in connection with an organisation which is an unlawful organisation in terms of the Internal Security Act, 1982 (Act 74 of 1982), defending, praising, or endeavouring to justify any of such organisation's campaigns, projects, programmes, actions or policies of violence or resistance against, or of subversion of, the authority of the State or any local authorities, or of violence against, or of intimidation of, any persons or persons belonging to any particular category of persons.'

The Commissioner also repealed Notice 101 of January 8 which made it subversive to 'support' an unlawful organisation.

He furthermore 'withdrew' Notice 102 of January

● TURN TO PAGE 2

Wider powers

● FROM PAGE 1

8 — after the provisions of which were invalidated by the Rand Supreme Court yesterday.

Mr Justice Daniels ruled that a countrywide order by the Government, after several English-language newspapers published advertisements commemorating the 75th anniversary of the African National Congress, was invalid.

Two English-language newspaper groups, the Argus and South African Associated Newspapers challenged the order issued by the Commissioner of Police on January 8 which prevented newspaper editors from publishing almost anything about the ANC.

'An application by the two groups to invalidate an accompanying notice prohibiting the encouragement of an unlawful organisation was rejected.

Mr Justice Daniels said the Commissioner had exceeded his authority by issuing the blanket order which included a prohibition on any advert calculated to improve the public image of an unlawful organisation.

Mr Justice Daniels said Gen Johan Coetzee derived his powers from Regulation 7 (B) under the Emergency Regulations which gave him jurisdiction to prohibit actions in a 'particular area' — and he imposed the prohibition on the whole of South Africa.

'The real question is whether any particular area means a definite and fixed area . . .' he said.

Counsel for the Commissioner, Mr Piet van der Byl, argued that South Africa and its territories were a 'particular area' and fell within the regulations. He submitted the section contained no limitation in size and area and the fact that he chose the largest area did not invalidate the order.

The newspaper groups' lawyer, Mr Denis Kuny, said the Commissioner was unreasonable when he imposed the order on the whole of South Africa.

'The State President has imposed some limitation on the area by the use of the word "particular",' Mr Justice Daniels said.

SAAN and Argus sought to have the notice invalidated because it was vague, uncertain and 'so unjust it could never have been intended by Parliament'.

Mr Justice Daniels found there was 'nothing uncertain about the notice'. — (Sapa)

Defence says emergency curbs are terrifying, clumsy and oppressive

MARITZBURG — The new emergency regulations were "clumsy and hopelessly terrifying and oppressive" and would fail to pass any legal test, Mr Ismail Mahomed, SC, told the Maritzburg Supreme Court yesterday.

Mr Mahomed was arguing before Mr Justice N S Page and Mr Justice B Galgut — on behalf of the United Democratic Front and the Release Mandela Campaign — as to why the emergency regulations promulgated on December 11 should be declared null and void. He told the court the regulations would be attacked on three grounds.

First they were unreasonable. They were also vague. And, thirdly, they gave officials "unfettered discretion without the proper guidelines".

Attacking the State President, Mr P W Botha, for "surrendering to other persons the awesome power to intrude into the daily lives of ordinary citizens", Mr Mahomed told the court that "the ultimate (legal) test is whether the citizen is intimidated by the law".

Attacking the definition of a subversive statement, he said the regulations gave the Commissioner of Police "powers to make ad hoc definitions".

The wording in the legislation may lead one to understand "the spirit and good intentions" of the legislator, but in law it was "a confused attempt by the State President to express his bona fides".

A fourth ground of argument against the regulations — the application of wrong legal principals and the introduction of irrelevant considerations — arose from the Minister of Law and Order's replying affidavits.

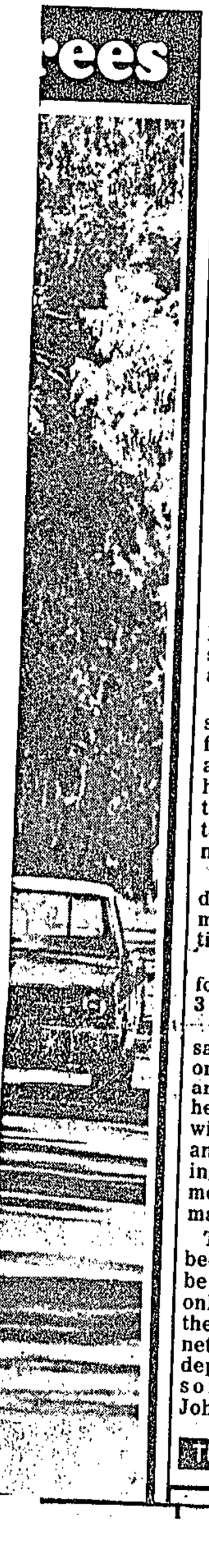
The Minister, Mr Adriaan Vlok, said in his affidavit that the regulation prohibiting the use of blank spaces or the blacking out of articles in newspapers arose because "blank spaces or the blacking out of parts of texts is an old method to get at the legislator who applies restrictions and censorship".

This served various purposes, he said. It made the reader politically aware, and it aroused suspicion within the public that the State had sinister motives in hiding the true facts.

The action was being brought against the State President, the Government of the Republic of South Africa, the Minister of Law and Order and the Commissioner of Police.

The court adjourned earlier than expected yesterday when a power failure brought proceedings to a halt in the midst of Mr Mahomed's argument attacking the clause referring to the prohibition of blank spaces and the blacking-out of articles in newspapers.

The hearing continues today. — Sapa.



New press curbs after judgment

By MAX DU PREEZ

THE government last night gazetted new regulations neutralizing yesterday's decision of the Rand Supreme Court declaring invalid a ban on advertisements concerning the African National Congress (ANC).

Mr Justice H Daniels said yesterday that the Commissioner of Police had exceeded his authority by issuing the blanket order of January 8 which included a prohibition on any advert calculated to improve the public image of an unlawful organization.

Two newspaper groups, South African Associated Newspapers and Argus, challenged the Commissioner's orders preventing the publication of almost anything about the ANC.

The Minister of Law and Order, Mr Adriaan Vlok, said in a statement last night: "Because of the finding that such an order, which was aimed against advertisements concerning the ANC and other prohibited organizations, were in terms of the regulations not authorized, it was decided that, in addition to other amended regulations, to also promulgate new enabling regulations.

"This is being done because the government is determined that there will be no supportive statements and/or advertisements for terrorist organizations in any way whatsoever."

Sapa reports that the powers are afforded by the following sub-regulations inserted into Regulation 3 of Proclamation 224 of December 11 1986:

"The Commissioner may, for the purpose of the safety of the public, the maintenance of public order or the termination of the state of emergency, and without prior notice to any person and without hearing any person, issue an order not inconsistent with a provision of these regulations, prohibiting any publication, television recording, film recording or sound recording containing any news, comment, or advertisement on or in connection with any matter specified in the order, to be published."

The effect of this was that the Commissioner had been empowered to determine what matters shall be subject to "publication control" and which may only be published with the permission of a cabinet minister or the Interdepartmental Press Liaison Committee", a Johannesburg lawyer, Mr

To page 2

BUSINESS BRIEF

Gold (close)	$410,00
Rand	$0,4870/77
FT index (close)	1427,00
BD 100	2126,00

From page 1

Paul Jenkins, said.

The definition of subversive statement has also been broadened to include the taking part in "any activities of, or to join, or to support an organization which is an unlawful organization in terms of the Internal Security Act, 1982; or to take part in, or to support, any of any such organizations' campaigns, projects, programmes or actions of violence or resistance against, or subversion of, the authority of the state or any local authorities; or of violence against, or intimidation of, any persons person or persons belonging to any particular category of person."

Mr Vlok's staff also last night phoned newspapers to announce that the minister had given permission to publish selected comments from the Wall Street Journal, New York Times and New York Post — all condemning the ANC's stand on violence.

The copies of the articles were provided by the minister's department and were prominently used on SABC-TV news last night. The government has previously turned down requests from newspapers to publish reportage and comment on the ANC's policies and activities.

An editorial in the Wall Street Journal quoted ANC leader Mr Oliver Tambo saying: "The killing of white civilians would have the beneficial effect of getting white people used to bleeding."

The New York Times quoted Mr Tambo as saying: "When blacks learn that a white has died in the violence that has become a common feature of the South African political situation — that kind of thing comes like a drop of rain after a long drought."

☐ Order on SAAN, Argus invalid, page 7

Lawyers hit out at curbs

Staff Reporters

The legal fraternity has slammed the sweeping new powers granted to the Commissioner of Police late on Thursday, saying this deprived the ordinary citizen of yet another safeguard against abuse by the State.

The Commissioner's new powers were given to him in reaction to a court ruling yesterday that found he had exceeded his powers under the emergency regulations when he sought to muzzle the Press.

A spokesman for Lawyers for Human Rights said it had almost been expected the Government would refuse to abide by Supreme Court decisions and would issue new regulations to circumvent them.

"This is an inherent weakness in our constitutional system in terms of which Parliament can ultimately do as it pleases and the courts are virtually powerless to stop it," he said.

The Chairman of the General Council of the Bar of South Africa, Mr H P Viljoen (SC), said it was a matter of "deep regret" that the Government had found it necessary to curb the independent reporting of factual occurences in as drastic a manner as had been done in the regulations.

Govt allows selective ANC quotes



Mr Oliver Tambo

JOHANNESBURG. — The Minister of Law and Order, Mr Adriaan Vlok, has granted permission to the South African media to publish certain quotes of Mr Oliver Tambo's statements during his current visit to the United States.

One of the extracts, appearing in the New York Times, quoted Mr Tambo as saying: "When blacks learn that a white has died in the violence that has become a common feature of the South African political situation — that kind of thing comes like a drop of rain after a long drought."

An editorial in the Wall Street Journal quoted Mr Tambo where he said: "The killing of white civilians would have the beneficial effect of getting white people used to bleeding."

In the Journal editorial, which was highly critical of the Shultz-Tambo meeting, the opinion was expressed that it was difficult to see how the State Department could believe that the achievement of a stable post-apartheid society would be aided by lending credence to the idea that the fragmented ANC spoke for South Africa's 20 million blacks.

The New York Post said in an editorial that the conclusion that the ANC represented an acceptable alternative to the white-ruled regime in Pretoria was profoundly misguided.

The paper said on the very day that the ANC made an appeal to whites to join it in a massive democratic coalition to end apartheid Mr Tambo called on blacks to intensify terrorist attacks on targets in white-controlled cities and towns. — Sapa

Letters

Bacon advice to gov

From GREG M (Newlands):

IN LIGHT of the g ment's censorship its recent efforts t vent even adve ments calling for t banning of the AN its hesitancy to en on a meaningful pr of reform as advise documented by ma would do well to co er these words of cis Bacon (1561-162 its attitudes toward press:

"Read not to co dict and confute, n believe and take granted, nor to find and discourse, bu weigh and consider

Allan Hendrick

To page 2



Cape Times 31/1/87.

Anti-apartheid finance: Bank under pressure

327

Staff Reporter

POLICE are putting pressure on Barclays Bank to release confidential information about the finances of a number of anti-apartheid organizations as part of an investigation into possible contraventions of the Fund Raising Act.

One Barclays Bank branch manager has already been subpoenaed to release information about the finances of a client, the Foundation for Peace and Justice — established by Dr Allan Boesak's NG Sendingkerk in Bellville South.

The manager, who did not want to be identified, and two legal advisors attended a hearing yesterday at the Bellville Magistrate's Court to try and protect the confidentiality of the account. No evidence was led. The matter has been postponed to March 23.

The Attorney-General, Mr Neil Roussouw, confirmed yesterday that the Commercial Branch of the SAP was investigating a possible contravention of the Act by the foundation.

In terms of the Fund Raising Act most organizations, excluding religious bodies, are required to register as welfare organizations to raise funds.

The police are believed to have issued six subpoenas to various branches of Barclays' bank as part of their investigation into the fund-raising activities of a number of anti-apartheid organizations.

Police said they would comment on Monday.

Barclays' regional manager, Mr Bob Wood, said no information about any of the bank's clients would be disclosed until a court order had been issued.

Justice 'must be open or risk abuse'

MARITZBURG. — Where justice was not seen to be open and public there was always the posibility of abuse, Mr Ismail Mahomed SC said yesterday in the Maritzburg Supreme Court.

Mr Mahomed was continuing his argument on behalf of the United Democratic Front (UDF) and the Release Mandela Campaign (RMC) in their action challenging the emergency regulations before Mr Justice Page and Mr Justice Galgut.

"The fact that there is an emergency accentuates the need for justice to be seen to be done openly," Mr Mahomed said.

Commenting on the fact that newspapers could report only on judgments in court cases relating to detainees under the emergency, Mr Mahomed said that when it came to matters of how judicial administration worked and what procedures the court should follow, the judiciary guarded vigorously and jealously its rights.

Amendments to the emergency regulations — promulgated on Thursday night — demonstrated that the government had made concessions to the arguments of the UDF and the RMC challenging their validity, he said.

Referring to the clause prohibiting any attack on the government, Mr Mahomed said that the implication created "a classic illustration of a government saying we will tell you what you need to know but our opponents cannot".

He told the court that this made "a sheer mockery" of democracy.

In terms of the regulations it meant that any opposition spokesman needed permission to attack the government outside parliament, but government spokesmen did not, he said.

Because the regulations empowered only members of the government to speak, and because this did not extend to the "self-governing territories", spokesmen such as Chief Mangosuthu Buthelezi could not comment even in his own Legislative Assembly.

This effectively excluded blacks from criticizing the regulations while it gave Indian, coloured and white government spokesmen the right to do so, he said.

Making reference to the clause which prohibited the photographing or video recording of security force action, he said that it merely protected the unlawful actions of the police from the public gaze.

"Such protection and secrecy must have been beyond the contemplation of parliament," he said.

The hearing was provisionally adjourned until February 9. — Sapa

Curbs 'invade judges' role

Pietermaritzburg Bureau

AN 'INTOLERABLE invasion' into the judiciary's rights was constituted within the emergency regulations, the Supreme Court heard here yesterday.

A clause in the December regulations, banning publication of evidence given at judicial proceedings relating to the arrest and detention of anyone in terms of the state of emergency until a final judgment was handed down, was an 'intolerable invasion into the right of the judiciary to control its own proceedings', it was submitted.

The submission, before Mr Justice Page and Mr Justice Galgut, was made during an application by the United Democratic Front and the Release Mandela Campaign.

The application challenges key sections of the emergency regulations.

Mr Ismail Mahomed SC, for the UDF and Release Mandela Campaign, said the clause showed a failure to understand that it was part of the judicial process that justice should operate in the public glare.

'Where justice is not administered openly it has the potential for abuse.'

The clause should be struck down, Mr Mahomed said.

The Courts already had the machinery, skill and experience to limit publication of evidence if that were considered essential in the interests of justice.

He said the Government tried to justify the clause by saying newspapers distorted proceedings and reported only one side of the story.

There were statutory provisions which made it a criminal offence for anyone to publish an untrue statement about the police or prisons.

The Government acted on the premise that whatever the police said was the truth and if newspapers said otherwise it had to be false.

'The Courts are engaged in finding out who is telling the truth,' he said.

Mr Mahomed also attacked prohibitions on the taking of photographs, or making drawings, films of unrest or security action.

He submitted that that regulation offered protection to the security forces even if they acted unlawfully and said it could never have been contemplated by Parliament.

The hearing was adjourned until February 9.

SAAN chief warns Govt of dangers of new curbs

Mercury Correspondent

JOHANNESBURG—The new Government restrictions issued on Thursday night to override the Rand Supreme Court ruling declaring invalid an order issued on January 9 by the Commissioner of Police are not in the interests of South Africa.

That is according to the managing director of South African Associated Newspapers, Mr Stephen Mulholland, who cautioned the Government yesterday that it was ill-advised in taking steps of this nature.

'I think it is in the interests of the country to have an informed public. The dangers of the public not having confidence in its sources of information is one which any society should avoid, particularly a society in the circumstances in which South Africa finds itself today,' Mr Mulholland said.

He could not say whether newspaper groups would challenge the new restrictions because he was still studying them.

Prof David McQouid Mason, Professor of Law at the University of Natal in Durban, criticised the wide powers given to the commissioner as being literally 'police-state type of legislation'.

'No longer do we have Parliament making these laws,' he said.

'Basically the chief commissioner is acting as the chief censor'.

Prof McQuoid-Mason said it was important for people to realise that they were reading censored news.

'Listeners do not realise how much propaganda gets across on radio and television.'

The professor said the viewing public was exposed to 'selective' quotes from speeches given by public figures such as Oliver Tambo and Archbishop Desmond Tutu.



Mothobi Mutloatse

Verdict on banned diary

By ZB MOLEFE

THE Publications Appeal Board will on Tuesday hear Skotaville publishing house's appeal against last week's banning of *Diary of Liberation*.

The ban was suspended on Friday after an urgent appeal by the publisher. Since then, copies of the book have been freely available, according to Skotaville managing director Mothobi Mutloatse.

"Normally we would have waited two months for the appeal to be heard. But we couldn't wait that long with the diary – we had to appeal," he said.

The diary was banned on the grounds that certain quotations – including those of Mweli Skota – were "undesirable".

Sections of the foreword were labelled "objectionable" by the Publications Directorate.

Mutloatse said his company was appealing as "a matter of principle. A publishing company can't have its freedom of expression interfered with".

- Two of the diary's compilers were detained during the first state of emergency last year. Over 2 000 of the 3 000 diaries printed have been sold.

Lawyers slam new press curbs

JOHANNESBURG — The legal fraternity has slammed the sweeping new powers granted to the Commissioner of Police on Thursday, saying they deprived citizens of another safeguard against abuse by the state.

The commissioner's new powers were given to him in reaction to a court ruling that found he had exceeded his powers under the emergency regulations when he sought to muzzle the press.

A spokesman for Lawyers for Human Rights said it had almost been expected the government would refuse to abide by the Supreme Court decision and would issue new regulations to circumvent them.

He said this was a weakness in the constitutional system as Parliament could do as it pleased.

The chairman of the General Council of the Bar of South Africa, Mr H. P. Viljoen, SC, said it was a matter of "deep regret" that the government had found it necessary to curb the independent reporting of factual occurrences in such a drastic manner. — Sapa

CAPE TIMES 2/2/86 327

Song 'not NP propaganda exercise'

By ANDREW DONALDSON

THE controversy between the Bureau for Information and the South African Musicians' Alliance over the R4,3-million peace song, "Together We'll Build A Brighter Future", appears to be growing.

In a statement released at the weekend, the bureau denied the Info peace song was a National Party propaganda excercise.

"This is utter nonsense," it said. "The NP had nothing whatsoever to do with the project, which articulates views that must surely be acceptable to any political party which seeks the peaceful resolution of South Africa's problems."

The bureau also said participation was not "inconsistent" with an artists' stand against apartheid.

The bureau was reacting to statements by Sama member and Savuka star Johnny Clegg, and Sama spokesman Derek Thema.

Commenting on a Sama statement that violence against the Info singers by the community showed the "degree of antagonism" their actions generated, it said:

"Sama knows very well that the 'state of violence' was not mounted by the community but by certain radical organizations."

Their allegations were an "insult to the black community" — the majority of whom opposed violence and were not "antagonistic" to the spirit of reconciliation, peaceful development and co-operation communicated in the song.

The bureau was "glad" that Sama was "non-aligned, non-racial and abhors violence".

"We would accordingly be interested to learn whether the organization has ever condemned the violent attacks on the black artists in question, and if not, whether it intends to do so in unequivocal terms. If it is truly opposed to violence it should avoid the argument that violence is somehow excusable whenever some or other section of the community feels antagonized," the bureau said.

Lange blocks vote against Press curbs

Municipal Reporter

DURBAN Mayor Stan Lange, whose defence of Press censorship led to a city council resolution opposing the curbs, blocked voting on the resolution last night by voting twice on the issue.

An amendment by Deputy Mayor Henry Klotz, calling the curbs a matter of national politics which the council should not discuss, produced a 13-13 tie.

The Mayor, whose vote as a councillor resulted in the tie, then used his mayoral prerogative as a tie-breaker, making the vote 14-13.

Had he not voted, the result would have been 13-12 against the resolution, after which the council would have voted on Councillor Margaret Ambler's resolution opposing Press curbs and recognising 'the needs of its citizens to have the fullest possible information on all issues of importance'.

Councillor Peter Mansfield (Glenwood) said: 'People in almost every country in the world know more about what is going on down the road in the townships of this city than you do.'

Mr Mansfield, who was not present for the final vote, said the Mayor's earlier statements applauding the Press curbs made a farce of the amendment claiming the matter was outside the council's sphere.

Councillor Neil MacLennan (Durban North) said: 'If anybody believes the state of emergency does not affect the city, he should take his head out of the sand.'

Councillor Gys Müller (Grosvenor/Brighton Beach) said the Press had 'fantastic freedom'.

Minister orders research kept secret

PRETORIA — The Minister of Defence, Mr Magnus Malan, yesterday ordered that certain information regarding classified research done in South Africa 18 years ago and revealed in the Pretoria magistrate's court yesterday not be made public.

The order was made at the trial on charges of fraud of the chief director of the CSIR's National Institute of Telecommunications Research, Mr Raymond Vice, 61, a retired deputy chairman of the CSIR, Dr Francis Hewitt, 67, and a senior lecturer in applied mathematics at the University of Cape Town, Professor Geoffrey Brundritt, 46.

It is alleged by Dr Jan Lochner, formerly of the CSIR and the University of Port Elizabeth, who brought the action, that they misrepresented a formula during research in 1968.

The order prevented publication of information regarding the development of weaponry systems involved in SA's defence and the codenames of operations relating to the case.

The hearing, before magistrate F. J. Poolman, continues. — DDC

You're wrong PW, says Barclays chief

(327) W/m 5/2/87



Chris Ball: Invited the President to repeat his remarks outside of Parliament.

Mercury Correspondent

CAPE TOWN—Barclays managing director Chris Ball and the PFP last night accused President Botha of attempted 'character assassination' for linking the chief executive of South Africa's largest bank with the financing of pro-ANC advertisements.

Mr Ball bluntly told Mr Botha he was 'wrong' and invited him to repeat his statement made during yesterday's no-confidence debate outside of Parliament.

'You are wrong Mr State President. I had no knowledge of the advertisement until I read it in the morning newspapers in my office on the first day of publication which, if I am not mistaken, was Thursday 8th January 1987,' Mr Ball said in a statement.

'It is a matter of comment that the State President has referred to this issue under the privileges of the protection of Parliament, and I respectfully request him to repeat the statement outside Parliament.'

The PFP's media spokesman, Mr Dave Dalling, said Mr Botha was 'making himself guilty of the worst type of gutter politics by attempting, without any foundation of proof, to smear the character of the managing director of one of South Africa's leading banks.'

Investigation

It is understood that Mr Botha last night ordered an immediate one-man commission of inquiry into the affair.

He has also told members of his Cabinet that he wanted an urgent top-level investigation into who placed the advertisements, how much they cost and who paid for them.

The adverts, calling for the unbanning of the ANC, appeared in 22 English-language newspapers on January 8 to coincide with the 5th anniversary of the ANC. Further advertisements were prohibited by a police order the following day.

Speaking in the no-confidence debate yesterday afternoon, Mr Botha said the advertisements had 'shamelessly advanced the image and interests of the ANC'. Responsible South Africans, he said, were 'repulsed' by it.

Mr Botha's precise words were: 'In Leftist radical circles it is being said that Mr Chris Ball advanced the money to the advertisers. An amount of R150 000 is being mentioned.

'I, and I am sure the population of South Africa, would like to know from Mr Ball if what is said is true.'

However, Mr Ball said in response last night that he knew 'nothing of the advertisement until I saw it in the morning papers on arrival in my office on the day of its first publication'.

Asked to respond to Mr Ball's denial of any knowledge of the funding for the advertisements, a spokesman from Mr Botha's office said late last night: 'Mr Ball should not contradict the State President. He should

◆ TURN TO PAGE 2

P.T.O.

NUM DEC VIOL AT M

MINE violence, which has claimed the lives of dozens of miners recently, will come under scrutiny at the six annual congress of the 369 000-member National Union of Mineworkers (Num) to be held in Johannesburg next week.

The Num has blamed the hostel and migrant system as the cause of faction fighting in the mines.

Num's press officer, Mr Marcel Golding, told the *Sowetan* that delegates will discuss the issue as well as formulate a policy "on how to deal with mine violence" in future.

The venue for the meeting is the National Exhibition Centre, at Crown Mines, in Johannesburg and the congress will take place from February 25 to 28.



MY CYRIL Ramaphosa ... N tary.

Demands

The Num will also focus on:

- Wage demands in the mining industry for 1987;
- Health and safety in the mines;
- Job reservation in the mining industry;
- The state of emergency, and "massive repression in the mining industry by mine security as well as the intervention of police" in labour disputes.

Mr Golding added: "Delegates will also discuss regional unity of mine workers in southern Africa through the Southern African Miners Federation (SAMF).

Members of the SAMF include Botswana, Lesotho, South Africa and Zimbabwe. Attempts were being made to include southern African states such as Angola and Mozambique, according to the Num official.

The central executive committee of the Congress of South African Trade Unions (Cosatu) meets in Johannesburg this weekend.

Among topics to be discussed at this meeting will be the two-month-old OK Bazaars wage dispu... Th... starts... • ... Unio... and ... holds... meet... burg,

Bank chief says P W is wrong

◆ FROM PAGE 1

rather contradict the radical elements in connection with the advertisement in the first place.'

However, Mr Dalling said Mr Botha would have 'no option but to resign his office when the name of Mr Ball is cleared.'

'He (Mr Botha) has committed the cardinal political sin of attempting a character assassination on Mr Ball, one of the Republic's most respected businessmen and a person who has made no secret of his opposition to apartheid and the National Party.

'The credibility and honesty of the State President is now an issue. Either this country is being led by a straight executive chief or by a frightened political midget trying to survive by scandalising his opponent without any basis of proof.'

The advertisements which sparked yesterday's row were issued by the UDF, the NECC, the SACC, the National Soccer League, the South African Rugby Union, the National Taverners Association and the Southern Transvaal African Chamber of Commerce.

After the advertisements appeared, a special gazette was promulgated which further restricted reporting of the ANC. Police also visited newspapers countrywide and took material relating to the advertisements.

Last night Mr Krish Naidoo, an attorney who placed the advertisement on instructions from the organisations, said from Johannesburg: 'The UDF gave me the cheque and it certainly wasn't from Mr Chris Ball.'

Mr Naidoo said the cheque, a Barclays bank-guaranteed cheque, was for R100 000 — not for R150 000, as claimed by Mr Botha.

'We don't know the funding source,' he said.

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IPM president Dr Johan Gouws will also address the meeting.

- The AECI chemical group hosts a one-day seminar at Gold Reef City, Crown Mines on March 17.

The theme of the seminar is: The Current Industrial Relations Issues.

Among speakers will be Cosatu education officer Mr Alec Erwin, *Sowetan* deputy editor Mr Aggrey Klaaste and Mr Samela Manene, national organiser of the 'SA Chemical Workers' Union.

Some of the topics at the seminar are: people's education; the workerist versus populist debate; majoritariasm and the bargaining unit.

- The Electrical and Allied Trade Union of South Africa will be holding its national conference at the Alpha Training Centre, Broederstroom, from April 4 to 5.

Activities at the c... ference include the el... tion of a new nati... executive council.

- The Steel E... neering Industries F... eration of SA mee... metal unions for anot... round of wage talks ... Johannesburg on Ma... 10.

The negotiations ... centre on unions' ... proposals submitted ... the employer body at ... preliminary meeting ... week.

Court hears attack on Emergency

WEEKLY MAIL REPORTER

THE Minister of Law and Order believes children are being "used" in unlawful acts "planned and organised in terms of recognised revolutionary principles".

In papers lodged with the Supreme Court in Maritzburg, minister Adriaan Vlok says this was one of the reasons why the State of Emergency was introduced on June 12 last year.

Vlok was responding to an application by the United Democratic Front and the Release Mandela Campaign challenging recent Emergency regulations.

A full bench of the Natal Supreme Court heard argument yesterday when the UDF and the RMC asked that Emergency regulations promulgated on December 11 be declared null and void, or alternatively that they be declared unlawful.

Vlok's answering affidavit gave lengthy reasons for the Emergency, including the fact that "illegal gatherings" were being held where slogans were shouted and people responded "in a violent way, demonstrating their resistance in such a way that it demands security action, not only because of its illegality but also because of damage to property".

Citing boycotts, stayaways, civil disobedience and illegal strikes, Vlok said lawful structures and the authority of the courts were being negated and undermined in order to establish the legitimacy of "alternate structures" such as street committees, people's courts, and "the people's army".

Vlok said these bodies "act in illegal ways and in some cases are created by the UDF".

Vlok also revealed his attitude towards the media — saying organisations like the UDF saw the media as "absolutely necessary" for them to achieve their aims.

"Since the declaration of the Emergency the media has been relatively freely publishing news and comment on situations ... this experience has taught that the free publishing of all such news and comment promotes the aims of those with the revolutionary ideology ... to such a degree that the safety of the public and the maintenance of public order is threatened," Vlok alleged. The continuation of such activities would delay the end of the Emergency, he added.

State President PW Botha confirmed in his affidavit that he had declared the State of Emergency for the reasons given by Vlok.

In court yesterday, counsel for the UDF, Ismail Mohamed, said the regulations would be attacked on three grounds — they were unreasonable, vague, and gave officials "unfettered discretion without proper guidelines".

He said the definition of a subversive statement gave the Commissioner of Police "powers to make *ad hoc* definitions" of what these were.

He also attacked Botha for "surrendering to other people the awesome power to intrude into the daily lives of ordinary citizens".

Yesterday's matter was heard by Justices Page and Galgut. It continues today.

DPSC sceptical of 'dramatic' decrease in deaths

By Claire Robertson, Pretoria Bureau

A spokesman for the Detainees' Parents Support Committee has reacted with scepticism to the Bureau for Information's claim of a "dramatic" decrease in the number of unrest-related deaths since the imposition of the state of emergency in June last year.

"If the unrest has dropped so dramatically ... well, we cannot comment on why there is still a state of emergency, can we?" asked Mrs Audrey Coleman, spokesman for the DPSC.

"And if they now feel so secure about the situation in the townships, why are the Press still barred from going in and reporting?"

She said the DPSC was delighted to hear that the unrest toll had dropped, but "we would like to be told by the Press that this is so".

In a statement released yesterday the bureau says a daily average of 3,7 deaths was recorded from January to June in comparison with a daily average of 1,4 for July to December — a 62 percent decrease.

The bureau says 916 people died in unrest-related incidents last year.

However, the Cape-based Repression Monitoring Group (RMG) paints a different picture.

The latest figures from the group — released in the third week of November last year — already put the death toll for 1986 at at least 1 306, or 48 percent more than for the whole of 1985.

The daily average of 2,4 deaths a day in 1985 increased to 3,9 deaths a day up to November last year, the RMG said.

The RMG draws its figures from the South African Institute of Race Relations.

The SAIRR is due to release its unrest statistics — which consistently show a more serious situation than do the Government's — later this week.

'DRAMATIC DECREASE'

The number of deaths also decreased "dramatically" during the second half of the year, dropping from 665 to 251, the bureau claims.

This showed that the introduction of the state of emergency had "saved lives and protected property" the bureau said.

The RMG figures show a drop from 969 to 337 in the same period.

The bureau says cases of unrest in South Africa decreased by 70 percent in the second half of last year after the introduction of the state of emergency on June 12.

The bureau says that, during the last six months of the year the number of unrest incidents averaged 20 a day, compared to 68 a day from January to June.

The statement says that incidents of stone-throwing remained the dominant type of incident.

"The sharp contrast between these two periods becomes increasingly apparent when the figure of 157 deaths recorded in May and the 161 deaths recorded in June, are compared with the November and December figures of 25 and 25 respectively."

The RMG has not yet released its December death figures.

The bureau claims the security forces were responsible for 34,8 percent of the deaths recorded during the period from January to June and 30 percent for the period from July to December while "black agitators" were responsible for 65,2 percent and 70 percent of the recorded deaths during the comparable periods.

If the state of emergency had not been announced "there would have been a sharp increase in the level of unrest incidents during the period July to December", the bureau says.

PW accused of 'character assassination'

Cape Times 5/2/87

ANC advert row

327

Africa — from top to tip



erlands arrived in the city yesterday after a three-month trek down Africa on his nd three days in Cape Town before he leaves for Mozambique, via Port Elizabeth.
Picture: OBED ZILWA

By ANTHONY JOHNSON and ANDRÉ KOOPMAN

BARCLAYS managing director Mr Chris Ball and the Progressive Federal Party last night accused President P W Botha of attempted "character assassination" for indirectly accusing the chief executive of South Africa's largest bank of financing African National Congress advertisements to the tune of R150 000.

Hitting back at the President, Mr Ball bluntly told Mr Botha he was "wrong" and invited him to repeat the statement he made during yesterday's no-confidence debate — outside of Parliament.

And the PFP's media spokesman, Mr Dave Dalling, slated Mr Botha for "making himself guilty of the worst type of gutter politics by attempting, without any foundation of proof, to smear the character of the MD of one of South Africa's leading banks".

It is understood that a visibly angered Mr Botha last night ordered an immediate one-man commission of inquiry into the affair.

He has also told members of his cabinet that he wants an urgent top-level investigation into who placed the advertisements, how much they cost, and who paid for them.

The advertisements, calling for the unbanning of the ANC, appeared in 22 English-language newspapers on January 8 to coincide with the 75th anniversary of the ANC. Further advertisements were prohibited by a police order the following day.

"Repulsed"

Speaking in the no-confidence debate yesterday afternoon, Mr Botha said the advertisements had "shamelessly advanced the image and interests of the ANC", and responsible South Africans were "repulsed" by it.

Mr Botha's said: "In leftist radical circles it is being said that Mr Chris Ball advanced the money to the advertisers. An amount of R150 000 is being mentioned. I — and I am sure, the population of SA — would like to know from Mr Ball if what is said is true."

An interjecting PFP MP asked Mr Botha why he did not ask Mr Ball himself before he spoke on the subject. Botha replied: "You can phone him yourself if you want to. This thing will be investigated down to the bone."

However, Mr Ball said last night that he knew "nothing of the advertisement until I saw it in the morning papers on arrival in my office on the day of its publication".

Asked to respond to Mr Ball's denial of any knowledge of the funding for the advertisements, a spokesman from Mr Botha's office said late last night: "Mr Ball should not contradict the State President. He should rather contradict the radical elements in connection with the advertisement in the first place."

However, Mr Dalling said Mr Botha would have "no option but to resign his office when the name of Mr Ball is cleared.

"The credibility and honesty of the State President is now at issue. Either this country is being led by a straight executive chief or by a frightened political midget trying to survive by scandalizing his opponent without any basis of proof."

Mr Ball, asked by the Cape Times why he thought Mr Botha disliked him, said he had, along with others, "challenged the government's scenario of total onslaught" and was thus seen as a threat because he had questioned the government's "validity to power".

"Behaviour patterns"

"I have in the few public speeches I have made tried to carefully analyze the behaviour patterns and power elements in political circles, and this is not comfortable for Mr Botha," he added.

Mr Ball, who has in the past called for the unbanning of exiled political movements and the release of the ANC leader, Mr Nelson Mandela, said he still thought this would be a "beneficial political move".

□ The advertisements in question were issued by the UDF, the NECC, the SACC, the National Soccer League, The South African Rugby Union, the National Taverners' Association and the Southern Transvaal African Chamber of Commerce.

After the advertisements appeared, a special gazette was promulgated which further restricted reporting of the ANC. Police also siezed material relating to the advertisement from newspapers countrywide.

A court overturned the ban on January 29, but the following day the government gazetted new laws banning advertising supporting the ANC or other illegal organizations.

□ Repeated attempts last night to contact Mr Krish Naidoo, who placed the advertisement on behalf of the above-mentioned organizations, were unsuccessful.

EMERGENCY LAWS F|M 6/2/87

More challenges

While two newspaper groups may have won a pyrrhic victory in the latest court battle against the State, in the Maritzburg Supreme Court the United Democratic Front and the Release Mandela Campaign continue to press home their assault on the emergency regulations.

The applicants have cast their net extremely wide in seeking to get all the regulations promulgated on December 11 voided or, alternatively, having key aspects declared invalid. The order prohibiting newspapers from publishing anything deemed to promote the interests of the African National Congress, which was invalidated in the Rand Supreme Court on Friday, was also argued in Maritzburg. But in the light of the Johannesburg judgment, the court will not be asked to find, merely to apportion costs.

Deputy counsel Amichand Soman, who is assisting Ismail Mahomed, SC, for the applicants, says he has studied the amendments to regulations issued in the wake of last Friday's judgment and is convinced they can be challenged. Further applications in respect of the amendments, he says, can be expected to be served.

Mahomed, now two days into his argument, is attacking the regulations on what has become familiar terrain — that they are vague, embarrassingly unclear, ultra vires, and that parliament could never have intended to bestow the powers vested in certain State officials as a consequence of the emergency. Further, he argues there was irrelevant consideration on the part of the State President.

The matter, being heard by Justice Page and Justice Galgut, has been provisionally adjourned to February 9 for further argument. ■

CENSORSHIP 327 FM 6/2/87

State presses on

Law and Order Minister Adriaan Vlok and Police Commissioner General Johan Coetzee have given notice that they intend to appeal against the overturning of various curbs on the media last week by Justice Daniels in the Rand Supreme Court.

The move is all the more extraordinary in the light of two *Government Gazettes* that were issued within hours of the judgment restoring the ban and extending it.

The latest restrictions empower the Commissioner of Police to impose control over any publication in respect of any matter he may determine. In addition, Coetzee has already used his new powers to prohibit the publication of any advertisements in connection with any unlawful organisation, defending, praising or endeavouring to justify any of such organisations' campaigns of violence or resistance against the State.

Further, the definition of a subversive statement has been widened to include the statements exhorting anyone to take part in any campaign of an unlawful organisation — though it is not made clear exactly what constitutes a "campaign."

The categories which may be published only with permission of the relevant minister through the Inter-Departmental Press Liaison Centre are thus potentially unlimited.

The exact wording of the new provision is that," The commissioner may, for the purpose of the safety of the public, the maintenance of public order or the termination of the State of Emergency, and without notice to any person, or without hearing any person, issue an order not inconsistent with these regulations, prohibiting any publication, television recording or sound recording containing any news, comment or advertisement on or in connection with any matter specified in the order to be published."

In the circumstances, it can only be presumed that the purpose of the minister's and commissioner's appeal against the Supreme Court judgment is to try and put some semblance of legality on the latest decrees. This is not the first time that government curbs against the press have been overthrown by the courts. A similar judgment was handed down by the Natal bench in Maritzburg last year.

Certainly the appeal cannot be based on the hope of acquiring still more powers as both the minister and commissioner already have all-embracing powers.

The newspaper groups concerned, Argus and Saan, are not throwing in the towel. Argus Chairman Hal Miller tells the *FM*: "We'll go on fighting depending on the circumstances. I'd rather not generalise but we are talking to our legal advisers and to Saan."

Saan MD Steve Mulholland confirms that discussions are continuing. ■

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1 1980: Newspapers enter Orwell's decade hamstrung by laws restricting reports on police, prisons and on outlawed organisations

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2 1984 itself: Ironically, a year of relative press freedom. Parliament and the courts permit reports on prisons and on banned organisations

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3 1986, June 12: National State of Emergency. Regulations black out news on any subject classified a "subversive statement".

[redacted]

Detain one

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5 **1986, July-November:** Two Natal court judgements find most definitions of subversive statements and the Commissioner's orders invalid.

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6 **1986, December 11:** New curbs on reporting police action and subversive statements. Court statements dealing with detentions no longer privileged

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1987, January 8: Commissioner of Police issues an order banning reports and advertising dealing with outlawed organisations.

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THE CONSTANTLY CHANGING FACE OF THE MEDIA RESTRICTIONS

AN ILLUSTRATED GUIDE TO PUBLIC IGNORANCE

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4 1986, June 16: Commissioner of Police issues further orders under the Emergency, restricting unofficial accounts of security force actions

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8 1987, January 29: The Supreme Court declares the Commissioner's order invalid. Hours later, Commissioner issues a new, tighter set of orders

A graphic guide to the public's eroding right to know, based on the case of a fictitious 'unrest' report. We present eight versions of the report, edited as it might have been by a newspaper lawyer to comply with our fast-changing laws as they stood during various key periods from 1980 to last week

12/2/87

2/2/87

IT takes a concrete example to illustrate just how the barrage of security legislation not only makes inroads into what we may know, but actually skews the meaning of reports.

Which is why we've provided the mock-up at right: an "unrest" report, full of legal catch-alls like police action, references to prison conditions, quotes from banned organisations, strikes and boycott action.

The report is fictitious. The lawyer's heavy pencil marks, alas, are all too real.

1. The decade opened with press reports restricted by a battery of laws, all carrying heavy penalties for contravention. A 1979 amendment to the Police Act made it illegal to publish "untrue matter" about the police. Lawyers, as a rule, passed reports based on accounts of eyewitnesses — making it clear these were "claims" or "allegations". The police response was carried in full.

   The ANC was seldom quoted — newspapers feared prosecution for furthering the aims of a banned organisation.

   Following the *Rand Daily Mail's* prosecution for contravening the Prisons Act — although its exposé of jail conditions had been based on sworn statements — no newspaper had dared report on prison conditions.

2. In 1984, while the blanket ban on unauthorised reports on Defence Force movements remained intact, there was a relaxation in other areas.

   The Natal Supreme Court distinguished between the various objects of unlawful organisations. Press lawyers interpreted this to mean the ANC's non-violent aims could be reported.

   The Minister of Justice announced a relaxation on reporting prison conditions, provided the SA Prisons Service was given time to investigate and reply to allegations.

   This process of relative press freedom continued throughout most of 1985.

   However, photographs, sound and film recordings of unrest were forbidden in November 1985 under Emergency regulations.

3. Under the 1986 June 12 national State of Emergency, it became illegal to publish a "subversive statement" — which included promoting the objects of unlawful organisations, encouraging people to join an unlawful demonstration and creating feelings of hostility between groups.

4. On June 16, the 10th anniversary of the Soweto revolt, the Commissioner of Police issued orders by telex banning the press from publishing unofficial news on security force actions.

5. In July, after an application brought by the Metal and Allied Workers Union, and in November, after an application by the major English language newspapers, the Natal Supreme Court declared most categories of "subversive statements" invalid — except those calling for disinvestment, strikes and an end to conscription. The court also ruled the Commissioner's orders invalid because they had been telexed, not gazetted.

6. The government hit back with a new set of tightly worded Emergency press regulations on December 11, re-introducing bans on unauthorised reports on police action — and, significantly, banning news about detention conditions, including any contained in court papers — until a court made a final ruling.

7. When newspapers throughout the country published an "Unban the ANC" advertisement, the Commissioner of Police issued an order forbidding reports and adverts promoting banned organisations.

8. The Commissioner's order was overturned by the Rand Supreme Court after an application brought by the Saan and Argus newspaper groups. But the victory was short-lived. Hours later, a Government Gazette gave the Commissioner the power to issue orders banning "any matter" which contravened the regulations. He used his new power that very night, banning advertisements which promoted any aims of any banned organisations.

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CAPE Times 6/2/87

Hersov issues denial on ANC advert

Own Correspondent

JOHANNESBURG. — Barclays National Bank had no knowledge that a R100 000 bank cheque, issued on a client's instructions, would be used to pay for controversial advertisements calling for the unbanning of the ANC.

This was stated last night by Barclays chairman Mr Basil Hersov.

Mr Hersov's statement said that "neither Chris Ball nor the bank had any knowledge of the advertisement referred to by the State President prior to its appearance in the media".

"We have since been able to identify the transaction with the cooperation of the client concerned, who has a banking relationship with us and who has consented to us releasing this information."

Barclays senior general manager Mr Jimmy McKenzie said yesterday that the bank cheque, made in favour of an attorney, was issued to the debit of the client's account. This was common banking practice.

The bank declined to name the client because this would be a breach of condfidentiality.

However, if a court order was issued Barclays would be prepared to disclose the account holder's name.

He said the State President's statement

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From page 1

had negatively affected the bank's business: "Obviously the matter will be commercially detrimental to the bank until it is cleared up."

Yesterday there was widespread indignation in business and parliamentary circles at the State President's outburst in Parliament on Wednesday in which he suggested Barclays managing director Mr Christopher Ball had funded the advertisements which appeared in 22 English-language papers on January 8.

In a series of further developments:

☐ Barclays' denial was confirmed by Mr Azhar Cachalia, UDF treasurer, who said the bank was not involved in financing the advertisement;

☐ The State President appointed a a one-man Commission of Inquiry headed by Mr Justice Mulnik to investigate the issue;

The Attorney-General of the Witwatersrand local division, Mr Klaus von Lieres, said he had received a docket from the police relating to the publication of the advertisements; and

☐ The Transvaal AG, Mr Don Brunette, said he had "no information that any docket is being forwarded to me".

During a mud-slinging debate in the House of Assembly, PFP media spokesman Mr David Dalling said: "This was a disgraceful performance, ill-befitting a head of government.

"It is a case of assassination now, and an investigation later — smear now, commission later," Mr Dalling said before being ordered by the Speaker, Mr Louis le Grange, to retract the word "smear".

Media bans must go now, says the Sash

By Rich Mkhondo

The Transvaal region of the Black Sash has challenged the Government to lift media restrictions "if it has successfully stemmed unrest".

"This will show they have nothing to fear," a spokesman said.

The Black Sash was responding to an announcement by Information Minister Mr Stoffel van der Merwe that there had been a dramatic decrease in the number of unrest-related deathssince the imposition of the state of emergency.

"A Cabinet Minister alleged that unrest figures given by the Government had not been criticised by organisations such as the Black Sash.

"This is not true," the Sash spokesman said.

PW row: Vandals damage four banks

ARGUS 6/2/87

The Argus Correspondent

JOHANNESBURG. — The unfounded allegations made by the State President against Barclays Bank had now resulted "in physical damage" to the bank in the form of graffiti sprayed on four branches, said the bank's managing director, Mr Chris Ball, today.

He said anti-African National Congress (ANC) slogans had been painted on the outside of a branch in Herbertsdale in the Eastern Cape and three in Pretoria.

This follows claims in Parliament that Mr Ball had been involved in the funding of advertisements recently calling for the unbanning of the ANC.

Mr Ball said today: "The action of the State President has actually caused physical damage to the bank, apart from the effects it could have on business."



Mr Justice Munnik

Mr Ball said he had no further comment to make on the issue and referred to a statement by the chairman of the bank, Mr Basil Hersov, last night.

Yesterday President P W Botha announced the appointment of the Judge-President of the Cape, Mr Justice George Munnik, to a commission to investigate the funding of advertisements.

Mr Botha said in Parliament yesterday the commission would have to find out whether Mr Ball was involved in the funding.

In his statement Mr Hersov said that neither Mr Ball nor the bank were asked to provide, or agreed to provide, finance for the advertisements.

Normal procedure

"At the time that a client requested our banking branch to issue a bank cheque for R100 000 in favour of an attorney, neither our staff nor the bank was informed of the purpose of this perfectly normal banking transaction, nor did they know its purpose.

"We have since been able to identify the transaction with the co-operation of the client, who has a banking relationship with us and who has consented to us releasing the information," said Mr Hersov.

The United Democratic Front, which has already stated that it paid for the advertisements, said today the Government was trying to run South Africa on often-incorrect information supplied by the security police and intelligence service.

Sources

The UDF was referring to the President's statement that he had obtained information from a top intelligence official linking Mr Ball to the financing of the ANC advertisements.

The slogans, in red spray-paint on the windows and outside walls of the Barclays main branch at Church Square, Sunnyside and Foyntons Building, include: "Bank of the ANC", "Remember May 20 — It can happen to you" and an uncompleted slogan "ANC Mr Chris Ba...".

A spokesman said Barclays "regretted" that the banks had been defaced.

"We regret damage to property, especially in the light of Mr Ball's repeated denials that he knew of the advertisements before they appeared."

Instructions had been issued to get the buildings cleaned up as soon as possible.

(327) Eve Post 6/2/87

Pulpit bug memento offered to Minister

CAPE TOWN — The Rev Allan Hendrickse, chairman of the Ministers' Council, speaking in the No Confidence debate shortly after the Minister of Law and Order, Mr Adriaan Vlok, had addressed the House, said he possessed a bugging device taken several years ago from the pulpit of a church where he had addressed a meeting.

"I think it belongs to the police. It has a serial number on it. I should have given it back, but I want them to claim it from me," said Mr Hendrickse who said testing had proved the device could transmit up to 32km.

He also removed other transmitting devices from LP offices and members' homes, he said. — Sapa

LP leader accuses English papers

CAPE TOWN — The Labour Party was being subjected to a "concerted attack" by the English Press — particularly that portion which supported the PFP, the chairman of the Minister's Council, the Rev Allan Hendrickse, said in the no confidence debate yesterday.

Referring to reports of a row within the party over his "apology" to the State President about his swim at King's Beach in Port Elizabeth, he said: "They are reading things into the situation that are not there."

The PE newspapers, the Eastern Province Herald and the Evening Post in particular, were "exploiting a situation in order to undermine my influence in the Port Elizabeth area".

A report in Wednesday's Herald by Patrick Cull, and headlined "Rabie's rebellion throws LP into turmoil" said there had been suggestions that a new political party might be launched consisting of rebel members of the LP, he said.

However Mr Jac Rabie (Transvaal chairman of the party) had said in yesterday's Burger that he had no intention of starting a new party.

Mr Hendrickse said that the Media Council should "perhaps" be asked to consider the matter. — Sapa

● The Evening Post rejects the allegation that it reports unfairly, or seeks to undermine Mr Hendrickse's position. Patrick Cull says he stands by his reports.

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Reports by Jo-Ann Bekker

You may, said the judge. You may not, said the minister

FOR a few hours last week, South Africans enjoyed a fraction more freedom than they have become accustomed to of late.

Then normality was restored.

On Thursday afternoon, a judge overturned an order issued three weeks earlier, on January 8, by the Commissioner of Police. The victory must rank as one of the shortest-lived in legal history. Before midnight, two new Government Gazettes had appeared.

The January 8 order had prohibited reports or advertisements giving a favourable impression of a banned organisation, and reports setting out their policies or strategies.

The court, however, upheld the validity of a notice expanding the definition of a subversive statement to include supporting an unlawful organisation. (See last week's Weekly Mail for full details).

Last week's gazettes, first announced on the 8.00pm news by the Minister of Law and Order, Adriaan Vlok, have limited media reporting in three ways, according to a press lawyer:

1. The government has scrapped the January 8 notice and order. But a similar notice has been promulgated introducing a new category of subversive statement which prohibits encouraging support for unlawful organisations.

However, the government seems to have accepted that it cannot prohibit all material which might improve the esteem of the African National Congress and other banned organisations, and has not replaced the order as such.



Vlok — the man behind the latest assault on media freedom

2. The State President has given awesome powers to the commissioner, allowing him to prohibit any publication containing any news, comment or advertisement, in the interests of public safety.

"It is questionable whether a court will uphold this massive abdication of authority or even agree that the President has the power to delegate to this extent in the first place, under the relatively limited ambit of the Public Safety Act," the lawyer said.

"This delegation of power will almost certainly be challenged in court. If it is thrown out it is likely to be followed by an attempt in parliament to replace or amend the Public Safety Act."

3. The commissioner has used his new powers to prohibit any advertisement on or in connection with any unlawful organisation, "defending, praising, or endeavouring to justify any of these organisations' campaigns, projects or actions".

®Unobtrusively slipped into these new regulations is an amendment to legislation restricting photographs, television, film and sound recordings.

The media regulations of December 11, strangely, only made it an offence to "take a photograph" of security action and unrest — thus allowing old photographs from library files to be used.

But the new regulation prohibits publication of any photograph, television, film or sound recording made in contravention "of a regulation which has been repealed by these regulations."

This prevents the publication of photographs taken from the beginning of the June 12 Emergency.

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The Supreme Court declares
er invalid. Hours later,
new, tighter set of orders

Press rejects PW's guidelines offer

PRETORIA — Newspaper editors have rejected as "self-censorship" the State President, Mr P. W. Botha's offer to lift the press curbs provided the press agrees to adopt government guidelines for reporting.

"Newspapers worthy of the name cannot enter into cosy private arrangements with the government to censor news," the editor of The Star, Mr Harvey Tyson, said yesterday.

Reacting to Mr Botha's statement in Parliament on Thursday that the press curbs would be "lifted tomorrow" if the press accepted the guidelines, Mr Tyson said:

"The Star's view is well known and has been outlined several times before: the government cannot expect The Star to connive with it to suppress news of which the government does not approve."

Government sources said yesterday "the ball is now in the newspapers' court" following Mr Botha's statements, but the editor of Business Day, Mr Ken Owen, said newspaper editors could not be expected to "censor themselves".

"I believe that if the government wishes to censor the news it must do so itself, Newspaper editors cannot be expected to censor themselves in terms of guidelines which lack the force of law," said Mr Owen.

The editor of the Cape Times, Mr Tony Heard, said: "Guidelines mean self-censorship.

"If the established South African press connives at the destruction of the alternative press — which in the clear object of the State President's statement — it would destroy what remains of the credibility of the established press," he said.

"Guidelines mean self-censorship, and there is enough of that already." — Sapa

☐ Weekend's cricket roundup
☐ Watersports, results and pictures

— PAGE 3

Barclays row: PW's attack 'disgusting'

Milk price to rise 4½c a litre

Staff Reporters

HARD-PRESSED consumers have been dealt another blow by yesterday's Dairy Board announcement that the producer price of milk will be increased by 4½c a litre on February 16.

The Minister of Agriculture, Mr Greyling Wentzel, said in a statement that because of cost increases in the distributive trade, which was no longer controlled, the price paid by consumers could rise slightly more than the 4c a litre announced.

A Dairy Board statement yesterday said the price of cheese, milkpowder and other dairy products — also not fixed by the board — would increase. The wholesale butter price, fixed by the board, will provisionally remain unchanged at R4 a kilogram.

According to spokesmen for Cape Town dairies, last week's announcement by certain dairies of a milkprice increase pre-empted yesterday's announcement. This meant local consumers would in effect experience only one increase.

Mr Wentzel said he was satisfied that the price increase was unavoidable to ensure that sufficient quanti-

Staff Reporters

THE Leader of the Opposition, Mr Colin Eglin, yesterday slated Mr P W Botha for "McCarthyism" following the State President's attack on Barclays Bank and its MD, Mr Chris Ball.

As Mr Eglin spoke, the bank's head offices in Johannesburg received calls from scores of sympathizers for Mr Ball including captains of industry.

According to a bank spokesman, among those who contacted the bank were Pick 'n Pay chairman Mr Raymond Ackerman; SA Breweries chief executive Mr Meyer Kahn; Tradegro's Mr Mervyn King, and the Urban Foundation's executive chairman, Mr J H Steyn, the former Supreme Court judge.

The support for Mr Ball reflects the growing rift between Mr Botha and some sections of the SA business community over the past year.

Replying to the no-confidence debate in Parliament yesterday afternoon, Mr Eglin said Mr Botha was plunging South Africa into an era of McCarthyism by using hearsay rumours to "wreak vengeance" from a position of privilege on prominent opponents opposed to his policies.

He said the way Mr Botha had linked Mr Ball to the controversial ANC advertisements and his unrelated critical reference to the chief executive of Premier Milling, Mr Tony Bloom, had been "disgusting".

Senator Joe McCarthy — the zealous anti-communist United States politician who specialized in smearing his opponents — would have been proud of Mr Botha.

"When innuendo, rumour and selective quotes are used to denigrate political opponents from a position of privilege, we know just how far we have gone down the slippery slope away from democracy," Mr Eglin said.

Mr Botha had "no idea what parliamentary democracy and a free and fair election was all about".

South Africa was "saddled with an incompetent, wasteful and bullying government whose policies have failed and whose ability to lead this country back to stability and harmony is utterly discredited", he said.

During the no-confidence debate the government had not revealed any new reform proposals and the election had been called not to obtain a new mandate for reform but for tactical party political reasons.

However, the government were headed for "the shock of their lives" on May 6 "because people in this country are basically South Africans and not racists", Mr Eglin said.

Meanwhile, in an apparent right-wing backlash against Barclays, three of its branches in Pretoria — Church Square (a national monument), Poynton's Building and Sunnyside — and one in Hermanus were spraypainted with ANC-related slogans.

A police Public Relations Directorate spokesman, Lieutenant-Colonel Steve van Rooyen, confirmed that the bank had laid charges of damage to property and of placing African National Congress slogans.

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.

Basic 'fallacy' of censorship

Cape Times 10/2/87 327

MARITZBURG. — The censorship of reporting on security force action was based on a "fundamental fallacy" — that everything said by the police was true, and that newspapers which contradicted them were printing falsehoods, the Supreme Court here was told yesterday.

Mr Ismail Mahomed, SC, was arguing on behalf of the United Democratic Front and the Release Mandela Campaign which are challenging the validity of the new emergency regulations promulgated on December 11.

The UDF and RMC have asked that the regulations be declared null and void, or alternatively that key regulations be declared unlawful, on the grounds that the regulations were unreasonable, vague and gave officials "unfettered discretion without the proper guidelines".

Mr Mahomed disagreed yesterday with a replying affidavit from the State which argued that the emergency regulations restricting press reporting were necessary as the press had on many occasions unfairly criticized the security forces.

Mr Mahomed said the ordinary laws of the land were quite adequate for dealing with inaccurate reporting and for protecting the security forces.

He also disagreed with the assertion by the State that the regulations were necessary to protect the government from an alleged campaign to estrange and isolate it from its supporters.

It was part of the democratic process that opposition sought to isolate the government.

Mr Jan Combrink, for the State President and the government, argued that the emergency regulations were necessary for the safety of the public, for public order and to end the state of emergency.

Parliament had intended the State President to have wide powers as the ordinary laws of the land were inadequate in an emergency situation.

Argument continues. — Sapa

Cape Times 11/2/87

Police arrest three men at Mandela home

JOHANNESBURG. — Police arrested three young men at the Soweto home of Mrs Winnie Mandela yesterday.

A spokesman at her home said police yesterday afternoon searched the house and then took away the three, who were working in the garden.

Nothing was confiscated, but the spokesman said Mrs Mandela was to approach Protea police station in the township to query the arrests.

Mrs Mandela maintains police raided her house seven times last Friday.

An SA Police Directorate spokesman, Lieutenant Robbie Olivier, said in Pretoria: "The SA Police did visit Mrs Mandela's home on Friday, February 6, in connection with a routine police investigation.

"It is however denied that her home was raided seven times."

□ Meanwhile according to the daily unrest report from the Bureau for Information, three men were seriously injured in a petrol-bomb attack on a private home in the Bethal township on Monday.

Mr Kiet Mahlangu, 35, Mr Vuzi Dludlu, 22, and Mr Elaja Nkazi, 20, were admitted to the Bethal Hospital. No arrests have yet been made. Damage to property was minimal.

□ The SA Institute of Race Relations said yesterday that political violence has claimed 2 326 lives between September 1984 and December 1986.

The Institute added that available data indicated that fatalities had continued to decline sharply since the middle of last year.

The Institute said that the average daily fatality rate between January 1, 1986, and the end of the first state of emergency in March last year was 3,8, but had risen to 6,4 after the emergency was lifted. Since the imposition of the second emergency the rate had dropped to 2,1. It stressed that it did not claim that its figures were definitive.

Nurse testifies at Myers inquest

Staff Reporter

A NURSING sister assigned to the intensive care of a post-operative patient explained to a city inquest court yesterday that she had not mentioned his falling blood pressure to a doctor because she ascribed it to his sedative.

Sister Irené Laing was being cross-examined by Mr Deon Irish, for the family of Mr Adrian Myers, a 37-year-old Cape Town businessman.

Mr Myers died in City Park Hospital's surgical intensive care unit on July 16 last year, after extensive internal bleeding following a colon operation.

Mr Irish said that from 6.30pm to 8.30pm Mr Myers' central venous pressure readings had fallen from 8 to 3, his arterial blood pressure also dropped, and his pulse rate went up from 64 to 92.

Heart attack

Sister Laing said she attributed this to the valium she had given Mr Myers. Blood pressure often dropped, she said, and a "fluid challenge" was given to correct it. She was sure she had done so in this case, "probably 200mm".

Mr Irish said it was not recorded on the flow chart. He asked her why she had not mentioned the "fluid challenge" to Dr Peter Horrigan during his check-up call that evening.

She said she could not remember what she said to Dr Horrigan, as it had happened so long ago.

The case proceeds.

'If it looks like unrest, it can't be reported'

MARITZBURG. — If the public arrest of a gang of bagsnatchers looked like an unrest incident to a passerby, the arrest could not be reported by the media, the Maritzburg Supreme Court heard yesterday.

This example of what could not be reported was given in argument by Mr Jan Combrink SC, for the State President and the government.

Mr Combrink was responding to an application by the UDF and the Release Mandela Campaign for the new emergency regulations, promulated on December 11, to be declared null and void.

Alternatively, the two organizations have asked that key regulations be declared unlawful.

Discussing regulations 3(1)(a) and (b), Mr Combrink told the court the State President had the power to prohibit reporting on security action or anything which would appear to a bystander to be security action.

'Sensational reporting'

The issue, he said, "Was not over the truth . . . It is concerned with what image is created."

A section of the regulations banning the publication of evidence at judicial proceedings relating to the arrest and detention of a person in terms of the emergency until a final judgment was delivered, was intended to prevent sensational and one-sided reporting, he said.

The hearing has been adjourned until April 2.

□ A UDF and Release Mandela Campaign challenge to a government order prohibiting newspapers from publishing reports or advertisements which promote the aims of an unlawful organization was withdrawn in court yesterday.

The application was withdrawn after counsel for the Commissioner of Police and the Minister of Law and Order conceded the invalidity of the order in the light of a recent Rand Supreme Court decision.

However, the UDF told the court it will challenge an order promulgated on January 29 after the Rand Supreme Court decision. — Sapa and Own Correspondent

Cape matric pupil to serve sentence

CAPE TOWN — A petition to the Chief Justice to save a Bonteheuwel matric pupil from serving a year-long jail sentence has failed and he has to report to Pollsmoor Prison within a month to serve his sentence.

Michael Carstens, 18, of Spes Bona Senior Secondary School was convicted of public violence by a Wynberg magistrate last year.

Applications for leave to appeal by two others, Benjamin Pyne and Leon Brown, of Mitchells Plain, were turned down by the Appellate Division on Friday.

The Supreme Court recently upheld a year-long sentence imposed on a 17-year-old Belhar pupil convicted in Goodwood Magistrate's Court of public violence.

Leave to appeal was refused by the Supreme Court but his bail of R150 was extended pending a petition to the Chief Justice. — Sapa

Vlok urged to return Sparks's typewriter

By BARRY STREEK
Political Staff

THE Minister of Law and Order, Mr Adriaan Vlok, did not have the faintest idea of what had occurred with the failure of the police to return a typewriter and other items which were taken four years ago from Mr Allister Sparks, the former editor of the Rand Daily Mail, PFP MP Mr David Dalling said yesterday.

Mr Dalling said this to Mr Vlok in a letter which he released to the press yesterday.

This followed a statement in Parliament by Mr Vlok that the items had not been returned to Mr Sparks because the crime had not yet prescribed.

Mr Dalling said a manual typewriter, a pair of scissors, three tapes and a complete set of every column written by Mr Sparks during his 22 years of employment on the Rand Daily Mail were removed by the police on March 16, 1983.



Mr Allister Sparks

He said in the letter that Mr Vlok's statement that the crime had not prescribed was "patently nonsense, coming even as it does, from your office".

"All charges have been dropped. No crime is alleged. In any normal case that would be the end of the matter.

"Why not in this case? Why has the warrant to seize the articles not been cancelled?

"Is this a case of negligence, or is departmental vindictiveness here in evidence?

"In any event, what after four years, can your policemen still want with Mr Sparks's typewriter and one pair of scissors?

"If long-past actions of Mr Sparks are still being investigated, then you should say so. What an indictment this would be on the efficiency of the police!

"If not, then the goods of Mr Sparks should be returned to him immediately.

"Finally, why do you still keep the set of columns written by Mr Sparks?

"They cannot possibly make agreeable reading for you, as Mr Sparks has consistently opposed the National Party and its autocratic actions.

Du Plessis places bet with Schwarz

Political Staff

HOUSE OF ASSEMBLY. — The Minister of Finance, Mr Barend du Plessis, could be under pressure to resign next year if he loses a bet he made with Mr Harry Schwarz (PFP Yeoville).

Replying to debate on the mini-budget yesterday, Mr Du Plessis challenged Mr Schwarz to put his predictions of what the economic variables — the rand/dollar exchange rate, the gold price, the dollar/dm rate and inflation on all three levels — were going to be on average over the next year.

Mr Schwarz must put his predictions in a sealed envelope and hand it to the office of the Speaker, to be opened next year during the no-confidence debate. Mr Du Plessis would do the same, and then they would see who was right.

Mr Schwarz replied by way of interjection: "And if I'm right, you have to resign."

Mr Du Plessis's only reaction was to smile.

Earlier the minister said Mr Schwarz was going to be the next victim of the "leftist power clique" of the PFP — after the resignation of Bryanston MP Mr Horace van Rensburg.

Election Monitor

by BARRY STREEK

FORMER Durban mayor and current chairman of the city's management committee, Mrs Sybil Hotz, has been chosen as the PFP's candidate for the marginal NP-held Umhlatuzana seat.

Mrs Hotz said after winning the nomination she was entitled to stand for Parliament while remaining Manco chairman and she did not intend resigning.

The PFP has a good chance of capturing Umhlatuzana. In 1981, the NP's Nico Pretorius, who is retiring, beat the NRP by only 90 votes and the NRP won the provincial seat by 512 votes.

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HEAR about the buttons being sold in Greenmarket Square in Cape Town? They say: "If voting could change the system, it would be illegal."

□□□□□□□□

THE CP have now named 59 candidates in the Transvaal and it has nomination contests in five other seats — Bethal, Brits, Florida, Kempton Park and Nelspruit — in the province.

The CP is only contesting one PFP-held seat — Hillbrow — in the Transvaal, where the party's candidate is Mrs Gay Derby-Lewis, the wife of Clive Derby-Lewis, who is standing in Krugersdorp.

The decision to contest Benoni, where the CP candidate is Mr M A J Valli, could benefit the PFP, if the CP takes votes away from the NP. The PFP believes it had a good chance of winning the seat even if the CP did not participate.

The CP have also named Arthur Acar in Randburg and that could help the sitting MP, Wynand Malan, who is standing as an independent, if it takes votes away from the NP candidate, Olaus van Zyl.

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THE probable decision of the former South African Ambassador in London, Dr Denis Worrall, to stand in the election has delayed the selection of the PFP's candidates for Umlazi and Port Natal. Its candidates in the two seats will be selected after discussions with Dr Worrall, who may fight as an independent in Port Natal.

Although there are still pressures for him to stand in Helderburg against the Minister of Constitutional Development and Planning, Mr Chris Heunis, it seems that Dr Worrall will stand in Port Natal, in which case the PFP will not field a candidate there.

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ONE MP who will be anxious about the election outcome is the PFP's Brian Goodall, MP for Edenvale. If he loses his seat, he will lose his right to a lucrative parliamentary pension and gratuity — by one day.

Mr Goodall, who was elected in a by-election in May 1979, has to fulfill his minimum of eight year's service as an MP to qualify for his pension, and will have to be an MP until the end of May 7 to do so. However, Edenvale is regarded as a safe PFP seat as Mr Goodall had a 1 869 majority in 1981 over Clive Derby-Lewis, who was then a member of the NP but who subsequently joined the CP and has become the CP's most prominent English-speaking spokesman.

Another person who will be anxiously awaiting the outcome of the PFP's nomination contest in Bryanston is Mr Rupert Lorimer, former MP for Orange Grove. His old seat was abolished shortly before the 1981 election through delimitation when he had three months to go before qualifying for his pension.

Mr Lorimer stood in Durban North in 1981 but lost by 787 votes to Mr Ron Miller, the Deputy Minister of Foreign Affairs, who was then Natal leader of the NRP.

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THE PFP, which by yesterday had finalised 42 of its nominations, expects to name about 80 candidates by nomination day. According to the party's national director, Neil Ross, the 42 nominations already finalised are half the total the PFP will put up.

Press curbs here to stay — Botha

Cape Times 13/2/87 327

Political Staff

PRESIDENT P W Botha said yesterday that existing press curbs are to stay and he has cancelled a meeting today with the Newspaper Press Union because no progress had been made with amending the Media Council.

Mr Botha and members of the cabinet met twice with the NPU and senior management of the four main newspaper groups last year.

'Revolutionary climate'

"I gave details of the problems caused by certain publications which were actively promoting the revolutionary climate in South Africa and indicated that I planned to take action against such publications but would be prepared to exempt the main SA media from stricter regulations provided they voluntarily adhered to certain guidelines," said Mr Botha.

The media representatives had noted his earlier statement that the existing mechanism for the regulation of the press, the Media Council, was unsatisfactory and would have to be improved.

The press groups had pointed out that the Media Council had not been created to handle circumstances as had arisen "as a result of the revolutionary offensive and the resulting State of Emergency".

They felt the mechanism of the council needed to be reviewed.

'Divergent views'

At a subsequent meeting between the NPU and a committee of ministers, the NPU announced that "divergent views had been expressed in consultations they had held with editors and with the chairman and alternative chairman of the Media Council".

The council's constitution and code of conduct could not be changed without 21 days' notice and it was decided to appoint a committee to discuss the matter with the council.

"It has now become apparent that the NPU, the Media Council and particularly the editorial personnel of the newspapers involved, have been unable to reach consensus," Mr Botha said.

"Under these circumstances the government does not believe that a meeting with the NPU as planned would serve any purpose," he said.

NPU reports no consensus

JOHANNESBURG. — The Newspaper Press Union of SA (NPU) has released the following memo, presented to Minister Heunis as chairman of a cabinet sub-committee on media matters:

On December 9, 1986 a delegation of the Newspaper Press Union of South Africa met a cabinet sub-committee under the chairmanship of Mr Chris Heunis in connection with the statement by the State President on December 5 about his meeting with the NPU representatives of four newspapers.

The NPU has now fulfilled the undertaking it gave on December 9 to discuss the question informally with the chairman and alternate chairman of the SA Media Council, to consult the Conference of Editors and to thoroughly discuss the issue within the full executive council of the NPU.

We report that consensus could not be found in the NPU to change the constitution of the Media Council. Furthermore, in terms of its constitution a certain procedure is necessary to amend the constitution and code of conduct of the Media Council, a task which is the prerogative of the independent Media Council.

It should also be noted that, since the December 9 meeting two further developments have influenced the situation: The proclamation of a general election in which the question of censorship is a lively issue and the challenge in the courts by some NPU members of aspects of the emergency regulations.

Meanwhile, the cabinet committee may wish to know that, as members of the Media Council, certain members of the NPU have set in motion the proper procedures to propose certain amendments to the constitution, procedures and code of the Media Council.

These steps express the longstanding concern — which pre-dates the December 9 meeting — among individual members of the NPU about some aspects of the workings of the Media Council.

The proposal by certain members deals with matters such as ways of making the Media Council more proactive, the speed of its operations, its finances, its punitive powers and its role in exceptional circumstances, such as the proclamation of a state of emergency during which the supply of information of public interest and importance may be abnormally restricted.

□ South African Associated Newspapers (SAAN) said yesterday that the council could play no part in the administration of censorship regulations. — Sapa

CAPE TIMES 13/2/87

Botha cancels NPU meeting

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Political Staff

THE press curbs are to remain and the State President, Mr P W Botha, has cancelled today's meeting with the Newspaper Press Union because the media has made no progress with procedures to regulate itself.

Mr Botha said last night that in spite of the NPU's initial acknowledgement of the need for effective measures to deal with the "abuse of the media" during the emergency, no progress had been made.

A meeting today would therefore not "serve any purpose" although the government would keep open the channels of communication with the NPU.

☐ Reports, page 7

Media curbs to stay, says PW

EXISTING Press curbs are here to stay, President P W Botha said yesterday.

He had cancelled a meeting today with the Newspaper Press Union because no progress had been made with amending the Media Council.

He said the proposed meeting would serve no purpose under the circumstances.

Botha and members of the Cabinet had met twice with the NPU and senior management of the four main newspaper groups last year.

"I gave details of the problems caused by certain publications which were actively promoting the revolutionary climate in SA and indicated that I planned to take action against such publications but would be prepared to exempt the main SA media from stricter regulations provided they voluntarily adhered to certain guidelines," he said.

The media representatives acknowledged the country was being subjected to a "multi-dimensional and well co-ordinated revolutionary offensive" and accepted that everything had to be done to

Own Correspondent

avoid supporting revolutionary change.

They had also noted his earlier statement that the existing mechanism for the regulation of the Press, the Media Council, would have to be improved.

After the second meeting the Press groups that had participated in the talks had been severely criticised by the SA Society of Journalists "and other radical organisations", said Botha.

At a subsequent meeting between the NPU and a committee of Ministers, the NPU announced that divergent views had been expressed in consultations they had held with editors and with the chairman and alternative chairman of the Media Council.

A further meeting between the NPU

● To Page 2

PW cancels meeting with NPU

● From Page 1

and the Cabinet committee had been arranged for today to consider NPU suggestions for changing the Media Council.

"It has now become apparent that the NPU, the Media Council and particularly the editorial personnel of the newspapers involved have been unable to reach consensus on this question.

"The government accordingly has no choice but to continue with the general implementation of the existing media regulations."

South African Associated Newspapers (SAAN) said in a statement yesterday the Media Council could play no part in the administration of censorship regulations imposed on the media by the authorities.

UDF drops case

By JOHN GULTIG, Maritzburg

THE joint United Democratic Front-Release Mandela Campaign challenge to the January 8 Emergency regulations was withdrawn this week — but the two groups are preparing to challenge another set of regulations.

The initial application was dropped on Tuesday because of a Rand Supreme Court ruling in favour of a similar application by the Saan and Argus newspaper groups. The UDF and RMC were awarded costs.

They have now applied to challenge regulations introduced by the government on January 29, after it lost the Rand Supreme Court case. The application will be heard on April 2.

PW: emergency press curbs to stay

Dispatch Correspondent

CAPE TOWN — President P. W. Botha said yesterday that existing press curbs would stay and that he had cancelled a meeting today with the Newspaper Press Union because no progress had been made with amending the format of the Media Council.

He said the proposed meeting would not serve any purpose under the circumstances. He and members of the cabinet had met twice with the NPU and senior management of the four main groups last year.

"I gave details of the problems caused by certain publications which were actively promoting the revolutionary climate in South Africa and indicated that I planned to take action against such publications, but would be prepared to exempt the main SA media from stricter regulations provided they voluntarily adhered to certain guidelines," he said.

The media representatives had acknowledged the country was being subjected to a "multi-dimensional and well co-ordinated revolutionary offensive" and accepted that everything had to be done to avoid supporting revolutionary change.

The press groups had pointed out the Media Council had not been created to handle circumstances that had arisen "as a result of the revolutionary offensive and the resulting state of emergency".

They felt the mechanism of the council needed to be reviewed. After the second meeting the press groups which had participated in the talks had been severely criticised by the South African Society of Journalists and other radical organisations, Mr Botha said.

At a subsequent meeting between the NPU and a committee of ministers, the NPU and editors had decided that any regulations which might be promulgated by the government to deal with the State of Emergency should be applicable to all media.

"It has now become apparent that the NPU, the Media Council and particularly the editorial personnel of the newspapers involved have been unable to reach consensus on this question.

"However, certain members of the NPU have issued a statement in which they have indicated that they intend to propose certain amendments to the constitution and rules of procedure of the council.

"It is clear that despite the NPU's initial acknowledgment of the necessity for effective measures to deal with the abuse of the media during the state of emergency, no progress has been made by the media in establishing effective procedures to regulate themselves.

"The government accordingly has no choice but to continue with the general implementation of the existing media regulations.

"The government is however, prepared to keep its channels of communication with the NPU open with a view to finding ways and means of combating the abuse of the media by revolutionary elements and of promoting the free flow of information to the South African public," Mr Botha said.

NPU memo page 11

INSIDE

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Classified 13-1

327 DD 13/2/87.

Truth not the point of press curbs — state

WEEKLY MAIL REPORTER,
Maritzburg

THE Emergency regulations muzzling press coverage of security action are not concerned with the truth — they're aimed at preventing the public from hearing about anything which appears to be unrest.

This frank admission was made by counsel for the State President and the government, Jan Combrink, in response to the joint United Democratic Front-Release Mandela Campaign application to the Maritzburg Supreme Court for the new December 11 Emergency regulations to be declared null and void.

The regulations, the two organisations claim, are unreasonable, vague, and give officials "unfettered discretion without the proper guidelines". They are "clumsy, hopelessly terrifying and oppressive, and would fail any legal test," counsel for the UDF and RMC, Ismael Mohamed, argued.

He said the argument that the regulations were necessary to protect the government from an alleged campaign to estrange it and isolate it from its supporters was "a wrong and impremissible approach".

The state disagreed, though. Combrink inisted the regulations were necessary to end the Emergency and maintain public order.

He admitted the regulations dealing with security action could be interpreted as being "wide".

But, he explained, the issue is not what the truth is — it is the image that is created.

The hearing was adjourned to April 2.

Meanwhile, another UDF challenge to Emergency press restrictions — this one aimed at the January 6 regulations — has been postponed.

●See PAGE 6

'Big Four' differ on censorship

Cape Times 14/2/87 203 327

By ANTHONY JOHNSON
Political Correspondent

SHARP differences have emerged between the managements of the four major press groups in the wake of government attempts to engineer a stiffer self-censorship package for the establishment press.

Differences of opinion between the "Big Four" were thrown into relief in statements issued following President P W Botha's cancellation of yesterday's meeting with the Newspaper Press Union because of lack of progress in amending the press's own policing body — the Media Council.

SAAN and Argus, representing the major English-language newspapers, have come out strongly against further policing of the press, while Nasionale Pers and Perskor, representing mainly the Afrikaans-language newspapers, have been more sympathetic to the government's viewpoint.

It is understood Mr Botha proposed the Media Council take an active part in disciplining the media in terms of the emergency regulations.

Certain members of the NPU were to propose amendments to the Media Council's constitution procedures and code to give the council greater punitive powers.

South African Associated Newspapers said the SA Media Council could play no part in administering censorship regulations. A SAAN statement said it subscribed fully to the principles and purposes of the Media Council.

But, SAAN said: "We are committed to the indivisibility of press freedom.

"We cannot, therefore, entertain proposals that would isolate any section of the media and leave it more vulnerable to official sanctions.

"We believe that the citizens of this country can be trusted with the information they need for the sensible conduct of their lives.

"It is our wish that both the public and the government should make greater use of the Media Council.

"In order to make it more accessible and to speed up its procedures, we believe that certain amendments to its procedures may be necessary and its resources must be considerably enhanced."

The heads of the Argus company said in a statement that there could be no question of unilateral alterations to the code, constitution or modus operandi of the Media Council.

The statement, issued jointly by the company's chairman, Mr Hal Miller, and its managing director, Mr P W McLean, said the Media Council was an independent body.

"We are inclined to the view that its operations could with advantage be streamlined to achieve more rapid handling of complaints. But this is for the council itself to assess and decide upon."

The Argus company said it endorsed strongly the firm stand taken by the NPU some weeks ago in refusing to accept voluntary guidelines proposed by the government to avoid the emergency regulations.

"The freedom of the press is indivisible and one section of it will not seek exemption through voluntary restraint at the expense of the rest of the press.

"We believe that the people of South Africa need as much information as possible in these difficult times so that they can make decisions based on all the facts," the statement said.

"Ignorance of matters surrounding the turmoil in our country will not help to end it. An informed pubic is clearly better able to contribute towards solutions that will bring turmoil to an end.

"There are already too many laws and regulations which interfere with full flow of information."

The government had frequently expressed concern over what it termed "negative reporting", the statement noted.

"We believe that the Media Council is the appropriate forum to test whether reports are negative and we suggest the government should seek the judgment of the Media Council about matters in the press which causes it concern."

The MD of of Nasionale Pers, Mr Ton Vosloo, said it was "deeply disappointed" that consensus had not been reached on a role for the Media Council "to ensure the freer flow of information under the state of emergency".

He noted that on December 5 the members of the NPU reported to President Botha that they fully appreciated that South Africa was being subjected to a "comprehensive but well co-ordinated revolutionary onslaught".

At the time the NPU told Mr Botha it accepted the necessity to do everything necessary to prevent support and encouragement being given to those striving for revolutionary change through overt or covert means.

"However, with the passage of time the English-language press groups totally changed their standpoint, apparently in response to pressure from their own members.

"It has generally been known for some time that those groups have people in their service who have never accepted the Media Council's code subscribed to by their employers.

"Certain English-language newspapers had given employment to journalists that have been punished in court for deeds of subversion and terrorism."

Mr Vosloo said work of apologists and fellow-travellers of the "comprehensive but well-co-ordinated onslaught" was daily visible in the columns of English newspapers.

"This reality was now being covered by a smokescreen of a heroic struggle for press freedom, in the course of which it is being insinuated that press freedom does not concern Afrikaans-language newspapers," Mr Vosloo said.

Perskor expressed its disappointment with the breakdown in negotiations.

The publishing company said in a statement that it believed both the government and the public "can and should make better use of the Media Council than is the case at present".

It added that the procedures of the council should be adapted.

Declaring "absolute faith" in the principle of freedom of speech "without which democracy cannot survive", Perskor added that it did not believe that freedom of speech "includes the freedom to trade in distribution of news irrespective of the consequences".

"If public interest is not the yardstick that is to be and can be applied with responsibility, democracy, especially in South Africa's circumstances, can have little chance of survival," the statement said.

It added: "We accept that the country is at present in a state of emergency, and the government's assurance that circumstances have imposed on it the duty temporarily to place restrictions on certain kinds of reports."

Police tell of youths' violence

CAPE TOWN — Twelve-year-old children were used to judge, sentence and execute so-called traitors at the height of the unrest, police sources said yesterday.

They claimed that these children had on occasion also been used to set alight their own homes resulting in the deaths of their parents.

The claims follow a statement by the Minister of Law and Order, Mr Adriaan Vlok, in Parliament this week that children as young as 12 had acted as "judges" in "people's courts" and had even sentenced people to death.

Mr Vlok said that people who advocated the "irresponsible" release of detainees, especially youths, should take note of the "shocking" communist propaganda which was being distributed in South Africa and with which these youths were incited to public violence and even murder.

They should also take note of the long-term psychological effects suffered by a child who had been forced to be present or take part in the live and public burnings of people.

Police sources said yesterday that the children's role had extended far beyond that of mere judges. "They judged, sentenced and executed," said one source.

A Cape Town newspaper yesterday had access to recently-confiscated video material which showed youths, aged about 14, stabbing to death another youth who had refused to take part in the burning of a school building and a bus. — DDC.

Cape Times 16/2/87 (327

Mamelodi residents: TV film 'pack of lies'

Staff Reporter

MAMELODI residents are furious about a documentary screened by SATV on Tuesday night claiming they welcome the presence of security forces in their township, according to Mamelodi community workers.

The documentary, which featured an interview with the Mamelodi mayor, Mr Bennet Ndlazi, and footage of soldiers playing with local children, was screened on both TV2 and Network.

It was made by an independent Swiss film company, according to Network chief Mr Christo Kritzinger, who said the SABC was satisfied that the programme was "a true reflection of the situation in Mamelodi" and that the mayor was "an elected leader".

But people living in Mamelodi have described the documentary as "a pack of lies" and claim almost the whole of the township is "hopping mad" about it.

Thirteen Mamelodi residents were shot dead by police in November 1985 when 50 000 people marched to the local administration board offices to protest at conditions in the township.

MONDAY, 16 FEBRUARY 1987

†Indicates translated version.

For written reply:

General Affairs:

Public violence

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

(1) *(a)* How many persons were charged with public violence in each specified magisterial district during the periods (i) 1 June 1984 to 31 May 1985, (ii) 1 June 1985 to 31 May 1986 and (iii) 1 June 1986 to the latest specified date for which figures are available and *(b)* what total number of persons charged was subsequently convicted in respect of each of these periods;

(2) whether bail was granted to the accused in any of these cases; if not, why not; if so, in how many cases during each of these periods;

(3) whether any charges of public violence were withdrawn; if so, how many during each of these periods;

(4) whether any of the persons charged with public violence during each of these periods were under the age of 18 years; if so, how many in each case;

(5) whether these persons were prosecuted in terms of the provisions of the Children's Act, No 33 of 1960; if not, *(a)* why not and *(b)* who took the decision in this regard?

The MINISTER OF JUSTICE:

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

	1 July 1984 to 30 June 1985	1 July 1985 to 30 June 1986
Prosecutions	1 003	3 972
Convictions:		
Under 18 years	93	638
18 years and older	469	989
Total	562	1 627
Cape Province:		
Cape Peninsula	4	252
Port Elizabeth	17	173
East London	4	2
Kimberley	0	15
Other urban areas	93	496
Rural areas	5	80
Total	123	1 018
Natal:		
Durban/Pinetown	2	11
Pietermaritzburg	0	12
Other urban areas	61	9
Rural areas	202	107
Total	265	139
Transvaal:		
Johannesburg	11	72
East Rand	49	48
West Rand	1	8
Vereeniging/Vanderbijl Park	3	14
Pretoria	17	35
Other urban areas	53	187
Rural areas	27	44
Total	161	408
Orange Free State:		
Bloemfontein	1	3
Welkom/Virginia	0	23
Other urban areas	5	36
Rural areas	7	0
Total	13	62

Hansard 16/2/87 (327)

Russell has a history of resistance

Dispatch Reporter

GRAHAMSTOWN — The Right Reverend Dr David Russell, 48, who last week was elected to succeed Bishop Kenneth Oram, who retires next month as Bishop of Grahamstown, said he felt daunted and greatly honoured at his election.

"I still feel disbelieving, amazed and deeply honoured that I should be elected by the people and clergy of that diocese," he added.

Dr Russell said he was "very conscious of my inadequacy, but I remind myself that it's not me, but God who empowers my weakness".

Dr Russell, who is married with two children, has had extensive experience in the Grahamstown diocese, which includes East London, King William's Town and Queenstown.

He is the son of a long standing United Party MP for the Woodstock and Wynberg constituency, Mr J. Hamilton Russell, who resigned from Parliament in 1963 in protest against the 90 day Detention Act.

Born in Cape Town, he attended the Diocesan College before entering the University of Cape Town in 1957.

In 1960 he went to Oxford University where he earned an MA in modern history. He then attended the Mirfield Theological College in Yorkshire and was ordained priest in 1966.

While still under a five year banning order, imposed in 1977, Dr Russell earned his doctorate through the Religious Studies Department of the University of Cape Town.

In 1980, during his banning order, he married Miss Dorothea Madden, whom he had met in 1976 while serving the Nyanga squatters at Crossroads. His wife grew up in Belfast, Northern Ireland. They have two sons, Sipho, 5, and Thabo, 3. "We gave our sons their Xhosa and Sotho names because of our attachment to this part of the world," he said.

Dr Russell began his ministry as curate of St Matthew's Mission in Keiskammahoek in 1965. Because of his concern for the plight of relocated people in Dimbaza he was transferred to King William's Town so that he could be closer to the overcrowded resettlement camp.

"One of the things which shocked me was the unbelievably low pensions for those who had been sent there. They had no work nor any means of a livelihood, so I began to protest about low pensions, low maintenance grants, and their poor rations."

"Because of the response to my actions and the lack of response from the authorities, I felt moved to live off an African pension, which was then R5 a month, for six months."

"During one of those months I specifically lived on the rations. I then wrote letters every month to the Minister of Social Welfare and Pensions telling him how I was finding it."

"I wrote five letters to him but in the end found his heart was still hard."

"I then decided to write to all the Dutch Reformed Church dominees in the country, thinking that they might be in a position to influence those in power more effectively than I could," he added.

After a modicum of improvement in Dimbaza, Dr Russell spent six months in Lesotho, testing his vocation for the possible formation of a religious community. He then went to Cape Town to test his vocation as a "worker priest", but soon found that his calling was to be a normal parish priest.

In 1975 he worked in Nyanga township when the Crossroads and Modderdam squatter camps began to develop.

"At one time in 1977 the authorities decided to flatten Modderdam. Three of us lay down in front of the bulldozers to stop them."

Dr Russell was banned shortly after this incident.

"I think the thing which triggered it off was when a group of clergy, including myself, produced certain documents on the role of the riot police in the killings and burnings which took place in Nyanga township in 1976. The documents were quickly banned and we were charged with producing 'undesirable literature'. I was so angered that I produced, in my own name, similar editions of those documents and sent them to members of Parliament," he said.

After his banning order expired, Dr Russell was attached to St George's Cathedral in Cape Town and engaged in his ministry to migrant workers in hostels. Dr Russell was consecrated Suffragan Bishop of the Diocese of St John's in Transkei in 1986.

On moving to Grahamstown after having arrived in Umtata in June last year, Dr Russell said; "We've been in Umtata for so short a time that we're still in the honeymoon stage and I'm still visiting places for the first time. My wife and I love it here."

"Grahamstown is a lovely town and it will be a joy to be there. But we can't be feeling that



DR RUSSELL

at the moment becaus we're going to feel th wrench of leaving here. he added.

Speaking about his in tentions, Dr Russe said: "I will share m vision and hopefull have my vision influ enced by church men bers."

Naked raider

LONDON — A robbe who raided five petr stations wearing nothin but his mother's tights - over his head — ha been put on probatio for three years for ps chiatric treatment.

Andrew Greene, 19, trainee bank clerk, tol the Old Bailey he wa naked on the raids "b cause I didn't want to b identified by m clothes". — DDC

what legislation was each detained and *(d)* what was the cause of death in each case?

The MINISTER OF LAW AND ORDER:

(a) None while in police custody

(b) to *(d)* Fall away.

Detainees

*2. Mrs H SUZMAN asked the Minister of Law and Order:

(a) How many persons have been detained in terms of section 50A of the Internal Security Act, No 74 of 1982, since 26 August 1986 and *(b)* in respect of what date is this information furnished?

†The MINISTER OF LAW AND ORDER:

(a) None.

(b) 5 February 1987.

Internal Security Act

*3. Mrs H SUZMAN asked the Minister of Law and Order:

(a) How many persons have been detained in terms of section (i) 28 and (ii) 29 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 LAW AND ORDER:

(a) (i) None.

(ii) 368 persons.

(b) 6 February 1987.

Browne Commission

*4. Dr W J SNYMAN asked the Minister of National Health and Population Development:†

Whether the report of the Browne Commission is available in both official languages; if not, why not?

†The MINISTER OF NATIONAL HEALTH AND POPULATION DEVELOPMENT:

No. Due to its urgency and importance for the further development of Health Services it was decided to release the different reports in the language in which they were originally written.

Hansard 17/2/87

Sipho M Ngobo

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

(1) Whether a certain journalist, whose name and other particulars have been furnished to the South African Police for the purpose of the Minister's reply, was detained by the Police in December 1986 or January 1987; if so, *(a)* on what date, *(b)* in terms of what statutory provisions, *(c)* why, *(d)* where was he held, *(e)* when was he released and *(f)* what is the name of (i) this person and (ii) his employer;

(2) whether any items belonging to this person were removed by the Police; if so, *(a)* what items and *(b)* why;

(3) whether all the items belonging to this person and removed by the Police have been returned to him; if not, *(a)* why not and *(b)* what items are still in Police hands;

(4) whether, while this person was in detention, he was questioned about his work as a journalist; if so, for what reasons;

(5) whether any other action was taken by the Police in respect of this person; if so, *(a)* what action and *(b)* why?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) 29 December 1986.

(b) Section 29 (1) of the Internal Security Act, 1982.

(c) To investigate his possible involvement in the activities of a banned organisation.

(d) Johannesburg.

(e) 23 January 1987.

(f) (i) Sipho M Ngobo.

(ii) Business Day.

(2) Yes.

(a) A variety of documents ie press reports, note books, photographs, pamphlets, paperbacks and letters.

(b) Because it was required in the Police investigation.

(3) Yes.

(a) and *(b)* Fall away.

(4) No.

(5) No.

(a) and *(b)* Fall away.

Hansard 17/2/87

Group Areas Board

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

Whether the Group Areas Board or committees of the said Board have conducted investigations into the possibility of establishing new group areas or changing the determination of existing group areas during the latest specified 12-month period for which information is available; if so, *(a)* on how many occasions, *(b)* in respect of which areas and *(c)* what was the purpose of the investigation in each case?

The DEPUTY MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING (Reply laid upon the Table with leave of House):

Yes.

(a) 48 areas were investigated by the Group Areas Board for the period 1 January 1986 to 31 December 1986.

(b) and *(c)*

	Areas Investigated	Purpose of Investigation
1.	Azaadville–Krugersdorp ...	Extension of indian group area.
2.	Bloemhof	Extension of coloured groups area.
3.	Stellenbosch	Deproclamation of portions of the white and coloured groups areas and to be left controlled for industrial purposes.
4.	East-London	Deproclamation of a portion of the white group area and to be left controlled for industrial purposes.
5.	Edenburg	Proclamation of a coloured group area.
6.	Queenstown	Deproclamation of a portion of the white group area and to be left controlled for industrial purposes.

Mr K M ANDREW: Mr Chairman, arising from the hon the Minister's reply I would like to ask him whether there are not any possible short-term steps that can be taken—for example in the Cape Peninsula—with regard to the many children who want to go back to school but who cannot now get into schools?

The MINISTER: Mr Chairman, a variety of short-term steps are being taken. For example, two-shift classes are being offered in a single school, something which is not a satisfactory arrangement but which is the best available in order to make maximum use of the facilities. In this regard the co-operation of the teachers also need to be gained as they have to do this extra work. Furthermore, arrangements are being made in several areas to obtain access to halls or other suitable venues for accommodating the children in the interim.

Mr R M BURROWS: Mr Chairman, arising from the hon the Minister's reply, has his department considered taking over temporary or prefabricated classrooms that are now no longer being used at underutilised White schools?

The MINISTER: Mr Chairman, in our approach to this matter we have confined ourselves to schools and facilities which are within easy reach of the residential areas where the students concerned are living.

Bureau for Information

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

(1) Whether the Bureau for Information has granted any *(a)* financial and *(b)* other assistance to a certain organisation, the name of which has been furnished to the Bureau for the purpose of the Deputy Minister's reply; if so, (i) what *(aa)* financial and *(bb)* other assistance, (ii) when, (iii) for what purpose and (iv) what is the name of this organisation;

(2) whether any officials attached to the Bureau are connected to this organisation; if so, *(a)* in what capacity are they employed by the Bureau and *(b)* what is the nature of their involvement with this organisation;

(3) whether the Bureau has connections with any other community organisations; if so, *(a)* with which organisations and *(b)* why?

The DEPUTY MINISTER OF INFORMATION:

(1) *(a)* No.

(b) No.

(i) to (iv) Fall away.

(2) There are no official links between officials of the Bureau and the organisation whose name was supplied to the Bureau, nor is the Bureau aware of any other links between its officials and the organisation concerned.

(3) In the course of its activities the Bureau liaises informally with a wide range of community organisations. However, it has no formal connections with any such organisation.

*14. Mr S S VAN DER MERWE—Law and Order. [Withdrawn].

Internal Security Act: detainees

*15. Mr P C CRONJÉ asked the Minister of Law and Order:

How many persons detained under section 28 of the Internal Security Act, No 74 of 1982, *(a)* made written representations to him in 1986 relating to their detention or release and *(b)* had been released from detention as a result of these representations as at the latest specified date for which information is available?

†The MINISTER OF LAW AND ORDER:

(a) None.

(b) Falls away.

Promotion of Creative and Other Arts

*16. Mr B R BAMFORD asked the Minister of National Education:

(1) Whether, with reference to his reply to Question No 27 on 8 April 1986, final decisions have now been taken on the recommendations of the Commission of Inquiry into the Promotion of Creative and Other Arts; if not, why not; if so, what are these decisions;

(2) whether any steps have been taken to implement any of these decisions; if not, why not; if so, *(a)* what steps and *(b)* with what result?

The MINISTER OF NATIONAL EDUCATION:

(1) Yes. In the light of the recommendations of the Commission of Inquiry into the Promotion of the Creative Arts the Government made known its views on the creative arts in the White Paper on the Promotion of the Creative Arts in the RSA.

(2) Yes.

(a) A working committee is at present investigating the possibility of the voluntary institution of an umbrella body or bodies with a view to the promotion of the creative arts.

(b) The working committee has not yet completed its work.

Detainee

*17. Mr G B D McINTOSH 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, has been detained by the South African Police; if so, *(a)* on what date, *(b)* (i) where and (ii) in terms of what statutory provisions was he detained and *(c)* what is his name;

(2) whether this person has been released; if so, on what date?

†The MINISTER OF LAW AND ORDER:

(1) No, not in terms of security legislation.

(a) to *(c)* Falls away.

(2) Falls away.

Restriction orders

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

(1) Whether any persons or organisations have been issued with restriction orders in terms of the emergency regulations prohibiting them from issuing or making statements critical of the Government; if so, *(a)* what persons or organisations, *(b)* on what dates, *(c)* why and *(d)* by whom were these restriction orders issued in each case;

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

The MINISTER OF LAW AND ORDER:

(1) and (2) I refer the hon member to my summarised reply on oral question number 2.

Requests to publish articles

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

(a) How many requests for permission to publish articles dealing with matters covered by the emergency regulations have been received by the South African Police since 12 June 1986, *(b)* on how many occasions was permission refused, *(c)* what was the reason for refusing permission to publish in each case and *(d)* in

respect of what date is this information furnished?

†The MINISTER OF LAW AND ORDER:

(a) 246.

(b) 75.

(c) Because publications fall within the scope of Regulation 3 (1) of the Media Regulations which were promulgated on 11 December 1987 in terms of the Act on Public Safety, 1953.

(d) 11 December 1986 to 6 February 1987
From 12 June 1986 to 11 December 1986 all press releases concerning the State of Emergency were made by the Bureau for Information. To my knowledge, such press releases were made on a regular basis. Since the promulgation of the Media Regulations on 11 December 1986, departments were authorised to decide over reports in connection with certain matters mentioned in the Regulations.

Magistrate: kidnapping of child

*20. Mr G B D McINTOSH asked the Minister of Justice:

Whether, during the period September to November 1986, any magistrate in Vryheid in Natal warned a couple that he would charge them with the kidnapping of a child whom they were fostering; if so, *(a)* in terms of what statutory provision, *(b)* what was the (i) race and (ii) marital status of the couple concerned, *(c)* what was the (i) race and (ii) age of the child concerned, *(d)* who were the (i) parents or (ii) guardians of this child, *(e)* where was the child allegedly kidnapped from and *(f)* where was the child held by this couple after it had allegedly been kidnapped?

The MINISTER OF JUSTICE:

No. In terms of the Children's Act, 1960 (at present the Child Care Act, 1983) the protection and welfare of certain children are the responsibility of commissioners of child welfare. Commissioners of child welfare are therefore in general mindful of and concerned about the increasing incidence of the ill-treatment, neglect and exploitation of children. In view hereof a certain matter which may be the one the hon member has in mind, did come to the attention of the Magistrate, Vryheid, who is also a commissioner of child welfare. He requested a social worker to investigate the circumstances. The couple concerned thereafter approached the magistrate. He drew their attention to the provisions of section 10 (4) *(a)* of the Children's Act, 1960 (Act 33 of 1960), which was then in force, and which provided that no person other than the managers of a place (maternity home, hospital, children's home, etc) may receive any infant, who is a parentless child, and maintain him apart from his mother unless the consent in writing of the commissioner has been obtained.

(a)-(f) Fall away.

Mr G B D McINTOSH: Mr Chairman, arising from the hon the Minister's reply, does he not agree that it would be possible for a commissioner of child welfare to grant consent for a Black foundling to be cared for by a happy White family?

The MINISTER: Mr Chairman, that is not relevant to the current issue. In terms of the Act, however, the commissioner may not use his discretion to that effect.

Mr G B D McINTOSH: Mr Chairman, further arising from the hon the Minister's reply, is he not prepared to request the commissioner of child welfare concerned, for the sake of the child involved, to use his discretion in order to allow the family concerned to adopt that Black foundling in view of the precedent set by the Van Tonder family who cared for a Zulu foundling discovered on the battlefield after the Battle of Blood River?

The MINISTER: Mr Chairman, the hon member is trying to evade the main issue, namely that a commissioner exercised his

discretion in order to protect the child in question—a duty which is imposed upon him by the Children's Act. In terms of the Act he must prevent the trading in children and he must also protect children from being abused or ill-treated. So many such incidents have occurred lately, and primarily it is the duty of such a commissioner—no matter what other circumstances may afterwards appear to be relevant—to exercise his duty the very moment his attention is drawn to the fact that people have merely grabbed a child and run away with it. Therefore, Sir, it is the duty of such commissioner to warn people when it appears that they are about to contravene the provisions of the Act, for instance by taking possession of a child illegally.

Mr G B D McINTOSH: Mr Chairman, further arising from the hon the Minister's reply, did the commissioner of child welfare involved not determine that the child in question had been handed to that family for care by the superintendent of the hospital . . .

The CHAIRMAN OF THE HOUSE: Order! The hon member is not now putting a supplementary question. He is supplying information. I request him to resume his seat.

Velddrif telephone exchange

*21. Mr A B WIDMAN asked the Minister of Communications:

(1) Whether his Department has investigated allegations that personnel at the Velddrif telephone exchange refused to put through a telephone call made from Laaiplek to a police station to report a shooting incident on or about 3 January 1987; if not, why not; if so, which police station or stations were involved;

(2) whether this investigation has been completed; if not, when is it anticipated that it will be completed; if so,

(3) whether any action has been taken as a result of this investigation; if not, why not; if so, what action?

†The MINISTER OF COMMUNICATIONS:

(1) Yes, allegedly the Paarl Police station;

(2) no, but the investigation is expected to be completed soon. I will inform the hon member of the result as soon as it is concluded;

(3) falls away.

Onverwacht: incorporation into Qwaqwa.

*22. Mr P C CRONJÉ asked the Minister of Constitutional Development and Planning:

(1) Whether a decision has been taken regarding the incorporation of Onverwacht into Qwaqwa; if not, when is it anticipated that a decision will be taken; if so, on what date will Onverwacht be incorporated into Qwaqwa;

(2) whether Qwaqwa is to become independent; if so, on what date?

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

(1) It has been decided in principle that Onverwacht will eventually be included into Qwaqwa. A decision when to include the area will be taken after further consultation and discussions.

(2) The decision to ask for independence must be taken by the Government of Qwaqwa.

†Mr P C CRONJÉ: Mr Chairman, arising out of the hon the Minister's reply, I would just like to know from the hon the Minister how the people of Onverwacht themselves were consulted and whether he would consider a referendum before the area is incorporated into Qwaqwa.

†The CHAIRMAN OF THE HOUSE: Order! I do not regard that as arising out of the question.

Turned down

CAPE TOWN — The police had refused permission on 75 occasions for newspapers to publish articles since the promulgation of revised emergency regulations on the media in December, the Minister of Law and Order, Mr Adriaan Vlok, said yesterday. — DDC

Cape Times 20/2/87

Age limit on censors

By CLARE HARPER

FROM April 1 this year, nobody over the age of 65 may serve on the censorship committees of the Directorate of Publications or the Publications Appeal Board.

The ruling was made last year by the Minister of Home Affairs, Mr Stoffel Botha.

This means that nobody over 65, including 70-year-old President P W Botha, will decide whether a publication, object or form of public entertainment is desirable or not.

Yesterday a spokesman for the directorate could not comment on whether the move was an attempt to seek a "more modern" evaluation of publications, entertainment or objects.

However, he confirmed that in 1986 fewer publications were found to be undesirable than in previous years which "could be attributed to broad changes in laws and politics over time".

US report accuses SA of human rights violations

THE US has charged South African Government officials with sanctioning violence against dissidents in spite of State President P W Botha's call for good behaviour by security forces.

A State Department report on human rights, issued yesterday, asserted there was ample evidence in some cases to support Government critics' claims that much of the black-on-black violence was instigated by covert Government agents.

On torture of detainees, the 22-page report quoted Mr Botha's address on June 12 last year where he said security forces were the friends of law-abiding citizens. The Government expected them, Mr Botha had said, to ensure through their actions there was no doubt about this:

"For the most part, the Government has undertaken no serious public effort to hold erring police and other security force members accountable for apparent abuse of detainees," the report said.

By ALAN DUNN
Sowetan **Foreign Service**

Abuse

Detentions without charge offered considerable potential for police abuse of detainees, it said. Emergency regulations indemnifying officials from liability for acts in good faith were cited by many observers, it said, "as giving the police the impression that they have a licence to engage in abusive conduct".

The human rights report, issued by the Human Rights and Humanitarian Affairs Office at the State Department, occupied an extensive chapter in a review of each country's record throughout the world for last year.

"In 1986 there was a major deterioration of human rights in South Africa", the report said.

It listed the two states of emergency, changes to laws giving the executive broad emergency powers and security forces exercising extraordinary arrest and detention powers.

Violence

Illustrating the year's political violence, it quoted SA Institute of Race Relations statistics of the human tolls, blaming both police action and internecine political strife in the black community.

Police often quelled demonstrations with excessive force, it said. ". . . As in prior years, 1986 saw a continuation of the serious problem of suspicious deaths while in police custody," it said in a section titled "Political Killing".

The review quoted Progressive Federal Party statistics and those of other monitoring groups in surveying disappearances — "While Government spokesmen say that family members were routinely informed of emergency detentions, in practice this did not occur in numerous circumstances," the report said.

It did mention several political reforms in South Africa last year, but said Parliament had modified the judical presumption of innocence until proven guilty for many security offences.

Media

On freedom of speech, it said state of emergency restrictions on the media had greatly reduced coverage of political unrest.

Noting the expulsion of several foreign journalists, it said: "In this atmosphere, self-censorship is rife, and many newspaper editors said that they have had to surrender ultimate editing responsibility to their lawyers".

Leaders

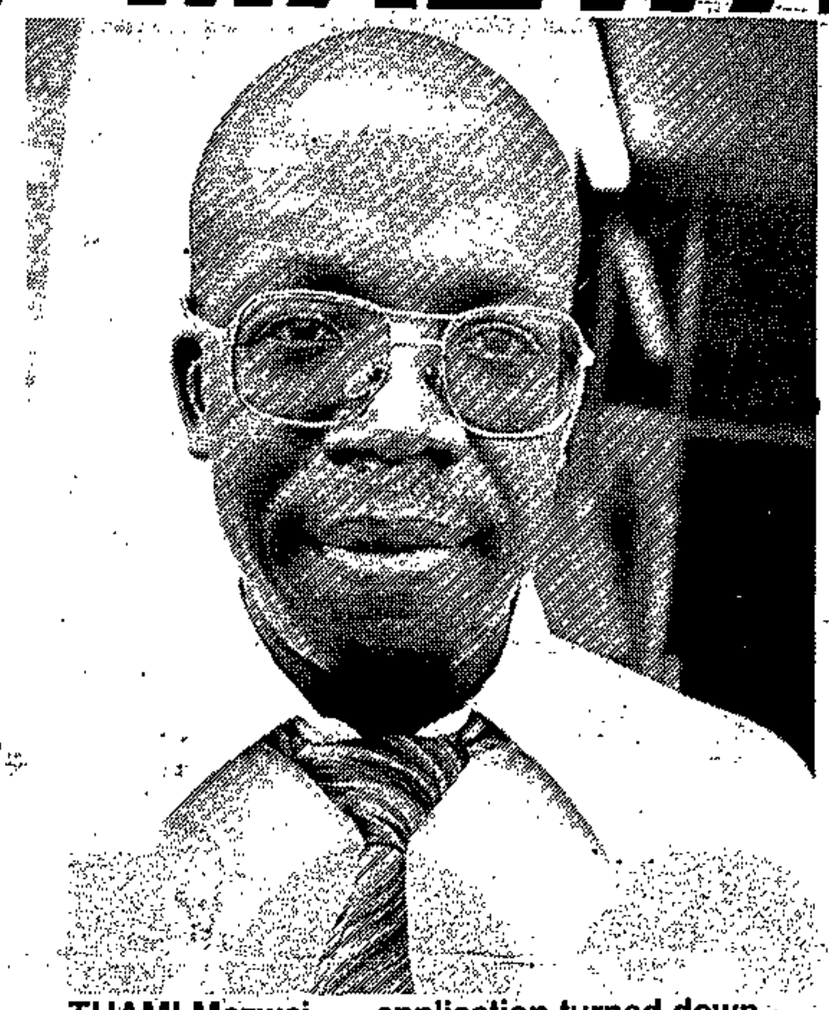
The report also charged that the Government had refused in relocation issues to negotiate with recognised black leaders, or had resorted to effective "coercive removals". Churchmen had been frequent targets of detentions in 1986.

Friday, February 20, 1987

NO PASSPORT FOR MAZWAI

327
Sowetan 20/2/87

AN application for a passport for the news editor of the *Sowetan*, Mr Thami Mazwai, was yesterday refused by the Department of Home Affairs minutes before an application was presented to the Pretoria Supreme Court.



THAMI Mazwai . . . application turned down.

Mr Mazwai, who is also the Africa representative of the International Federation of Journalists, was due to leave for Hong Kong today for an IFJ executive meeting.

He said an application was refused late last year and he submitted another in January to which no decision had been reached by the time he was due to leave.

The application was to get the department of the Interior to make immediate decision on his second application.

The Department of Home Affairs decision has drawn strong criticism from the Media Workers Association of South Africa.

A Mwasa statement said: "The decision by the Government to once more deny *Sowetan* news editor and Mwasa member Mr Thami Mazwai a passport to go overseas is another manifestation of the Government's harassment of the media".

'Censor'tive issue of age

Cape Times 21/2/87

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By ANTHONY JOHNSON
Political Correspondent

PRESIDENT P W Botha, at three score and 11 years, may still be technically eligible to serve as a censor.

The Department of Home Affairs reacted swiftly to a front-page report in yesterday's Cape Times suggesting that Mr Botha, 71, would be disqualified from censorship duties in terms of a new ruling that stipulates that from April 1 censors with the Directorate of Publications cannot be older than 65.

The Director-General of Home Affairs, Mr Gerrie van Zyl, issued a a statement praising the attributes of elderly censors and denying that his minister, Mr Stoffel Botha, slapped a ban on "mature age" censors.

"A mature age is usually a positive attribute except when ill-health, unavailability or lack of interest occur," Mr Van Zyl said.

Ad hoc committees

At "no time" had Mr Stoffel Botha given a ruling on the 65-year age limit for censors, he said.

"On investigation it would appear that the Director of Publications placed an advertisement in various newspapers during September 1986 in which he invited persons of all race groups to apply for the appointment of the three-yearly panel from which ad hoc committees for the examinations of publications, films and public entertainments are appointed.

"In this advertisement an age restriction of 65 years was set for applicants. This age restriction was neither authorized nor approved by me. The minister had no knowledge of the matter," he said.

However, Mr Van Zyl did not say if the 65-year limit had now been waived.

eper into debt

CAPE TIMES 21/2/87

Vlok: Lifting emergency 'would lead to unrest'

HOUSE OF REPRESENTATIVES. — Lifting the state of emergency would lead to a resumption of unrest and turmoil in coloured suburbs and schools, the Minister of Law and Order, Mr Adriaan Vlok, claimed here yesterday.

Responding to a request from Mr Peter Mopp (LP Border) that the state of emergency be lifted, Mr Vlok said unrest incidents had peaked last year from March to May to almost 3 000 a month and had, subsequent to the introduction of the emergency, dropped by 80% to a current 300 a month.

"What brought that reduction about? It was the state of emergency regulations.

"It is therefore misleading (for members) to claim we now have peace out there."

No government wanted a state of emergency.

"We do not want one for ever either. I wish to give the assurance that the government is constantly reviewing the situation ...

"I also want to assure members that the emergency is not there to gag the press and I would like anyone to point out to me which opposition Member in the other House (of Assembly) will be prevented from putting his policies to the electorate in the coming election." — Sapa

Ban on ANC spokesman Tom Sebina

By BARRY STREEK
Political Staff

THE government has banned official African National Congress (ANC) spokesman Mr Tom Sebina from being quoted in South Africa.

The move was strongly criticized by PFP spokesman on law and order Mrs Helen Suzman, who said it was "another hopeless effort by the government to undermine the influence of the ANC".

A notice, signed by Minister of Law and Order Mr Adriaan Vlok, was published in yesterday's Government Gazette, imposing restrictions in terms of Section 56 (1) (p) of the Internal Security Act on Mr Sebina, the ANC's publicity officer.

This means Mr Sebina is now "listed" and cannot be quoted inside South Africa without the government's permission.

Mr Vlok's press liaison officer, Bridgadier Leon Mellett, said yesterday that the action against Mr Sebina had been "under consideration for a long time because he has been the spokesman for the ANC".

'Childish and stupid'

In the past, Mr Sebina was quoted in the South African press when his comments were not regarded as furthering the aims of the banned ANC.

Mr Sebina, 50, lived in Dube, Soweto, before leaving the country. The government notice said he was previously known as Mr Thomas Tou Letlalo.

Dr Tom Lodge of the University of the Witwatersrand department of political studies and an acknowledged expert on the ANC, called the ban "childish and stupid".

He said: "It will have no effect on the ANC's popularity, but may keep whites ignorant about black political aspirations."

Mrs Suzman said the ban was "unlikely to be any more effective than any of the government's previous efforts".

ANC man's words banned

PRETORIA — The Minister of Law and Order, Mr Adriaan Vlok, has placed a ban on quoting the African National Congress's publicity officer, Mr Tom Sebina.

A notice gazetted in Pretoria yesterday said section 56 (1) (p) of the Internal Security Act was being made applicable to Mr Sebina.

Mr Sebina, 50, lived in Dube, Soweto, before he left the country.

He was previously known as Mr Thomas Tou Letlalo. — Sapa

(10) (327) DD 24/2/87.

tion 77 or 78 of the Criminal Procedure Act, No 51 of 1977, and *(b)* did the court find that persons were not capable of understanding the court proceedings or were not criminally responsible for their acts as a result of mental illness or mental defects?

The MINISTER OF JUSTICE:

(a) 1 507.

(b) 286.

Prisoners in mental institutions

399. Mr A B WIDMAN asked the Minister of Justice:

How many sentenced prisoners were transferred to mental intitutions in 1986?

The MINISTER OF JUSTICE:

Thirty two (32). This figure includes three (3) prisoners who were admitted to the hospital prisons for psychopaths in terms of Section 30 of the Mental Health Act, 1973 (Act No 18 of 1973) as amended.

Loss

400. Mr P C CRONJÉ asked the Minister of Transport Affairs:

What was the total loss incurred by the South African Transport Services in the 1985-86 financial year in respect of *(a)* (i) first-class, (ii) second-class and (iii) third-class mainline services and *(b)* (i) first-class and (ii) third-class suburban services?

The MINISTER OF TRANSPORT AFFAIRS:

The total estimated loss in respect of each of the categories is as follows:

R-million

(a) (i) 35.

(ii) 110.

(iii) 161

39 (Catering services).

(b) (i) 246.

(ii) 300.

Alexandra Township

401. Mr D J DALLING asked the Minister of Constitutional Development and Planning:

(a) How many persons in Alexandra Township applied in each year for 99-year leases from the inception of the leasehold scheme to 31 December 1986 and *(b)* how many of these applications had been granted as at the latest specified date for which figures are available?

The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING:

(a) 1985 ..... 84 persons
1986 ..... 21 persons
Total ..... 105 persons

(b) 105 as at 31 December 1986.

Deportations/repatriations

402. Mr S S VAN DER MERWE asked the Minister of Home Affairs:

(a) How many persons in each population group were deported and/or repatriated from the Republic in 1986 and *(b)* (i) in terms of what legislation and (ii) to which states were they so *(aa)* deported and *(bb)* repatriated?

The MINISTER OF HOME AFFAIRS:

The hon member is kindly referred to sections 16, 43, 44 and 45 of the Admission of Persons to the Republic Regulation Act, 1972 (Act 59 of 1972) which empowers an immigration officer in one instance and the Minister of Home Affairs in other instances to order the removal of persons who are not South African citizens by birth from the Republic. It is assumed that the hon member had these removals in mind when he referred to deportations and repatriations in his question.

(a) Whites 29
Blacks 32 242
Asians 2

(b) (i) Sections 16, 43 and 45 of Act 59 of 1972.

(ii) Whites

	(aa) and *(bb)*
United Kingdom	15
USA	3
Austria	1
Greece	1
The Netherlands	1
Germany	7
Malawi	1
	29

(16 in terms of section 43; 8 in terms of section 45 and 5 in terms of section 16.)

Blacks	*(aa)* and *(bb)*
Transkei	11
Zimbabwe	2 543
Swaziland	674
Lesotho	2 599
Mocambique	19 083
Malawi	37
Botswana	7 289
Tanzania	3
Zambia	1
Zaire	2
	32 242

(24 in terms of section 43; 2 in terms of section 45 and 32 216 in terms of section 16.)

Asians	*(aa)* and *(bb)*
India via Kenya	2

(both in terms of section 16.)

Publications Act

403. Mr S S VAN DER MERWE asked the Minister of Home Affairs:

(1) Whether, in 1986, any items were submitted in terms of the Publications Act, No 42 of 1974, for a decision on whether such items would be considered to be undesirable on the ground of *(a)* bringing any section of the inhabitants of the Republic into ridicule or contempt and *(b)* being harmful to the relations between sections of the inhabitants of the Republic; if so, how many in each case;

(2) whether in that year any of these items were found to be undesirable in terms of section 47 (2) *(c)* and *(d)*, respectively; if so, how many in each case?

The MINISTER OF HOME AFFAIRS:

(1) It is not possible to give such an analysis. When the Directorate is requested to examine an "item" under the Act, it concerns the matter of undesirability or otherwise and seldom if ever there is reference to one of the particular paragraphs of section 47 (2) of the Publications Act. Recording is consequently not done on this basis.

(2) Yes. 47 (2) *(d)* 7 publications.

Publications Act

404. Mr S S VAN DER MERWE asked the Minister of Home Affairs:

Whether the possession of any publications or objects was declared prohibited in 1986 in terms of section 9 (3) of the Publications Act, No 42 of 1974; if so, how many publications or objects in terms of section 47 (2) *(a)*, *(b)*, *(c)*, *(d)*, *(e)* and *(f)*, respectively?

The MINISTER OF HOME AFFAIRS:

Yes. Section 47 (2) *(a)* 12; *(b)* 1; *(c)* nil; *(d)* 1; *(e)* 40; *(f)* nil.

(3) whether any action has been taken as a result; if not, why not; if so, what action?

The MINISTER OF DEFENCE:

(1) Yes.

(2) and (3) Yes.

	(a)	*(b)*	*(c)*
	26.	4 Jan 1986	Assault with the intent to do grievous bodily harm — 6 Months imprisonment suspended for 3 years and 5 strokes with light cane
		6 May 1986	Assault — Case withdrawn by complainant
		16 Jun 1986	Rape — 5 Years imprisonment of which 2 years suspended for 3 years
		16 Jun 1986	Rape — R80,00 fine or 40 days imprisonment
		7 Jul 1986	Unlawful seizure of property — Still under investigation
		13 Jul 1986	Pointing of firearm — R800,00 fine
		26 Jul 1986	Discharge of firearm in urban area — Still under investigation
		8 Aug 1986	Assault — Complainant could not identify the person during an identity parade—not traced as yet
		10 Aug 1986	Misconduct — Prosecutor declined to prosecute
		13 Sep 1986	Scandalous behaviour — R75,00 fine
		During Oct 1986 Date unknown	Unlawful detention — Allegation unfounded
		14 Oct 1986	Assault — R60,00 fine
		17 Oct 1986	Assault — Still under investigation
		20 Oct 1986	Unlawful search — Prosecutor declined to prosecute
		21 Oct 1986	Assault (7 Cases) — No members of the SA Defence Force in area during said time. Allegation unfounded
		21 Oct 1986	Assault — Withdrawn by complainant
		22 Oct 1986	Assault — Still under investigation
		30 Oct 1986	Damaging of property and assault — Case still being considered by senior public prosecutor
		18 Nov 1986	Murder and attempted murder — Case to be heard on 20 Feb 1987
		25 Dec 1986	Assault — Still under investigation

Townships: troops deployed

78. Mr K M ANDREW asked the Minister of Defence:

(1) *(a)* In which Black townships were troops of the South African Defence Force deployed in 1986, *(b)* what functions did these troops perform in such townships and *(c)* what total number of persons attached to the South African Defence Force was deployed in these townships in 1986;

(2) whether any of these troops were national servicemen; if so, how many?

The MINISTER OF DEFENCE:

(1) *(a)* and *(c)* It is not considered in the public interest to divulge this information.

(b) Tasks in support of the SA Police.

(2) Yes. It is policy not to divulge personnel strengths.

Emergency regulations: arrests

79. Mr R R HULLEY asked the Minister of Law and Order:

(1) *(a)* What total number of persons has been arrested in terms of emergency regulations since the declaration of the state of emergency in June 1986, *(b)* in which areas were these persons arrested, *(c)* for how long was each such person held and *(d)* in respect of what date is this information furnished;

(2) whether any of these persons have been charged; if so, *(a)* when and *(b)* what were the charges in each case;

(3) whether any of these persons *(a)* have been (i) released, (ii) found guilty and (iii) found not guilty, *(b)* have had the charges against them withdrawn and *(c)* are still awaiting trial; if so, how many in each case?

The MINISTER OF LAW AND ORDER:

(1) and (2) I refer the honourable member to my summarised answer to Oral question number 2 which I furnished on 17 February 1987.

(3) Yes.

(a) (i) I, however, do not consider it in the interest of the public to furnish information of this nature.

(ii) 161 persons.

(iii) 140 persons.

(b) 279 persons.

(c) 635 persons.

The information is furnished until 20 February 1987.

Unrest-related incidents

80. Mr R R HULLEY asked the Minister of Law and Order:

How many persons were killed in unrest-related incidents in each month from July 1986 up to and including January 1987?

The MINISTER OF LAW AND ORDER:

July 1986	90
August 1986	62
September 1986	31
October 1986	21
November 1986	25
December 1986	41
January 1987	34
Total	304

Note: The above information is preliminary of nature because all investigations, post mortems and inquests are not yet completed.

sentences for crimes against the security of the State as at the latest specified date for which figures are available?

The MINISTER OF JUSTICE:

On 31 January 1987 the figures were as follows:

(a)	Whites	15
(b)	Coloureds	8
(c)	Asians	1
(d)	Blacks	285

Awaiting-trial prisoners

150. Mr D J DALLING asked the Minister of Justice:

What was the average number of awaiting-trial prisoners in custody on the last day of each month in 1986?

The MINISTER OF JUSTICE:

The figures concerning awaiting-trial prisoners who were incarcerated in South African prisons on the last day of each month during 1986, were as follows:

31 January 1986	20 686
28 February 1986	20 187
31 March 1986	19 682
30 April 1986	20 293
31 May 1986	21 168
30 June 1986	19 712
31 July 1986	19 760
31 August 1986	19 774
30 September 1986	19 151
31 October 1986	19 193
30 November 1986	18 388
31 December 1986	20 584

Detainees

151. Mr D J DALLING asked the Minister of Justice:

Whether any persons were detained in 1986 in terms of section 185 of the Criminal Procedure Act, No 51 of 1977; if so, *(a)* how many, *(b)* for what period was each of them detained and *(c)* in respect of what crime in each case?

The MINISTER OF JUSTICE:

Yes.

(a) 24.

(b) and *(c)*:

Number of persons	Period	Crime
1	1 day	Murder
1	5 days	Murder
1	13 days	Murder; Robbery; Violating a dead body
1	20 days	Murder
6	1 month and 19 days	Murder; Robbery; Violating a dead body
1	2 months and 18 days	Murder
2	2 months and 25 days	Murder; Robbery; Violating a dead body
1	3 months and 20 days	Arson
1	4 months and 17 days	Arson
3	5 months and 9 days	Murder
1	6 months and 19 days	Murder
2	8 months and 16 days	Murder
3	10 months and 16 days	Murder

Prisoners: unit cost

152. Mr D J DALLING asked the Minister of Justice:

What was the unit cost per prisoner per day in 1986?

The MINISTER OF JUSTICE:

As the 1986-87 financial year has not been closed, it is not, possible to calculate an exact figure at this stage. At present the estimated cost per prisoner per day is R10,86.

Crimes against security of State

154. Mr D J DALLING asked the Minister of Justice:

(1) How many *(a)* males and *(b)* females serving sentences for offences against the security of the State were released in 1986;

(2) whether any of these persons were released as a result of the State President's offer of freedom to long-term prisoners on condition that they renounce violence; if so, *(a)* how many and *(b)* in respect of what date is this information furnished?

The MINISTER OF JUSTICE:

(1) *(a)* 56.

(b) 1.

(2) *(a)* Five of the persons who were released, renounced violence. The fact that they renounced violence was an important factor which was considered together with individual circumstances and all other relevant factors which are normally taken into account when the release of prisoners is considered.

(b) 1 January 1986 to 31 December 1986.

Crimes against security of State

155. Mr D J DALLING asked the Minister of Justice:

How many *(a)* males and *(b)* females were serving sentences in 1986 for offences against the security of the State which exceeded (i) ten years, (ii) five years and (iii) two years?

The MINISTER OF JUSTICE:

(a) (i) 152.

(ii) 90.

(iii) 53.

(b) (i) 1.

(ii) 5.

(iii) 2.

Internal Security Act

156. Mr D J DALLING asked the Minister of Law and Order:

Whether any persons were *(a)* charged with and *(b)* convicted of contravening section 46 of the Internal Security Act, No 74 of 1982, in 1986; if so, (i) how many, and (ii) how many of these persons were under the age of 18 years, in each case?

The MINISTER OF LAW AND ORDER;

Yes.

(a) (i) 169 persons.

(ii) 36 persons.

(b) (i) 96 persons.

(ii) 17 persons.

Internal Security Act

158. Mr P C CRONJÉ asked the Minister of Law and Order:

(1) How many cases were referred to the

Board of Review in terms of the Internal Security Act, No 74 of 1982, in 1986:

(2) whether the Board recommended the withdrawal of any notices; if so, *(a)* how many and *(b)* with what result?

The MINISTER OF LAW AND ORDER:

(1) 63 cases.

(2) No. *(a)* and *(b)* Fall away.

Internal Security Act

160. Mr P C CRONJÉ asked the Minister of Law and Order:

(1) Whether any notices in terms of section 5 (1) *(e)* of the Internal Security Act, No 74 of 1982, *(a)* were issued, *(b)* were withdrawn and *(c)* expired in 1986; if so, (i) how many in each case and (ii) how many such notices were of effect as at 31 December 1986;

(2) whether any notices which expired were renewed; if so, how many?

The MINISTER OF LAW AND ORDER:

(1) *(a)* to *(c)* No.

(2) Falls away.

Independent states

163. Mr R A F SWART asked the Minister of Education and Development Aid:

(1) What was the size in hectares of each of the four independent Black states as at the latest specified date for which figures are available;

(2) whether any land was added to any of these states in 1986; if so, how many hectares were added to each such state in that year?

The MINISTER OF EDUCATION AND DEVELOPMENT AID:

(1)

	hectares
Transkei	4 287 000
Ciskei	747 000
Bophuthatswana	4 187 796
Venda	707 513

(As at 1 February 1987).

(2) Yes.

	hectares
Transkei	—
Ciskei	—
Bophuthatswana	23 348
Venda	20 513

H F Verwoerd Building: parking bays

164. Mr D J N MALCOMESS asked the Minister of Public Works:

(1) How many parking bays in the H F Verwoerd Building are reserved for *(a)* Ministers, *(b)* Deputy Ministers, *(c)* other members of Parliament, *(d)* public servants and *(e)* other specified persons;

(2) *(a)* to which Department is each public servant attached who has a reserved bay and *(b)* what position does each such person hold in the Department concerned;

(3) what is the position held by the person in charge of allocating reserved parking bays in the above parking garage?

The MINISTER OF PUBLIC WORKS:

(1) *(a)* 28.

(b) 12.

(c) 8.

(d) 46.

(e) 6 for the British Embassy.
1 for the company which maintains the lifts.
3 for the Commissioners:
SA Transport Services Board.
1 for the Chairman: Commission for Co-operation and Development.

(2)

(a)	*(b)*
Finance	Director-General
Finance	Chief Executive Director: Taxation
Finance	Chief Executive Director: Policy
Finance	Commissioner: Inland Revenue
Finance	Commissioner: Customs and Excise
South African Transport Services	General Manager
South African Transport Services	Director
Transport	Director-General
Commission for Administration	Chairman
Commission for Administration	Secretary
Commission for Administration	Member
Justice	Director-General
Justice	Chief State Law Adviser
Audit-General's Office	Auditor-General
National Intelligence Service	Director-General
Development Aid	Director-General
National Education	Director-General
Trade and Industry	Director-General
Post and Telecommunications	Postmaster-General
SA Prisons Service	Commissioner of Prisons
Home Affairs	Director-General
Education and Training	Director-General
State Security Council	Secretary
Environmental Affairs	Director-General
Development Planning	Director-General
Development Planning	Chief: Constitutional Planning Service
Manpower	Director-General
South African Police	Commissioner
South African Police	Chief: Guard Unit
Defence	Chief of the SA Defence Force
Administration: House of Delegates	Director-General
Administration: House of Representatives	Director-General
Agricultural Economics and Marketing	Director-General
Public Works and Land Affairs	Director-General
Public Works and Land Affairs	Regional Representative
Administration: House of Assembly	Director-General
Administration: House of Assembly	Head of Department: Agriculture and Water Supply
Administration: House of Assembly	Chief Director: Local Government, Housing and Works
Mineral and Energy Affairs	Director-General
Foreign Affairs	Director-General
Foreign Affairs	Chief of Protocol
National Health and Population Development	Director-General

(3) Director-General: Public Works and Land Affairs.

(2) No, because I do not consider it in the interest of the persons.

Note: The particulars are furnished in respect of those persons who were detained in police cells.

Detainees

71. Dr M S BARNARD asked the Minister of Law and Order:

(1) Whether any detainees *(a)* were hospitalised in 1986 and *(b)* are hospitalised at present; if so, (i) how many and (ii) for what reasons in each case;

(2) whether any detainees were visited by doctors while in detention in 1986; if so, *(a)* how many and *(b)* for what reasons in each case?

The MINISTER OF LAW AND ORDER:

(1) *(a)* and *(b)* Because the honourable member does not refer to a specific category or categories of detainees, I am not able to answer the question.

(2) *(a)* and *(b)* Because the honourable member does not refer to a specific category or categories of detainees and also does not indicate whether reference is made to district surgeons and/or private practitioners, I am not able to answer the question.

Note: Regarding detentions in terms of sections 29 and 50 of the Internal Security Act, 1982 and Section 50 of the Criminal Procedure Act, 1977 and the Emergency Regulations, I wish to draw the attention of the honourable member to the fact that more than 3 500 persons were visited by district surgeons and private practitioners during 1986. These visits do not include visits to persons detained in prisons.

State of emergency

74. Mr J VAN ECK asked the Minister of Law and Order:

(1) Whether he will furnish statistics on persons involved in incidents related to the current state of emergency; if not, why not; if so, how many persons *(a)* had been (i) killed and (ii) injured by *(aa)* members of the South African Police and *(bb)* any other specified persons and *(b)* had been (i) detained and (ii) arrested by the South African Police in connection with such incidents since 12 June 1986 as at the latest specified date for which information is available;

(2) whether any members of the South African Police were *(a)* killed and *(b)* injured in unrest during the abovementioned period; if so, how many in each case;

(3) what were the causes of the *(a)* deaths and *(b)* injuries in respect of (i) civilians and (ii) policemen during this period?

The MINISTER OF LAW AND ORDER:

(1) No, because I do not regard the anouncement of information of this nature in the interest of the public.

I also refer the hon member to my Oral reply to question number 2 on 17 February 1987 and wish to draw attention specifically to the fact that—

All the statutory and parliamentary directions in respect of persons detained in terms of the present emergency regulations were strictly complied with.

The detention of all these persons is calculated at stabilising the security situation in the Republic of South Africa so that all peace-loving and law-abiding inhabitants of the Republic can enjoy a secure and carefree existence and the Government's reform initiatives can be pursued in an atmosphere of peace, tranquility and law and order. Another objective of the emergency regulation is to afford those involved in debate with the Government, and who are attached to government bodies, a free opportunity to continue with their negotiations with the Government and to allow the activities of those bodies to be promoted to the advantage of their respective communities.

I am, because of the nature of this situation, not in any way prepared to be instrumental in exposing the responsible corps of Black leaders to further atrocities of murder, injuries, damage to property and intimidation. I am similarly of the opinion that government-institutions and more specifically the security forces and other departments in the interest of the security of the Republic and all its people, be granted sufficient opportunity to resist the destructive and dangerous activities of communists and other radical elements in our midst and so to restore law and order radical elements in our midst and so to restore law and order, thereby allowing the Republic to move further along the road of peace and prosperity.

Despite the information mentioned which I already released, a wide range of questions relating to state of emergency matters, are being posed. An analysis thereof indicates that most of the questions are duplications as far as they refer to totals, areas and other details.

In view of the fact that detentions, unrest related incidents and actions by the security forces occur countrywide, the compiling and processing of this additional information will not only be immensely time consuming, but will also have a disruptive effect on the activities of the South African Police.

In addition, the further requested information is of such a nature that the ANC and other enemies will abuse it to the detriment of the country.

(2) Yes.

(a) 13 members.

(b) 105 members.

Particulars are furnished until 4 February 1987.

(3) *(a)* (i) Falls away.

(ii) A variety of causes, inter alia shooting incidents, burnings, stonings, hand grenade attacks and necklace murders.

(b) (i) Falls away.

(ii) A variety of causes, inter alia stone throwing incidents, shooting incidents, petrolbomb, handgrenade and knife attacks and attempted necklace murders.

Townships: military bases

75. Mr K M ANDREW asked the Minister of Defence:

Whether any military bases were set up or manned by South African Defence Force personnel in any Black townships in 1986; if so, *(a)* in which townships, *(b)* when, *(c)* why and *(d)* for how long was each such base maintained?

The MINISTER OF DEFENCE:

No permanent military bases were established in Black townships. Temporary bases are established according to operational requirements and I do not consider it in the public interest to divulge this information.

Townships: actions of troops

76. Mr K M ANDREW asked the Minister of Defence:

(1) Whether any official complaints were lodged with the South African Defence Force in 1986 regarding the actions of troops in any Black townships; if so, *(a)* how many, *(b)* on what dates and *(c)* what was the nature of the complaints in each case;

(2) whether these complaints have been investigated; if not, why not; if so, what were the findings in each case;

cidents. Unrest related and non-unrest related deaths and woundings are not always separable.

Deaths in police custody

35. Mrs H SUZMAN asked the Minister of Law and Order:

Whether any persons died in police custody in 1986; if so, *(a)* how many, *(b)* what were their names, *(c)* on what date did each die, *(d)* in terms of what statutory provisions were they being held, *(e)* in the custody of which police station was each such person when he died and *(f)* what was the cause of death in each case?

The MINISTER OF LAW AND ORDER:

Yes.

(a) 83.

(b) and *(c)* From a practical point of view I am not prepared to furnish the particulars.

(d) On a variety of charges, inter alia drunkenness, assault with the intent to do grievous bodily harm, rape, housebreaking, stock theft, theft, disturbance of the peace, murder, trading in dagga, public violence and robbery.

(e) At various police stations country wide.

(f) 27 persons as a result of natural causes.
12 persons committed suicide.
3 persons as a result of shooting wounds when they tried to escape from custody before being locked up.
1 person as a result of stabbing wounds inflicted by fellow prisoners.

Note: In not one of the 43 instances finalised, have the presiding officers, in their findings, laid blame on the South African Police.

In the remaining 40 deaths the Inquests are not finalised yet and I do not consider it in the interest of justice to furnish particulars regarding these cases.

Juveniles killed/injured

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

(1) *(a)* How many juveniles were (i) killed and (ii) injured as a result of action taken by the South African Police in unrest situations in the Republic in 1986 and *(b)* where did each (i) death and (ii) injury occur;

(2) whether any charges have been laid against the South African Police in respect of the deaths and injuries referred to above; if so, *(a)* in which specific cases and *(b)* what were the results of the investigations into each of these cases?

The MINISTER OF LAW AND ORDER:

(1) I refer the honourable member to my reply to written question number 25 which is suffice.

(2) Yes.

(a) 41 charges, inter alia of murder, attempted murder, assault with the intent to do grievous bodily harm and assault. Because of the extent and volume of the work involved in the compilation of these particulars, I am not prepared to furnish the information. I, however, wish to draw the attention of the honourable member to the fact that the murder charges originated not from information forthcoming from the public, but were preferred as a result of routine police investigations.

(b) In some of the cases the Attorney-Generals and Senior State Prosecutors declined to prosecute, in other instances the

cases were disposed of as undetected and false, one murder case presently serves before the Supreme Court while a number of cases are still being investigated.

Note: In comparison with these charges, I wish to draw the attention of the honourable member to the fact that 195 charges of assault, 33 of murder and 1 of attempted murder, where members of the Force, were the victims, are also the subjects of investigations.

Unrest: complaints

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

(1) Whether any complaints were received and charges were laid against members of the South African Police in 1986 in connection with their actions during unrest situations; if so, *(a)* when, *(b)* how many and *(c)* what were the circumstances surrounding these complaints and charges;

(2) whether these complaints and charges have been investigated; if not, why not; if so, *(a)* when and *(b)* what were the findings in each case;

(3) whether any action has been taken against members of the South African Police as a result; if not, why not; if so, *(a)* what action and *(b)* in respect of how many cases?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) On various dates.

(b) 338.

(c) Because of the variety of complaints I do not consider it feasible to supply the circumstances of each event, except to say that these complaints and charges include assault, attempted murder, malicious injury to property, theft and crimen injuria.

(2) Yes.

(a) Immediately after each complaint was reported

(b)

Undetected	44
False	73
Attorney General declined to prosecute	123
Withdrawn	11
Aquitted	1
On trial	1
Under investigation	85

(3) No. *(a)* and *(b)* Action will be considered after the completion of the various investigations.

Note: I wish to point out to the hon member that in comparison with the 338 complaints and charges submitted against members of the South African Police, 634 unrest related crimes were committed against members of the Force, which crimes include assault, murder, attempted murder, arson and malicious injury to property.

Policemen: assault/homicide/murder

44. Mr S S VAN DER MERWE ask the Minister of Law and Order:

(1) Whether any policemen were convicted in 1986 of *(a)* common assault, *(b)* assault with intent to do grievous bodily harm, *(c)* culpable homicide and *(d)* murder; if so, how many in each category;

(2) whether any of these policemen had previous convictions; if so, *(a)* how many in each category and *(b)* on what charges in each case;

(3) whether any of the policemen *(a)* with and *(b)* without previous convictions were discharged from the force; if so, how many in respect of each race group?

to Question No 14 on 5 September 1986, the South African Police have completed their investigation into the alleged misappropriation of trust funds by a person mentioned in the above-mentioned reply; if not, why not; if so,

(2) whether the relevant docket has been handed to the Attorney-General of the Transvaal for a decision; if not, why not; if so, *(a)* when and *(b)* with what result?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(2) Yes.

(a) During December 1986.

(b) The docket is still in the possession of the Attorney-General.

Internal Security Act

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

How many persons detained since 12 June 1986 in terms of the Internal Security Act, No 74 of 1982, and emergency regulations had been released as at the latest specified date for which information is available?

The MINISTER OF LAW AND ORDER:

170 persons in respect of section 29 of the Internal Security Act, 1982.

In respect of persons detained in terms of the Emergency Regulations, I do not consider it in the interest of the public to furnish the information.

Policemen: assault of certain person

*12. Mr D J DALLING asked the Minister of Law and order:

(1) Whether two members of the South African Police were convicted in September 1985 of the assault of a certain person in Langa, Cape Town, whose name has been furnished to the Police for the purpose of the Minister's reply; if so, what are the names of the person and the members concerned;

(2) whether the South African Police took note of the sentence imposed on them; if so, what was the sentence imposed on each such member;

(3) whether any departmental disciplinary action was taken against these policemen as a result of their conviction; if not, why not; if so, *(a)* what action, and *(b)* when, in each case?

The MINISTER OF LAW AND ORDER:

(1) No, but on 4 July 1986. I do not consider it in the interest of the members concerned to reveal their names.

(2) Yes. Fined with R600,00 or six months imprisonment of which R200,00 or two months is suspended for four years on condition that he is not found guilty of assault or assault to do grievous bodily harm, committed during the period of suspension.

Fined with R500,00 or five months imprisonment of which R200,00 or two months imprisonment is suspended for four years on condition that he is not found guilty of assault or assault to do grievous bodily harm, committed during the period of suspension.

(3) Yes. *(a)* and *(b)* On 26 August 1986 both members were seriously reprimanded in terms of the Police Regulations about their conduct and they were warned that a Board of Enquiry to determine their fitness to remain in the Force will be convened should a repetition of such conduct occur.

HoA

Supplementary reply to Question 32 on Tuesday, 17 February 1987, put by Mr J van Eck (col 114):

Mr J VAN ECK asked the Minister of Law and Order:

(1) Whether the president of a certain association in George, particulars of which have been furnished to the South African Police for the purpose of the Minister's reply, was detained in 1986; if so, *(a)* on what date, *(b)* why, *(c)* in terms of what statutory provisions and *(d)* what is the name of the (i) person and (ii) association in question;

(2) whether this person has been released; if so, *(a)* when and *(b)* why; if not, why not;

(3) whether he has been charged with any offence; if so, *(a)* with what offence and *(b)* when?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) 12 June 1986.

(b) Because his conduct threatened Law and Order.

(c) Regulation 3 (1) of the Emergency Regulations issued in terms of the Public Safety Act, 1953.

(d) (i) It is not my policy to link the names of detainees in terms of the Emergency regulations to specific occurrences/circumstances in public.

It is neither in the personal interest of a detainee to reveal his/her name.

(ii) The George Civic Association.

(2) Yes.

(a) At 15h30 on 16 February 1987.

(b) Because the necessity for his detention expired and in his particular case the Attorney General declined to prosecute.

(3) No. *(a)* and *(b)* Fall away.

For written reply:

General Affairs:

Persons killed/wounded

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

(1) How many *(a)* adults and *(b)* juveniles in each race group were shot and (i) killed or (ii) wounded by the South African Police in the execution of their duties in 1986?

(2) how many in each category were *(a)* killed and *(b)* wounded while attempting to escape arrest?

The MINISTER OF LAW AND ORDER:

(1)	*(a)* (i)	(ii)	*(b)* (i)	(ii)
Whites	21	44	0	2
Coloureds	40	171	3	17
Blacks	558	1 474	89	368
Asians	5	12	—	—
	624	1 701	92	387

(2)	*(a)* (i)	(ii)	*(b)* (i)	(ii)
Whites	2	4	0	1
Coloureds	18	81	0	11
Blacks	218	589	12	61
Asians	2	6	—	—
	240	680	12	73

Note: These statistics include deaths and woundings in respect of unrest-related in-

(b) (i) *Fresh milk*

Area	1/7/86 c/litre	Floor price 16/2/87 c/litre	
Bloemfontein	4,0	48,54	Prices paid by distributors to the Dairy Board for producers' milk with 3,5% butterfat.
Cape	4,0	51,58	
Natal	4,0	49,37	
Transvaal	4,0	49,38	

(ii) *Industrial milk*

	From 1/7/86		Floor price from 16/2/87	
	Butterfat c/kg	Protein c/kg	Butterfat c/kg	Protein c/kg
Class A plus bulk facilities	540	540	450	674
Class A	407	407	450	387
Class B	394	394	450	358
Class C	378	378	450	324

Wynberg: vagrancy/drunkenness:

517. Mr P A MYBURGH 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 each specified police station in the Wynberg police district?

The MINISTER OF LAW AND ORDER:

	(a) (i)	(a) (ii)	(b) (i)	(b) (ii)
Mowbray				
Coloureds	17	486	746	71
Blacks	—	117	—	2
Whites	—	23	—	—
Rondebosch				
Coloureds	51	429	34	160
Blacks	—	23	2	25
Whites	—	38	—	2
Claremont				
Coloureds	45	724	10	317
Blacks	6	108	1	16
Whites	—	129	—	4
Wynberg				
Coloureds	32	762	64	513
Blacks	1	102	3	27
Whites	4	61	—	5
Dieprivier				
Coloureds	—	151	—	800
Blacks	—	253	—	38
Whites	—	58	—	1
Kirstenhof				
Coloureds	—	359	—	24
Blacks	—	63	—	10
Whites	—	14	—	—
Steenberg				
Coloureds	31	1 358	—	133
Blacks	—	85	—	25
Whites	—	1	—	—
Muizenberg				
Coloureds	2	586	4	303
Blacks	—	68	—	4
Whites	—	127	—	10
Fish Hoek				
Coloureds	2	720	—	95
Blacks	—	156	—	12
Whites	—	34	—	2
Simonstown				
Coloureds	3	338	1	190
Blacks	2	116	—	53
Whites	—	40	—	2
Asians	—	43	—	—
Hout Bay				
Coloureds	—	630	—	102
Blacks	20	137	—	33
Whites	—	10	—	—

HoA

Loans to farmers

518. Mr P A MYBURGH asked the Minister of Finance:

(a) What was the total amount of loans granted to farmers by the Land and Agricultural Bank as at 31 December 1986 and *(b)* to how many farmers had these loans been granted?

The MINISTER OF FINANCE:

(a) On 31 December 1986 farmers were indebted to the Land Bank for the total amount of R2 534 589 378 under long-, intermediate- and short-term loans.

(b) The foregoing total debt is in respect of 41 885 loans granted by the Land Bank to farmers. Joint loans, which were granted to two or more farmers, make up a large percentage of these loans.

Detainees: diet

519. Dr M S BARNARD asked the Minister of Law and Order:

(1) Whether a standing order which laid down a reduced or altered diet for persons detained in terms of emergency regulations was implemented in prisons falling under his control; if so, *(a)* when, *(b)* why, *(c)* what were the terms of the standing order, *(d)* by whom was it drafted and *(e)* how did this reduced or altered diet differ from the diet for other prisoners;

(2) whether this standing order was approved by the Prisons Service; if so, *(a)* by whom, *(b)* why and *(c)* when;

(3) whether this standing order has since been withdrawn; if not, *(a)* why not and *(b)* when will action be taken in this regard; if so, when;

(4) whether any steps have been taken against the official who drafted this order; if so, *(a)* what steps and *(b)* when; if not, why not?

The MINISTER OF LAW AND ORDER:

I wish to point out to the honourable member that no "prisons" resorts under my control. Should he, however, have police cells in mind the answer is as follows:

(1) No. *(a)* to *(e)* Fall away.

(2) to (4) Fall away.

Grahamstown: telephones

520. Mr E K MOORCROFT asked the Minister of Communications:

(1) How many *(a)* applications for telephones were received and *(b)* telephones were installed for (i) private and (ii) business purposes in Grahamstown in 1986;

(2) whether there is a backlog for this area at present; if so, *(a)* what was the backlog as at the latest specified date for which figures are available and *(b)* when is it anticipated that the backlog will be eliminated?

The MINISTER OF COMMUNICATIONS:

(1) *(a)* 1 892;

(b) (i) 1 442; and

(ii) 346.

(2) Yes;

(a) 272, as at 31 December 1986; and

(b) A minor cable work to provide two applicants with telephone service is at present being planned but at this stage it is not possible to indicate when the work will be undertaken. 122 waiting applicants will be provided with service after completion of cable works simultaneously with the commissioning of

Malan slated on troop figures

Staff Reporter

THE End Conscription Campaign (ECC) has criticized the Minister of Defence, General Magnus Malan, for failing to disclose the figures of troop deployment in the townships.

A spokesman said that last year it was disclosed that 35 372 troops were deployed in 94 townships.

"ECC asks Gen Malan what he is trying to hide from the public eye. We can only assume the figures are so high that he is frightened there will be an outcry," a spokesman said.

☐ The call by Caledon MP Mr Lampie Fick for a government investigation into the ECC work in schools was "totally paranoid", the ECC said in a statement yesterday.

The spokesman said the National Party "jealously guarded its own attempts to indoctrinate pupils at schools through its Christian national education, cadets and youth-preparedness programmes".

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Dean Farisani restricted to Venda

JOHANNESBURG. — The leader of the Evangelical Lutheran Church, Dean Tshenuwani Farisani, has been declared a prohibited immigrant in South Africa — effectively restricting him to Venda.

A letter from the Department of Home Affairs in Pretoria, dated January 28, was sent to Dean Farisani by registered mail. It said he would be refused entry into SA if he arrived at a "South African port of entry without a visa".

The letter was dated two days before Dean Farisani was released last month after 70 days in detention.

Dean Farisani's circuit stretches from Botlokwa near Pietersburg in the south to Messina in the north. His office is in "independent" Venda.

The Department of Home Affairs in Pretoria confirmed yesterday that it had barred Dean Farisani from entering SA without a visa.

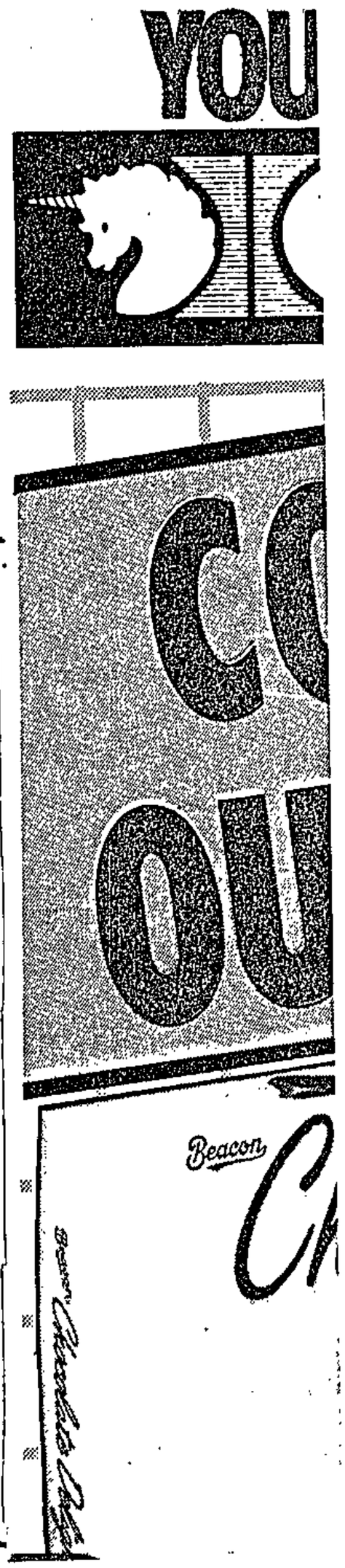
As a result of the ban, Dean Farisani was unable to attend a council meeting of the Evangelical Lutheran Church in Southern Africa, which started in Johannesburg on Monday.

He will also not be able to consult specialist doctors in Johannesburg, who were treating him for an ailment resulting from his recent detention.

It was also disclosed on Monday that the American church worker who has been working in Dean Farisani's circuit, Ms Beth-Ann Burris, has been ordered to leave Venda by today.

Ms Burris made headlines early last year when she was allegedly assaulted by Lebowa police in Seshego, Pietersburg.

Her application for the renewal of her visa, made early last year, has not been granted. — Sapa.



Teachers need not fear as long as they operate within the law — Clase

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Sowetan
26/2/87

NO teacher acting within the framwork and spirit of existing legislation runs any risk of being penalised for being a member of the End Conscription Campaign or Education for an Aware South Africa.

This assurance was given this week by Mr P J Clase, Minister of Education and Culture in the House of Assembly in response to a question on allegations made in the House by Mr Lampie Fick, National Party MP for Caledon.

Mr Fick called on the Government to investigate the activities of Edasa and the ECC.

He was quoted as saying Edasa was promoting "protest politics" at schools.

Mr Clase said in a statement that the Department's official policy on organisations like the ECC and Edasa was that it sanctioned "all activities which are condusive to the best interest of the country".

Mr Clase said "no teacher who acts within the framework and spirit of existing legislations runs the slightest risk of being penalised" for being a member of the organisations.

The ECC has challenged Mr Fick to substantiate his allegations about the organisation. Mr Fick's views reflected the paranoia.

The National Party jealously guarded its attempts to indoctrinate pupils at the schools through its programme of Christian National Education, Cadets and Youth Preparedness programmes. The ECC said.

"Our work in the schools, as in all other areas, is completely open and legal."

SA named in Contra arms scandal

Argus Foreign Service

WASHINGTON. — A major American news network has charged that South Africa has been in league with US government officials in supplying arms to Nicaraguan rebels fighting a Marxist government.

ABC news reported last night that Safair freighters provided planes and crews to fly weapons to the Central American rebels.

The deal was run, ABC claimed, by former Central Intelligence Agency chief Mr William Casey. Mr Casey did it personally, it said, "outside of all normal channels".

ABC news led its nationwide broadcast with the results of an investigation of the alleged link.

It said the South African Government was "enlisted" to help the Contras with aircraft and flight crews.

"ABC news has learnt that for over three years US government officials and the South African Government have been working together to provide military assistance to the Contras," the report said.

State Department and intelligence sources told ABC that in a first meeting early in 1985 the CIA's then head of the Latin American division travelled secretly to South Africa to solicit aid for the Contras. The CIA had denied this trip, it noted.

The agent reported directly back to Mr Casey and was the agency's "point man" for the Contras.

On August 12 1985 Safair freighters opened an office in the US.

"US officials say Safair is involved in covert operations for the South African Government," the report said. Safair signed a lease with Southern Air Transport, known for its past ties with the CIA.

"Safair provided planes to Southern Air — planes which were used to fly weapons to the Contras," ABC said.

On February 19 1984 Mr Casey had undertaken a secret mission to the French Riviera. where he met Saudi Arabia's King Fahd. He sought to persuade the king to help the Contras and the Unita rebels in Angola.

On March 9 last year Mr Casey secretly visited South Africa, ABC said.

"Sources tell ABC that during that period a deal was being discussed in high-level policy sessions in South Africa and in Washington. The deal was assistance to the Contras."

A month later prominent US officials named in the Iran-Contra scandal met Southern Air Transport pilots in a San Salvador "safehouse", where they told them "third-country nationals" would fly.

The managing director of Safair, Mr Braam Loots, today denied that his company was involved, The Argus Correspondent in Johannesburg reports.

Mr Loots said, however, that Safair had a share in a US company, Globe Air, which had leased aircraft to Southern Air Transport.

Mr Loots said ABC had contacted him in December last year and he had given it "all the information we have".

(Turn to Page 3, col 1)

Contra arms deal — claim

(Cont from Page 1)

"The allegation that Safair was involved in flying into Central America is not true at all. We have never supported any US operation or Southern Air Transport.

"It is true that we have a share in Globe Air which leased planes to Southern Air Transport. Globe Air, as the lessor, has no say in what Southern Air does with its planes.

"It is impossible for a South African company to operate a South African-registered aircraft into the US, so it is not possible that we were involved in flying from the US."

Mr Loots said he had contacted Southern Air and that it had also denied being involved.

The Minister of Foreign Affairs, Mr Pik Botha, said he knew nothing about the allegations.

It is understood that the South African Government will not comment until it sees a US report on the Iran-Contra arms scandals to be released today.

An Armscor spokesman said it was not the corporation's policy to comment on claims about international business — either the sale or purchase of arms.

Sowetan 26/2/87

Black pupil barred but . . .

GOVT MAY REVERSE DECISION



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THERE are moves in Government circles to reverse a decision to refuse a Stellenbosch white primary school permission to admit the daughters of a black Malawian clergyman who is studying at the university.

But Father Jonathan Kamwana, whose two daughters were refused permission by the Cape Department of Education to attend a white school in Stellenbosch, is adamant that he will not transfer them from a coloured school in Idas Valley if the decision is reversed.

Although it is official Government policy that, in terms of the "own affairs" in the new constitutional system, there must be separate state schools for the various race groups, the latest incident could become an embarrassment for the National Party in an election campaign and there are moves to reverse the decision.

The English-language Rhenish Primary School in Stellenbosch has been told that it may not admit the daughters of Father Kamwana who is currently studying for a doctorate degree in theology at the University of Stellenbosch.

The decision was taken by the white "own affairs" department. In terms of its policy exceptions at white schools, pupils of colour are allowed only in the case of diplomats' children. However, private schools are allowed to be "mixed".

The school falls in the constituency of Mr Chris Heunis, the Minister of Constitutional Affairs who has not yet commented on the incident.

It was understood that he is involved in moves to have the decision reversed, and there may shortly be talks between himself and the Minister of Education and Culture, Mr Piet Clase.

Father Kamwana, a presbyterian minister, said he did not apply for permission to enrol his two daughters Taymike (6) and Joyce (7) to be admitted to the English medium Rhenish Primary School.

He said the Rev Jimmy Stevenson, the Local Presbyterian minister in Stellenbosch, applied on his behalf.

"I was not greatly disappointed when the application was turned-down. I would have been disappointed if I had lodged the application myself," Father Kamwana said.

He said Joyce and Taymike, who are attending St Idas Primary School in Idas Valley with their brother Joseph (12) and Chifundo (9) were happy at that school.

THIS PAGE — TELEPHONE EAST LONDON 26141

AG declines to prosecute editor, staff

Dispatch Reporter

EAST LONDON — The Attorney-General has declined to prosecute the Daily Dispatch, its Editor, Mr George Farr, and two former members of the newspaper's editorial staff.

A possible prosecution has been considered in terms of Section 27B of the Police Act, following publication of a report in the Daily Dispatch on March 22, 1986.

The newspaper's representatives involved were Mr Farr, Mrs Niki Kotze, who was crime reporter at the time, and Mr Owen Vanqa, who was a Daily Dispatch senior reporter in its King William's Town office and who filed the original report.

The report was about police action in Breidbach, near King William's Town, involving a group of people waiting for the outcome of a court application challenging the banning of a service that was to have been conducted by a patron of the United Democratic Front and the president of the World Alliance of Reformed Churches, Dr Allan Boesak.

The report quoted comments about the conduct of the police by a spokesman for the King William's Town Civic Association, Mr J. Smith.

A police officer visited Mr Farr in his office on July 3 last year and informed him that he and the two reporters were required to make statements confirming the accuracy of the report that had been published in March.

These statements were duly made before an attorney acting for the Daily Dispatch, Mr G.W. Moolman, and were then handed to the police.

This week, Detective Warrant Officer G. van Rooyen of the Criminal Investigation Department called on Mr Farr and asked him to sign an affidavit before the detective (acting as a commissioner of oaths) attesting to the truth of the statement he had made.

After Mr Farr had agreed to sign the affidavit, Detective Warrant Officer van Rooyen informed him of the Attorney-General's decision against a prosecution.

● Section 27B of the Police Act provides that "any person who publishes any untrue matter in relation to any action by the force or any part of the force, or any member of the force in relation to the performance of his functions as such a member, without having reasonable grounds (the onus of proof of which shall rest on such a person) for believing that that statement is true, shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment".

From page 1

Contra denial

to Southern Air Transport, a former CIA proprietary active in the shipment of arms to both the Contras and Iran. Safair has also denied the allegations.

In March 1986, Mr Casey himself secretly visited South Africa to discuss Contra aid, ABC said. A month later, Southern Air Transport pilots in El Salvador were told by President Reagan's former aide Lieutenant-Colonel Oliver North that "foreign nationals" would be flying arms into Nicaragua. These nationals were later found to include South Africans.

Asked about the report, a senior State Department official responsible for Central America said yesterday that if Mr Casey or Lt-Col North had succeeded in getting SA support for the Contras "good for them".

This official would not confirm the story, but said "those of us who were not involved in the (Contra supply) operation didn't have a need to know — and you don't have a need to know in situations like this, you don't ask".

State Department officials dealing with Southern Africa said they were surprised, but not deeply troubled, by the report. Said one: "We were not informed that anything like this was going on."

What did concern these officials was ABC's allegation that Mr Casey had also pushed King Fahd in their 1984 meeting to provide aid to Unita — an intervention that might have violated the congressional ban then in effect on support for the Angolan rebels.

SA govt denies arms supply to Contras

By BARRY STREEK and SIMON BARBER

THE South African government last night denied allegations that it was involved in supplying arms to the Contras in Nicaragua.

The Minister of Foreign Affairs, Mr Pik Botha, said: "The South African government had no negotiations or talks with representatives of the United States of America or any government regarding the supply of arms to the Contras.

"The South African government came to no agreement or understanding with the American government or any other government regarding the supply of weapons to the Contras."

The government also denied that it had been providing training facilities, manpower or transport for weapons to the Contras, Mr Botha said.

The original allegation was made by the United States TV network ABC. It claimed that in return for South African support, the then director of the CIA, Mr William Casey, in 1984 urged Saudi Arabia's King Fahd to provide South Africa with oil.

ABC claimed the CIA's then Latin America division chief, Mr Duane Clarridge, secretly visited SA in early 1985 to solicit Contra aid.

Several months later Safair or a subsidiary reportedly opened an office in the US and agreed to lease aircraft

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REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

Government Gazette
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GOVERNMENT NOTICE

GOEWERMENTSKENNISGEWING

MINISTRY OF LAW AND ORDER

No. 501 (327) G/G **27 February 1987**

27/2/87

ORDERS UNDER THE REGULATIONS MADE UNDER THE PUBLIC SAFETY ACT, 1953

Under the powers vested in me by regulation 7 (1) of the regulations published under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 109 of 12 June 1986, as amended, I, Johann Cornelissen van Niekerk, Divisional Commissioner of the South African Police for the Port Natal Division, hereby issue the orders set out in the Schedule.

J. C. VAN NIEKERK,

Divisional Commissioner: Port Natal.

SCHEDULE

Definitions

1. In this Schedule, unless the context otherwise indicates, any word or expression to which a meaning has been assigned in the Regulations has a corresponding meaning, and—

"ceremonial gathering", in relation to the burial of Msizeni Shadrack MAPUMULO, means any gathering associated with such a burial, including any memorial service, commemorative service or any other service held in connection with such a burial, and also a funeral procession;

"designated area" means the Magisterial Districts of Durban, Umlazi, Pinetown and Inanda;

"Divisional Commissioner" means the Divisional Commissioner of the South African Police for the Port Natal Division;

"funeral" means a gathering held at the grave of Msizeni Shadrack MAPUMULO;

MINISTERIE VAN WET EN ORDE

No. 501 **27 Februarie 1987**

BEVELE KRAGTENS DIE REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by regulasie 7 (1) van die regulasies kragtens die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), afgekondig by Proklamasie R. 109 van 12 Junie 1986, soos gewysig, reik ek, Johann Cornelissen van Niekerk, Afdelingskommissaris van die Suid-Afrikaanse Polisie vir die Afdeling Port Natal, hierby die bevele in die Bylae uiteengesit uit.

J. C. VAN NIEKERK,

Afdelingskommissaris: Port Natal.

BYLAE

Woordomskrywing

1. In hierdie Bylae, tensy uit die samehang anders blyk, het 'n woord of uitdrukking waaraan in die Regulasies 'n betekenis geheg is 'n ooreenstemmende betekenis, en beteken—

"aangewese gebied" die landdrosdistrikte van Durban, Umlazi, Pinetown en Inanda;

"Afdelingskommissaris" die Afdelingskommissaris van die Suid-Afrikaanse Polisie in die Afdeling Port Natal;

"begrafnis" 'n byeenkoms wat gehou word by die graf van Msizeni Shadrack MAPUMULO;

"die Regulasies" die regulasies afgekondig by Proklamasie R. 109 van 12 Junie 1986, soos gewysig deur Proklamasies R. 110 van 17 Junie 1986, R. 121 van 27 Junie 1986, R. 125 van 8 Julie 1986, R. 140 van 1 Augustus 1986, R. 225 van 28 November 1986, R. 224 van 11 Desember 1986 en 18 van 29 Januarie 1987;

Cape Times 28/2/87

Judges order board to probe dismissal

Own Correspondent

DURBAN. — Supreme Court judges yesterday ordered the Minister of Manpower to establish a conciliation board within 14 days to discuss the summary dismissal of a Durban father of three by the State Fuel Fund Association (SFF) after 17 years' service, because he failed to gain a security clearance from the South African Police (SAP).

The court was told that Mr Frederick James Dalrymple Jenkin, 52, of Yellowwood Park, had worked as a "sanctions-buster" for an unnamed country on behalf of the SA government, while employed by the SFF.

In an application before Mr Justice Howard and Mr Justice Kriek, Mr Jenkin said he had been given no reasons for his dismissal other than that he had failed to get the necessary security clearance from the SAP. At the time he was operations superintendent in Durban.

He said the general manager of the SFF, Mr T Osler, had summoned him on February 15, 1985 and told him his services were terminated.

The company had not adhered to its normal disciplinary code before dismissing him and he had been given no opportunity to reply to any allegations.

It was stated in papers before the court that despite appeals to the State President, the Minister of Defence, the Minister of Law and Order, the Minister of Mineral and Energy Affairs and the SFF, Mr Jenkin was unable to find out why he had been refused a security clearance.

Finally in January last year the Minister of Manpower had refused to establish a conciliation board.

Mr Jenkin said he could not think why he should be considered a security risk since he was not politically active, his lifestyle was quiet and he moved within a small, respectable circle of friends.

In a letter before the Court, his wife, Mrs Eve Jenkin, said her husband had been involved in top-secret and confidential work for the SFF, and that the contention that he was a security risk was "absurd".

"For two years he carried the burden of 'sanctions-busting' for an unnamed country on behalf of the South African government," she said. "He acted as operations man, contact man, go-between, document carrier — you name it — he fought bitter battles, now conveniently forgotten to ensure the secrecy and success of this operation."

"This is the man you people call a security problem," she said.

Police question Zinzi Mandela

By CHRIS STEYN

THE daughter of jailed African National Congress (ANC) leader Mr Nelson Mandela was detained for questioning by security police in an early-morning swoop on the family's Soweto home.

Ten members of the Mandela United Football Club were also allegedly taken into custody about 10.30am yesterday.

Police told the Cape Times that Miss Zinzi Mandela, 26, was taken to Protea police station in Soweto. They later confirmed that she had been released again and said that no charges "have been laid at this stage".

Police declined to comment on allegations that her arrest followed the alleged discovery of a Soviet-made pistol on top of Zinzi's cupboard when security police officers searched the house.

Mr Ismael Ayob, the Mandelas' laywer, said that "a large number" of police arrived at the house at 7.30am and took Zinzi and "a pile of her belongings away".

He said she was released about midday after he and her mother, Mrs Winnie Mandela, had gone to the police station.

Police were still unable late yesterday afternoon to confirm that the football club members had been arrested.

Mr Ayob said police had not confirmed the arrests or given him any details in connection with the incident.

Police also could not confirm claims that a member of a soccer team sponsored by the Mandelas was injured in a shooting incident during a clash with a rival football team at the house yesterday morning.