

TOTALITARIANISM — POLITICAL TRIALS

1987

MARCH — APRIL
~~APRIL~~ MONTH.

SOWETAN

Daily Mirror

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6 Duduza trialists get 16 months, 1 freed

YOUTHS JAILED

SEVEN former Duduza High School students, some of whom had their right hands amputated and mutilated, were sentenced to 16 months imprisonment on charges that include possession of handgrenades, in the Pretoria Supreme Court on Friday.

The sentence of Hosea Lengosane, who suffered serious brain damage when his handgrenade exploded, was suspended.

Passing sentence, Mr Justice Stafford, sitting with an assessor, told a packed and silent court that a balanced-thinking society should know that "even if one loses a hand during handgrenade attacks, the courts will not sanction the actions of people who take the law into their own hands".

Serious injury

Titus Mazibuko (19), John Mlangeni (22), Samuel Lekatsa (20), Humphrey Tshabalala (19), Veli Mazibuko (19), Hosea Lengosane (21) and Cedric Dladla (19) were sentenced to 16 months' imprisonment on charges of possessing handgrenades, attempted murder and attempts to maliciously damage two houses in Duduza, Nigel, at midnight on June 25 or 26 1985.

Mr Justice Stafford however imposed a suspended sentence on Lengosane after ruling he had taken into consideration a doctor's report that he was the most seriously injured of the seven.

"He has a major mental defect and is unfit for the open labour market," the judge said. Lengosane's

By MONK NKOMO

sentence was suspended for three years.

The judge took into account the prevailing social conditions in Duduza before the violence flared.

He took into consideration that there was a shortage of houses, people used the bucket system and there was no electricity, communal taps and tarred roads.

Mr Justice Stafford said following evidence that was led in court he had no doubts that a vigilante group did exist in Duduza. He could not however identify its members.

The judge also conceded that the seven former high school pupils had suffered emotionally. Their grief also arose out of the death of eight of their colleagues — one of whom was blown to "smithereens" — and their loss of limbs, the judge said.

Mr Justice Stafford however ruled that any attack on a house with a handgrenade was a serious offence that carried a maximum prison sentence of 10 years. He took into account that the seven were young and immature to cope with the emotional stress after being offered help by two men who promised to help them fight vigilantes in Duduza.

"This mitigated the seriousness of the crime," the judge said.

In conclusion, Mr Justice Stafford ruled that "whether the handgrenades were supplied by amateurish sympathisers or antagonistic enemies of the accused, the seven took the law into their own hands by taking explosives to commit acts of retribution against their enemies".

The seven, the judge added, planned a deliberate and calculated attack "to obliterate their targets".

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Mrs PAULINE Molise, mother of Benjamin Molise who was hanged in 1985 for killing a Mamelodi security policeman, congratulating Lengosane Hosea.

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TEARS FOR DUDUZA 7

(331)

Sowetan
2/3/87

THE families of seven Duduza students convicted in the Pretoria Supreme Court on Friday wept uncontrollably after sentence was pronounced, but expressed satisfaction at the "fair" punishment meted out by the judge.

"What is heartbreaking is that all of them have suffered emotionally and others sustained very serious injuries. Their stay in prison is going to be difficult and maybe unbearable," said Mr Petros Mlangeni, whose son, John Mlangeni, had his right hand amputated after a grenade detonated in his hand.

Hosea Lengosane, who was given a suspended sentence because of the serious injuries he sustained, told the

Sowetan after his release: "If things went my way I would have remained and served the 16-month prison sentence with them. I really feel lost without them. We were very close friends."

Parents and relatives ululated and chanted "Viva" when a police van carrying the six former students emerged from the court yard. The six sang a freedom song as the van drove through a red robot to avoid the crowd and sped into Paul Kruger Street to the Pretoria Central Prison.

Their parents however expressed satisfaction at the sentence imposed by Mr Justice Stafford who was sitting with an assessor. "The judge was very fair," they said.



RELATIVES of the seven former Duduza students bid them farewell after they were sentenced in the Pretoria Supreme Court on Friday.

Delmas accused goes for op

By ALI MPHAKI

AN accused in the Delmas trial was admitted to hospital for a minor operation last week.

Mr Herbert Bavumile Vilakazi (32), was taken to Delco hospital on Thursday.

A hospital spokesman said his condition was stable but could not indicate when would he be discharged. Mr Vilakazi is one of the 19 men who are facing charges of treason, alternatively terrorism, subversion and murder in the Delmas Circuit Court.

Their appearance is a sequel to the violence which broke out in the

on September 3, 1984.

Mr Vilakazi was the first accused to be called to the witness box when the trial resumed on January 21 this year.

He was followed by Mr Naphtali Nkopane and Mr Tebello Ephraim Ramakgula.

March

Mr Ramakgula had testified that he was at the front of the march by Vaal residents to the administration board offices at Houtkop on September 3, 1984.

He said he had volunteered to be in front

vice-president of the VCA, had asked for volunteers before the march started at the Roman Catholic church in Small Farms, Evaton.

The court heard that Mr Ramakgula voted for the affiliation of the

VCA to the UDF although at the time he did not know what the Front was all about except from the little he gathered about it from newspapers.

The trial continues today.

Vaal Triangle townships after Mr. S. Raditsephe

I'm no soldier, says accused

337
3/3/87 Sawefan

A DELMAS treason trialist yesterday told a judge that although he sang the song "Singamasotsha ka Mandela" (We are Mandela's soldiers) he did not consider himself a soldier of the jailed African National Congress leader.

Mr Ramakgula was answering a question from the State advocate Mr P Fick during cross-examination in the Delmas Circuit Court.

The court heard that the song was among those sung at a residents' meeting on August 6, 1984. This meeting decided that residents would march to Houtkop on September 3 that year.

Mr Ramakgula is one of 19 men facing charges

By ALI
MPHAKI

of treason. They have all pleaded not guilty.

The court heard that when Mr Ramakgula arrived at the Roman Catholic Church in Small Farms on the morning of September 3 he found his co-accused Mr Esau Raditsela, Mr Naphtali Nkopane, Mr Jacob Hlanyane and Mr Sam Matlole writing placards.

He said Mr Nkopane and Mr Hlanyane did the writing but he could not remember what Mr Raditsela was doing at the time.

Although Mr Ramakgula did not ask Mr Raditsela about a memorandum which was to be handed to the authorities at Houtkop, he was

one of the delegates to meet the authorities. "I did not ask him about the memo. It did not come to me that I should ask him," he said.

Some pamphlets used during the march read in Sotho — "We don't have money". Mr Ramakgula said those were the only pamphlets he saw because he could not read English and Afrikaans.

Mr Justice van Dijkhorst is sitting with two assessors.

• An accused, Mr Herbert Vilakazi, had not been discharged from hospital by yesterday. He was admitted for a minor operation last Thursday.

(Proceeding)

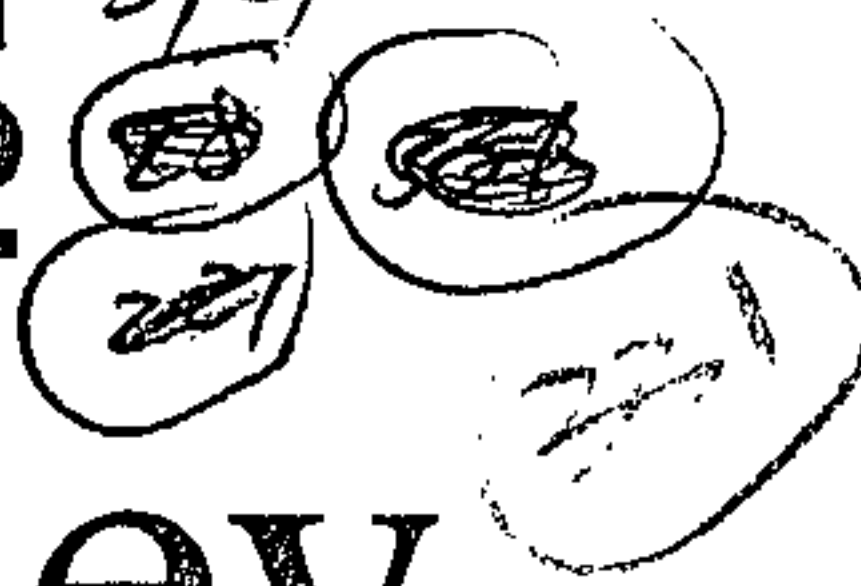


Archbishop Hurley

R25 000

damages for Hurley

care Times
3/3/87



PRETORIA. — The ministers of Law and Order and Justice and the Attorney-General of the Transvaal have agreed to pay the Archbishop of Durban, the Most Rev Denis Hurley, R25 000 in a settlement of damages claim.

The archbishop's claim, which was to be heard in a lengthy trial in the Supreme Court here, follows his prosecution after he made statements about atrocities in Namibia allegedly committed by the counter-insurgency unit Koevoet.

Archbishop Hurley said he held a press conference on February 3, 1983.

During the conference he was asked questions about a "Report on Namibia" issued in 1982 by the South African Catholic Bishops' Conference, in which allegations were made about atrocities committed by members of the South African security forces.

As a result of these allegations, the archbishop was prosecuted for unlawfully publishing false statements about Koevoet, "namely that the security forces in SWA/Namibia were still perpetrating atrocities against local blacks".

The charges were dropped.

Factual allegations

In the settlement agreement read to the Pretoria Supreme Court yesterday, the archbishop stated that he was communicating information that had come to him by way of reports from various sources. From this he had "a suspicion that atrocities do take place".

The settlement went on to say that it was not his intention to make factual allegations that Koevoet, or its members, were responsible for the massacre of a family at Oshikuku during the night of March 9, 1982, or for the detention deaths of the people he referred to as Kavango teachers.

An inquest court found that unknown members of Koevoet were responsible for the death of one of the Kavango teachers, while two other members of Koevoet were convicted of common assault.

Another inquest court found that guerillas had committed the Oshikuku massacre.

He added that no allegations were intended to, or in fact did amount to, allegations detracting from the integrity of the office of the Attorney-General.

The Minister of Law and Order, the Minister of Justice and the Attorney-General undertook to pay him R25 000 of his original R124 047 claim, in view of his high legal costs, but without admitting any liability. — Sapa

Policemen attacked activists' homes, judge finds

Queries left unanswered in Duduza terror trial

By Sejamothopo Motau,
Pretoria Bureau

The Duduza terror trial has ended in the Pretoria Supreme Court after six long months — but a number of key questions remain unresolved.

Last Friday Mr Justice Stafford sentenced Hosea Lengosane (21) to 16 months' jail but suspended the sentence for three years. Lengosane suffered severe brain damage when a hand grenade exploded near him on the night of June 25 1985 in Tsakane. The judge said no purpose would be served by sending him to prison.

As Lengosane left for home, reunited with his family after 20 months in custody, a free but mentally scarred young man, his six "comrades in crime" — Joseph Titus Mazibuko (19), John Mlangeni (22), Samuel Lekatsa (20), Humphrey Tshabalala (19), and Johannes Veli Mazibuko (19), all of Duduza, and Cedric Dladla (19) of Tsakane — were taken away each to serve 16-month prison sentences.

Each of the seven was found guilty of the illegal possession of one

hand grenade.

Who provided the hand grenades? Mr Justice Stafford said the answer to this would have to be "left in limbo" because on the evidence he could not determine whether they were provided by the police or vigilantes of the African National Congress. His "dilemma" was that the State witness who was questioned on this issue, had told the court "a tissue of lies".

The hand grenades were described as the RGD-5 type, of Soviet origin. They were designed for immediate explosion and had no time-delay mechanism. "They were meant to be used as booby traps," said the judge.

At least seven young people were blown to death when the "dud grenades" were thrown in Tsakane and Duduza.

Did those who gave the boys the missiles — and most of them were boys at the time — know they were booby traps? Speculation in this regard, said the judge, "brings (the case) into the realms of the macabre."

The court also learned that Mlangeni and Veli Mazibuko were ap-

proached by a certain Mike and James who told them they were on a "hit list" in the possession of Mr David Namane and his brother, Mr Steven Namane, both Duduza businessmen.

The mysterious Mike and James apparently also "trained" the youths to use grenades.

Who are these mystery men? What became of them?

Did the two hand grenades which exploded at a disused mine in Tsakane come from the same cache as the "duds" that took at least seven lives?

The judge found that "certain specified policemen" and vigilantes were responsible for attacks on political activists' homes.

CONVICTED

"These very serious allegations were, of course, denied," said the judge.

Who are the "certain specified policemen"? Was Warrant Officer Baloyi among the "specified policemen"?

Lengosane and Dladla were convicted of attempted malicious damage on the house of the warrant officer.

What crimes did the "specified policemen" commit as part of the vigilante counter-violence group — if they belonged to this group?

The judge said there was no doubt in his mind that such a vigilante group existed.

Will the Department of Law and Order take any action against these "specified policemen"?

CONVICTED

Was W O Baloyi among the "specified policemen"?

Lengosane and Dladla were convicted of attempted malicious damage on the house of the warrant officer.

What crimes did the "specified policemen" commit as part of the vigilante counter-violence group — if they belonged to this group?

The judge said there was no doubt in his mind that such a vigilante group existed. Only the identity of its members was in question.

Is the Department of Law and Order going to take any action against these "specified policemen"?

Were the Namane brothers part of the vigilante movement, as Mlangeni and Mazibuko were led to believe?

It seems these questions — and many others — may have to remain in limbo.

(Just)
impor

Delmas treason trial accused raps 'puppet bodies'

237
4/3/82
up family which may be of
dae.

By Adele Baleta

A defendant in the Delmas treason trial and former community councillor said yesterday the Evaton community council was merely a "puppet body".

Mr Morake Mokoena (48) said "puppet" was used by township residents to describe people serving in Government structures.

Free on R15 000 bail, he is the fourth of 19 accused to testify in the trial which began 20 months ago. All have pleaded not guilty to high treason and alternative charges of murder, subversion and treason arising from the Vaal Triangle unrest in 1984.

A cattle herder until the age of 10, Mr Mokoena left school in 1960 when he took up employment in the Commissioner's office in Evaton in 1963.

A year later he opened a radio repair shop after completing a TV and radio correspondence course.

"I knew television would be introduced in South Africa and people with skills would be needed," he said.

His ownership of the shop and the stand nine years later was a great achievement for him.

"When I was young I dreamed of owning land on which I could live without being shunted from pillar to post," he said.

Sketching the location of Evaton, which was proclaimed a township in 1904, Mr Mokoena said the area had about 2 700 stands and included Small Farms and Zone 8.

COMMISSIONER TOOK OVER

Evaton, a released area, which was originally reserved for the occupation of blacks on the basis of freehold rights, was initially administered by the Peri-Urban Areas Board until the Commissioner, with the help of an advisory board, took over in 1959.

Evaton fell under the jurisdiction of the Sebokeng Management Board in 1972 and new levies were introduced.

They were:

- Residential permit levy, R1 a month, paid by any person over 18 whether owning land or not.
- Housing permit levy paid by the occupants of premises belonging to the Administration Board in the residential area of Evaton.
- Owner's certificate levy or land tax paid monthly by property owners at a rate of R2 an acre.
- Accommodation permit levy — between R3 to R5 — paid by visitors who stayed in Evaton for more than 72 hours.

Property owners fought against what they said was double taxation as, on top of the owner's certificate levy, "they felt there was no real need for owners to ask permission to live on their own land".

Mr Mokoena said: "In 1978 when the community council system came into being, I was paying R5.50 tax for my property.

"There was no electricity, the roads were being graded and there was still water drainage."

At the time of his detention in 1984, Mr Mokoena was paying R16 a month for his one-acre stand.

He said Evaton residents were furious with the takeover of the Management Board. They, as land owners, were not informed and:

- The board bought up large tracts of land in Evaton.
- Money meant for Evaton and kept in the Commissioner's office was transferred to the board's coffers and, with money from other townships, put into a central fund.
- The board took implements used for roads and impounded the people's cattle.
- It took control of communal grazing land.

Organisations were set up to fight the establishment of the management board.

"Some people even took their complaints to members of Parliament. They drew PFP member Mrs Helen Suzman's attention to the issues to ensure Evaton was not included under Sebokeng," he said.

Evaton residents' dissatisfaction resulted in a successful court case in 1976 where a full bench of the Appellate Division ruled that they did not have to be administered by the board.

But shortly afterwards a new proclamation was issued which validated the board as the properly constituted local authority.

Earlier, fellow accused Mr Tebello Ramakgula stood down after 10 days in the witness box.

Mr Ramakgula, who never attended school and is illiterate, denied knowledge of the United Democratic Front's activities after being asked to comment on documents written by the organisation.

The case continues.

CMC Times
4/3/87 331

Three appear in Laaiplek court

Staff Reporter

TWO men and a youth made their second appearance in Laaiplek Magistrate's Court yesterday on charges relating to a series of incidents which took place in the West Coast fishing village about two months ago.

Mr Clive Liebenberg, 21, of Church Street, Laaiplek, Mr Stanford Don, 19, of St Christopher Street, and a 16-year-old youth, who may not be named, appeared on a charge of assault with intent to do grievous bodily harm to Mr Gysbert Johannes van der Westhuizen in the Oasis Cafe on January 3.

Mr Liebenberg and Mr Don also face possible arson charges, and Mr Liebenberg also faces two counts of public violence, attending an illegal gathering and malicious damage to property.

The three were not asked to plead and the case was postponed to June 30 pending a decision by the Attorney-General.

They were released on bail ranging from R300 to R500.

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

care time 4/3/87
Zolani
'despair'

Staff Reporter *34*

ADVICE office worker Mr Dawid Bosch told the Supreme Court yesterday of the "despair" of Zolani parents faced with violence from a powerful "home guard" and a perceived lack of police protection.

Mr Bosch was giving evidence in mitigation of sentence for four men from Zolani near Ashton found guilty of stoning the house and car of Mr Jim Calata, employed by the development board.

Mr Bosch, from the Montagu-Ashton advice office, told the court he sent "about four letters" to the police in December 1985, but the station commander told him he was not prepared to stop a 9pm township curfew imposed by the "home guard".

The hearing was postponed until Thursday next week.

Politician picks jail

Cape Times 4/3/87 Own Correspondent

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DURBAN. — The leader of the People's Congress Party in Natal, Morris Fynn, yesterday chose to go to jail for 30 days rather than pay a R100 fine after he had been convicted of maliciously damaging a "coloureds only" sign at Durban's coloured beach.

Durban magistrate Mr D Struwig found Fynn sawed off the apartheid sign — property of Durban City Council — on October 17.

Fynn said he thought the council overlooked the fact that the sign should not be there. "I thought I was doing the council a favour."

He quoted the State President, Mr P W Botha, as saying in 1986 that South Africa had outgrown its outdated colonial system. After that coloured people felt they could swim where they wanted, Fynn said.

Mr. 11215 4/3/87

Bishop Hurley settlement

Staff Reporter

THE Department of Justice has objected to a headline — "R25 000 damages for Hurley" — which appeared on the front page of yesterday's Cape Times.

A spokesman for the department, Mr David Swanepoel, said that, according to the terms of the settlement agreed to by the ministers of Law and Order and Justice and the Attorney-General of the Transvaal in favour of the Archbishop of Durban, the Most Rev Denis Hurley, there was "no question of damages being paid" to Archbishop Hurley.

The R25 000 paid was "a contribution towards legal costs incurred by the plaintiff in consideration of effecting a settlement without admitting any liability", Mr Swanepoel said.

This fact was reported in yesterday's article, and the Cape Times regrets that the headline gave a different impression.

Five accused of killing on 'justice mission'

Staff Reporter

FIVE young men pleaded not guilty in the Supreme Court yesterday to the murder of a security guard in a shoot-out in Belgravia Road, Athlone, during unrest in 1985.

One of the men, Mr Nazir Bhawoodien, 28, of Athlone, is alleged by the State to be "a supporter of the Muslim Youth Movement, Qibla".

The State alleges that on November 29, 1985, Mr Bhawoodien asked his four fellow accused to go on a "mission of justice for the purpose of obtaining firearms to protect mosques against intrusion and desecration by members of the South African Police and the Ahmadiyyah, an opposing Muslim sect".

The four are Mr Said Ahmed Bhawoodien, 22, of Athlone, Mr Moegamat Yusuf Abrahams, 22, of Bonteheuvel, Mr Rushdien Abrahams, 29, of Mitchells Plain, and Mr Nazeem Abrahams, 27, of Bonteheuvel.

They all pleaded not guilty to charges of robbery with aggravating circumstances, murder, attempted murder and unlawful possession of arms and ammunition.

The security guard who died in the shoot-out on Saturday, November 30, was Mr Frank William Joseph, 37. An-

other security guard, Mr Roslin MacDonald, was wounded.

The State alleges that Mr Rushdien Abrahams and Mr Nazeem Abrahams were also wounded in the exchange of fire, and arrested in Somerset Hospital within hours of the shoot-out.

A witness, Mr Nasrullah Samie, another security guard who was also on duty at the Lincoln Tavern liquor store in Belgravia Road on November 30, 1985, told the court yesterday that he had left the Tavern before the shooting incident in question.

He had gone to the police station to lay a charge against a man who had pointed an R4 rifle at him and his fellow guard.

While he was at the police station, he heard shots from the direction of the Tavern, and when he got there he found Mr Joseph dead and Mr MacDonald wounded. The hearing continues.

Mr Justice M R de Kock presided, with Mr W S O'Brien and Mr R Lewin as assessors. Mr A de V la Grange and Mr C J Vermeulen appeared for the State. Mr D de la Hunt, instructed by E Moosa and Associates, appeared for the Bhawoodiens. Mr S Desai, instructed by Y Ebrahim and Co, appeared for Mr Moegamat Abrahams and Mr Nazeem Abrahams, and Mr M Donen appeared for Mr Rushdien Abrahams.

~~News~~ 4/3/87
**Man tells of
sympathy with
unrest victims**

Staff Reporter

A Stellenbosch University law graduate told the Supreme Court in Cape Town he had sympathy with the victims of unrest violence while taking statements of allegations against the police and "homeguard", a right-wing vigilante group.

Mr Dawid Bosch, 27, former co-ordinator of the legal advice office for a Boland welfare organisation, was giving evidence in mitigation of sentence yesterday in the trial of four Zolani men convicted of public violence.

They are Mr Samuel Mangcola, 29, Mr Charles Msoki, 45, Mr Timothy Tyhalisisu, 39, and Mr Lemi Mhlomi, 25.

They were convicted of committing public violence by stoning the house and car of Development Board guard Mr Jim Calata and setting alight another car in April last year.

Mr J H Theron, for the State, asked Mr Bosch whether he had heard of the term "comrades".

Mr Bosch said he had read of the term in newspapers. He had no dealings with "comrades" in compiling sworn statements because most of the people who approached the Montagu-Ashton Community Service were parents of children who were either arrested or assaulted.

Mr Bosch said he took about 80 statements from residents about allegations against the police and the "homeguard".

Mr Theron asked Mr Bosch whether his sympathies lay with complainants when he took statements.

Mr Bosch: Yes, in that many had been assaulted and I wanted that to end.

Mr Bosch agreed his objectivity could have been detrimentally affected by the situation.

The hearing was postponed to March 12.

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Politician picks jail

Cape Times 4/3/87
Own Correspondent

331

DURBAN. — The leader of the People's Congress Party in Natal, Morris Fynn, yesterday chose to go to jail for 30 days rather than pay a R100 fine after he had been convicted of maliciously damaging a "coloureds only" sign at Durban's coloured beach.

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Fynn said he thought the council overlooked the fact that the sign should not be there. "I thought I was doing the council a favour."

He quoted the State President, Mr P W Botha, as saying in 1986 that South Africa had outgrown its outdated colonial system. After that coloured people felt they could swim where they wanted, Fynn said.

VCA attacked at Delmas

THE march by Vaal residents to the administration board offices on September 3, 1984, was not a peaceful one, State Advocate Mr P Fick said to an accused during yesterday's proceedings in the Delmas treason trial.

He said: "I put it to you that you went to councillors' homes and attacked and killed them."

Mr Fick added that the Vaal Civic Association's goal was to mobilise the people around their grievances and to use the rent issue to manipulate the people.

By ALI MPHAKI

He added that the VCA did not have any programme to solve residents problems.

The advocate said this when winding up his cross examination on Mr Tibello Ephraim Ramakgula (27) yesterday.

Mr Fick added that it was the VCA's plan to work with Azapo Cosas and the UDF to make black townships ungovernable so that the VCA could take over.

Mr Ramakgula said these

statements were false, for if the VCA had had the opportunity many things would have changed in the Vaal. He said it was not true that it wanted to take over.

Earlier Mr Ramakgula denied the suggestion that the VCA was part of the organisation which organised a stayaway for November 5 and 6, 1984.

Mr Ramakgula was followed by former councillor Mr Morake Petros Mokoena, also an accused, in the witness box.

The hearing continues today.

Release unionists call

By Lesley Cowling

The general secretary of the Catering, Commercial and Allied Workers' Union (Ccawusa) yesterday submitted an urgent application to the Rand Supreme Court for the release of union members detained during the OK Bazaars strike.

Mr Vivian Mtwla said in papers that 68 OK workers were arrested on January 6 under the emergency regulations because of their participation in the strike or incidents resulting from the strike.

The strike had since ended and, in terms of a settlement agreement, none of those detained would lose their jobs.

He said the detention of the unionists was unlawful because it was not necessary for the maintenance of public order or the protection of public safety.

The case was postponed indefinitely.

Bomb expert tells of (331) N/M 5/3/87 Parade Hotel blast scene

Pietermaritzburg Bureau

LARGE pools of blood and pieces of what appeared to be human skull were found at the scene of the Parade Hotel bomb blast in which three people were killed last June, the Supreme Court heard here yesterday.

Capt Hendrik Botha, an explosives inspector with the security branch at C R Swart Square, told the Court he had conducted in-

depth investigation at the scene of the bombing on June 15.

Capt Botha said at the point where the explosion occurred he found a hole 1 m in diameter and about 30 cm deep in the tar. The hole was in the centre of a depression of about 2,5 m.

This was thoroughly investigated to try to find parts of the explosive device used or a container in which high explosives were placed. 'I could find no sign of any explosive device that was known to me,' he told the Court.

He said, however, he had found the remains of cartridges and about 140 — 150 bullets.

Capt Botha said he believed these would have been placed under the explosive device before it was detonated. The only reason he could think of for doing this would be to form more shrapnel.

In addition to the bullets there were also steel pins. Two of these were between 3 cm and 4 cm long and had diameter of 8 mm. There were several others varying in size, but all were shorter

than 5 cm and 10 mm to 12 mm thick.

A team of 10 forensic experts were also at the scene, he told the Court, and reported later that they had found traces of RDX high explosive in soil samples taken at the point of detonation. 'This confirmed my view that a high explosive had been used'.

Capt Botha said he had established that three people were killed and about 90 others injured as a result of the explosion which, in his opinion, was caused by 25 kg to 50 kg of high explosive detonated in the boot of a car, a blue Ford Cortina.

He was testifying at the trial of the alleged Magoos Bar bombers Robert McBride, 23, and Greta Apelgren, 30.

Damaged

The couple face charges of terrorism, murder and attempted murder in connection with several bombing incidents, including that of the Parade Hotel, as well as the rescue of alleged ANC terrorist Gordon Webster from Edendale Hospital last May.

Capt Botha told the Court the point of detonation was about 15 m from the Parade Hotel, outside a wall surrounding the Why Not Bar.

He said 30 cars and a motorcycle were damaged in the explosion, which also caused structural damage to all floors of the Parade

Hotel, including broken and cracked walls.

Windows in the hotel were broken as were those of surrounding flats and hotels. Most damage was caused to Magoos Bar and the Why Not Bar in the Parade Hotel.

Debris lay scattered in a 500 m radius around the point of the explosion.

Skull

Capt Botha told the Court he had found two large pools of blood on the pavement outside the hotel steps with what appeared to be pieces of human skull. 'It was apparent this was where either dead or injured people had been lying,' he said.

Capt Botha said he had found another pool of blood, as well as pieces of skull bone, inside the Why Not Bar.

He said a piece of wreckage, which he believed came from the car bomb, lay in the foyer of the hotel directly in line with the pool of blood. It was spotted with blood and there were also traces of human hair on it.

In the Magoos Bar he found a piece of metal and cable wrapped around a window frame, which he believed was the handbrake from the car bomb.

Capt Botha said had this not been stopped in its flight more people might have been killed or injured by it.

News in Brief *can this 5/3/87*

Wynberg ANC trial *331*

MS Brendaline Marks, 24, of Orrel Avenue, Steenberg, and Mr Vernon Rossouw, 24, of Flora Road, Retreat, appeared in Wynberg Regional Court yesterday in connection with furthering the aims of the ANC. The State alleges that they participated in the activities of the ANC by distributing pamphlets. The hearing was adjourned to March 17.

the year.

the beginning of the year.

Case No. 331

'Secrecy' application in security guard murder trial

THE State aimed to call three secret witnesses in its case against five young men accused of murdering a security guard for his firearms, the Supreme Court was told yesterday.

Mr A de V la Grange, for the State, said the three witnesses felt that their safety was threatened by the presence of "certain people in court".

He asked the court to allow the three to give evidence in camera and to keep their identity secret.

The application was contested by Mr D Delahunt, for Mr Nazir Bhawoodien and Mr Said Bhawoodien. He asked for a postponement.

Earlier yesterday, a ballistics expert said the dead security guard, Mr Frank Joseph, had been shot in the head with his own gun — a .38 which fired shotgun rounds — at a range of within 50 centimetres.

The hearing was adjourned till today.

Mr Justice MR de Kock presided, with MR W S O'Brien and Mr R Lewin as assessors. Mr La Grange and Mr CJ Vermeulen appeared for the State. Mr Delahunt was instructed by E Moosa and Associates. Mr S Desai, instructed by Y Ebrahim and Co, appeared for Mr Moegamat Abrahams and Mr Nazeem Abrahams. Mr M Donen appeared for Mr Rushdien Abrahams.

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...Both are run of improbabilities. The evidence
does not take the matter any further."

CAPE TIMES 5/3/87 330
Laaiplek police death: 2 in court

Staff Reporter

TWO MEN appeared before Mr V Erasmus in Laaiplek Magistrate's Court this week in connection with possible murder charges relating to the death of a policeman who was fatally wounded in an incident outside the Laaiplek police station on January 4.

Constable Pieter J van der Merwe died after he was hit by a stone the day

after an alleged racial incident in Laaiplek in which a 17-year-old youth, Jonathan Slabbert, was killed.

Mr Ralph Carolus, 26, of Noordhoek, Laaiplek, and Mr Eso Coetzee, 30, of Protea Street, Laaiplek, were not asked to plead and the case was adjourned until June 30 pending a decision by the Attorney-General.

The men were released on R300 bail.

HURRY! HURRY!
ENDS SOON



'One of them will surely die there'

Witness tells of police attack on mourners

By Adele Baleta

One of the policemen who dispersed mourners at a Sebokeng funeral in 1984 wiped the blood off the blade of a butcher's knife and said: "Seker een van hulle gaan dood daarso" (one of them will surely die there) according to evidence in a treason trial at Delmas.

Mr Morake Petrus Mokoena (48), one of 19 treason accused and a former community councillor, was testifying in his defence.

He described the events on September 23 1984 at the funeral of Sebokeng resident Mr Joseph Sithole.

He said the procession to the cemetery was led and followed by the police: "Police in army Hippos were at the graveyard and before the diggers had finished shovelling earth into the grave they took up positions as if they were trying to encircle the mourners.

"Before the people were able to reach their vehicles the police fired teargas. There was confusion and shots could be heard from all directions," he said.

An order was given that no one was to leave the cemetery.

"Brigadier Viljoen (a State witness) arrived and as the police were busy sjambokking and firing rubber bullets at the mourners I heard him say: 'Slaan die kaffirs.'

"People were scattering in all directions and it seemed the police objective was just to hit them. I got into my car and several other people climbed in but they were sjambokked out of it," he said.

After people were rounded up near the police vehicles they were told to leave the cemetery. Mr Mokoena said he went to the house of the deceased.

High treason

He and his fellow 18 accused are being tried for high treason, murder, subversion and terrorism. The charges arise from the countrywide unrest in 1984 and 1985. Mr Mokoena is the fourth accused to testify since the defence case began on January 20.

Mr Mokoena, secretary of the Evaton Ratepayers' Association, was the master of ceremonies at the funeral where the Ministers Solidarity Group was launched, their function being to bury the dead.

Fellow-accused and a member of the Azanian Youth Union, Mr Patrick Baleka, was a speaker at the funeral.

Mr Sithole was allegedly beaten to death by a group of shopkeepers who said he had robbed their shops and worn a "Release Mandela" T-shirt.

Earlier Mr Mokoena said he knew nothing about the ill-fated march to the Houtkop Development Board offices and the stayaway on September 3 1984.

He attended an ERPA meeting at the Roman Catholic church at Small Farms on the morning of August 26 1984 and not a later meeting when the march was decided on.

On September 3 Mr Mokoena was at his home in Evaton.

"At about 10.30am I noticed smoke coming from the direction of Zone 11 and 12 in Sebokeng.

"I saw about 300 people running madly across the veld from Zone 11 in the direction of Small Farms, Evaton. They attacked an Indian store which was closed," he said.

Mr Mokoena said he had only heard about the deaths through his neighbours. He had first met most of his fellow accused in prison and others were only known to him after May 1984.

racing
ing,

WHEN the government confiscated Tebello Ramakgula's front door, it fuelled a resentment that was to result in his leading the rent protest march which preceded the 1984 Vaal uprising.

Until 1983, Ramakgula, an assistant electrician who never attended school and can barely write his own name, had supported the community council.

This week, giving evidence in the Delmas treason trial, he went back to the removal of his front door in 1983 to explain why he joined the Vaal Civic Association (VCA).

A slightly-built man who looks far younger than his 37 years, Ramakgula was the third of the 19 accused called to testify since the defence case began on January 20. The trialists face charges of treason, sedition and murder arising from the countrywide unrest in 1984 and 1985.

An assistant electrician at Putco at the time of his detention in November 1984, Ramakgula said he and his wife Paulina were allotted a home of their own in Zone 7 of Sebokeng in 1977. The rent was R11 a month; he was earning R30 a week — the sole bread winner for his wife, their four sons and the three orphaned children of his uncle who lived with them.

He described the house's state as one of disrepair: with holes in the floor, rusty outside doors which did not close properly, cracked walls and a leaking toilet tank.

Ramakgula said he had replaced the front door at his own expense, paying off the R78 in installments. His wife and he had approached the township superintendent and community council on several occasions to complain about the house's condition, but to no avail. In 1980 he was told that legislation obliging the administration board to carry out house repairs had fallen away and occupants were now responsible.

Then in the middle of 1983, when he was one month behind in his rent payments, the administration board removed his door. Ramakgula obtained a loan to pay the debt and a month's rent in advance but his door was not returned. It had been stripped of its locks and stored in a house in

another street.

Although he had voted in the previous council elections — for a man who had been a metal factory worker when he stood for office but by 1983 was the wealthy owner of two shops — Ramakgula decided to have nothing to do with the black local authority elections to be held in 1984.

In October 1983, Ramakgula said, he had dropped into a meeting near his brother's house. Speakers called councillors "puppets" who were not the real representatives of the community. He had agreed with the sentiments, and voted for all the resolutions, including one to form a civic association.

Ramakgula, who spoke through the court interpreter, said he was unable to understand some of the speeches as he knew very little Zulu or English. He had had no formal schooling, but had attended night school as a worker and learnt to write his name and read a little Sotho.

In January 1984 he became convinced of the power of group action when he and a number of other parents successfully fought their children's expulsion from school.

Ramakgula became active in the

If the council hadn't taken his front door, Tebello Ramakgula may never have led the fated Vaal protest march ...

JO-ANN BEKKER reports on the evidence of a Delmas treason trialist

VCA's Zone 7 committee and was elected assistant treasurer.

When the Evaton councillors held a braai and invited residents to share in the feast, he staged a demonstration. His placard read, "Today you eat, tomorrow you are hungry".

But after the middle of 1984 the community's main grievance was the council's announcement of rent increases. Ramakgula said he was paying R50,65 rent a month at that time; the increase would mean another R5,90.

His zone committee held a public meeting at which a motion from the floor moved that the community stage a work stayaway and protest march to the Houtkop administration offices.

He said there was no talk of violence, attacking councillors or policemen as had been alleged by several state witnesses. The crowd at the meeting was peaceful.

On September 1, he had assisted in reminding residents of the planned demonstration by loudhailer. The message was "People, take note. Stayaway on 3 September and on that day a march to start at 9am from the Roman Catholic church."

On the morning of September 3, Ramakgula walked to the Sebokeng Roman Catholic church.

VCA official Esau Raditsela appealed to people to "behave themselves so the march can be peaceful". Raditsela said even if they came across police they should not disperse as there were people in the crowd who would speak to the police.

Then he asked if there were any volunteers. Ramakgula said he had volunteered first, followed by two others.

The march began. Ramakgula and the other volunteers were in front, flanking 15-20 young people carrying banners with slogans like "We have no money."

The crowd moved along the tarred road about 20 abreast. As they marched they sang a song "which explained we were on our way to Houtkop". On their way, Ramakgula said they were joined by about 200 young people.

Responding to the evidence of state witnesses, Ramakgula said he had not seen a bus kiosk or post office burnt during the march and knew of no plan to deviate to the mayor's house. As they passed Zone 11, he saw smoke rising, at the time he thought a resident had been burning rubbish. Subsequently he learnt it had come from a councillor's burning house.

Then the police arrived and blocked the marcher's way.

The singing marchers slowed down and fell quiet, Ramakgula said. The policemen and their guns faced them. As arranged, leaders stepped forward to talk to the police.

But, before the discussion could take place, a helicopter clattered down, flying so low the crowd ducked. Shots rang out and everyone scattered.

Ramakgula hid in an opening in a nearby wall. Teargas hung in the air. When quiet returned he made his way home.

Later that day he went to a shop which had been ransacked by what he called "naughty children". He had welded reinforcements over the broken windows of the shop which was one of the few not owned by a councillor. His evidence continues.

Landmine blast boy dies

JOHANNESBURG. — Jaco Roos, the eight-year-old Nelspruit boy who was critically injured in a landmine blast in the Eastern Transvaal on August 17 last year, died yesterday in the Princess nursing home in Johannesburg. He suffered serious head injuries in the blast, in which his mother, Mrs Marietjie Roos, was fatally wounded, and he has been in a coma for the past seven months.

2 journalists charged

TWO journalists of the Oudtshoorn community newspaper Saamstaan will appear in George Magistrate's Court next week on charges under Section 27 (b) of the Police Act. The hearing of Mr Humphrey Joseph and Mr Mzukisi Mooi begins on March 10 and relates to the publication of allegedly untrue matter about the SAP. The charges arise out of their reporting of the shooting of Fezile Haase, 14, Patrick Madikane, 14, and Andile Majola, 13, on June 17, 1985, in Bongoletu township.

Boy, 3, drowns in dam

A THREE-YEAR-OLD Wellington boy drowned when he fell into a farm dam soon after 6pm on Wednesday. Boland police said yesterday that Rowan Hendricks, whose father is a prison warden at Hawequa Prison, was playing near the dam on the farm Heksberg with some friends when he fell into the water.

8 on subversion charges

SEVEN men and a youth from Oudtshoorn's Bongoletu township appeared in the local magistrate's court yesterday on charges of subversion arising out of the alleged holding of "peoples' courts" and the establishment of street committees. They were not asked to plead and were released on R200 bail each. The hearing was postponed to April 10.

Robbed by 'casualty'

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POLITICAL TRIALS (331)

Carry on courting

Political trials, both old and new, continue to be heard in the courts nationwide. The seemingly endless Delmas treason trial, which has been running since 1984, is probably the most prominent among them.

There are 19 accused involved, including United Democratic Front (UDF) publicity secretary Patrick Lekota, UDF general secretary Popo Molefe, and the former UDF Transvaal secretary, Moss Chikane. The trial is being heard before Justice Van Dijkhorst and the thrust of the State's case seems to be to try to prove a real link between the activities of the UDF and those of the banned ANC (*Current Affairs* January 30).

The other drawn-out political trial — which has become known as the Duduza trial — has now been finally wrapped up with the seven accused being acquitted on the main charge of terrorism and four charges of attempted murder. However, they were found guilty of the illegal possession of one hand grenade each.

Accused maimed

In addition, two of the accused were found guilty of attempting to murder an SAP warrant officer and some were convicted of malicious damage to property — charges to which they had pleaded guilty. Nearly all the accused in this trial are maimed as a result of hand grenades having gone off in their hands — one so badly as to be severely brain damaged.

Another political trial arising out of the current unrest involves one McBride and his girlfriend Apelgren. They are facing in Maritzburg five charges of murder, four of attempted murder and of helping an injured man under police guard in hospital to escape. This trial is being heard before Justice Shearer.

Other political trials currently in progress are in Heilbron, involving two accused, and Pretoria. Charged in the Pretoria case are six members of the now banned Congress of SA Students (Cosas). A trial arising from land

mine incidents is also due to begin shortly in Piet Retief (two accused) and an ANC-connected trial (four accused) is set down for Pretoria. This is likely to be followed by a Pan-African Congress trial involving nine people. Charges in all these cases vary from sabotage to treason and smuggling weapons into the country.

Smaller trials

But while these "big name" trials tend to attract the headlines, there are literally hundreds of smaller trials arising out of the unrest. To that extent they can also be dubbed "political" trials. A firm of attorneys contacted by the *FM* says it handles around three such cases a day at Sebokeng, Daveyton, Boksburg, Heidelberg and even Theunissen. In addition, it is handling appeals against sentences handed down by magistrates and the appeals are generally heard in the Johannesburg or Pretoria Supreme courts.

Several similar cases are being heard in the eastern Cape. ■

Vigilante tells of 'kierie' curfews

WEEKLY MAIL REPORTER

THE extent of the grip vigilantes hold on South African townships, and the way police sometimes allow them to operate, were graphically illustrated in the Cape Town Supreme Court this week.

Details of a typical vigilante unit, operating in the Zolani township near Montagu in the Western Cape, came out during the trial of four men charged with public violence.

Dawid Bosch, former member of the Montagu-Ashton Community Services Advice Office, gave the details during evidence in mitigation of sentence for Samuel Mangcola, 29, Charles Msoki, 45, Timothy Tyhalisus, 39, and Leni Mhlomi, 25.

They were convicted earlier of public violence for stoning the house of development board employee Jim Calata, and setting alight a car parked outside his house.

Bosch explained that a vigilante unit had been set up during November 1985, when there was talk of a school boycott in Zolani.

A group of 30 or 40 men in the township of 5 000 people decided, without consulting the community, to impose a 9pm curfew in an attempt to prevent the boycott.

The curfew was imposed by ringing a bell at 9pm, and assaulting people found outdoors after that time, Bosch said.

He took "60 to 70" affidavits over several months from people who had been assaulted. According to his affidavits, Calata had been involved in six "incidents" between November and January.

Another resident, Stanford Matroos, had been involved in 22, and William Matroos in 16.

After breaking the "curfew", Bosch himself had been confronted by "aggressive, excited, *kierie*-waving home guard members" whom he had seen travelling in police and development board vehicles.

"We wrote about four letters to the police in December 1985, and one or two more in 1986. The police commander said he was not prepared to stop the curfew, because as far as he was concerned it was lawful. He was only prepared to act if there were assaults," Bosch said.

He described the despair of the local parents' committee at their perceived lack of police protection from the "home guard".

"The atmosphere in Zolani was an atmosphere of fear. I myself experienced it. There were many assaults," he said.

Houses and cars belonging to both "home guard" and civic association members had been burned out.

Bosch said he could not justify the burnings: "But in a situation of violence, where there is no access to a police force, this sort of thing develops," he said.

At one stage Bosch, who had by then taken 25 sworn statements, gave two of them to the police. They asked for affidavits regarding "home guard" assaults at which police were alleged to be present, and Bosch gave them three. "People were scared to make them available," he said.

Two policemen whom he named only as "Hansen and Laing" were alleged to have been present at "many incidents", he said, and he urged the commanding officer to "get hold of those two".

Under cross-examination by prosecutor JL Theron, Bosch said he could not say the police had acted in bad faith, but added that the station commander had a strange interpretation of public violence.

Theron asked Bosch whether he had heard of a group of people in Zolani called "the comrades". "I have heard the name," Bosch replied.

"In what connection?" Bosch wept in court and was unable to reply, so he asked for an adjournment, which was granted.

Later he replied, saying "comrades" was a "vague and general term, a collective name for people with grievances against the authorities". The hearing has been postponed to next Thursday.

PANDEMONIUM AT CEMETERY

Witness tells of attack on mourners

A POLICE brigadier bellowed "slaan die kaffirs" when mourners were subjected to sjambok, tearsmoke and rubber bullet attacks at the cemetery during the burial of Mr Joseph Sithole on September 23, 1984.

This was said by Mr Petrus Mokoena (48).

By ALI
MPHAKI

in his evidence in chief at the Delmas treason trial yesterday.

He said he saw another policeman wiping a bloodied butcher's knife who also said "seker een van hulle gaan dood daarso".

Mr Mokoena said

Brigadier Viljoen had emerged from a police vehicle when there was pandemonium at the cemetery.

Earlier the court heard that one of the accused, Mr Patrick Baleka, addressed the mourners saying he was grieved about the death of Mr Sithole and also that all youths should unite.

The court heard that Mr Mokoena was master of ceremonies at the funeral of Mr Sithole who died a week after the September 3, 1984 riots.

Mr Mokoena said police ordered that no vehicle should leave the cemetery and the mourners were throwing themselves into cars and into his small

car.

He denied a suggestion that some of the mourners marched from the church to the cemetery and said there was no truth in that because there were many vehicles and all the taxi people had made their taxis available. Some were running empty.

On trial are 19 men facing the main charge of treason and several alternative charges.

Hand-grenade man says he was 'set-up'

THE Duduza students convicted last week on charges of attempted murder and possession of hand grenades believe they were "set up" by two men posing as members of the ANC.

Student activist Hosea Lengosane — the only member of the group on the streets today — feels they were duped into using the grenades by people who "either wanted us dead, or in prison".

Lengosane was released from jail late last week after receiving a suspended sentence for possession of grenades, attempted murder, and trying to damage property.

His six co-accused were jailed for 30 months, 14 months of which were suspended.

The charges related to an incident on June 25, 1985, when eight Duduza activists were killed and seven others injured when grenades exploded near them.

Today, Lengosane — who still has shrapnel embedded in his brain — firmly believes those grenades had been booby-trapped.

"I am very bitter," he says. "It was a set-up."

He explains: "Two men, who we believed were ANC cadres, gave us a two-hour crash course on how to handle grenades."

"When the time came for action we were all given grenades. We

By MONO BADELA

did not suspect they were booby-trapped.

"They literally exploded in our hands."

Although he will have to spend the rest of his life on medication, Lengosane says he does not regret his intentions that night.

He says he is determined to continue with the struggle he was fighting for before he was injured.

"My mother had to struggle to bring us up. Our life has been one of a struggle from birth. This kind of life in South Africa has got to come to an end," he said.

Lengosane spent 20 months in solitary confinement. He now murmurs when he speaks, and needs a hearing aid.

The court was told that Lengosane was the most physically handicapped of the seven, and had serious brain damage. He suffered epileptic seizures while in detention and is presently receiving treatment.

When *Weekly Mail* visited him, he came across as being clear-headed and eloquent.

This weekend Lengosane will visit the graves of his former comrades and hopes one day to visit the six now serving jail terms.

Hosea Lengosane ... released this week



Readings: JLR 2/3

ANC pamphlet in car man held

W/ ARGUS 7/3/87
331

Weekend Argus Reporter
AN official of the Atlantis Residents' Association was detained for more than three months last year after an ANC pamphlet was found in his car.

He was then charged with possession of the pamphlet.

Mr William Cloete, 20, the association's secretary, has pleaded not guilty to a charge of possessing a pamphlet, *Mandela and Our Revolution*.

Mr Cloete said in Wynberg Magistrate's Court that on June 10 last year he drove his association's vehicle to the UDF office in Cape Town to buy T-shirts for some of the members.

The T-shirts, printed with the date June 16, were tied

in a parcel on the back seat of the vehicle. Later, on his way to Mitchell's Plain, he was stopped at a roadblock in Manenberg. Police searched the car and found the pamphlet in his briefcase.

Mr Cloete said many other people used the vehicle besides himself and it must have been left there by someone else.

The court heard that after searching the car police detained him for three months and 10 days.

The hearing continues next week.

Mr N Jones is on the Bench. Mr P C Louw appears for the State and Mr Cloete is represented by Mr J Krige, instructed by J H McDonald.

24 on hunger strike at Pollsmoor Prison

Cape Times 7/3/87
By CLARE HARPER

TWENTY-FOUR awaiting trial prisoners at Pollsmoor Prison have been on a hunger strike since Thursday — drinking only sugar water — in protest against what they say are poor conditions.

A Prisons Service spokesman, responding to a telex by the Cape Times that 63 were on a hunger strike, said last night it was only 24 accused.

He denied that food or medical treatment were "in any way" below internationally accepted standards.

The Progressive Federal Party MP for Claremont, Mr Jan van Eck, said that he had accompanied family and friends of 15 treason trialists to Pollsmoor yesterday and learnt of the hunger strike and prisoners' grievances.

The Cape Times was told that a man convicted of furthering the aims of the Pan-Africanist Congress was refusing food, along with another 47 other prisoners awaiting trial on sedition charges.

The Prisons spokesman said it was "strange" that the strike came soon after a visit by families. Hunger strikes were often a "premeditated propaganda stunt", he said.

Necklace murderer jailed

W/L MK645 7/3/87 331
PORT ELIZABETH. — A teenage Comrade gave clenched-fist salutes and shouted slogans in the Supreme Court here after he was sentenced to an effective 14 years for his role in a necklace murder.

The 17-year-old youth, a self-confessed United Democratic Front supporter and Comrade, was convicted of murder with extenuating circumstances.

He was charged with the re-

gional president of the UDF in the Eastern Cape, Mr Edgar Ngoyi, 62, and three others.

Mr Ngoyi and Mr Lulamile Cyril Mkalipi, 22, were found not guilty of murder earlier this week and discharged.

Fumanekile Siyoni, 21, and Xolile Pete, 20, were both convicted of assault and sentenced to an effective two years each.

The case was a sequel to the necklace murder of Mr Phaka-

misa Peti Nogwaza in Kwazakhele on June 8, 1985.

The court heard that the youth had a previous conviction for malicious damage to property for stoning Mr Nogwaza's home two weeks after his murder. He was sentenced to cuts for that offence.

Passing sentence on the youth, Mr Justice R A Solomon said that to kill a defenceless man was bad enough. To douse

him with petrol and set him alight was horrible.

The court noted that after the killing of Mr Nogwaza the youth continued his vendetta against the Nogwaza family by attacking their home. This was a clear indication that he showed no remorse.

"It is only your age that has saved you from the death sentence", Mr Justice Solomon told the youth. — Sapa.

Court hears: 'It's necessary to beat up detainees'

□□□□

WINDHOEK. — It was sometimes necessary for the police to beat up detainees to obtain the truth from them, the Windhoek Supreme Court heard yesterday. A police counter-insurgency unit officer, Captain Frans Ballach, said in evidence he had beaten a prisoner, Mr Johnny Heita, because "he told lies, but after being assaulted he was completely willing to tell the truth".

Mr Heita is standing trial on various charges under the Terrorism Act. The co-accused are Mr Gabriel Matthews, Mr Johannes Nangolo, Mr Andreas Tangeni, Mr Martin Ankweenda, Mr Petrus Nangombe and Mr Sagarinus Shipanga. Mr Heita was asked to remove his shirt and showed the judge, Mr Justice Harold Levy, thick scar tissue over his back. Capt Ballach confirmed that he "gave the man what we can term a good hiding".

Other policemen told the court earlier that the prisoners had been assaulted, but they felt the use of violence was justified to extract information.

An investigating official, Warrant Officer Hernanus van der Hoven, said in evidence that an army officer had told him that Mr Heita's injuries were so serious that he needed a skin graft.

Capt Ballach said in cross-examination by defence counsel Mr Bryan O'Linn that no inquests were carried out on their deaths.

The purpose of the police counter-insurgency unit, popularly known as Koevoet, was "to track down Swapo terrorists and exterminate them", he said. Koevoet was subject to police regulations and Capt Ballach agreed he would have arrested anyone on the street for perpetrating an assault similar to the one on Mr Heita.

A POLICE spokesman in Windhoek, Inspector Klerie du Rand, has confirmed a Casspir armoured vehicle carrying the bodies of Swapo insurgents killed in action, travelled through Ondobe in northern Namibia on December 29 last year.

According to a news report yesterday, Inspector du Rand said the Casspir was taking the corpses to Oshakati when it was photographed.

The photograph showing corpses lashed to a spare wheel and to the front bumper was later published in the Namibian newspaper.

Asked why the bodies had not been transferred to the inside of the vehicle, Inspector Du Rand said: "There was not enough space for the bodies because the vehicle was full of soldiers, boxes of ammunition and rifles." — Sapa

14 years for
necklacing

OWN CORRESPONDENT
7/3/87

PORT ELIZABETH. — A 17-year-old "comrade" gave clenched-fist salutes and shouted political slogans in the Supreme Court here yesterday, after he was sentenced to an effective 14 years for his role in a necklace murder.

The youth, a self-confessed United Democratic Front supporter and "comrade", was convicted by Mr Justice Solomon of murder with extenuating circumstances in a case in which he was charged with murder.

Mr J de Villiers and Mr J A F Nel sat as assessors. Mr A M Omar and Mr R Pillay appeared for the defence.

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LESS, March 8, 1987

By S'BU MNGADI

MARITZBURG Supreme Court Judge DLL Shearer and two accessors this week heard that some nurses and others at the city's Edendale Hospital allegedly sang and cheered when alleged African National Congress commander Gordon Webster was sprung from the intensive care unit last May.

This was put to State witness Mr C, in cross-examination by David Gordon, defence counsel for Robert McBride, 23, and his girlfriend, social worker Greta Apelgren, 30, who are ac-

'Didn't nurses cheer Webster's escape?'

cused of bombing Durban's Magoos Bar.

Mr C was earlier named by the judge as an accomplice in the Magoos Bar bombing, Webster's removal from Edendale Hospital and other incidents.

McBride and Apelgren face four murder charges — three arising from the Magoos Bar bombing and one from the shooting of

Mlungisi Buthelezi, who was visiting a policeman guarding Webster in hospital — and 12 terror charges.

Mr C said he saw McBride and his father, Derrick McBride, appear from the hospital shortly after hearing gunfire.

They pushed a trolley with Webster lying naked but holding an AK47 rifle. They got away through a

hole cut in the fence, he said.

Mr C said he heard people singing and shouting.

Gordon put it to him that Webster had been removed "with a lot of public support". He asked Mr C whether nurses and others at the hospital were not cheering the McBrides.

Mr C said the singing was in Zulu and he did not

know if the shouts were shouts of support. But he said he could not dispute that this was the case.

He said McBride asked him on June 14 to accompany him, saying he had made a car-bomb and they were going to park in town.

Mr C said at one stage they left the car-bomb parked in West Street and Apelgren drove them to the Marine Parade to look for parking.

He denied that the original target was West Street and that he had suggested that they change it to the Marine Parade.

Youths injured by grenades get 16 months

CP Correspondent

YOUTHS deformed by the very handgrenades they intended to hurl at the homes of a policeman, community councillor and businessman in Duduza in June 1985, were last week sent to jail for 16 months.

The seven accused – all members of the now banned Congress of South African Students – have been on trial for six months, facing charges of terrorism, possession of handgrenades, malicious damage to property and attempted murder.

Before they were sentenced last Friday they had been in jail for 20

months.

They originally pleaded not guilty to all the charges but, six months later, when the State agreed to drop charges of terrorism, the accused agreed to change their pleas regarding the other charges to guilty.

On Friday, Justice Stafford sentenced all of them, apart from accused No 6, Hosea Lengosane, to three years' imprisonment – 20 months of which were suspended.

Lengosane's three-year sentence was suspended completely due to the brain damage and hearing loss he sustained as a result of an explosion.

The other accused – Joseph Mazibuko, 18, John Mlangeni, 21, Samuel Lekats, 19, Humphrey Tshabalala, 19, Veli Mazibuko, 18 and Cedric Dladla, 19, have amputated hands or fingers.

Seated in the dock, their injuries were testimony to their possession of grenades.

They were allegedly given the grenades by two men who also allegedly trained them to use them.

But the grenades were not fitted with time-delay mechanisms and were designed to explode immediately upon release of a safety lever.

The trial has raised a number of questions regarding the origin of the booby-trapped grenades, and possible police involvement was alleged in court.

State witness, Mr X, told the court this month that the two men who trained a number of the youths in the use of handgrenades could have been policemen. Mr X later changed his evidence and was subsequently regarded as an unreliable witness.

The attacks were apparently in retaliation against previous vigilante attacks on the homes of activists, including Anglican Bishop Simeon Nkoane in Springs.

The six-month-long trial has included a trial within a trial involving the admissibility of statements made by five of the accused due to the intense traumatic and psychological pain they were under at the time.

Justice Stafford ruled that two of the five statements were inadmissible. In his judgment he referred to aspects of Natalspuit magistrate Pieter Hendrik Marx's evidence as false and untruthful.

In response to this finding the Minister of Justice, HJ Coetzee, suspended Marx as a presiding judicial officer and requested the Judge President of the Transvaal Provincial Division of the Supreme Court to investigate the matter.

Bomb trial: ANC fugitive can testify

Own Correspondent

MARITZBURG. — In a dramatic turn in the Magoo's Bar bombing trial yesterday, an application was granted for suspected ANC terrorist Mr Gordon Webster — now a fugitive in Botswana — to give evidence before a commissioner in London in connection with several charges against two Durban accused allegedly involved in his escape from Edendale Hospital last May.

Mr Justice Shearer ruled in the Pietermaritzburg Supreme Court that the application by defence counsel Mr David Gordon SC for the appointment of a commissioner to hear Mr Webster's evidence in connection with seven of the charges against Mr Robert John McBride, 23, and Miss Greta Margaret Apelgren, 30, was well founded.

The two are appearing on charges including terrorism and murder.

In an affidavit before the court, the de-

fence stated that Mr Webster was "under no circumstances prepared to come to South Africa and give the said evidence", but was willing to do so in London before a commissioner.

A recommendation was made that Mr Peter John Herholdt, a London attorney, be appointed as commissioner.

Earlier the State handed in a statement by Mr McBride to Durban magistrate Mr C J Laubscher on Mr Webster's escape from Edendale Hospital in May last year.

The statement described how Mr McBride, after hearing that Mr Webster had been captured and wounded, had gone to fetch arms from caches in the Edendale area and had gone to the hospital with his father, Mr Derrick McBride.

"We entered the hospital. We went to the second floor. My father went ahead of me. My father came back. He told me there were too many people standing with the police.

"The police became suspicious. One policeman came to us with a machine gun. I thought he was going to shoot me. I closed my eyes and pressed the trigger of

my gun.

"The policeman ran away. I went into the ward. The policeman in the ward fired shots at me though the door of a store-room.

"I picked up Gordon from the bed and placed him on a trolley next to the bed. Gordon took the gun from me. He was in a sitting position.

"I pulled the trolley out of the door. Gordon fell off the trolley. I carried him. I carried him down to the ground floor. I placed him on another trolley.

"My father pushed and pulled the trolley to the top of the stairs. Gordon fell off. I took the trolley to the top of the stairs. I placed Gordon on the trolley. I pulled him to the fence and placed him in the back of the bakkie. We drove off."

Mr Webster was kept at the McBrides' workshop for four days, where his wounds were dressed by a nurse who was a relative of one of the members of their unit.

Mr Webster and his girlfriend were then taken to Botswana in a caravan by Mr McBride.

Dramatic turn in Magoos bomb trial

Pietermaritzburg Bureau

IN A dramatic turn to the Magoos Bar bombing trial yesterday, an application was granted for suspected ANC terrorist Gordon Webster — now a fugitive in Botswana — to give evidence before a commissioner in London in connection with several charges against two Durban accused allegedly involved in his escape from Edendale Hospital last May.

Mr Justice Shearer ruled in the Supreme Court in Pietermaritzburg that the application by defence counsel Mr David Gordon, SC, for the appointment of a commissioner to hear Webster's evidence in connection with seven of the charges against Robert John McBride, 23, and Greta Margaret Apelgren, 30, was well founded.

The two are appearing on charges including terrorism, murder and attempted murder.

In an affidavit before the Court, the defence stated that Webster was 'under no circumstances prepared to come to South Africa and give the said evidence', but was able and willing to do so in London before a commissioner appointed by the Court.

A recommendation was made that Mr Peter John Herholdt, a London attorney, be appointed as commissioner or nominate such a commissioner.

In the affidavit, the attorney for Mr McBride and Miss Apelgren, Mr Roshan Dehal, said Webster featured prominently in six of the counts against the two accused and that Webster's evidence related to the events that occurred at the Edendale Hospital during his escape.

Mr Dehal said Webster's evidence was necessary for the 'just determination of this case'.

Granting the application, Mr Justice Shearer said the trial had a political cast and that it was eminently undesirable that the absence of a material witness should inhibit the proceedings.

He said the charges against the two accused were 'the gravest allegations' and that they should be given every opportunity to place all possible evidence before the Court.

Captured

Earlier in the day the State handed in to the Court a statement made by Mr McBride to senior Durban magistrate Mr C J Laubscher giving details of Webster's escape from Edendale Hospital in May last year and his activities in the Durban area.

The statement described how Mr McBride, after hearing that Webster had been captured and wounded, had gone to fetch arms from caches in the Edendale area and had gone to the hospital with his father, Mr Derrick McBride.

'The police became suspicious. One policeman came to us with a machine gun. I thought he was going to shoot me. I closed my eyes and pressed the trigger of my gun.'

'The policeman ran away. I went into the ward. The policeman in the ward fired shots at me through the door of a storeroom.'

'I picked up Gordon from the bed and placed him on a trolley next to the bed.'

'I pulled the trolley out of the door. Gordon fell off the trolley. I carried him. I carried him down to the ground floor. I placed him on another trolley.'

'My father pushed and pulled the trolley to the top of the stairs. Gordon fell off. I took the trolley to the top of the stairs. I placed Gordon on the trolley. I pulled him to the fence and placed him in the back of the bakkie. We drove off.'

The statement then described how Webster was kept at the McBrides' workshop for four days and then taken with his girlfriend to Botswana in a caravan by Mr McBride.

The statement added that one of Webster's assignments was to establish contact with black policemen so that they could work with guerillas.

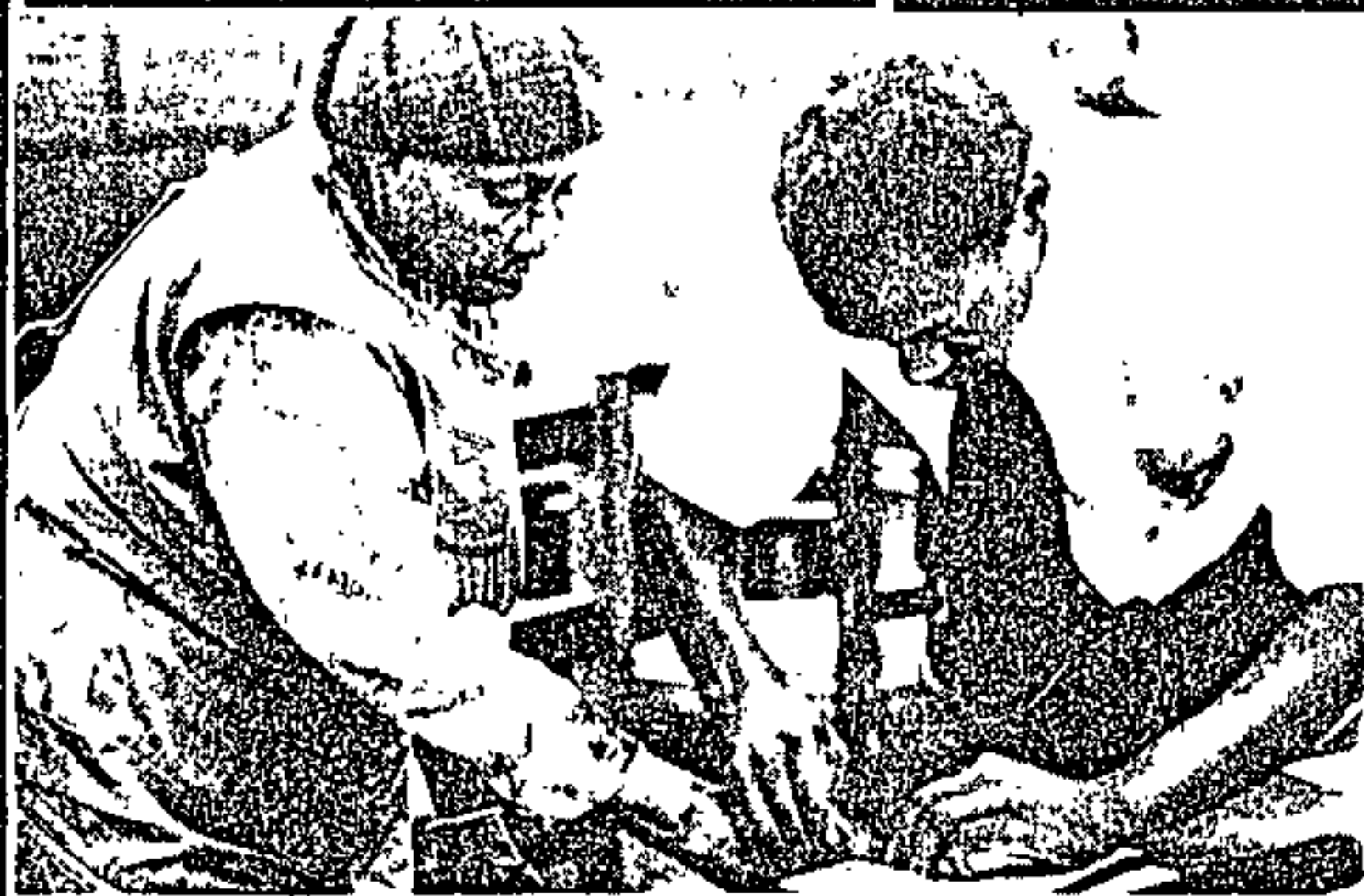
Alleged murder of young woman at Duduza funeral

'NECKLACE' ACCUSED HAS A BABY

By
MONK
NKOMO

10/3/87
331
Sawetany

**No-prints
granny
gives it
another go**



GRANNY without fingerprints, Selina Hialele (70), made another attempt yesterday to obtain an identity book — See story Page 2.

TEN of the 11 people who allegedly set alight and murdered a young woman at a funeral in Duduza, Nigel, two years ago, appeared in the Pretoria Supreme Court yesterday.

The case was postponed to tomorrow after their counsel, Mr David Soggot, told the court that one of the accused, Ms Lydia Mokoena (24), gave birth last Thursday and could not be in court yesterday.

The accused are: Ms Matlakala Elizabeth Motung (28), Mr Sanna Twala (23), Mr Solomon Motsoahae (28), Ms Linda Alexandra Hlophe (26), Mrs Lorraine Zanele Sobuzi (33), Mr Jacob Tshabalala (22), Ms Mokoena, Mr Phineas Maseko (32), a 15-year-old girl, Mr Daniel Mbokwane (22), all of Duduza, and a 17-year-old male youth from KwaThema in Springs.

They appeared before Mr Justice Hartzenberg and two assessors on a charge of murder. The State alleges that they unlawfully and intentionally murdered Ms Rosaline Maki Skosana

To Page 2

THE
MILD
MENTHOL

'Necklace' case

From Page 1

in Duduza on July 20, 1985.

The accused were not asked to plead. All of them, except the 17-year-old youth, are out on bail. The youth is in custody. Mr Soggot yesterday said there were still complications relating to his bail application but hoped to discuss the issue with the two state prosecutors.

Mr Soggot also told the court that they had already contacted Ms Mokoena's doctor in

Heidelberg where she is and he had informed them that the mother and baby were in good health.

The doctor also told them that Ms Mokoena would be fit to come to court tomorrow but she must be allowed to bring along her baby who needed breast feeding.

Mr Soggot and Mr Jeff Kraut, instructed by Krish Naidoo of Johannesburg, appeared for all the accused. Mr B J Bredenkamp and Mrs H M Meintjies appeared for the State.

331 Sawetany 10/3/87

Delmas treason trial judge tells assessor (11/2/83) to recuse himself 331 STAR

The marathon Delmas treason trial has been thrown into disarray by the effective dismissal of one of the assessors, Dr W A Joubert.

Dr Joubert was yesterday told to recuse himself by Mr Justice K van Dijkhorst after he had apparently informed the judge that he had signed a UDF petition to collect a million signatures against the Koornhof Bills.

Dr Joubert said he was taking legal opinion on his position and was "in the hands of my attorney", but was not considering any action at present.

Today the defence team will ask for a week's postponement to consider all their options. Due to the "delicacy" of the situation, members of the team declined to say at this stage what their options were.

Professor John Dugard, head of the applied legal studies department at the University of the Witwatersrand, said the defence could apply for the reinstatement of Dr Joubert. Failing that "the continuation of the trial becomes doubtful with the present court".

He added that "a final and drastic option would be for the defence team to withdraw entirely from the case to show their disapproval." But, he said, this would not serve the best interests of the accused and would have to be considered carefully.

Professor Dugard said the dismissal of the assessor demanded the attention of the Bar Council and the Association of Law Societies.

IMPORTANT ROLE

On issues of fact a judge could be outvoted by assessors who, therefore, played a very important role, the professor said.

Mr Justice van Dijkhorst said Dr Joubert had to recuse himself because the campaign was a significant factor in the State's case against the 19 accused and would have to be examined thoroughly.

He said the trial would go ahead with one assessor.

It is thought to be the first time a judge has ordered a trial to proceed with one assessor when the second assessor has neither died nor become incapable of continuing.

In Delmas yesterday, Dr Joubert said he had not been allowed to answer the judge's allegations and order.

"I took an oath in open court to decide honestly according to the evidence. I am still under oath."

The hearing has been going on for a year.

11/3/67
**Dispatch Correspondent
PIETERMARITZBURG**

— Two members of the legal team defending Mr Robert John McBride and Miss Greta Margaret Apelgren in the Magoo's Bar bombing trial left Durban for Lusaka yesterday.

They plan to arrange for an interview with fugitive Mr Gordon Webster to discuss the setting up of a commission in London to hear his evidence in connection with his escape from Edendale Hospital.

Mr M. T. K. Moerane and instructing attorney Mr Roshan Dehal, flew to Lusaka following the granting of a commission to hear Mr Webster's evidence relating to the seven charges against the two accused.

Mr Dehal's partner, Miss Indira Kooverjee, said he and Mr Moerane might return to South Africa today.

Defence counsel Mr David Gordon, SC, claimed in the trial before Mr Justice Shearer in the Pieter-

Bar bomb trial (33) lawyers fly out

maritzburg Supreme Court yesterday that Mr McBride, 23, had been verbally abused by a number of police officers at C. R. Swart Square on July 23 last year.

He said Mr McBride had been left alone in the car by Major M. Pretorius, who was taking him to point out various locations, while he (Major Pretorius) replaced the battery in his walkie-talkie.

He also claimed Mr McBride had suffered from fatigue that day as he had been kept awake during interrogation which had lasted the whole of the previous night.

The court heard that Miss Apelgren, 30, had pointed out a number of

locations to Lieutenant J. Meyer on July 28 last year.

These included an unspecified spot on the Marine Parade near the Parade Hotel; one in Pine Street; one in Shongweni and two in the Pietermaritzburg and Edendale areas.

Mr Gordon claimed the policeman had become "extremely agitated" after she had refused to co-operate.

Lt Meyer denied this allegation.

Mr Gordon asked that the court declare evidence to be presented by Captain M. de Beer of the security branch in Pretoria concerning an alleged demonstration by Mr McBride on the use of explosives, including a reconstruction of the Magoo's Bar and Pine Parkade bombs, as inadmissible evidence because the defence had already admitted the he (Mr McBride) had knowledge of explosives.

The case continues today.

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Delmas trial adjourned after accused's outburst

By Sejamothopo Motau
Pretoria Bureau

An outburst by an accused about the manner of his cross-examination led to an early lunch adjournment in the Delmas treason trial yesterday.

Mr Morake Mokoena (48), one of 19 men charged with treason and alternative charges, objected to cross-examination by Mr P Jacobs, for the State. The judge ordered an adjournment 30 minutes earlier than usual.

Sotho-speaking Mr Mokoena told the judge: "I suffer from high blood pressure. I have a headache and I'm getting fed up with the repetitious manner in which the prosecutor is questioning me."

Mr Justice K van Dijkhorst said Mr Mokoena should feel free to ask for an adjournment any time he felt unwell.

EXPLOSIVE EVENTS

Mr Morake's outburst came while he was being cross-examined about an Evaton Ratepayers' Association meeting on August 26 1984 with specific reference to what was said or done about promoting the UDF's "one-million signature campaign" to mobilise opposition to the Black Local Authorities Act and the tricameral Parliament.

Mr Mokoena said Mr Esau Raditse-la, a former vice-chairman of the Vaal Civic Association who disappeared soon after the explosive events of September 3 1984 in Sebokeng and other parts of the Vaal, and Mr Hlabeng Sam Matlole (62), accused number 17 in the trial, spoke briefly about the campaign.

They did not explain the campaign or say what would happen to the petitions. He denied signatures were col-

lected during the meeting or outside the hall.

Mr Mokoena denied verbally attacking Evaton Town Council, the Orange-Vaal Administration Board or Dr Piet Koornhof, then Minister of Co-operation and Development.

He said the main problem addressed was a fear among Evaton residents that sub-division of their properties for replanning the township would take away their land and freehold titles.

Mr Mokoena, an ex-member of Evaton community council, said he saw the council as "a puppet of the Government" because it was dispossessing Evaton people of their land as a result of a decision by Dr Koornhof on sub-division.

Dr Koornhof had told the people to sell their land to the Government and "go to the Bantustans".

"I feel very strongly about this and I make no apology for the way I feel," he said.

He said no speaker had called for the resignation or death of councillors in Evaton or Sebokeng.

Mr Mokoena said he signed the petition because he opposed apartheid. People who signed the petition were also opposed to the Koornhof Bills (a set of orderly movement and resettlement Bills) and the new Constitution.

He said he had read the declaration of the campaign before signing the petition. The declaration stated, among other things, that the freedom-loving people of South Africa gave their "full support to the UDF in its efforts to unite our people in the fight against the new Constitution and the Koornhof Bills".

(Proceeding)

Magoos bomb trial team flies to Lusaka

Pietermaritzburg Bureau

TWO members of the legal team defending Robert John McBride and Greta Margaret Apelgren in the Magoos Bar bombing trial, left Durban for Lusaka yesterday to arrange for an interview with fugitive Gordon Webster to discuss the setting up of a commission in London to hear his evidence in connection with his escape from Edendale Hospital.

Mr MTK Moerane and instructing attorney Mr Roshan Dehal, flew to Lusaka following the granting of a commission to hear Webster's evidence relating to the seven charges against the two accused.

Mr Dehal's partner, Miss Indira Kooverjee, said he and Mr Moerane might return to South Africa today, although they had intended to fly directly from Lusaka to London. She said they would ar-

range an interview with Webster to discuss details of the commission.

Defence counsel Mr David Gordon, SC, claimed in the trial before Mr Justice Shearer in the Pietermaritzburg Supreme Court yesterday that Mr McBride, 23, had been verbally abused by a number of police officers at CR Swart Square on July 23 last year.

Alone

He said Mr McBride had been left alone in the car by Maj M Pretorius, who was taking him to point out various locations, while he (Maj Pretorius) replaced the battery in his walkie-talkie at the station's equipment store.

He also claimed Mr McBride had suffered from fatigue that day as he had been kept awake during interrogation the whole of the previous night.

The Court heard that Miss Apelgren, 30, had pointed out a number of locations to Lt J Meyer on July 28 last year. These included an unspecified spot on the Marine Parade near the Parade Hotel; one in Pine Street; one in Shongweni and two in the

Pietermaritzburg and Edendale areas.

Cross-examining Lt Meyer, Mr Gordon claimed the policeman had become 'extremely agitated' after Miss Apelgren had refused to cooperate with him and point out certain locations to him.

Lt Meyer denied this.

Mr Gordon asked that the Court declare evidence to be presented by Cpt M de Beer of the security branch in Pretoria concerning an alleged demonstration by Mr McBride on the use of explosives, including a reconstruction of the Magoos Bar and Pine Parkade bombs, as inadmissible as evidence because the defence had already admitted Mr McBride had knowledge of explosives.

Mr Justice Shearer will deliver judgment on this application today.

Earlier yesterday the Court found that photographic evidence and statements by the prosecution concerning the discovery of a hammer at the McBrides' workshop in Jacobs on 31 July last year were inadmissible.

The hearing continues today.

ARGAS 12/3/97

331

'Necklacing': Last of 39 accused freed

Argus Correspondent

EAST LONDON. — The three remaining accused in a trial arising from unrest in Sada in the northern Ciskei have been acquitted in the Supreme Court, Bisho.

There were 39 accused but charges against 36 were withdrawn earlier.

They were accused of two counts of murder arising from the death of two people by "necklacing" and one count of public violence.

The incidents allegedly took place during the night of April 24 last year. There had been a riot during which two people were killed and houses and cars were stoned and set alight.

Among the houses attacked was that of Ciskei's Minister of Justice, Mr David Takane.

Mr Justice Claasen, who sat with two assessors, discharged the remaining accused, Mr Makabongwe Mdaka, 20, Mr Tutwana Toro, 23, and Mr Lizo Kofi, 16.

The judge said the State "failed to adduce any evidence connecting the accused to the crimes".

The hearing was marked by allegations of assaults by Ciskeian police on the accused and witnesses.

...ence will be passed today.

Adjournment denied

JOHANNESBURG. — Mr Justice Van Dijkhorst yesterday refused a defence application for a one-week adjournment in the Delmas treason trial. And Professor W A Joubert, dismissed as an assessor on Tuesday after telling the judge he had signed a petition for the United Democratic Front's million-signature campaign, took legal opinion on his position. Earlier, defence counsel argued that the decision to dismiss Prof Joubert could nullify the trial.

Bomb attack allegations against four are withdrawn

Pietermaritzburg Bureau

THE State yesterday withdrew allegations of involvement in seven bomb attacks in the Durban area during 1985 against four accused in the trial of 10 Durban people appearing in the College Road Supreme Court on charges of terrorism.

At the close of the defence case counsel for the State, Mr Bennie Schonfeldt SC, withdrew allegations that Dr Sibongiseni Dhlomo, 26, Mr Sibusiso Ndlanzi, 29, Mr Ordway Msomi, 20 and Mr Bafu Nguqu, 30, had been involved in attacks, including the bomb blast at Amanzimtoti on December 23, 1985, which killed five people.

The accused were alleged to have been involved in attacks on Spar Foodliner in Durban's Trust Bank Centre on April 18, 1985; the Umlazi Bakery on July 21, 1985; the Umlazi Executive Hotel on September 28, 1985; the Mobeni Post Office on December 8, 1985; the Sanlam Shopping Centre in Amanzimtoti on December 23, 1985; the limpet mine attack on a motor car in Pine Street on December 21, 1985, and the OK Bazaars in West Street on September 27, 1985.

Withdrawn

The State also withdrew allegations that Dr Vijaynand Ramlakan, 26, had treated an alleged ANC member injured in the bomb attack on the Grosvenor Girls' High School on October 24, 1985.

A number of other allegations against the accused were also withdrawn.

Allegations that Dr Ramlakan had conspired with Mr Jude Francis, 21, and another man to bomb the Chatsworth Magistrate's Court on December 13, 1985, and that Mr Francis had placed a mini-limpet mine at the home of Mr Amichand Rajbansi on August 4, 1985, were not withdrawn.

All 10 accused — including Mrs Duduzile Charity Baby Buthelezi, 32, Mr Mapiki Dhlomo, 32, Mr Malusi Majola, 20 and Mr Vusumuzi Mahlobo, 27, against whom no allegations of involvement in bomb attacks had been made — still face charges including terrorism.

Mr Alan Magid SC, for the accused, opposed an application for an adjournment by the State on the grounds that eight of the accused had been in detention since 1985.

He said the defence had received insufficient assistance from the authorities in relation to consultation with the accused who had been 'suddenly whipped away' to Pietermaritzburg from Durban at the start of consultation without the defence being notified.

No evidence was led before Mr Justice Thirion, sitting with two assessors, by Mr Magid during the defence case.

The trial continues tomorrow.

McBride helped Webster escape from hospital, trial told

**Pietermaritzburg
Bureau**

AN ACCUSED in the Magoos Bar bombing trial, Robert McBride, had aided alleged ANC terrorist Gordon Webster in escaping from Edendale Hospital last May, the Pietermaritzburg Supreme Court was told yesterday.

Mr McBride and Greta Apelgren are appearing before Mr Justice Shearer and two assessors on charges of terrorism, murder and attempted murder. An affidavit containing a number of admissions was handed in to the Court by counsel for the defence, Mr David Gordon SC, shortly before the case was adjourned until tomorrow.

Admitted

Mr McBride had transported or assisted in transporting Webster to Wentworth, Durban, on May 4 and had taken him to Botswana five days later, the Court was told.

The defence admitted that Mr McBride had harboured or concealed Webster at Factorama, a workshop complex in Wentworth, on May 4 and 5; that he had rendered assistance to the man and had failed to report Webster's presence there to the police.

Webster, according to the affidavit, was shot and arrested by police in Sinathing Road, Pietermaritzburg, on April 27, 1986. His companion Bheki Ngubane was shot and killed during the incident.

At the time of Webster's arrest the police found a number of explosives and other items in the boot of a vehicle close to where Webster was shot. They included six SPM limpet mines, two SZ6 demolition charges, 17 packets of lead bars, a small bolt cutter, a number of 7,62 mm rounds, a roll of detonating

cord and two MDZ detonators.

Subsequent to his arrest Webster received medical treatment at Edendale Hospital where he was detained under police guard.

The defence further admitted that on May 4 the shells of 21 7,62 mm. bullets and one 9 mm Makarov spent bullet were found on the second floor of the hospital in the vicinity of the intensive care unit.

A 7,62 mm AK-47 automatic rifle and a 9 mm Makarov pistol were among the arms removed from the ceiling of Factorama in Wentworth on July 18. A 7,62 mm bullet was removed from the body of 20-year-old Mlungisi Buthelezi who was shot dead in the hospital on May 4.

Just before the trial was adjourned Mr Gordon said he hoped to be able to inform the Court tomorrow of the progress with the setting up of a commission in London to hear the evidence of Mr Webster.

It was understood that the matter was being delayed because of the need to observe protocol and make diplomatic representations to the British Government.

Earlier during yesterday's hearing Mr Justice Shearer ruled that the State would not be allowed to lead evidence about an alleged demonstration by Mr McBride to the police during which the Magoos Bar and Pine Parkade bombs were reconstructed.

Mr Justice Shearer said it seemed that the discretion given to him made it desirable that he should exclude the evidence because of possible prejudice against the accused.

N/M 12/3/87
(331)

Defence queries showing of SABC film to witness

PRETORIA — Counsel for the defence in the Pretoria Supreme Court trial of 11 people charged with the murder of a Duduza woman two years ago, yesterday challenged the admissibility of a police witness being shown a video of Miss Maki Skosana being assaulted and killed.

The charge sheet says Miss Skosana died of a fractured skull, subdural haemorrhage and cerebral contusions after she was assaulted and set alight, beaten and stoned by a group of people on July 20, 1985 at a funeral in Duduza, near Nigel.

The State applied to show the video to Sergeant Johannes van der Walt and ask him to confirm various details of the aftermath of the killing.

Defence argued that the video was inadmissible because it was a copy of an SABC film and not the original. They challenged the authenticity and accuracy of the film.

Counsel Mr David Sogot challenged the screening of the video on the grounds that it was "not a witness".

Further, the video of the killing comprised two separate films taken with separate cameras, he said.

The judge remarked that there was an inherent danger in showing such a film because it could present a completely different version of events as it was taken in a series of random

shots and could have disturbed the sequence of events.

At the start of yesterday's hearing the judge ruled that one of the accused would be excused from court when necessary — to breastfeed her week-old baby.

The accused, who have pleaded not guilty of murder, are: Mrs Matlakia Motaung, 28, Mrs Sanna Twala, 23, Mr Solomon Motsoagae, 28, Mrs Linda Hlophe, 26, Mrs Lorraine Sobuzi, 33, Mr Jacob Tshabalala, 22, Miss Lydia Mokoena, 24, Mr Phineas Maseko, 32, Mr Daniel Mbokwane, 22, and two minors.

'Necklace' video — inadmissible evidence?

THE TRIAL of 11 people accused of the much-publicised "necklace" killing of Maki S'khosana began in the Pretoria Supreme Court yesterday with defence counsel arguing that the video tape of her death should be inadmissible evidence.

The video, taken at the scene of S'Khosana's death, shows her brutal death by a mob near the Duduza cemetery during the funeral of unrest victims in July 1985.

SIPHO NGCOBO

Advocate David Soggot for the defence asked the court not to play the video tape because it might "not be original" or might have been tampered with.

Argument on the admissibility of the tapes began after the State had wanted to play the tape of the Duduza incident.

Appearing before Mr Justice Hartzenberg are Elizabeth Motaung (28), Sanna Thwala (23), Solomon Motsogae (28), Linda Hlophe (26), Zanele Sobuzi (33), Jacob Tshabalala (22), Lydia Mokoena (24), Phineas Maseko (32), Daniel Mbokwane (22), and two youths, all of Duduza.

B J Bredenkamp is prosecuting and argument will continue today.

B/Day
331

Even charged with murder of young woman

PREVIEW

331
Sundown
12/3/87

OVER

VIEW

FROM

THE body of a young Du-duza, Nigel woman who was allegedly assaulted by 11 people in July 1985, was found in the veld near the local cemetery with a "big stone" placed on the chest, the Pretoria Supreme Court heard yesterday.

Detective Sergeant Johannes Hendrik van der Walt said he

found Miss Rosalina Maki Skosana lying on her back with multiple injuries.

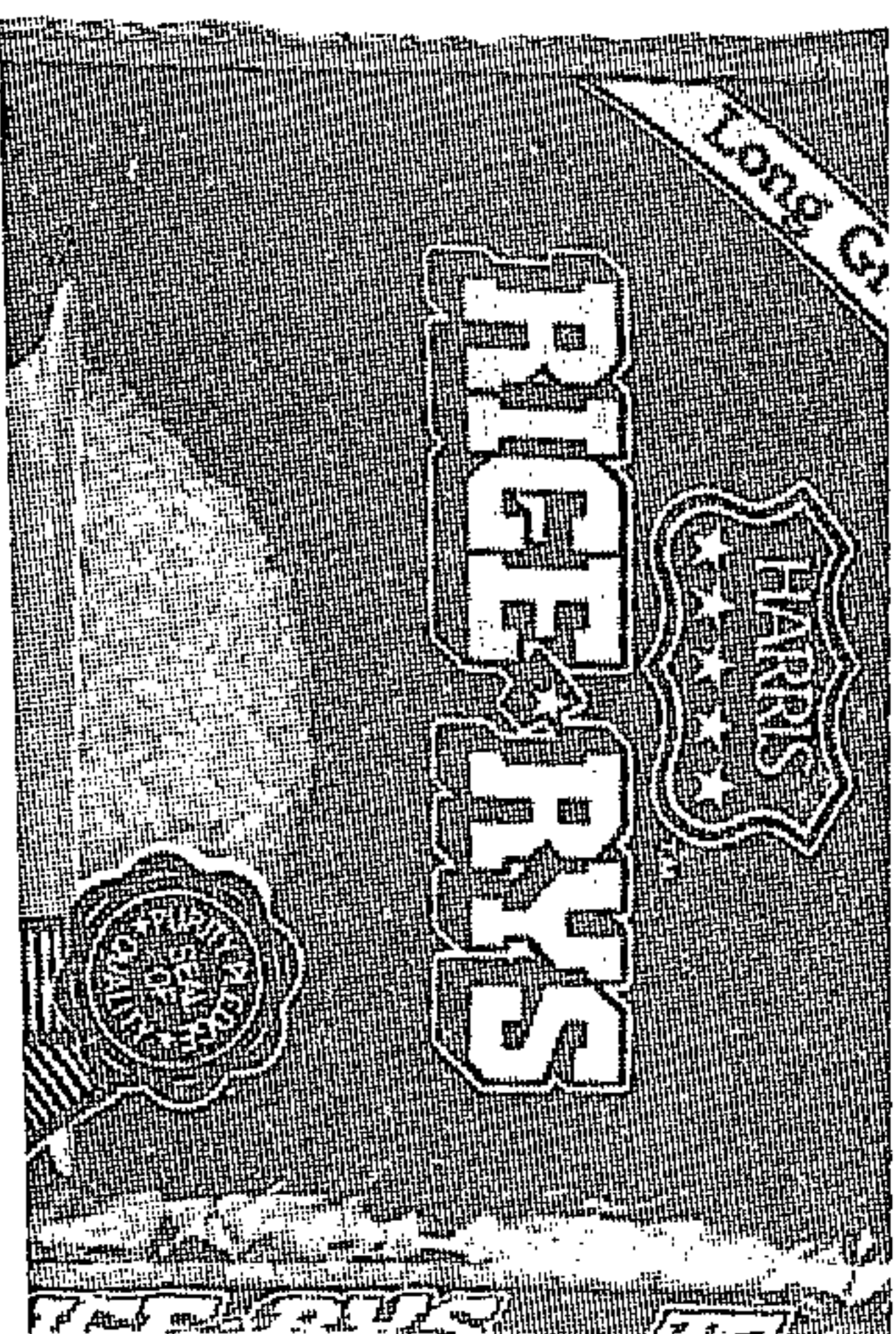
He was testifying in the trial of Miss Matlakala Elizabeth Motaung (28), Mr Sanna Twala (23), Mr Solomon Motsogae (28), Miss Linda Alexandra Hlophe (26), Miss Lorraine Zanete Sobuzi (33), Mr Jacob Tshabalala (22), Miss Lydia Mokoena (24), Mr Phineas Maseko (32), Mr Daniel

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VALID FROM 12TH MARCH TO 14TH MARCH

SCORE

SUPERMARKETS



CASE MUST GO ON, SAYS THE JUDGE

(33)

SOWETAN, Thursday, March 12

DELMAS

DELMAS treason trial judge, Mr Justice K van Dijkhorst, yesterday refused the defence team's application for a week's adjournment following his effective dismissal of an assessor on Tuesday.

Dr W A Joubert was told to recuse himself after he had apparently informed the judge he had signed a UDF petition to collect a million signatures against the Koornhof Bills.

Mr a Chaskalson SC, for the defence, argued yesterday the judge's ruling "could nullify the trial". The court should allow the defence time to prepare the necessary papers.

Mr Justice van Dijkhorst said they should prepare the application and could approach the Bench when they were ready.

Dr Joubert, who did not attend the trial yesterday, said he was taking legal opinion on his position and was "in the hands of my attorney".

The defence team is still considering all their options. Due to the "delicacy" of the situation, they declined to elaborate.

Professor John Dugard, head of the Applied Legal Studies Department at

the University of the Witwatersrand, said "justice demanded" a full judicial inquiry by another judge.

Commenting on possible options, Professor Dugard said the defence could apply for the reinstatement of Dr Joubert. Failing that "the continuation of the trial becomes doubtful".

He added that a defence team withdrawal to show their disapproval would not serve the interests of the accused.

Professor Dugard said the dismissal of the assessor demanded the attention of the Bar Council and the association of law societies.

On issues of fact a judge could be outvoted by assessors who, therefore, played a very important role, the professor said.

Professor Dugard said he knew of no other case in which an assessor had either been dismissed or asked to recuse himself.

"I think it's entirely without precedent in South Africa. Certainly it has never happened in a case involving a treason charge."

Mr Justice van Dijkhorst said on Tuesday Dr Joubert had to recuse himself because the campaign was a significant factor in the State's case against the 19 accused and would have to be examined thoroughly.

Allegations

He said the trial would go ahead with one assessor.

In Delmas on Tuesday, Dr Joubert said he had not been allowed to answer the judge's allegations and order.

"I took an oath in open court to decide honestly according to the evidence. I am still under oath."

The Delmas trial has been running since June 1985.

The Star

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A remarkable turn in the treason trial

AN EXTRAORDINARY legal position is brewing over the Delmas treason trial, already remarkable in its duration and its crucial scrutiny of the politics of the United Democratic Front. This week it appeared that the presiding judge was told by one of the two assessors assisting him, Dr W A Joubert, that he (Dr Joubert) had in 1983 signed a UDF petition against the "Koornhof Bills" giving self-rule to urban black areas. Mr Justice van Dijkhorst thereupon ordered the assessor to recuse himself.

The defence team asked for a week's adjournment to consider the situation, but the judge ordered the trial to go on with one assessor. A defence advocate argued that this decision could "nullify the trial".

The situation is thought to be unprecedented in South African legal history. In support of the judge's action it could be argued that the courts, like Caesar's wife, must be seen as beyond suspicion. Any whiff of possible partiality either way must be eliminated, for the reputation of

justice. On the other hand, Dr Joubert points out that he took an oath of impartiality in open court. It can be asked, too, how far any citizen's private actions can be divorced from the broader political context. The assessor was one of a million South Africans who signed the UDF petition against the Koornhof bills, which were widely seen as a third-best substitute for full political rights. Would the sharing of that political view necessarily predispose him in favour of the UDF? To stretch the point further, might not a black accused be entitled to suspect the fairness of any trial by an all-white Bench?

In the background lurks an ominous practical question — what if a retrial should prove desirable? Already the trial has been running since June 1985, and it is likely to end only after many more months. Most of the 19 accused, denied bail, have been behind bars for more than two years. Would justice really be served if they had to go through it all again?



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Cape Times 13/3/87

Court hears of possible police vigilante link

Supreme Court Reporter 331 218

THERE were grounds for believing that police sided with vigilantes in the Ashton township of Zolani, the Supreme Court was told yesterday.

Mr John Whitehead was arguing after leading evidence in mitigation in the trial of four Zolani activists — Samuel Mangcola, 29, Charles Msoki, 45, Timothy Tyhalisisu, 39, and Lemi Mhlomi, 25 — convicted of public violence.

The four were found guilty of stoning two cars and a house and setting one of the cars alight. The court has heard that cars and house belonged to vigilantes who were among 16 ordered by the Supreme Court last year to refrain from operating as vigilantes and enforcing a curfew in Zolani.

Vigilante assaults

Mr Whitehead said the residents of Zolani opposed to the community council and its vigilante supporters approached the Supreme Court for help in desperation last year after their pleas for police protection from vigilante attacks fell on deaf ears.

He said the apparent disinterest in these court proceedings of a police colonel charged with investigating residents' complaints against the police was "highly questionable" and that the colonel's evidence was "frankly unacceptable".

Among allegations made in papers that were part of these proceedings was that the investigating officer in the current case, one Sergeant Laing, stood idly by while vigilantes assaulted residents.

Another allegation was that one Warrant-Officer Joubert did nothing but whistle when a resident tried to report that vigilantes had stoned his house and set it alight. He then conferred in whispers with six vigilantes and said "That's good" when they told him "We did the job."

Mr Whitehead said the court was fortunate to have heard the evidence of Mr Dawid Bosch, former coordinator of a legal advice office in the area, who broke down and wept in court when he described how police ignored his sustained rational pleas for action to protect the community.

If an articulate and educated man like Mr Bosch could cry in open court recalling this experience, Mr Whitehead said, the frustrations and bitterness of local residents must have been enormous.

"What it boils down to is that the accused took the law into their own hands," Mr Whitehead said. "They decided to teach the vigilantes a lesson."

The trial was adjourned to April 3 after the Bench requested NICRO to investigate the feasibility of the accused doing community service in Zolani.

No prosecutor so spy trial postponed

Pretoria Bureau

The cases of two former policemen accused of spying for the banned African National Congress (ANC) was postponed yesterday in the Pretoria Magistrate's Court because a senior prosecutor was not available for the hearing.

Mr Matswenyego Daniel Mokgabudi (29), of Atteridgeville, and Mr Tshifango Cedric Rabuli (33), of Soshanguve near Pretoria, appeared briefly before Mr W A J van Zyl.

ANOTHER TRIAL

The State asked the court to postpone the matter to give them time to enlist the services of a more senior prosecutor as the matter was of a "very serious nature and delicate".

The case was postponed to June 15 since the senior prosecutor supposed to handle the matter was still busy with another trial in Heidelberg and would only be available then.

Both men are facing 10 charges of contravening the Internal Security, Protection of Information and the Official Secrets Acts. The indictment further alleges:

- That both men were active supporters or members of the ANC from July 12 1982 until July last year.
 - That from 1980 until the date of their arrest the accused had access to secret information and files of the South African Police relating to ANC activities and planned police action to combat ANC activities in the country.
 - That the two men were recruited into the ANC between 1980 and 1982 by a certain person called "Malaza".
- They are also accused of obtaining copies of documents from the secret files kept by the Security Branch relating to the activities of the ANC and passing this information to the ANC or to a certain "Malaza" or other ANC supporters.
- Early this year the State refused both men bail.

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SME

13/3/87

Delmas accused denies fears of losing rents

By Sejamothopo Motau,
Pretoria Bureau

A submission by the State that the Evaton Rate Payers' Association (ERPA) and plot owners in the township were opposed to the replanning of Evaton because they feared losing rents they collected from sub-tenants on their properties, was yesterday denied at the Delmas treason trial.

Mr Morake Mokoena (48), one of the 19 accused, also denied under cross-examination that the replanning was supported by an "overwhelming majority" of the residents of the township and that the only exceptions were ERPA and the plot owners.

Mr Mokoena, an Evaton plot owner and former secretary of ERPA, said residents had been pressured by the town council and the local development board to accept the replanning. He said most residents were against the project because they saw it as a threat to their land and freehold titles.

He denied there were many sub-tenants in Evaton living in shacks and without proper sanitation. He said he had one sub-tenant on his plot. The man lived with his wife and two children in a two-roomed house. The rent was R12 a month.

He said he felt some good could come out of the replanning of the township because it would provide better housing and proper sanitation, but he was opposed to the project because it led to the expropriation of land from owners and the loss of their freehold rights. He said that was the feeling of most people in the area.

LEASEHOLD ENCOURAGED

He said the community council was not in favour of retaining the freehold system in Evaton. He said they paid lip service to the principle but their actions indicated the contrary, since they encouraged the implementation of the leasehold system.

The former community councillor said he had attended a meeting of the community council where the council had resolved that it stood by the principle that the sale of houses and sites in Evaton should be in terms of the freehold system. He said this was negated by the fact that once the land was subdivided in the replanning, the sites would be acquired only through the leasehold system.

He rejected a suggestion that the council was powerless to do anything about the matter because it was a government decision. He said the council was not powerless since it had recommended the replanning and the subdivision of property.

Mr Mokoena said he had closed his shop on September 3 1984, the day of the stayaway and the big march in the Sebokeng area. He said he had received a pamphlet urging all traders to shut their businesses that day.

He said he had heard about the stayaway about a week before the event from Mr Esau Raditsela, former vice chairman of the Vaal Civic Association, who disappeared shortly after the tragic day.

The cross-examination continues today.

Judge postpones indemnity ruling on boys' deaths

(331) 13/3/87 By Lesley Cowling

Judgment in the case of a policeman who shot dead two Soweto schoolboys and is citing the emergency regulations in his defence was yesterday postponed in the Rand Supreme Court to March 20.

Mr Jakobus Laubscher (22) of Hillbrow is charged with two counts of murder and one count of attempted murder for shooting three schoolboys during the first state of emergency. He has pleaded not guilty.

Spencer Simelane died and another boy was wounded in a shooting incident at Ibhongo School on August 28 1985. In a second incident, at Thaba Jabula school on September 18, Godfrey Phuroe was shot dead. This week Mr Laubscher declined to give evidence in his defence.

Mr Justice M J Strydom, who is sitting with two assessors, will rule during judgment on whether Mr Laubscher — stationed with Moroka Unrest Investigation Unit at the time of the shootings — is indemnified by the emergency regulations.

It is believed to be the first time the indemnity has been cited as a defence in criminal proceedings.

Mr P A Hattingh SC for Mr Laubscher has argued that, in the Ibhongo school shootings, Mr Laubscher had carried out an order issued in terms of the emergency regulations and this had led to the shootings.

PUBLIC ORDER AND SAFETY

Regulation 11 indemnified any member of a force from criminal prosecution for any action he took in good faith either to maintain public order and in the interests of public safety or which arose from him carrying out the emergency regulations, his defence counsel has said.

Mr Hattingh has said that Mr Laubscher arrested an Ibhongo schoolgirl on August 28 because she was outside the school. He was obliged to do this in terms of the emergency regulations.

He argued that this arrest led to a stone-throwing attack by the schoolchildren and Mr Laubscher then shot two youths, killing one.

His compliance with the regulations — the arrest — led to the alleged crimes and he was therefore indemnified from prosecution.

Mr Hattingh he did not cite the indemnity in relation to the murder charge arising from the shooting incident at Thaba Jabula school, arguing instead that Mr Laubscher was acting in self-defence.

Mr J A Swanepoel SC, prosecuting, has said the indemnifying regulation did not apply in this case.

He has argued that regulation 11 in the first set of emergency regulations was not applicable because the regulations had been repealed in March 1986.

However, the present indemnifying regulation was also not applicable because it had been promulgated at the start of the second state of emergency in June 1986 — after the alleged crimes had been committed.

The arrest of the Ibhongo schoolgirl and the subsequent shootings were two separate actions, so the indemnity could not apply to the second.

Assessor's ousting criticised

opinion on, the state's case.

At the beginning of the trial, he went on, he had asked both assessors if they had any relationship with the UDF. Both had said they did not.

But after Mokoena's evidence on Monday, the judge said, Joubert said he had participated in the campaign by signing one of the petitions.

The judge said after consulting the Judge President of the Transvaal Provincial Division on Monday night, he had come to a decision that he had "no option but to rule that Joubert had to recuse himself".

He ruled Joubert was unable to act as an assessor and then adjourned the

●From PAGE 1

court.

Chaskalson's application for a week's postponement to give the defence time to examine the implications of Joubert's removal was refused by the judge. He ruled that the trial should continue and that the defence could bring its application when it was ready.

Stating that Joubert's recusal might constitute "a material irregularity which may have the effect of nullifying the trial", Chaskalson said there were "other possibilities" arising out of the assessor's effective

dismissal "which require time and may require us to bring a certain number of applications".

Dugard said he believed Joubert's reinstatement should be considered before another judge.

"If this is not done, there will inevitably be doubts in the minds of many people about the fairness of his dismissal.

"The Delmas treason trial is a major trial in the legal history of South Africa. It is being heard at a time when there is a major debate in legal circles about the country's judiciary — and it will add fuel to the debate," Dugard said.

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W/Mcill 13-19/3/87

270 000 for 'Watsons' home

Ev. Post
13/3/87

(33)

By BARBARA ORPEN

THE Watson family's Park Drive property — focal point of a major arson trial — was auctioned today for R270 000.

It is to be developed by the same company which offered R700 000 for it before the fire.

And it was knocked down today to Mr John D Jackson, former PE attorney turned businessman.

He will be associated with McDonald Construction in the development of the site as an "upmarket retirement village".

Mr Jackson made headlines last year when his R350 000 Lamborghini crashed and caught fire.

Asked today what he thought of the price paid for the property, he said he was "pleased — at least it is cheaper than my Lamborghini was".

The auction, which was over in about five minutes, attracted about 50 interested people, property dealers and estate agents.

Bidding for the property started at R50 000, with only four bidders competing.

The Watson brothers were not present.

Asked whether he would have gone higher than R270 000, Mr Jackson said he had not really set a limit on the price he would pay.

He said he had bought the property in his personal capacity and would start developing it in conjunction with MacDonald Construction.

Asked about specific plans for the village, he said: "It is hard to say at this stage. We will only be able to go into detail once

● Turn to Page 2



(33)
Fetches R270 000

● From Page 1

the architects have looked at it.

"The size and nature of the village will depend on the type of scheme, which will be designed to fit in with the area, that the architects will come up with."

Auctioneer, Mr Ashton Galpin, said the price was "reasonable".

Approached for comment, Mr Gavin Watson said the family had been "surprised and pleased" that the same players who had been involved in negotiating a sale on the property before and after

the blaze had bought the property today."

Mr Watson said Mr Arthur Kotzen as a member of a consortium and managing director of MacDonald Construction — the firm with whom Mr Jackson will be developing the property — had offered the Watsons R700 000 for the property before the fire.

Since the sequestration of the Watson brother's property, Mr Kotzen and a new group of partners had offered the liquidators R285 000 for the property.

Gold, rand



Mr H BELAFONTE

'Sympathetic' Belafonte (331) helps pay for Watson trial

By KIN BENTLEY
WORLD-RENOWNED singer and entertainer Harry Belafonte is helping to pay the Watson family's legal costs incurred in the recent lengthy arson and attempted murder trial.

This was confirmed

today by Mr Gavin Watson, the only brother who was not charged.

Two brothers, Mr Dan "Cheeky" Watson and Mr Ronnie Watson, were acquitted on both charges in Port Elizabeth's Regional Court, while Valence was convicted of arson, but is

on bail pending appeal.

Mr Gavin Watson said today that Mr Belafonte was supporting the family because he was "very sympathetic to our cause".

He said he had already "assisted to a small de-

● Turn to Page 3

POST 13/3/87

Belafonte helps (Post 13/3/87 331) Watsons

● From Page 1

gree" and any further contributions would be "up to him".

Last year, before the family was declared insolvent, he said, Mr Belafonte paid for him and Cheeky to travel to the United States to meet him.

Mr Watson said other leading US personalities, not as much in the public eye and whom he did not want to name, were also sympathetic

He added that Mr Belafonte was in the process of preparing to make a R60-million film on the family of imprisoned ANC leader, Nelson Mandela, "and the struggle for non-racialism in South Africa".

"We'll be a part as political activists in this region."

He said the film would be made in either Zimbabwe or Zambia.

Lawyers question Delmas assessor's surprise ousting

By JO-ANN BEKKER

THE effective dismissal by Judge K van Dijkhorst of one of the assessors in the Delmas treason trial this week has evoked stinging, if carefully worded, criticism.

Arthur Chaskalson SC, a defence lawyer for the 19 Delmas trialists, told the court he believed the recusal of Dr WA Joubert's — for signing the United Democratic Front's Million Signature Campaign against apartheid — might constitute a "material irregularity which may have the effect of nullifying the trial", which has run for more than a year.

Professor John Dugard, director of the University of the Witwatersrand's Centre for Applied Legal Studies, said he believed the judge's grounds for dismissing Joubert were "not persuasive. Another judge further removed from the case might reach a different conclusion", he said.

Joubert, a former dean of the Unisa Law Faculty whom Dugard described as "probably the most widely respected academic lawyer in South Africa", has refused to comment.

Assessors play a vital role in trials, Dugard said, because on questions of fact, their decisions carried as much weight as those of the judge.

Joubert's removal from the three-person bench on Tuesday was the most dramatic event to date in the marathon trial into the nationwide unrest in 1984 and 1985 — an uprising which the state alleges was the result of a conspiracy between the United Democratic Front and the banned African National Congress.

It came after the fourth defence witness, former community councillor Petrus Mokoena, was cross-examined extensively about the Million Signature Campaign. The petition, one of the UDF's first public drives, called for a million signatures expressing opposition to apartheid, the new constitution and black local authorities bill, and asserting support for a non-racial democratic government.

Early on Tuesday morning Judge van Dijkhorst announced he wished to make a statement. He outlined the state's case that the UDF, in response to the ANC's calls to mobilise the masses and make the country ungovernable, had embarked on the Million Signature Campaign to increase the organisational skills of its affiliates. He stressed he was outlining, and not expressing an

•To PAGE 2



Winnie Mandela and her faceless footballers ... their photographs can't be printed in custody. The entire team — formed by Mandela for unemployed youths — was detained

Rightist squabble flares anew

By PATRICK LAURENCE

THE Conservative and Herstigte Nasionale parties were squabbling as furiously as ever yesterday, despite the attempt by the Afrikaner Weerstandsbeweging leader, Eugene Terre'Blanche, to persuade them to form an ultra-Rightist pact for the pending white election.

For the ruling National Party, the querulous voices of CP leader Andries Treurnicht and HNP leader Jaap Marais — both held press conferences in Pretoria yesterday — had the ring of sweet music.

Already suffering from defections on its Left, the NP cannot have welcomed the prospect of an ultra-Rightist pact. It retained a stoical silence, however, as its ultra-Rightist foes apparently moved toward reconciliation with one another earlier in the week.

But the HNP rejected an ultimatum to accept a "final" CP proposal for unity by 7.30 pm Wednesday night.

The CP demanded that the HNP commit itself irrevocably to amalgamation by the end of the year. As a quid pro quo it offered to stand back for the HNP in 10 specified seats, all selected by the CP. The HNP would, of course, have to back CP candidates elsewhere but would be free to field candidates in any seat where the CP was not a contestant.

An angry Marais rejected the offer, claiming that he had only been given 20 minutes to accept the offer and that only four of the 10 seats offered by the CP could be won by the combined ultra-Right.

The CP offer was based on its estimate of the relative strength of the two parties. Its "final" proposal differed from the compromise formula mooted by Terre'Blanche last week.

Terre'Blanche proposed that the CP field candidates in its 17 existing seats, that the HNP select 10 seats — one of which should be Sasolburg, where its only MP won a by-election in November 1985 — for its 10 best men, and that the remaining seats be allocated jointly by CP and HNP divisional committees.

Terre'Blanche's proposal was conditional on the HNP agreeing in writing before nomination day on March 31 to amalgamate with the CP before the end of the year.

The HNP agreed to Terre'Blanche's proposal for the division of seats. It did not, however, agree to bind itself

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ARGUS

us, Friday March 13 1987

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Zolani: Sentence on four postponed

Staff Reporter

SENTENCE in the Supreme Court trial of four Zolani, Ashton, men convicted of public violence has been postponed to April 3.

Samuel Mangcola, 29, Charles Msoki, 45, Timothy Tyhalisisu, 39, and Lemi Mhlomi, 25, were found to have stoned the house and car of a Development Board guard and set alight a car during unrest in Zolani last April.

Mr J H Theron, for the State, asked for the men to be imprisoned.

Counsel for three of the men, Mr J Whitehead, proposed the possibility of community service. The case was postponed to obtain a report from Nicro about the feasibility of this.

DRAMATIC courtroom scenes drew the final curtain on the Eastern Cape's longest political murder trial since the 1960's.

Ngozi a phone call from conviction

The two-year hearing ended in the Port Elizabeth Supreme Court on Friday when three youths were sentenced for the necklace murder and assault of an alleged member of the rival Azanian People's Organisation.

After being acquitted last Thursday, Edgar Ngozi, popular 63-year-old president of the UDF in the Eastern Cape, was led back down into the cells, where he has been held under Emergency regulations since June 12.

Ngozi's acquittal was a close affair for the former ANC figure, who has spent 17 years of his life on Robben Island for ANC activities.

Implication in the murder — a major coup for the state in its effort to brand the UDF as violent, and therefore illegitimate — was only a

phone call away for Ngozi.

Evidence was that as young "comrades" gathered outside Ngozi's KwaZakhele home on June 8, 1985, to attack Phakamse Nogwaza, Ngozi's daughter appeared and said there was a phone call for him.

Nogwaza had gone to Ngozi's home to seek assistance. Evidence was that he petrol-bombed the house two days earlier.

In his judgement, Judge Allan Solomon described evidence from Ngozi and his daughter about the call as "a tissue of lies".

But he could not find that Ngozi was present when the mob burst into his home to attack Nogwaza — because a key state witness, who was in the Ngozi home at the time, confirmed

By MIKE LOEWE
in Port Elizabeth

that he left to answer a phone call.

However, Solomon expressed grave scepticism about Ngozi's professed ignorance of the killing.

"We find it hard to believe that a person of highest authority and who was in the vicinity at the time of the attack heard and saw nothing of it," he said.

It was also "strange" that Ngozi left the house at such notice.

●The only one of the 10 accused convicted of the murder was a 17-year-old Zwide youth. The youth, who has a Standard Two education, admitted in a statement to police that he was part of a 30-strong group who

killed Nogwaza. In his statement he said: "I lit the match and I set him alight."

He was sentenced to 14 years in jail. The youth then uttered his first words since the two-year trial opened — three minutes of "freedom songs" and slogans, one of which was: "Long live the spirit of no compromise!"

Solomon and his two assessors appeared stunned but members of the gallery replied to the clenched-fisted salutes and slogans.

Fumanikile Siyoni, 21, and Xolile Pete, 20 were convicted of common assault. They received a two-year jail sentence for hitting Nogwaza as he ran.

Professor Don Voster, head of the University of Cape Town's

psychology department, said in mitigation that none of the youths showed signs of being emotionally deprived or aggressive at home. He said they were caught up in the emotions of the events sweeping through the townships at the time.

He found the emotions of black youths were exacerbated by the way situations were handled by the police. Voster said they showed no desire to see Nogwaza murdered but had believed he had "come to kill the president."

Solomon said it was unfortunate that the youngest of the accused had to bear the heaviest burden, but it was people of his age who caused "the trouble" and committed necklace murders. He found the youth's actions were deliberate and remorseless. It was only his age which saved him from the gallows, he said. — East Cape News Agency.

ANC case: cops remanded again

13/3/87 SOWETAN

(33)

TWO security policemen accused of having spied for the banned African National Congress appeared in the Pretoria Magistrate's Court yesterday and were remanded in custody as a senior prosecutor whom the state has appointed to handle proceedings was not available.

The accused are Mr Tshifango Cedric Rabuli (33) of Soshanguve and Mr Matshwenyego Daniel Mokgabudi (29) of

Atteridgeville. They appeared before Mr A A J van Zyl.

They are facing 10 counts of contravening the Internal Security, Protection of Information and the Official Secrets Acts. They are also alleged to have been active supporters or members of the ANC between July 12, 1982 and July 1986.

The indictment further alleges that up to the time they were ar-

rested, the accused had had access to secret information and files of the South African Police relating to ANC activities and planned police activities to combat ANC activities in the country.

Before postponing the case to June 15, Mr van Zyl said the court would have to wait for a senior prosecutor presently involved in a case in Heidelberg.

That, he added, was because the case the court was dealing with was of "a serious nature and delicate".

By ALINAH DUBE

Magoo's trial — judge rules 'bomb' evidence inadmissible

LEARN HOW

THE two alleged Magoo's bombers showed police "targets" between Ladysmith and Germiston after their arrest, the Supreme Court in Pietermaritzburg heard yesterday.

According to the indictment, Mr Robert McBride and his girlfriend Ms Greta Margaret Apelgren, both of Austerville, Durban, travelled between the two towns last year and reconnoitred for suitable targets for armed attack.

The couple are charged with a string of terrorism counts. In addition they face four murder counts, three of them related to

their alleged bombing of Magoo's Bar and one to their alleged rescue of a suspected terrorist from Edendale Hospital.

Prejudice

Earlier yesterday, Mr Justice Shearer ruled that evidence that Mr McBride had reconstructed facsimiles of the Magoo's and Pine Parkade bombs in the presence of a policeman was inadmissible.

The judge found that the potential prejudice to the accused in allowing the evidence to be produced far outweighed the weight of the evidence. — Sapa.

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13/3/87

'KILL THE DOG'

Skosana hearing told of chants at funeral

THE young woman who was murdered near a cemetery in Duduza, Nigel, was set alight and assaulted with an assortment of missiles by a mob who chanted "let the dog die," the Pretoria Supreme Court was told yesterday.

Mr Petition Ncubezelo, a state witness, said he was attending a funeral on July 25 1985 when he saw a woman being chased by a group of people. She was later assaulted with stones, sticks and all sorts of missiles. Her clothes were also torn off her body.

Mr Ncubezelo said he later went to see who the victim was. "It was Maki," he said.

He was giving evidence in the trial of 11 people who allegedly murdered Miss Rosaline Maki Skosana on July 25 1985. The accused are: Miss Matlakala Elizabeth Motaung (28), Mr Sanna Twala (23), Mr Solomon Motsogae

By MONK NKOMO

(28), Miss Linda Alexandra Hlophe (26), Mr Lorraine Zanele Sobusi (33), Mr Jacob Tshabalala (22), Miss Lydia Mokoena (24), Mr Phineas Maseko (32), Mr Daniel Mbokwane (22) and two youths aged 15 and 17 years. They have all pleaded not guilty before Mr Justice Hartzenberg and two assessors to a charge of murder.

Mr Ncubezelo gave evidence shortly after the judge gave the State permission to show a video recording of the attack on Miss Skosana.

The judge ruled that despite "the inherent dangers," video material was admissible as long as it was relevant to the case. He also ruled that the film be an exhibit in court. The defence had earlier objected to the film being shown.

Mr Ncubezelo, who appeared on the video, said the group that assaulted Miss Skosana, chanted *mayife lenja* (let the dog die). Mr Ncubezelo identified three of the accused — Mr Motaung, Mr Maseko and Mr Mbokwane on the video.

Belafonte paid part of Watsons' legal costs

157387 SIT (331)

Sunday Times Reporter
CALYPSO singer Harry Belafonte paid some of the hefty legal costs incurred in the lengthy arson and attempted murder trial of Port Elizabeth's Watson brothers.

Belafonte is in the vanguard of America's drive for sanctions against South Africa.

He met Dan "Cheeky" Watson and his brother Gavin in New York last year, Cheeky Watson confirmed yesterday.

Mr Gavin Watson this week confirmed that Belafonte had contributed towards meeting their legal costs — as had a number of other sympathisers.

Now the controversial brothers, long-time campaigners for integrated sport, are also set to play leading roles in an expensive television series on jailed ANC leader Nelson Mandela — to be funded by Belafonte.

At the end of January, Cheeky and eldest brother Ronnie were acquitted on charges of arson and attempted murder arising from the midnight fire which destroyed the family's plush home off Park Drive in Port Elizabeth in 1985.

A fourth brother, Valence, is appealing against an effective two-year jail term after being found guilty of instigating the petrol-fuelled blaze



HARRY BELAFONTE
TV series on Mandela

which severely injured two employees.

In another development, the Park Drive property, sequestered with the estate of the Watson family after their clothing business was declared insolvent, was auctioned on Friday for R270 000.

Top-flight

Yesterday Cheeky Watson said: "We did see Harry Belafonte last year but the trip wasn't paid for by him and he was only one of several people we met."

Cheeky, 32, was a top-flight rugby wing on the brink of Springbok selection before he

turned his back on the South African Rugby Board to play non-racial rugby in Port Elizabeth's townships.

He, Valence and Ronnie were held without bail for five months preceding their high-profile Regional Court trial. Gavin Watson was never charged.

"I don't know how Belafonte got to hear of us," Cheeky said.

"Our paths crossed and obviously he's very involved in the South African struggle."

He described the singer as "very charismatic, forthright in his views and very sincere".

Outspoken

The man whose singing career began in the 1950s with a string of calypso hits, including "The Banana Boat Song" and "Jamaica Farewell", has been named as producer of a R60-million ABC Network TV series on the life of Mandela.

This week Gavin Watson confirmed that the close-knit Watson family, known for their outspoken support of liberation politics, would "have a part as political activists in the region".

Last year it was reported that Jane Fonda had accepted a role as former Progressive Federal Party MPC, Mrs Molly Blackburn, an outspoken champion of human rights, who was killed in a vehicle smash in the Langkloof at the end of 1985.

Brando

Sidney Poitier has been cast as Mandela and Marlon Brando, emerging from seclusion on his own Pacific island, has been touted for the role of President P W Botha.

Cheeky Watson denied that the trip he made with Gavin to the US was sponsored by Harry Belafonte but conceded that it "had been paid for".

The names of those responsible were "confidential. I don't think they'd like their names mentioned".

Asked if it was sponsored by the National Association for the Advancement of Coloured People, he said: "Who the hell are they?"

Unique turn in treason trial

SOUTH

Head

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Not

Meml

AN EXTRAORDINARY legal position is brewing over the Delmas treason trial, already remarkable in its duration and its crucial scrutiny of the politics of the United Democratic Front. This week it appeared that the presiding judge was told by one of the two assessors assisting him, Dr W A Joubert, that he (Dr Joubert) had in 1983 signed a UDF petition against the "Koornhof Bills" giving self-rule to urban black areas. Mr Justice van Dijkhorst thereupon ordered the assessor to recuse himself. The defence team asked for a week's adjournment to consider the situation, but the judge ordered the trial to go on with one assessor. A defence advocate argued that this decision could "nullify the trial".

The situation is thought to be unprecedented in South African legal history. In support of the judge's action it could be argued that the courts, like Caesar's wife, must be seen as beyond suspicion. Any whiff of possible partiality either way must be eliminated, for the reputation of

justice. On the other hand, Dr Joubert points out that he took an oath of impartiality in open court. It can be asked, too, how far any citizen's private actions can be divorced from the broader political context. The assessor was one of a million South Africans who signed the UDF petition against the Koornhof bills, which were widely seen as a third-best substitute for full political rights. Would the sharing of that political view necessarily predispose him in favour of the UDF? To stretch the point further, might not a black accused be entitled to suspect the fairness of any trial by an all-white Bench?

In the background lurks an ominous practical question — what if a retrial should prove desirable? Already the trial has been running since June 1985, and it is likely to end only after many more months. Most of the 19 accused, denied bail, have been behind bars for more than two years. Would justice really be served if they had to go through it all again?

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STAL 14/3/87

FRIDAY MARCH 13 1987

Lewis Crosby arrives in town and applies for a job at Racine's agency. Laurie's

Ice-skating 11.57: Transm

Muslims had 'letter for NGK'

Cape Times 14/3/87
Court Reporter

MUSLIMS gathered on the Grand Parade to take a letter to the Groote Kerk in Adderley Street after the Ned Geref Synod pronounced Islam a false religion, the Magistrate's Court heard yesterday.

This was the evidence of Mr Sulaiman Ernie, 34, of Mitchells Plain, one of eight charged with attending an illegal gathering on the Parade on November 1 last year.

The others are Mr Mogammat Zottenberg, 19, of Heideveld, Mr Nazeem Essack, 19, of Cape Town, Mr Abdulatief Sterras, 49, Mr Gasant Peteren, 43, both of Bonteheuwel, Mr Amien Arnold, 33, Mr Dawood Schloss, both of Mitchells Plain, and Mr Moegsien Vallie, 40, of Lansdowne.

Mr Ernie said he would have attended the meeting "for my religion" even though he knew it was unlawful. He said they had prayed.

Mr Zottenberg said he had attended the meeting but had not distributed pamphlets. He had gone to the Parade to affirm his faith as a Muslim. The meeting had taken the form of a religious gathering and he moved away from the group gathered at the statue of King Edward VII as he was afraid of the "policeman with whips".

Mr Essack said he had prayed at the statue and had left when the group was ordered to disperse. While he was walking through the crowd he was arrested.

He said the group wanted to show that they "disagreed with the NG and that Islam was not a false religion". On the previous day the Imam had informed the men at the mosque of the meeting.

Mr Sterras said the meeting was not a political one but a religious one and it was "not wrong".

Mr Arnold said he ran when he saw a policeman running towards him with a whip. He had no intention of joining the crowd and did not.

The hearing continues on Monday.

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

New turn in Magoos bomb trial

N/M 14/3/87 331

Pietermaritzburg Bureau

THE Magoos Bar bombing trial in Pietermaritzburg took a new turn yesterday when defence counsel, Mr David Gordon SC, said he would ask for the discharge of one of the two accused on five counts relating to the car bomb explosion outside Durban's Parade Hotel on June 14 last year.

Appearing before Mr Justice Shearer and two assessors are Mr Robert John McBride, 23, and Miss Greta Margaret Apelgren, 30, both of Austerville, Durban, who are charged with murder, attempted murder and terrorism.

Opening the defence case yesterday, Mr Gordon said he would submit that the State had failed to produce any evidence that Miss Apelgren knew the car was loaded with explosives or that she knew it was going to be detonated before the act.

The State alleges that on June 14 Mr McBride and another person drove to the Marine Parade with Miss Apelgren following them in her vehicle. Mr McBride had earlier placed an explosive device consisting of 10 SZ6 demolition charges and an SPM limpet mine in the boot of his car, it is alleged.

Miss Apelgren, according to the State, parked her vehicle outside the Parade Hotel and Mr McBride drove up to her car. She then drove out of her parking place allowing Mr McBride to park there. The State alleges that Mr McBride and the other person left the vehicle after the device had been activated and that they had driven off in Miss

Apelgren's car.

Mr Gordon said he would also ask for the discharge of Miss Apelgren on a count relating to the explosion at the Chamberlain Road electricity substation on March 21 last year.

The defence case will resume on Monday.

Earlier in yesterday's hearing, the defence accepted in an affidavit that damage amounting to about R1 202 181 had been caused by explosions in the Durban area between March 21 and June 3 last year.

An additional R16 000 damage had been caused to a portable X-ray machine at Edendale Hospital on May 4, 1986.

According to the affidavit, about R475 780 damage had been caused to buildings in the Parade Hotel blast on June 14; about R87 330 damage to 19 vehicles outside the Parade Hotel; about R349 400 damage to the Mobil Oil Refinery at Wentworth on June 22, and about R224 000 damage to the Chamberlain Road electricity sub-station on March 21.

Fugitive

The defence team yesterday declined to comment on the hearing in London next week in which alleged ANC terrorist and fugitive Gordon Webster is to give evidence before a commissioner.

Mr Gordon would not say where or when the commission would hear Mr Webster's evidence.

Last week Mr Justice Shearer granted an application by Mr Gordon for Mr Webster to give evidence before a commissioner in connection with several charges against Mr McBride and Miss Apelgren.

Belafonte ¹⁶⁴²¹⁸⁷ helped' the Watsons ³³¹

Own Correspondent

WORLD famous entertainer Harry Belafonte made a "small" contribution towards the legal costs incurred during the arson, fraud and attempted murder trial of three of Port Elizabeth's Watson brothers.

Gavin Watson, the only brother not charged, said Belafonte supported the family because he was "very sympathetic to our cause". He had already assisted "to a small degree" and any further contributions would be "up to him".

Two brothers, Dan "Cheeky" Watson and Ronnie Watson, were acquitted on all charges.

Valence Watson was convicted of ar-

son and fraud, but is on bail pending an appeal. The brothers were represented by one of SA's top advocates, Jules Browde.

Gavin Watson added Belafonte was also preparing to make a R60m film about the family of imprisoned ANC leader Nelson Mandela "and the struggle for non-racialism in South Africa".

The Watson family would feature in the film as "political activists in this region", focusing on their role in promoting non-racial sport.

'SUSPECTS DID NOT GET FOOD'

By MONK NKOMO

A NUMBER of suspects, including women, were deprived of food and assaulted by the police inside a police station a few days after the murder of Miss Rosaline Maki Sikhosana in Duduza, Nigel, a state witness told the Pretoria Supreme Court on Friday.

Mr Petition Ncubezelo said he and a number of people were assaulted with sjamboks and batons at the Dunnottar Police Station on July 23, 1985 — three days after the death of Miss Sikhosana.

Maki
Sikhosana
hearing

"We were made to stand in lines and lean forward and beaten severely on the back. We were all crying," Mr Ncubezelo said.

A woman only known as Dudu sustained an injury in her eye after being assaulted with a butt of a firearm. "She was bleeding and screaming," said Mr Ncubezelo.

Mr Ncubezelo was giving evidence for the state in the trial of the 11 men and women, including two youths, who have pleaded not guilty before Mr Justice Hartzenberg and two assessors to a charge of murder. The State alleges the accused murdered Miss Sikhosana by assaulting and setting her alight near Duduza Cemetery on July 20 1985.

'Shit'

Mr Ncubezelo told the court that he and Thomas were picked up by the police from work on July 23 1985. When he asked why he was being taken away, a Detective Sergeant Joel Msibi told him: "Don't ask me shit" and then shoved him inside a police van.

Cross-examined by Mr David Soggot, for the defence, Mr Ncubezelo said he was questioned by a white man before he was taken to a cell. Some of the people he found in that cell complained of having been deprived of food by the police and of being hungry.

A white man came to their cell and he was told that some of the people were hungry.

"He laughed and said a braai will be held for us," said Ncubezelo.

The accused are Miss Matlakala Elizabeth (28), Mr Sanna Twala (23), Mr Solomon Motswagae (28), Miss Linda Alexandra Hlophe (26), Mrs Lorraine Zanele Sobuzi (33), Mr Jacob Tshabalala (22), Miss Lydia Mokoena (24), Mr Phineas Maseko (32), Mr Daniel Mbokowane (22) and two youths aged under 18 years.

(Proceeding)

00 17/3/87 (331)

Stofile trial: officer tells of arms in car

Dispatch Reporter

BISHO — A Ciskei security police officer, Warrant Officer William Dastile, told the Supreme Court here yesterday that he and other policemen manning a roadblock had found arms in a suspicious car they stopped at Kwezana, near Alice, in October last year.

He was testifying in the trial of the Reverend Makhenkesi Arnold Stofile and four others charged with terrorism, possession of arms and harbouring of terrorists.

The four others are: Mr Mzwakhe Nelson Ndlela, 32, Mr Linda Michael Stofile, 28, Mr Mveleli Gladwell Gqibithole, 28, and Miss Nomvuyiso Stofile, 30.

They have all pleaded not guilty to the charges.

The state alleges that the offences were committed in October last year.

W/O Dastile said he was in charge of a roadblock near Kwezana, on the road to Fort Beaufort, on October 16.

About 9 pm a car approached from the direction of Fort Beaufort and stopped about 15 metres away.

W/O Dastile said he had driven towards the car but it moved away and stopped where other cars had stopped to be searched.

He stopped behind the car and switched on his lights to shine onto the car before alighting from his vehicle.

There were three people in the car whom he identified in court yesterday as Mr Ndlela, Mr Linda Stofile and another woman.

The car was driven by Mr Linda Stofile.

W/O Dastile said the police searched the car and the occupants and he found a firearm in front of the buckle of Mr Ndlela. The firearm was a loaded Makarov pistol which was exhibited in court yesterday.

Also found during the search was a travelling bag containing an AK 47 assault rifle, ammunition and other items including boots.

W/O Dastile said the police also found a reference book belonging

to Mr Daniel Zongamele in the car and a document which had some notes about the banned African National Congress.

After searching the car he arrested the occupants.

On October 19 he went to Mxhelo Village, near Alice, where he found a Makarov pistol in the wall of a mud house and later arrested a Mr Plam.

W/O Dastile said the pistol had two magazines but was not loaded.

During cross-examination, Mr Justice Pickard warned members of the public in the gallery not to react to the proceedings after the public had laughed at an answer given by W/O Dastile to one of the questions posed by the defence.

W/O Dastile denied under cross-examination that only the driver had been told to get out of the car at the roadblock. He said all the occupants had been told to get out of the car.

He had not seen what the other policemen were doing, he said. He only searched Mr Ndlela. One police sergeant had searched the boot and the interior of the car.

W/O Dastile disputed a point made by the defence that he was not present at the roadblock. He also denied that a firearm had been pointed at one of the accused at the roadblock.

The trial continues today.

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ARGUS 17/3/87

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NATIONAL

Terror trial told of arms found in car

The Argus Correspondent

EAST LONDON. — A Ciskei policeman told the Supreme Court in Bisho how he had found arms and ammunition in a car he stopped at a roadblock in October last year.

Warrant Officer William Dastile of the Ciskei security police was testifying in the arms and terrorism trial of a senior United Democratic Front official, the Rev Mankhenesi Arnold Stofile, and four others. The five pleaded not guilty to all charges.

Mr Stofile, a theology lecturer at the University of Fort Hare, is

appearing with his brother, Mr Linda Michael Stofile, Mr Mzwakhe Nelson Ndlela, Mr Mveleli Gladwell Gqibitole and Mrs Nomvuyiso Stofile.

They have been charged with terrorism or, alternately, taking part in the activities of an unlawful organisation, and 11 charges of unlawful possession of mines, machine-guns, ammunition and other arms.

The single charge against Mrs Nomvuyiso Stofile, who is out on bail, is of harbouring a terrorist.

The State alleged that Mr Stofile exchanged messages and re-

ceived money from African National Congress operatives in Zambia, and arranged to have arms and ammunition smuggled into the country from Botswana.

Mr Pierre-André Albertini, a French lecturer at the University of Fort Hare, is alleged to have acted as courier for Mr Stofile.

Warrant Officer Dastile said he had been in charge of a roadblock on the night of October 16 last year on the Alice-Fort Beaufort road. He stopped a car driven by Mr Ndlela and found arms and ammunition in it.

Gift 17/3/87 (248)

By SHAUNA WESTCOTT
Supreme Court Reporter

A THEOLOGY student's appeal against conviction and an effective 18-month jail term for being part of a crowd which stoned a five-ton Pick 'n Pay truck was dismissed by the Supreme Court yesterday.

Cyril Afrika, 26, of Athlone, was convicted of public violence with Said Bhawoodien, 20, of Rylands and Robert Claasens, 28, of Athlone. All were sentenced last May to three years, with 18 months suspended.

Wynberg Regional Magistrate Mr J C Lategan found that the three were part of a crowd of about 50 people who stoned the truck in Thornton Road on October 15, 1985.

Among his reasons for the finding was that the three supported the actions of the crowd because it "furthered the ideology they stand for". He dismissed evidence that they were simply bystanders.

Dismissing the appeal, Mr Justice H C Nel said the three were weak witnesses whose stories did not make sense. It was clear they were in the immediate vicinity of the truck when police arrived.

There were only two possibilities — either they took part in the public violence or they were innocent onlookers. However, police witnesses had expressly said: "There were no curious onlookers standing around. All were involved in the incident."

He dismissed the argument that there was no evidence against the three, only suspicion and speculation, and agreed with the magistrate that the only reasonable inference to be drawn was that they were guilty of public violence.

Mr Justice Nel presided with Mr Acting Justice R G Comrie. Mr P J Marais appeared for the State. Mr J Slabbert, instructed by Snitchers and E Moosa and Associates, appeared for the three.

Student's appeal against jail term dismissed

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17/3/87
Acquittals~~804~~
in Durban³³¹
bomb trial

MARITZBURG. — Alleged Magoo's Bar bombers, Miss Greta Apelgren and Mr Robert McBride, have been acquitted on certain charges in the Supreme Court, Maritzburg.

Miss Apelgren was cleared on two charges yesterday — that she futhered the objects of the African National Congress and that she took part in blowing up a Durban electricity substation on March 21 last year.

Mr McBride was acquitted on a charge of reconnoitring for suitable targets for armed attacks in the Transvaal.

An application by the defence to have Miss Apelgren acquitted on a further eight counts at the close of the State case was turned down by Mr Justice D L L Shearer.

FAILED

Mr McBride is facing 24 charges and Miss Apelgren 16.

The defence failed in the application to get Miss Apelgren acquitted on three counts of murder, one of attempted murder, one of terrorism related to the Magoo's Bar blast, one of harbouring suspected terrorist Mr Gordon Webster, one of terrorism related to concealing arms and one of terrorism related to reconnoitring for attack.

No application was brought for her to be acquitted on a count of murder and five other counts related to the escape of Mr Gordon Webster from Edendale Hospital on May 4 last year.

The hearing continues on Thursday. — Sapa.

Cape Times

17/3/87

331

Sympathy, fines for Muslims

By YVETTE VAN BRED A

A CITY magistrate yesterday said he sympathized with seven Muslims "who probably felt insulted" by a statement at the Ned Geref Synod that Islam was a "false religion".

But he fined them R100 (or 20 days) each for illegally gathering on the Grand Parade in protest against the church's decision.

An eighth man, Mr Gasant Petersen, 43, of Bonteheuwel, was acquitted on the charge of attending an illegal gathering on November 1 last year.

The seven convicted are Mogammat Zottenberg, 19, of Heideveld, Nazeem Essack,

19, of Cape Town, Abdulatief Sterras, 49, of Bonteheuwel, Amien Arnold, 33, Dawood Schloss, Sulaiman Ernie, 34, all of Mitchells Plain, and Moegsien Vallie, 40, of Lansdowne.

The magistrate, Mr M J C Tolken, said the Muslims "wanted to make a point", had a reason for gathering and were prepared to do anything for their religion.

He said a policeman had been injured when a stone was thrown at him but the stone could have been thrown by an onlooker or anyone else.

Mr B de Vries prosecuted. Mr D Kawalski, instructed by E Moosa and Associates, appeared for the men.

of the sexual abuse by her 37-year old father

CAP. T. 10/15. 17/3/87
Top UDF man in court 331

BISHO. — The secretary of the Border region of the UDF, the Rev Makhenkesi Arnold Stofile, 42, and four others pleaded not guilty to terrorism when they appeared in Bisho Supreme Court before Mr Justice Pickard yesterday morning.

CHM 11/3/87
**Bombing
minor charges
dropped 331**

MARITZBURG. — One of the Magoos Bar bombing accused, Miss Greta Apelgren, was acquitted on a number of minor charges in the Supreme Court here yesterday, but still faces murder and attempted murder charges.

Mr Justice Shearer acquitted Miss Apelgren, 30, on charges of furthering the ANC's aims and of participating in the bomb attack on the electricity sub-station near Wentworth last year.

The trial was adjourned till Thursday.

Mr David Gordon, SC, assisted by Mr M T K Moerane, appeared for Miss Apelgren. Mr Ian Slabbert, SC, assisted by Mr D Schaap and Mr A de Wet, appeared for the State.

'Spy' sorted out — court told

ONE of the accused in the Duduza murder trial told a friend after the death of Ms Rosaline Maki Skosana that they had sorted out an informer, the Pretoria Supreme Court heard yesterday.

Mr Fanyani Zacharia Miya, a State witness, said he and a friend, Johannes Nhlapo, "dragged" one of the accused, Ms Lorraine Zanele Sobuzi (23), from a group of people who were assaulting Ms Skosana near the Duduza cemetery on July 20, 1985.

Mr Miya said he saw the accused kicking the deceased as she lay on the ground while the mob chanted "Viva Mandela".

Mr Miya said when he asked Ms Sobuzi the following day what they had done, she had replied: "We have sorted out the informer."

The witness also identified Sobuzi kicking Ms Skosana on the video film shown in court yesterday.

He was testifying in the trial of 11 people, including two youths aged 15 and 17. All have pleaded not guilty before Mr Justice Hartzenberg and two assessors to a charge of murder. The State alleges they assaulted and set alight Ms Skosana near the Duduza cemetery on July 20, 1985.



TWO OF the accused in the murder trial following the death of Miss Maki Skosana, leave the Pretoria Supreme Court during lunch break yesterday. They are Miss Lydia Mokoena (left) and Miss Elizabeth Motaung.

ike
van

Terror trial lawyer withdraws

ARGUS 18/3/87 331
The Argus Correspondent

EAST LONDON. — A defence counsel in the Bisho Supreme Court arms-and-terrorism trial has withdrawn.

Mr R Selvan, SC, for the Rev Arnold Stofile and Mr Mveleli Gqibitole, withdrew after confusion about the cross-examination of a police witness.

Mr Gqibitole and Mr Stofile, a theology lecturer at the University of Fort Hare and the border regional general secretary of the United Democratic Front, are appearing with Mr Mzwakhe Nelson Ndlela, Mr Linda Michael Stofile and Miss Nomvuyiso Stofile.

They have pleaded not guilty to charges of terrorism and 11 counts of illegal possession of arms and ammunition. Miss Stofile is also charged with harbouring a terrorist.

After the lunch adjournment yesterday Mr Selvan told the judge, Mr Justice Pickard, that he was withdrawing and Mr MH Friedman, now appearing for Mr Ndlela and Miss Stofile, would defend all five accused. He would be assisted by Mr Poswa, previously representing Mr Linda Stofile.

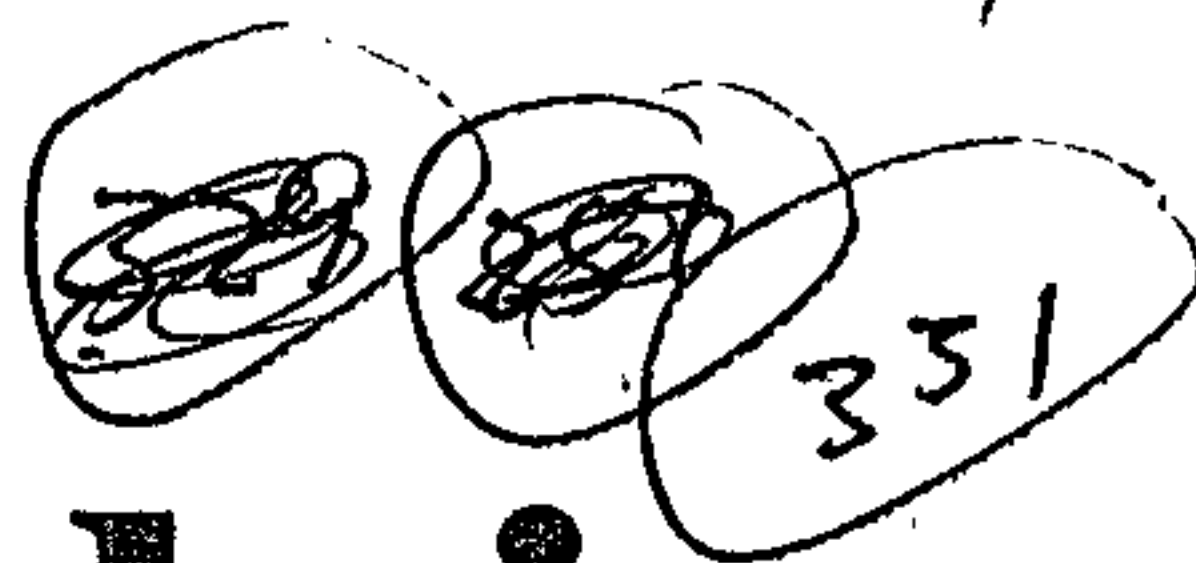
The hearing was postponed to tomorrow after Mr Friedman asked for time to consult his clients.

South Africa of preparing to dump
nuclear waste in the desert.

Qm Times 19/3/87 331 282
Delmas dismissal: Report

JOHANNESBURG.— Professor W.A. Joubert, dismissed as an assessor in the Delmas treason trial, is submitting a report to the State President, top individuals and organizations involved in the administration of justice in SA. Prof Joubert's attorney, Mr John Brand of Bowman Gilfillan, said the report dealt with the events surrounding his dismissal last week. Mr Justice Van Dijkhorst dismissed Prof Joubert after learning he signed a UDF petition in 1984.

Cape Times 19/3/87



Torture claims: Police subpoena

JOHANNESBURG. — Mrs Audrey Coleman, wife of the chairman of the Detainees' Parents' Support Committee, has been subpoenaed to appear in court on March 23 in connection with allegations made to the World Council of Churches that police tortured children.

Mrs Coleman is the wife of Dr Max Coleman. She allegedly made the allegation to the WCC concerning two children, a press release by General Johan Coetzee, the Commissioner of Police, said yesterday.

Police had no other recourse but to take legal steps to obtain the information relating to an alleged serious offence, the press release said.

"In view of the seriousness of

the allegation Mrs Audrey Coleman has been subpoenaed in terms of Section 205 of the Criminal Procedure Act to appear in court on Monday, 23 March, 1987.

"On 5 March, 1987, I issued a statement in which it was announced that I had appointed a senior officer to immediately investigate serious allegations made by the DPSC concerning the alleged assault and torture of children in South Africa.

"The allegations by the DPSC were made to the WCC and published in a newsletter following a youth conference in Harare.

"Two particular cases involving a 12-year-old boy and a 15-year-old girl who were allegedly beaten up and tortured by the South African Police were mentioned in the newsletter, which was distributed world-wide.

"I regarded the allegations concerning the two children in an extremely serious light and as a matter of priority instructed a brigadier to call on the chairman of the DPSC to obtain details of the particular two complainants to enable the police to investigate the allegations fully.

"It would have been expected that the DPSC, following their statement to the world which was presented as fact, would have been eager, willing and able to supply the police with the details concerning the two particular children.

"It has been more than 10 days since the police officer requested the DPSC to provide the relevant information and in spite of repeated requests they have been either unable or unwilling to do so." — Sapa

Police
subpoena
journalist
for sources

JOHANNESBURG. — A reporter on the Johannesburg Star, Jo-Anne Richards, has been served with a subpoena in terms of Section 205 of the Criminal Code, demanding that she disclose to the police her confidential sources. She must give the names and addresses of one or more doctors whom she has quoted, or appear before a magistrate on Thursday next week to be examined by a public prosecutor.

If she refuses to disclose her sources she may summarily be jailed for up to five years. Ms Richards's report under the heading of 'physical abuse', says The Star in September last year. The report was referred to the police for comment, and the allegations and official refutations published side-by-side.

'Severely injured'

The "205" was issued this month — nearly half a year after the published report. Richards reported that 40 released detainees complaining of injuries had been referred to a panel of doctors for examination the previous year. Doctors, who volunteered their services free, found that more than half of their patients had been "severely injured".

One doctor collated the statistics from the notes of six other doctors. His findings were published, but not his name.

The full report was shown in advance to the police who said the allegations were too vague to permit investigation. The police produced statistics to show that very few complaints could be believed. Out of 310 thoroughly investigated cases, only two had been referred to the Attorney-General. The police now demand the names and addresses of the doctors.

Telegraph

16 SOUTH, March 19 to 25, 1987

BY MIKE LOEWE

THE SECOND attempt to convict Edgar Dumile "The Pres" Ngoyi for murder, failed last month.

Mr Ngoyi, 62, president of the United Democratic Front (UDF), Eastern Cape Region, was acquitted on a murder charge after the death of an alleged Azapo member, Phakamisa Nogwazi, on June 8, 1985.

In 1962 Mr Ngoyi was charged with Henry Fazzie, the detained UDF

Eastern Cape vice-president, with the murder of an alleged police informer. The charges have been withdrawn.

Known affectionately as "The Pres", Mr Ngoyi spent 17 years on Robben Island while still an active member of the African National Congress (ANC) in 1964. He was released in 1981.

'The Pres' is acquitted but not free

Mr Ngoyi was prosecuted because, as the most influential man in the Port Elizabeth region, he "should have foreseen" the death of the man who came to him for help in 1985, according to the State Prosecutor, Mr William Kingsley.

But, in delivering his judgment in the Eastern Cape Supreme Court, Mr Justice Solomon found that Mr Ngoyi was not present during the start of events in the house which ended in the necklance death of Mr Nogwazi.

Throughout his appearance Mr Ngoyi seemed confident and in good spirits although in 20 months since his arrest in June 1985, he has spent only six months out of jail.

After his acquittal, Mr Ngoyi did not walk out of the court a free man. He was lead away down the detention cells where he has been held since June 12 last year.

The youth who was sentenced for the murder, spoke only once during the trial when he uttered freedom slogans.

The other two accused, Fumanikile Siyoni, 21, and Xolile Pete, 20, were convicted of common assault. They received a two-year jail sentence each for hitting Mr Nogwaza as he ran.

Professor Don Foster, head of the University of Cape Town's Psychology Department, said in mitigation that none of the youths showed signs of being emotionally deprived or aggressive at home. But all had said they felt caught up in the powerful emotions and events sweeping through the townships at that time.

In a report handed to the court, Prof Foster said he found that these emotions were exacerbated by police actions. He said the youths showed no desire to see Mr Nogwaza killed, but had believed he had come to "kill 'The Pres'".

East Cape News Agency

SOUTH NEWS

Stofile on trial

By FRANZ KRUGER

EAST LONDON - The Rev Mankhenkesi Arnold Stofile, who is being charged with terrorism and arms offences in the Bisho Supreme Court, comes from a working class background.

The trial in which he is appearing with four others, started this week. The others are his brother Linda Michael Stofile, Mzwakhe Nelson Ndlela, Mveleli Gladwell Gqibitole and Nomvuyiso Stofile.

They are being charged with terrorism, or alternatively participating in the activities of a banned organisation, and 11 counts of possession of machine guns, mines, ammunition and other arms.

The single charge against Nomvuyiso Stofile, who is out on bail, is harbouring or failing to report a suspected terrorist. The state alleges that Mr Stofile exchanged messages and received money from ANC operatives in Zambia, and arranged to have arms and ammunition smuggled into the country from Botswana.

He is also accused of having assisted Ndlela, who is accused of having undergone military training abroad. Ndlela was assisted in this by Michael Stofile and Gqibitole. Nomvuyiso Stofile is said to have harboured him.

This week, Rev Stofile and his co-accused looked relaxed when they filed into the dock for the start of the trial, and greeted the large numbers of friends and supporters who crowded into the public gallery.

From the early beginnings of the United Democratic Front, Mr Stofile played a key role in the organisation.

Treason accused denies knowledge of Cosas

By Adele Baleta

A former community councillor and a defendant in the Delmas treason trial yesterday denied any knowledge of the Congress of South African Students (Cosas) and the Vaal Youth Congress (Vayco) operating in the Vaal Triangle.

Mr Morake Mokoena (48), giving evidence for the 10th day, said he had only heard of Cosas and the Azanian Student's Movement (Azasm) from newspapers.

Referring to a Detainees' Parents Support Committee (DPSC) document found in Mr Mokoena's possession, Mr P B Jacobs, for the State, accused him of being an "infamous liar" and suggested that he knew about the youth organisations in the Vaal Triangle.

UP TO JUDGE TO DECIDE

After an objection by Mr George Bizos, SC, for the defence, Mr Justice K van Dijkhorst said this was for the judge to decide.

Mr Mokoena denied knowing several people listed among the detainees mentioned in the DPSC report, printed in November 1984.

He had "merely flipped through" the document to see how many people from the Vaal had been picked up. He did not notice to which organisations these people belonged.

Mr Mokoena, married with six children, is one of 19 who have pleaded not guilty to a main charge of high treason and several alternative charges ranging from murder to terrorism. The charges relate to the unrest which swept the country in 1985 and 1986.

The trial, which has taken a number of turns, has been running since June 1985 and most of the accused have been in detention since 1984. Last year three of the original "Delmas 22" — Mr Simon Vilakazi, Mr Mohapi More and Mr Mkhambi Malindi — were discharged after Mr Justice van Dijkhorst had delivered judgment in an application for the release of all the accused.

Six were granted bail of R15 000 each. They are Mr Patrick Baleka, Mr Tsietsi Mphuthi, Mr Tebello Ramakgula, Mr Serame Hlan-yane, Mr Thabiso Rhatsomo and Mr Mokoena.

Last week the trial again gained prominence when Mr Justice van Dijkhorst effectively dismissed one of the assessors, Dr W A Joubert, for having signed the United Democratic Front's Million Signature Campaign against apartheid.

Mr Mokoena, secretary of the Evaton Ratepayers' Association prior to his detention in 1984, said he had taken part in discussions on a pamphlet advertising a meeting to have been held by the Vaal Civic Association (VCA) and ERPA on September 4.

It was to have discussed the events of the ill-fated residents' march to Houtkop the previous day. Financial aid for bereaved families and medical assistance for those injured as result of the violence on March 3 were on the agenda. A doctor was available at the Roman Catholic Small Farms Church in Evaton.

People needing legal advice were to have gone to Khotso House in Johannesburg.

The meeting never took place.

(Proceeding.)

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STAR 19/3/87

Doctors and patients: a rule of trust

A patient's confidences are the moral responsibility of a doctor and he should feel bound not to reveal a patient's name or details of his ailment, says a spokesman for the National Medical and Dental Association (NAMDA).

Several leading medical men strongly support this stand, even where it conflicts with the demands of the State.

However, this is a moral issue, and both NAMDA and the Medical and Dental Council point out that doctors are not protected if they refuse to reveal confidential information or the names of their patients. Neither the law nor the rules of the South African Medical and Dental Council give doctors protection on this ethical stand.

The issue has been raised again since a reporter of The Star, Jo-Anne Richards, was served with a subpoena demanding she reveal the name of a source — a doctor. If she refuses to do so before a magistrate, she could face up to five years in prison.

If she gave his name, it is probable he would receive a similar subpoena, requiring the names of his patients — who are released detainees. Should he refuse, he would also face jail.

The doctor has indicated he could not ethically reveal these names. Also, his work depends largely on retaining the trust of those consulting him.

Namda said a patient's confidences were the moral responsibility of a doctor and he should feel bound not to reveal a patient's name or details of his ailment.

REVELATION UNDER PROTEST

"This is especially important at present in South Africa, where patients put their trust in doctors. The revealing of confidences could involve dire consequences for patients, be they detainees or people injured in unrest situations."

The Medical Association of South Africa (Masa), however, said a doctor could reveal professional secrets in a court — but only "under protest after the directive of a presiding officer".

"If there were a complaint to the Medical and Dental Council that he had acted unethically, he would be exonerated by the council," said Mr A Volschenk, legal adviser to Masa. Other than this, a doctor could not divulge information about a patient without his permission.

In contrast, the World Medical Assembly clearly states that "a physician shall preserve absolute confidence on all he knows about his patients, even after the patient has died".

Ethics, they declare in a regulation, remain identical in times of armed conflict and peace. Particularly in times of conflict, "the fulfilment of his medical duties shall in no circumstances be regarded as an offence. The physician must never be prosecuted for observing professional secrecy".

CONSEQUENCES OF LEGISLATION

On this point, Dr Jonathan Gluckman, a prominent pathologist, wrote to the South African Medical Journal: "Considering the invidious position in which a physician may find himself, perhaps Parliament should re-examine the consequences of legislation which might bring those charged with maintaining law and order into conflict with the physician, whose primary obligation is his professional duty, and his supreme guide is his conscience, all directed to the preservation of health and saving of lives."

Professor John Gear, of the Department of Community Health at the University of the Witwatersrand, said a doctor was ethically bound by the Hippocratic Oath to "protect confidentiality at all times".

A matter of secondary ethics concerned whether he would respond to the needs of the State or take the consequences of retaining doctor-patient confidentiality. "The law is in conflict with ethics in South Africa," he said.

Professor Trefor Jenkins, head of the Department of Human Genetics and the School of Pathology, South African Institute of Medical Research and University of the Witwatersrand, said a doctor who believed it to be unethical to break doctor-patient confidentiality would, in terms of the law, "have to take the consequences".



Reporter Jo-Anne Richards . . . she could face up to five years in jail if she refuses to reveal the name of doctor informant.

SOUTH, March 19 to 25, 1987

SOUTH NEWS

BY MIKE LOEWE

THE SECOND attempt to convict Edgar Dumile "The Pres" Ngoyi for murder, failed last month.

Mr Ngoyi, 62, president of the United Democratic Front (UDF), Eastern Cape Region, was acquitted on a murder charge after the death of an alleged Azapo member, Phakamisa Nogwazi, on June 8, 1985.

In 1962 Mr Ngoyi was charged with Henry Fazzie, the detained UDF

Eastern Cape vice-president, with the murder of an alleged police informer. The charges have been withdrawn.

Known affectionately as "The Pres", Mr Ngoyi spent 17 years on Robben Island while still an active member of the African National Congress (ANC) in 1964. He was released in 1981.

'The Pres' is acquitted but not free

Mr Ngoyi was prosecuted because, as the most influential man in the Port Elizabeth region, he "should have foreseen" the death of the man who came to him for help in 1985, according to the State Prosecutor, Mr William Kingsley.

But, in delivering his judgment in the Eastern Cape Supreme Court, Mr Justice Solomon found that Mr Ngoyi was not present during the start of events in the house which ended in the necklache death of Mr Nogwazi.

Throughout his appearance Mr Ngoyi seemed confident and in good spirits although in 20 months since his arrest in June 1985, he has spent only six months out of jail.

After his acquittal, Mr Ngoyi did not walk out of the court a free man. He was lead away down the detention cells where he has been held since June 12 last year.

The youth who was sentenced for the murder, spoke only once during the trial when he uttered freedom slogans.

The other two accused, Fumanikile Siyoni, 21, and Xolile Pete, 20, were convicted of common assault. They received a two-year jail sentence each for hitting Mr Nogwaza as he ran.

Professor Don Foster, head of the University of Cape Town's Psychology Department, said in mitigation that none of the youths showed signs of being emotionally deprived or aggressive at home. But all had said they felt caught up in the powerful emotions and events sweeping through the townships at that time.

In a report handed to the court, Prof Foster said he found that these emotions were exacerbated by police actions. He said the youths showed no desire to see Mr Nogwaza killed, but had believed he had come to "kill The Pres". - East Cape News Agency

Stofile on trial

By FRANZ KRUGER

EAST LONDON - The Rev Mankhenkesi Arnold Stofile, who is being charged with terrorism and arms offences in the Bisho Supreme Court, comes from a working class background.

The trial in which he is appearing with four others, started this week. The others are his brother Linda Michael Stofile, Mzwakhe Nelson Ndelela, Mveleli Gladwell Gqibitole and Nomvuyiso Stofile.

They are being charged with terrorism, or alternatively participating in the activities of a banned organisation, and 11 counts of possession of machine guns, mines, ammunition and other arms.

The single charge against Nomvuyiso Stofile, who is out on bail, is harbouring or failing to report a suspected terrorist.

The state alleges that Mr Stofile exchanged messages and received money from ANC operatives in Zambia, and arranged to have arms and ammunition smuggled into the country from Botswana.

He is also accused of having assisted Ndelela, who is accused of having undergone military training abroad. Ndelela allegedly trained various people in the use of weaponry, and was assisted in this by Michael Stofile and Gqibitole.

Nomvuyiso Stofile is said to have harboured him. This week, Rev Stofile and his co-accused looked relaxed when they filed into the dock for the start of the trial, and greeted the large numbers of friends and supporters who crowded into the public gallery.

From the early beginnings of the United Democratic Front, Mr Stofile played a key role in the organisation.

Secret venue for Webster's hearing in UK

Pietermaritzburg Bureau

EVIDENCE by ANC fugitive Gordon Webster will be heard at a closed hearing in the United Kingdom, following the drafting of an order in the Pietermaritzburg Supreme Court yesterday outlining the conditions of his testimony before a commissioner.

Webster, who was sprung from Edendale Hospital near Pietermaritzburg last May, is to give evidence for the defence in the trial of Robert John McBride, 23, and Greta Margaret Apelgren, 30, who are appearing before Mr Justice Shearer and two assessors on charges of terrorism, murder and attempted murder.

Location

The order, which gave no indication of the exact time and location of the commission — granted by Mr Justice Shearer on March 9 — ruled that only Webster, State advocates Mr Deon Schaup and Mr Andre de Wet, defence counsel Mr David Gordon SC and Mr Marumo Moerane, commissioner Mr John Peter Herholdt and recording and transcription officers, may be present at the hearing.

In terms of the order coun-

sel for both the State and the defence would have the right to examine, cross-examine and re-examine Webster, whose evidence would be restricted to the charges against the accused stemming from his escape from Edendale Hospital.

At the conclusion of the recording of Webster's evidence, the commissioner will hand a certified transcription of the evidence to both counsel for submission to the Court.

The order states that should Mr Herholdt, a resident partner in London of the South African firm Shepstone and Wylie, not be available, a person acceptable to the counsel for the State and the defence could be empowered to act as commissioner.

Our London Bureau reports that Mr Herholdt, the commissioner appointed by the Court, has confirmed that the necessary legal arrangements for the holding of the commission have been completed in London.

Mr Gordon reserved the right to argue at a later date that the State should bear the cost of securing the evidence.

The trial was adjourned until Tuesday, March 24, for further preparation of the defence case.



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Albertini refuses to take oath

Dispatch Reporter

BISHO — A Fort Hare University lecturer, Mr Pierre Andre Albertini, refused to take the oath when he was called to testify for the state in a terrorism trial in the Supreme Court here yesterday.

Mr Albertini, a French national, was to testify in the trial of the Reverend Makhenkesi Arnold Stofile, Mr Mzwakhe Ndlela, Mr Linda Stofile, Mr Gladwell Gqibitole and Miss Nomvuyiso Stofile.

The five have pleaded not guilty to charges of terrorism, possessing arms and harbouring terrorists.

All are in custody except for Miss Stofile who is out on bail.

Mr Albertini was to be the second state witness to testify at yesterday's proceedings.

He was scheduled to give evidence from 2 pm.

During the morning session the defence rounded off the cross-examination of Lieutenant Mhlangabezi Jonas Mfundisi, who testified on Tuesday.

Before Mr Albertini was asked to take the oath, the state counsel, Mr W. F. Jurgens, informed the court that Mr Albertini could not speak English fluently and that an interpreter who knew French had been sworn in to translate for him.

Judge Pickard agreed to the arrangement.

When Mr Albertini was asked to take the oath he told the judge he would not do so before he had seen his lawyer.

Advocate A. M. Omar of Cape Town rose and informed the court that he had been asked by Mr Albertini's parents and the French Consul General to act as his legal representative.

Mr Omar asked for permis-

sion to consult Mr Albertini in private, saying a witness was entitled to see a legal adviser.

Mr Albertini had had no legal advice since he was detained in October last year, he said.

Mr Jurgens did not object to Mr Omar consulting Mr Albertini but insisted that he be present during the consultations since Mr Albertini was a state witness.

After lengthy argument by Mr Omar, Mr Justice Pickard ruled that Mr Omar could consult Mr Albertini at 8.30 am today in the court cells in the presence of Mr Jurgens.

The consultations should be limited to assisting Mr Albertini to make a decision on his legal rights.

During the earlier session, Lieutenant Mfundisi told the court that, after he had arrested Mr Gqibitole, he noticed he was bleeding from his mouth.

He said he was aware that Mr Gqibitole had fallen from a precipice into the Tyume River when he accompanied police there to point out arms.

Apart from Mr Gqibitole, the only person in the three police cars who was not a member of the police was Mr Sakhumzi Somyo, a state witness who was being held in police cells, Lt Mfundisi said.

Asked by the defence why he had not informed the court in his evidence-in-chief that Mr Somyo had also been present during the search for weapons at Tyume, Lt Mfundisi said he had not thought it necessary.

He said he had given instructions that Mr Somyo be driven back to the police station.

Mr Somyo had not been charged, Lt Mfundisi said.

During a trip to Healdtown,

six policemen and another of the accused, Mr Mzwakhe Ndlela, travelled in two cars.

At Healdtown he extracted a limpet mine from a bench in a room in a house. He had done so after he had been told by another policemen that there was a limpet mine in the house.

He said nobody saw him when he took the limpet mine from the bench and he only called them afterwards.

Lt Mfundisi said he found a Makarov pistol wrapped in gift paper inside a safety deposit box at at Barclays bank agency in Alice.

Asked what had happened to the wrapping paper, he replied that he had destroyed it.

He admitted it was a mistake to have done so. He said he destroyed everything he thought was not important.

Lt Mfundisi told the court that Mr Albertini had been charged and had appeared in court.

He denied that Mr Gqibitole had feared being assaulted when he was taken to the Tyume River by the police to point out arms caches.

● In another development yesterday, the resumption after lunch break had to be delayed for 15 minutes to allow the accused to have lunch.

The problem arose when food brought by relatives for four of the accused in custody was not allowed into the cells by the police.

After defence counsel had spoken to the state counsel, the police were told to take the food to the accused, who then had lunch in the cells.

The trial continues today.

Mr M. W. Friedman assisted by Mr J. M. N. Poswa appeared for the defence.

Almost the only clues to the conflicts in the township and to the activities of the ANC — hidden from our view by the Emergency curbs — are to be gleaned from evidence in the increasingly frequent spate of 'political trials'

APPAR AND



THE SQUADRY BLANKET

GLENN MOSS reads between the lines of the court reports

Robert McBride and Greta Apeltgren face charges of four counts of murder arising from the Magoo's bomb blast on the Durban beach front, and the freeing of Gordon Webster; and two youths pleaded guilty to throwing hand-grenades at the home of a local school principal.

Most of the accused in these Natal trials are from Austerville and Wentworth, coloured areas in Durban not previously known for a high level of militancy, let alone ANC military activity.

In much the same way, trials of white ANC supporters and members suggest growing white support for this organisation.

Marion Sparg, ANC guerrilla jailed for 25 years after placing limpet mines at the Cambridge, Hillbrow and John Vorster Square police stations; Stephen Marais, beginning a 10-year sentence for transporting limpet mines and assisting an ANC member; and Rocky Williams, a teacher who investigated anti-conscription feelings in the SADF for the ANC are among the best known.

The September 1984 rebellion of Vaal

residents face charges of murder and public violence.

As in all civil wars, cracks develop in previously monolithic state structures as pressures grow.

Two black members of the security police face charges of passing confidential police information to both the ANC and PAC, while a white Defence Force major, Andre Pienaar, has been accused of giving military secrets to other countries.

But it is not only the acts of individuals and small groups which trials bring into focus. In a recent development, the state has charged dozens with sedition, alleging involvement in the embryonic "people's courts" which emerged in townships during 1986. The state claims these courts were part of a plan to render townships ungovernable, and to set up alternative structures of power and administration.

The resultant trials, thus far largely confined to Alexandra and Cape Town's African townships, should provide a greater insight into the workings of pre-Emergency township politics.

The trials before South Africa's courts can also recall the recent past, which fades so quickly in

South Africa's volatile political culture. Events in the small township of Duduza just prior to the July 1985 Emergency heralded an outbreak of mass resistance throughout the East Rand.

An explosive combination of poor or even non-existent services, including bucket sewerage disposal, vigilante activity — which many claim was linked to township police, businessmen and community councillors — growing youth and scholar anger, and the presence of troops, exploded into a mini-civil war. For days fire bombs, marches, torture and death ruled the streets.

In a dramatic protest, residents took their unemptied sewerage buckets to the local administration board offices, so that the authorities could "smell the problem."

A local branch of the Congress of SA Students (Cosas) was formed, but vigilantes soon struck. One member was abducted, and tortured so severely on a nearby mine dump that he died a few days after being dumped outside his parents' house. The home of two sisters active in Cosas was firebombed. Both died as a result of the vigilante

attacks.

Retaliatory attacks on the homes of suspected vigilante leaders followed. An ex-convict confessed that he had been hired by a local businessman to attack young activists in the township.

And in a gruesome sequel, two men posing as Umkhonto weSizwe members provided a number of youths with booby-trapped hand-grenades to launch attacks on suspected vigilante leaders. The grenades exploded prematurely, killing and maiming the attackers.

Seven of the survivors, ex-Cosas members from Duduza and neighbouring townships, were recently found guilty of participation in these attacks, and possession of the booby-trapped grenades. They had all suffered severe injuries in the premature explosions, some losing hands. During their trial, strong suspicions were voiced by the booby-trapped grenades were supplied by local police, already accused of involvement in the vigilante attacks.

In a related trial, 11 Duduza residents face terrorism charges in a Heidelberg circuit court. The state alleges a May 1985 meeting in Duduza decided to force police and community councillors from the township by attacking them and their property.

Following the funeral of a township activist, the houses of policemen and community councillors were attacked, and municipal buses stoned.

By May 20, vehicles belonging to inhabitants of the nearby white town, Nigel, had been attacked, and the driver of one of these killed.

Residents had dug trenches across township roads to prevent police vehicles from patrolling Duduza, and there had been a near-total work stayaway.

These ingredients, present in most black townships, have combined to create conflicts and struggles now hidden by the State of Emergency.

But trials involving political activists and residents of townships like Duduza have brought the politics of resistance — violence and counter-violence, right-wing vigilantes and militant youth, discredited community councils and police corrupt businessmen and a culture of revenge — into partial focus.

The government-imposed silence which mask current political resistance and repression allow for very little more.

SOUTH Africa's civil conflict is well-hidden behind curbs imposed under the State of Emergency. But recent political trials reveal something of the bitter struggle to transform apartheid society.

Court proceedings provide a glimpse into the world many concerned South Africans rarely experience: military struggle and people's courts; vigilantes and fire bombs; hand-grenades and death.

The scale of social conflict is hard to measure. During 1986 alone, over 11 000 people were charged for "unrest-related" incidents in South Africa's townships. And this largely excludes the 25 000 people the Detainees' Parents Support Committee estimates were held under Emergency provisions and security legislation.

Those arrested for unrest-related activities faced charges of public violence, malicious damage to property, arson, murder and attempted murder, assault and attendance at illegal gatherings.

It is these trials which probably reveal the guts of South Africa's civil war, in which township residents and security forces have clashed, "system" collaborators and their property has been attacked, schools and town council property have been burnt, and councillors and township police have been driven from their homes.

Little is known of this sort of trial. The accused are often without legal representation, tried in areas far from public and media gaze. Human rights monitoring groups have found it impossible to construct a comprehensive picture of these trials; and while proceedings are usually open to the public, the hard-pressed media has neither time nor resources for the hundreds of hearings, many of which take place in semi-rural areas far from the main centres of information.

But other trials, often taking place in supreme rather than magistrates' courts, often involve legal defence and media coverage.

These reveal some of the dynamics of South African resistance politics. Trials of alleged ANC guerrillas often allow for insights into the military struggle waged in towns and countryside.

Acton Maseko and Simon Dladla, for example, face charges of treason arising from the planting of landmines on farm roads in the Breyten and Volksrust areas. The state alleges they were trained as ANC guerrillas in countries as far afield as Angola, Swaziland and the Soviet Union.

They returned to South Africa, according to the prosecution, with the aim of terrorising the local farming community near Breyten and Volksrust. And during April and June 1986, Dladla and Maseko allegedly planted landmines on four farms. Eight people — seven farmworkers and the son of a white farmer — were injured in the explosions.

ANC explanations of why members of its military wing placed landmines in these areas are hard to come by within South Africa. But clearly Umkhonto weSizwe extended its guerrilla war to farmers in border areas during 1986. Perhaps the trial of Dladla and Maseko will allow the South African public to know why this decision was made and how it relates to ANC policies and strategies.

A number of Natal trials have revealed a new level of militancy in Durban's coloured group areas. The saga began when an alleged ANC guerrilla, Gordon Webster, was wounded in a shootout with police during April 1986. Hospitalised as a result of his wounds, he was freed from police custody in a daring military raid which left one dead and four wounded. Subsequently, Arturo du Preez and Derrick McBride were charged with murder and attempted murder, helping Webster escape from the hospital, and harbouring him after the escape.

Then, as 1986 drew to a close, Victor and Trevor Webster were charged with assisting their brother Gordon after his escape. Alan Pearce was accused of conspiring with Du Preez and Robert McBride in setting fire to a Wentworth school.

and its MPs into addressing the real

● To PAGE 2

French witness won't take oath

By FRANZ KRÜGER
in Bisho

THE arms and terrorism trial of UDF official the Reverend Makhenkesi Arnold Stofile took an unexpected turn yesterday when a key state witness refused to take the oath before consulting his legal advisers.

Pierre Andre Albertini was called to testify in the Bishop Supreme Court before Ciskei's acting Chief Justice, Judge B de V Pickard.

Looking pale but relaxed, Albertini winked and waved at the accused as he took the stand. However, as the judge read the oath to him he said: "I will take no oath before consulting with my legal advisers."

After lengthy legal argument, the judge ruled Albertini would be allowed to see his attorneys in the presence of the Ciskei Attorney General, Willem Jurgens, who is prosecuting.

Albertini, a French citizen, is expected to be a key witness for the state. He went to the University of Fort Hare to do his alternative national service in terms of French law as a French lecturer. The state alleges Albertini acted as a courier for Rev Stofile to make contact with ANC operatives in Lusaka.

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Charges against 2 dropped

Can Times 2/3/87 Court Reporter

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A CHARGE of distributing Congress of South African Trade Unions (Cosatu) pamphlets was withdrawn against a man and a woman in the Magistrate's Court yesterday.

The prosecutor withdrew the charge against Mr John Zachariades, 23, of Bedford Street, Observatory, and Ms Arona Dison, 19, of Grove Avenue, Claremont.

The State had alleged that the two had distributed subversive statements to the public in the form of pamphlets, which read: "Cosatu national stayaway Monday July 14", "Workers Unite" and "UDF stayaway".

They were arrested on a train between Mowbray and Observatory stations on July 11.

Mr M J C Tolken was the magistrate. Mr D J Brand prosecuted. Ms A Durbach appeared for the two.

Ousted assessor hands on report

W.M. 20-26-38
BY JO-ANN BEKKER 331

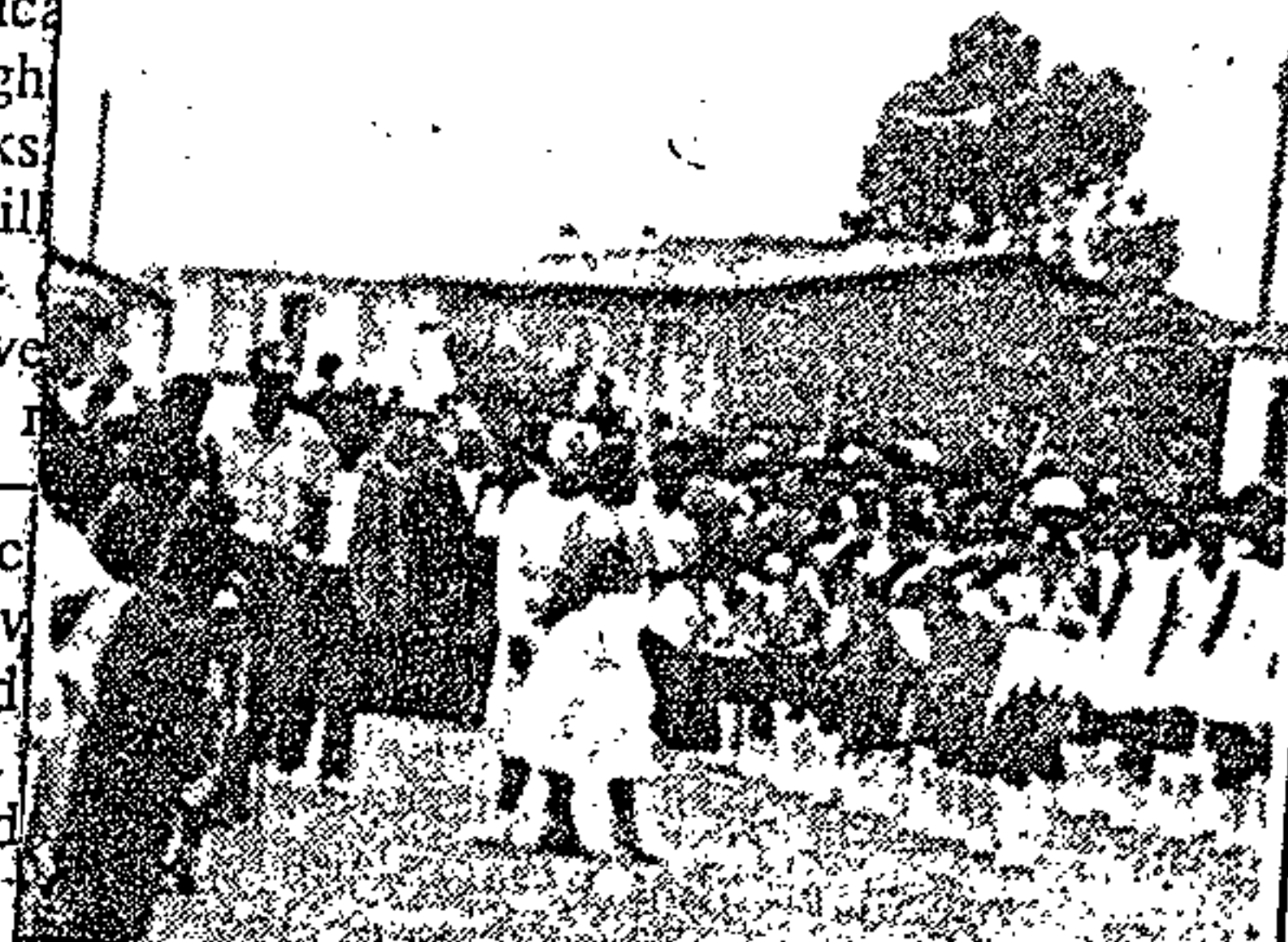
THE legal academic who was ordered to recuse himself as an assessor in the Delmas treason trial last week has prepared a report on his effective dismissal.

Prof Willem Joubert's statement was yesterday forwarded to the State President, Minister of Justice, the Chief Justice, Judge President of the Transvaal Provincial Division, Judge K van Dijkhorst, the presiding judge in the Delmas trial, the Delmas treason trialists, the Attorney General of the Transvaal, the General Council of the Bar and the Association of Law Societies.

Joubert's lawyer said the contents of his statement would not be disclosed to the media until the recipients had time to consider it.

Yesterday the hearing was adjourned to March 30 for a defence application arising out of Joubert's ousting.

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Stofile witness to consult a lawyer

BISHO. — The Supreme Court here yesterday ordered that Mr Pierre-Andre Albertini should consult a legal representative before giving evidence in the Stofile trial.

Mr Albertini, a former Fort Hare University lecturer, is due to testify in the terrorism trial of the former Fort Hare lecturer and UDF Border branch general secretary the Rev Arnold Stofile and four others. They have pleaded not guilty to all charges.

Before Mr Albertini was due to testify yesterday afternoon he refused to take the oath, on the grounds that he had had no legal advice.

Mr A M Omar, instructed by Mr A Moosa, argued that they had not had consultations with Mr Albertini since he had been in detention, and should be given an opportunity to do so.

Mr Justice B Pickard said Mr Omar should be entitled to consult Mr Albertini, and that the consultation should take place in the cells in the court building at 8.30am today.

Earlier, evidence was heard that Mr Albertini was arrested at the university in October last year and charged with furthering the aims of the ANC.

The trial continues today. — Sapa

POLITICAL comment in this issue by A H Heard, G Q Kling, G E Shaw, A Johnson and B Streek. Posters, headlines and sub-editing by A Henderson. All of 122 St George's Street, Cape Town.

Last Quarter, Mar 22.
New Moon, March 29.
First Quarter, April 6.
Full Moon April 14.

POOL, SEA TEMPERATURE
Muizenberg: Pool 20,5 Sea 18

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6.00- 8.00: Good Morn
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4.20: Tom And Jerry.
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4.30: Hand In Hand
4.35: Orpen Hous. Se
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6.15: Sundowner
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8.00: Nuus & Netwerk
8.45: Police File
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7.00: Transmission End

7.00: Public Affairs
7.18: News
7.39: Jikelele (Magazi
recent events.
8.28: Ziyaduma (Music
8.57: Epilogue

20/3/87

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BUSINESS DAY, Friday,

COUNSEL for the 19 Delmas treason trialists will today serve papers in Pretoria on Mr Justice Van Dijkhorst applying for the more-than-year-long trial to be stopped on the grounds that the court was no longer properly constituted.

The State has until March 27 to respond to the papers. Judge Van Dijkhorst adjourned the trial until March 30 when the application will be argued before him in the Delmas circuit court.

The application follows the dramatic recent court events in which Judge Van Dijkhorst ruled that one of the assessors, academic lawyer W A Joubert, had to recuse himself.

He made the ruling after it was brought to his attention that Joubert had participated in a UDF campaign by signing the Million Signature Campaign.

Counsel will argue that his recusal might constitute a material irregular-

Application for end to Delmas treason trial

THELMA TUCH

ity which could nullify the trial.

Defence counsel George Bizos, SC, yesterday asked for the trial to be adjourned until the application had been heard. The accused felt uncertain about the future of the trial, Bizos said.

Joubert had responded with a document outlining the events which led up to his recusal.

Judge Van Dijkhorst told the court yesterday he had perused the document. He said he and his second assessor on the bench did not agree that it was "factually correct in all respects".

Albertini jailed by Ciskei judge

Dispatch Reporter

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2/13/87
BISHO — A former Fort Hare lecturer and French national, Mr Pierre-Andre Albertini, was sentenced by the Supreme Court here yesterday to four years imprisonment for refusing to testify in the trial of five people charged with terrorism, possession of arms and harbouring of terrorists.

It was the second time Mr Albertini had refused to agree to a court order. On Thursday he refused to take the oath.

Yesterday he again refused to take the oath and Mr Justice Pickard informed him that he could give evidence under sworn affirmation.

Mr Albertini also refused to do that.

Mr Justice Pickard asked if that meant he was refusing to testify and Mr Albertini said, "Yes".

● Full report page 2

4 years' jail for refusing to testify

BISHO. — A French national and former Fort Hare lecturer, Pierre Andre Albertini, was sentenced by the Supreme Court here yesterday to four years' imprisonment for refusing to testify in the trial of five people charged with terrorism, possession of arms and harbouring terrorists.

The five are the Rev Arnold Stofile, Mr Mzwakhe Ndlela, Mr Linda Stofile, Mr Mveleli Gqibithole and Miss Nomvuyiso Stofile. They have pleaded not guilty to all the charges.

On Thursday Mr Albertini refused to take the oath and testify as a State witness before consulting legal representatives. After consultations yesterday he again refused to take the oath, and Mr Justice Pickard informed him that he could give evidence under sworn affirmation that he was a witness. This was also refused by Mr Albertini.

Mr Justice Pickard asked if that meant he was refusing to testify and Albertini replied "Yes".

He was then asked by the judge to furnish "justifiable excuses" why he would not testify since

Sentence 'disappoints' France

PARIS. — The French government said it was "acutely disappointed" by the decision yesterday of a Ciskei court to sentence a Frenchman to prison for refusing to testify at a terrorism trial.

The Foreign Ministry said it would continue its efforts to have Pierre-Andre Albertini returned to France.

"The French government has learned, with acute disappointment, of the condemnation of ... Albertini by the Bisho court," a ministry statement said, adding that France "will continue with determination" its efforts to bring Albertini home.

Albertini was sentenced to four years in prison. — Sapa-AP

he had been called as a State witness.

He said the case had received wide publicity both locally and internationally. Should he testify, he would be socially and politically ostracized by compatriots in France.

He said the consequences could be so serious as to threaten his life.

Albertini said that in France the case was not viewed as a criminal case but a political one. This was so even if the case involved smuggling of arms for acts of terror, he said.

Earlier the judge said the Criminal Procedure laws compelled the wit-

ness to give evidence. When convicted he would serve the sentence and when he had finished serving it would be brought back to court. If he still refused to testify, he would again be sentenced and this process could go on for ever. He said the aim of the sentence was to give the witness a chance to consider his decision.

In mitigation Mr Deva Pillay, for Albertini, told the court that Albertini should be given a suspended sentence.

Mr Pillay said sentencing Albertini to prison would not serve any purpose because of the conviction Albertini held. — Sapa

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CA/6 7/15 23/3/87 (331)

Patel trial: Sentence tomorrow

JOHANNESBURG. — A former employee of the Rand Daily Mail newspaper and self-confessed member of the ANC, Vijaydave Patel, 41, will be sentenced tomorrow on four counts of contravening the Internal Security Act.

He was convicted by Johannesburg Regional Court on Friday last week.

Patel was found guilty of being a member of the ANC, possessing ANC literature and attempting to recruit a relative for military training.

Defence counsel asked the court to consider as mitigatory the fact that the recruitment was probably done "in a haze of alcohol and drugs". — Sapa

Eight jailed for attempted Zolani murder

By SHAUNA WESTCOTT
Supreme Court Reporter

JAIL terms ranging from 15 to six years were imposed by the Supreme Court yesterday on seven adults and one youth found guilty of trying to murder the wife of a Zolani vigilante.

The court found that Phyllis Fante, sentenced to 15 years, was motivated by a desire for revenge when she led an attack on 24-year-old Mrs Aletta Matroos, who was set alight after being stabbed more than 50 times.

Mrs Matroos had previously given evidence against Mrs Fante's husband who was subsequently sentenced to eight years in jail for arson.

Eight-year jail terms were imposed on Povo Libalele, Melphin Mkhali and Thozamile Mana — all "about 20" at the time of the crime — and on Zolile Klaas, who was 17.

Phillip Matoti, 19 at the time, and a youth who was 16, were sentenced to six years. Andile Tyemela, deemed to be 25 by the court, was jailed for 12 years.

Hearsay evidence

Mr Justice P W E Baker dismissed as "99% hearsay evidence" the testimony in mitigation of former advice office worker Mr Dawid Bosch, who told the court that Fante was one of many Zolani residents whose attempts to gain protection from vigilante assaults were in vain.

"I do not say that Mr Bosch is biased against the vigilantes but his evidence can be read that way," the judge said.

Having heard that the Supreme Court last year granted an interdict restraining the vigilantes from enforcing an illegal curfew, Mr Justice Baker remarked that the vigilantes "perhaps did go a bit far at times in dealing with people found wandering around".

No justification

But this was no justification for attempted murder, he said.

Among other remarks of the judge was that Matoti was "an unusual young man" by virtue of his "completely European features and hair and only a slightly sallow complexion".

Another was that the youth was "a little effeminate" and that his "curious belief" in Rastafarianism was not a ground for thinking him mentally unstable.

Mr J J Basson and Mr A J Powell were assessors. Mr C Cilliers prosecuted. Mr A M Omar and Mr S Desai, instructed by Mallinck Ress Richman and Closenbergs, appeared for the eight.

Accused allege prison assault

Own Correspondent

DURBAN. — Six men who appeared in the Magistrate's Court here yesterday in connection with the deaths of seven youths in KwaMashu last week, allege they have been assaulted by police and awaiting-trial prisoners.

No charges were put to Mr Emmanuel Khanyile, 27, Mr Sipho Clement Ndlovu, 32, Mr Bhekani Wilfred Phewa, 30, Mr Lucky Mtshali, 28, Mr Sipho Dube, 31, and Mr Sithembiso Morgan Mkize, 25, and they were not asked to plead.

The six are facing allegations that on March 16 they were responsible for the deaths of Siphiwe Ndlovu, Mdu Mkhize, Boy Mkhwanazi, Boysie Mabele and Bheki Mawaba and two others who were found in a ditch near Lindelane.

Counsel for the six men, Mr E Bryer, told the court he had been informed by the men that they had been assaulted by members of the police force and prisoners awaiting trial.

The magistrate, Mr A Roux, asked each of the men to stand before the court and show him signs of injury.

Mr Khanyile showed the magistrate a swelling above the eye and bruises to his body and tongue which he claims were inflicted by the police.

Mr Phewa also alleged police assault and pointed to injuries to his legs and neck.

Mr Mtshali indicated lip, back and face injuries allegedly inflicted by prisoners, while Mr Ndlovu, Mr Dube and Mr Mkize all allege being assaulted by both the police and prisoners.

Mr Roux ordered that the six men be kept separate from other prisoners and that they be seen by the District Surgeon.

The hearing was adjourned till April 7.

POLITICAL comment in this issue by A H Heard, G O Kling, G E Shaw, A Johnson and B Streak. Posters, headlines and sub-editing by J Levy. All of 122 St George's Street, Cape Town.

'Horrifying' murder bid — eight jailed

Supreme Court Reporter *Abus 24/3/87*

A ZOLANI woman and seven accomplices who stabbed a woman and then set her alight have been jailed for the "reprehensible and horrifying" attack.

Sentencing the eight yesterday, Mr Justice Baker said the reason for the attack on Miss Aletta Matroos was unknown, "unless it was revenge because she gave evidence against Matthew Fante".

Matthew Fante, husband of Phyllis Fante, who led the attack, had been jailed for eight years for arson.

For attempted murder, Phyllis Fante, 23, was jailed for 15 years, Andile Tye-mela, 25, for 12 years, Zolile Klaas, 18, Povo Libalele, 21, Melphin Mkholi, 20,

and Thezaniile Mana, 20, for eight years, and Phillip Matoti and a 17-year-old youth for six years.

The background to the incident was a split in the community of Zolani, near Ashton.

On one side were the older residents and the "Amasolomzi" (home-guard), which enforced a curfew to maintain "stability and order", the judge said.

On the other side was the youth and the "Comrades", who thought they "could take things into their own hands".

Miss Matroos, described by the judge as "a sick and helpless woman", was attacked on April 8 1986. She was stabbed more than 50 times and kicked before paraffin was poured over her and set alight.

In medical evidence her survival was described as "miraculous".

The judge said Phyllis Fante disliked Miss Matroos intensely and suspected her of having reported her to the police in 1985.

"There was no justification for trying to murder Aletta because she was partly instrumental in getting Matthew jailed in 1985," Mr Justice Baker said. "Aletta was merely doing her duty as a good citizen."

"The crime which Phyllis set afoot was most reprehensible and horrifying."

Mr J J Basson and Mr A J Powell were assessors. Mr C Cilliers appeared for the State. Mr A M Omar and Mr S Desai, instructed by Mallinck, Ress, Richman and Closenber, appeared for the accused.

Woman

Pick n Pay

ANC member jailed for over 5 years

Cm-10263
25/3/87
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JOHANNESBURG. — Vijaydave Patel, 41, was jailed for an effective five-and-a-half years yesterday for belonging to the banned African National Congress and taking part in its activities.

He was also found guilty of possessing a banned publication — a leaflet entitled: "No to the Conscription in the SA Death Force. Yes to the People's Army — MK".

Patel, who appeared in a Johannesburg Magistrate's Court, was originally charged with participating in terrorist activities by undergoing military training camps in East Germany and Angola. He was later acquitted of these charges.

In a statement of admission handed to court, Patel admitted joining the ANC while he was living in England in 1968. He said he was still a member when he was arrested by police on May 16, 1986 in South Africa.

Patel was employed by the Soviet Weekly magazine as a chauffeur and courier during his stay in London. He also worked for South African Associated Newspapers as the administrative head of the classified advertisement department in South Africa during 1976.

Patel was jailed yesterday for an effective 18 months for belonging to the ANC and for his continued membership of the unlawful organization.

For the possession of the banned leaflet he was jailed for a further 12 months and for taking part in the activities of the ANC, including the attempted recruitment of two prospective ANC members, Patel received a three-year sentence. — Sapa

Cape Times 25/3/87 (331)

In-camera hearing for ANC defector

BISHO. — A judge ruled in the Supreme Court here yesterday that a defector from the ANC should give evidence in camera in the treason trial today.

Mr Justice B Pickard also ordered that the witness be called Mr X, and his identity not be disclosed.

The order followed an application by the prosecution that the witness should give his evidence in camera.

Mr Justice Pickard gave the ruling in the trial of the Border branch secretary of the UDF, the Rev Makhenkesi Arnold Stofile, his brother Mr Linda Stofile, Mr Mzwakhe Nelson Ndelela, Mr Mveleli Gladwell Gquibitole and Miss Nomvuyiso Stofile. They have all pleaded not guilty to several charges in terms of the Ciskei National Security Act.

In his ruling on the prosecution's application, Mr Justice Pickard said this was because the prosecution intended calling a certain witness who had allegedly trained in a military centre with one of the accused.

The judge said the defence had strongly opposed the application in a comprehensive argument. They argued that open hearings were heard in all the courts in Western countries.

Mr Justice Pickard said the court had to consider the facts presented, when making a finding, whether there would be a likelihood of harm to the witness if he testified in open court.

He said there should be fair administration of justice.

"The administration of justice had been frustrated by people who refused to testify," he said.

The judge said Colonel Johannes Griebenaauw of the Border security police, with 20 years' experience, had testified that witnesses who gave evidence in cases like these were killed.

In this case, the witness was alleged to be a defector from the ANC and might be harmed if not protected by the court.

"The court will protect lives of witnesses, so that the administration of justice should not be hampered. Therefore, this witness's hearing will be heard in camera," the judge said. — Sapa

CHIEF T/MS 28/3/87

'People's court organizers' held for 8 months

Court Reporter

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TWO MEN pointed out in police photographs by a convicted motor vehicle thief as having held a "people's court" were held for more than eight months after being identified, Mitchells Plain Magistrate's Court heard yesterday.

Warrant Officer Koenrad Jooste was giving evidence in the bail application of Mr Andile Sweni, 19, of Guguletu, and Mr Vuyisile Grotelo, 18, of the KTC squatter camp.

The two, who have been in detention since July last year, are charged with sedition in that they organized a "people's court" in Guguletu between May and July last year.

They are further charged with assaulting Mr Stanley Davids by hitting him with a sjambok or other objects and holding him captive at the Zolani Centre on June 25 last year.

The State also alleges they kidnapped Boyce Mthwa and took him to the KTC squatter camp and then to the Zolani Centre on May 24.

The State opposed the bail application on the grounds that the two may intimidate State witnesses, flee to the Transkei and not stand trial.

W/O Jooste said one of the men beaten at a "people's court" — a convicted car thief — had identified the two from photographs.

He said "comrades" had interfered with witnesses in the past and that "they reject our system".

He said Mr Sweni and Mr Grotelo were "comrades" and that some people were sentenced to "necklacing by a people's court". "Comrades normally attend people's courts and people fear them," he said.

Mr Sweni told the court he had been sleeping at a school as he had been drunk and had passed out. He did not know what "a comrade, people's court or necklacing" was but had heard the word "comrade" before.

He denied knowing Mr Davids and said he had seen Mr Grotelo at the school.

Mr Grotelo said he had been at the school with his aunt as they had nowhere else to stay. He denied all the charges, saying he had been asleep when the police arrived to arrest him.

The hearing continues today.

Mr N C Burt was the magistrate. Mr J Bezuidenhout prosecuted. Mr G Woodland, instructed by E Moosa and Associates, appeared for the two.

News in Brief

Cape Times 26/3/84 331
Webster gives evidence

LONDON. — Alleged ANC member Mr Gordon Webster, who was rescued from the Edendale hospital last year, has given evidence to a London commission. Natal judge Mr Justice Shearer earlier this month granted an application by the defence of the Magoo's bar bomb blast trialists, Robert McBride and Greta Apelgren. Mr Webster flew to London from Lusaka and the commissioner, former Durban lawyer Mr John Herholdt, heard his evidence at the weekend.

Sedition charge

Two get
bail 26/3/87

Staff Reporter

TWO men who have been in custody for more than eight months for allegedly holding a "people's court" were granted bail yesterday after the State withdrew its opposition to the application.

Mr Andile Sweni, 19, of Guguletu, and Mr Vuyisile Grotelo, of the KTC squatter camp, have been in detention since July. They are charged with sedition for allegedly organizing a "people's court" in Guguletu last year.

The State also alleges that they assaulted Mr Stanley Davids by hitting him with sjambok or other objects and holding him captive at the Zolani Centre on June 25 last year.

They allegedly kidnapped Mr Boyce Mthwa and took him to the KTC squatter camp and then to the Zolani Centre on May 24.

At an earlier hearing Mr Sweni said he had been sleeping at a school as he had been drunk and had passed out. He did not know what "a comrade, people's court or necklacing" was but had heard the word "comrade" before.

Mr Grotelo said he had been at the school with his aunt as they had nowhere to stay. He denied all the charges, saying he had been asleep when the police arrived to arrest him.

The State initially opposed the bail application on the grounds that two may intimidate State witnesses, flee to the Transkei and not stand trial.

However, yesterday the prosecutor, Mr J Bezuidenhout, told the court the State had decided not to oppose bail after a discussion with a potential witness, Captain Leonard Knipe.

The men were released on bail of R300 each on condition that they do not interfere with State witnesses and that they appear in court on April 9.

Mr N C Burt was the magistrate. Mr G Woodland, instructed by E Moosa and Associates, appeared for the two men.

McBride placed unprimed bomb in Pine Parkade to 'create fear'

Pietermaritzburg Bureau

ROBERT John McBride, 23, a confessed member of the special operations division of the African National Congress, told the Pietermaritzburg Supreme Court yesterday how he had placed an unprimed explosive device under a car in Durban's 'most secure parking garage', Pine Street Parkade, last May.

Giving evidence in his defence at the trial in which he and Greta Apelgren are facing charges of murder, terrorism and attempted murder, Mr McBride explained that the 'contraption' had been placed to 'create fear and curiosity' and that it had been done as an ANC propaganda exercise.

Mr McBride denied that the device — which comprised three demolition charges and a handgrenade painted white and wrapped in plastic — had a detonator. He had wanted to create the impression that it was 'live' and he had known it would be found by patrolling guards in the parkade.

Police 'excited'

He said the police were 'always excited when they come across something new'.

According to the State, the device consisted of two SZ-6 demolition charges, an SZ-3 charge and a grenade.

Mr McBride said he had glued the handgrenade to the charges but had taken the detonator out. The unusual device was placed under a car in the parkade on the afternoon of May 23 and allowed to protrude so it could be discovered.

In reply to questions by counsel for the defence, Mr D Gordon SC, Mr McBride said: 'We had to give publicity to the ANC to let people take note of the ANC.'

Mr McBride had chosen the Pine Street Parkade because it was 'the most secure parking garage in Durban' with guards patrolling every level.

Earlier in his evidence, Mr McBride said he would not dispute that he had taken part in the attack on the elec-

tricity substation in Chamberlain Road on March 21 last year.

Asked what he had hoped to achieve, Mr McBride said the explosion would cause financial loss to the Government, that the lights in the area would be put out and that factories would not be able to function.

This would draw attention to the ANC and its ability to disrupt amenities in the area.

According to the indictment, four limpet mines were detonated causing extensive damage to the transformers.

Mr McBride denied that he was guilty of instructing two people to attack the home of a Mr Klein in Wentworth last year.

On the subject of Wentworth, Mr McBride described how residents had felt 'hounded' by police Casspirs patrolling the area and that the vehicles were known as 'Jannies', a derogatory term.

In his evidence, Mr McBride told Mr Justice Shearer and two assessors he had been formally recruited by Mr Gordon Webster, an ANC fugitive, into the ANC's special operations division.

He said the ANC used strict codes of discipline, secrecy and silence and that he had been lectured on how to change his identity and how to know if he was being followed.

The need for 'maximum discipline and ultra secrecy' had been emphasised.

Mr McBride told the Court how he had been unable to accept himself as a so-called 'coloured' person, saying it was 'a dirty word' and that he had decided to become a radical black.

The hearing continues today.

Opinion

SURELY it is the duty of the Government to present clear policies for the people to choose, not to keep the country in a state of suspended political animation while it tinkers with the constitution.

— See Page 12

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Mystery fugitive named at Tavern shoot-out trial

THE OWNER of an Athlone spice shop, who has fled the country, is the mystery figure in the trial of five men accused of killing a security guard for his guns.

The five are: the Bhawoodien brothers, Nazeer, 28, and Said, 21, of Athlone; the Abrahams brothers, Moegamat, 22, and Nazeem, 27, of Bonteheuvel; and Rushdien Abrahams, 29, of Mitchell's Plain.

All five have pleaded not guilty in the Supreme Court, Cape Town, to a charge of murder.

The mystery figure is Hanief Said, owner of Tabrezi Spice Shop in Pine Road, Athlone. The accused are alleged to have stashed the guns at his home after the killing.

The trial follows a shootout at Lincoln Tavern, Belgravia Road, in November 1985 in which a security guard was killed and another wounded.

The State alleges that Nazeer Bhawoodien, a "supporter of the Moslem Youth Movement and Qibla," led the other accused, calling the attack a "mission of justice" to get hold of guns "to protect mosques against intrusion and desecration" by police and members of the Ahmadi sect.

The five are alleged to have taken the dead guard's shotgun and revolver.

Rushdien Abrahams and Nazeem Abrahams were allegedly wounded in the shooting, the latter seriously, and were later arrested at Somerset

Hospital.

All the brothers, in contesting the admissibility of statements made to the police as evidence in court, claimed they lied because they feared Mr Said.

The court has been told that Mr Said is wanted by the security police and that he has fled the country.

Captain Leonard Knipe, of the Murder and Robbery Squad, who questioned Mr Said during investigations, told the court he might have been mistaken in not arresting Mr Said.

He said Mr Said was not wanted "from the criminal point of view", and that he became aware of the security police's interest only after

Mr Said disappeared.

There was drama in the court on Monday and Tuesday when Mr Ismail Abrahams, father of the Abrahams brothers, refused to answer questions after being called to give evidence.

Dressed in a leather jacket and "Rambo headband", Mr Abrahams bewildered the court by doing push-ups before entering the witness box, by changing his oath from "so help me God" to "so help them and the judge", and by giving obscure answers in a loud voice.

Cross-examination of Mr Abrahams came to an abrupt halt after the Bench asked whether he was sane.

The trial, which has run for three weeks, continues.

Argus 26/3/87 (33)

Identity of 'Mr X' remains protected

The Argus Correspondent

EAST LONDON. — A second attempt by the defence to force the disclosure of the identity of a mystery witness in the arms and terrorism trial involving a senior UDF official has failed.

Appearing before the Ciskei acting chief justice, Mr Justice Pickard are the general secretary of the UDF in the Border, the Rev Makhenkesi Arnold Stofile, his brother, Mr Linda Michael Stofile, Mr Mzwakhe Nelson Ndlela, Mr Mveleli Gladwell Gqibitole and Miss Nomvuyiso Stofile.

They have pleaded not guilty to charges of terrorism, harbouring a suspected terrorist, and eleven counts of illegal possession of arms.

After legal argument that lasted all Tuesday, Mr Justice Pickard ruled that the witness, referred to as Mr X, could testify in camera, and that his identity should not be made known.

Yesterday morning Mr X testified he had seen Mr Ndlela in an ANC training camp known as Pango in Angola.

After he completed his evidence, defence counsel Mr Mockie Friedman, SC, started cross-examination by asking Mr X about certain personal details.

To conduct a full defence, Mr Friedman said, he would have to test the veracity of the witness to the full. He made an application for the identity of

Mr X to be disclosed.

However, Mr Justice Pickard ruled that the earlier order protecting Mr X's identity remain in force.

Also in the court yesterday, a reporter for the South African Press Association (Sapa) was ordered to appear in court on March 30 to face contempt of court charges.

Mr Justice Pickard told Mr Wellington Sangotsha that he would be called on to show cause why he should not be jailed for being in contempt.

Mr Justice Pickard warned journalists he would exclude representatives of Sapa and the Eastern Province Herald permanently if an apology was not forthcoming.

Mysterious Mr X in Stofile trial

26/3-11/4/87 (331) SOUTH

THE identity of a mysterious witness in the arms and terrorism trial involving a senior UDF official, the Rev Arnold Stofile, and four others will remain a secret after a court ruling this week.

"Mr X", an alleged ANC defector, testified in the Supreme Court, Bisho, this week that he saw one of the accused Mr Mzwake Nelson Ndlela at an ANC training camp in Angola.

After legal argument that lasted almost a day, the judge ruled that the man could give evidence in camera, and that his identity could not be disclosed. An application by the prosecution that he give evidence while sitting behind the witness box so that the accused could not see him was turned down.

After his evidence, the defence once again asked that his identity be revealed. Mr Mockie Friedman, SC for the accused, said the defence would argue that Ndlela had not been trained and had never seen Mr X.

He would have to test the witness on a very broad front, and cross-examine him fully.

Ciskei's acting chief justice, Mr Justice Pickard, ruled that Mr X's identity could not be disclosed.

Appearing with Mr Ndlela and Mr Stofile, the general secretary of the UDF Border region, are Mr Linda Michael Stofile, Mr Mveleli Gladwell Gqibitole and Miss Nomvuyiso Stofile.

They have pleaded not guilty to charges of terrorism, harbouring a terrorist and possession of arms.

Mr X said he left South Africa to join the ANC in 1982. Speaking through a Zulu interpreter, he said he returned on an ANC mission and was arrested in 1985.

He pointed out Mr Ndlela as a man he had met while in the Pango training camp of the ANC in Angola. Mr Ndlela was known to him as Dumisani.

Mr X said he was trained by the ANC in politics, arms, engineering, topography, tactics, first aid and artillery. - EL NEWS

COURTS

Alleged bar bomber tells how he joined ANC

The Argus Correspondent

MARITZBURG. — Alleged Magoo's Bar bomber Mr Robert McBride became a "special operations" man in the military wing of the African National Congress (ANC) after being rejected by whites, he told the Supreme Court here.

Mr McBride, 23, and Miss Greta Apelgren, 30, face four charges of murder — three related to the bombing of Magoo's Bar on Durban's beachfront last year — and charges of attempted murder and terrorism.

They are appearing before Mr Justice Shearer and two assessors.

Some of the charges concern the "springing" of alleged African National Congress terrorist Mr Gordon Webster from Edendale Hospital here.

Mr McBride said yesterday that after he and Miss Apelgren became lovers he was unable to accept himself as a coloured person and was rejected by whites.

"I despised them because of the insults I received — from people who included my friends and rugby team-mates," he said.

Sickness

"I realised there was a sickness in the country. I wanted to destroy the sickness and become a black radical. I became 'black' — I took an interest in black music and I dressed in black."

Mr McBride said that while his family was classified coloured, his father's brother was living as a white in Johannesburg.

"My father is anti-white. He told me that one must never trust a white man."

"When I was 17 I decided to try for white. I enrolled as a mechanical engineering student at Natal University in 1981."

"I then joined the white Northlands Rugby Club. I think I was a talented lock. While I was trying for white, many insults were directed at me — at first by opposing players and later by my club-mates."

"When I made the A team, the player I replaced was consoled by another who said: 'Don't worry, he's only a bushie'."

"I chose a fair blonde girl as a girlfriend, but I did not make the grade. I received insults — and was even bumped — while walking in town with her."

"My studies went badly. I felt disadvantaged. I thought I had had an inferior education and found it hard to travel to university."

"I had financial problems and failed hopelessly."

He joined a welding business opened by his father, Mr Derrick McBride, and became a "reasonably proficient" welder.

At Sasol

He qualified as an instrument fitter and worked at Sasol until February, 1982.

"I gave all the money I earned to my mother and she used it to buy equipment for a take-away business."

He worked at Bayhead, building an oil rig. When the task was done he rejoined his father and lived with his parents at Wentworth.

"The area was extremely dangerous and I was stabbed twice. I shot a man dead in self-defence and was not prosecuted for it."

"To survive in Wentworth you had to join a gang. I did not join one because of my loner nature and I became the target of gangs."

"One night in 1985 I was taking home the receipts of the business when I was confronted by a gangster. He attacked me and I ran away."

"Then other people cornered me. I fired some warning shots and fell down and as someone was about to stab me. I shot him dead."

"It was my mother's gun, but I was never prosecuted. I felt that I was a pawn in a big political set-up."

"We were put into ghettos in which 60 000 people lived in one square kilometre. Gangs sprang up because there were no facilities."

"If there had been facilities there would have been no gangs. Violence was the result of frustration building up within the people."

In 1983 he enrolled at the Bechet College of Education.

"This was the only teachers' training college for coloured people in Natal — yet it had no permanent premises."

At Bechet he met Mr Gordon Webster, an alleged ANC commander (who gave evidence on commission in London at the weekend for the trial).

In August, 1984, Mr Webster had had to leave Bechet.

"There were many problems — including money — and it was election time."

Mr McBride's mother was classified African, but he was allowed to vote. This upset him and he felt humiliated that his own mother had not qualified for the vote.

The trial continues today.

Cape Times 27/3/87

Fatal bomb: Accused 'felt bad'

331

Own Correspondent

MARITZBURG. — The Supreme Court here heard yesterday that terrorism and murder accused Mr Robert McBride, 23, of the ANC had been persuaded to place a car bomb at Marine Parade, Durban, last June instead of outside a large store in West Street.

Giving evidence in his defence before a packed court, Mr McBride admitted that he had known the car bomb contained a "considerable" amount of explosives and that he was going to cause injury and perhaps even death by his action.

The court has already heard that the bomb contained 50kg of TNT and killed three people and injured 98 others when it was detonated on the night of June 14, 1986.

Mr McBride said that at the time he parked the car outside the Parade Hotel he had not thought there might be injuries or death, and admitted that he did not care. Afterwards, however, he had "felt bad" and was scared.

Mr McBride told the court that he and an accomplice, known as Mr C, had driven to the centre of Durban with the bomb in the boot of his car.

The accused told Mr C he had intended parking outside Hyperama House and Home in West Street.

Mr C, he said, had told him he was "wasting 50kg of explosives there" and suggested the Marine Parade "because the people want white destruction".

Mr McBride reacted that it was not ANC policy to attack white people.

"(Mr C) said the ANC was out of the country and it was up to the people here to decide."

Mr C said he knew of a place where white people sat on a verandah in Marine Parade and suggested they park the car there.

Asked by Mr Justice Shearer what he meant by saying he "felt bad", Mr McBride replied: "I felt I had gone beyond the confines of the organization. I still feel that way."

Mr McBride agreed that the people who had been killed and injured were not soldiers. It was possible that they may even have been "sympathetic to our cause".

Mr McBride said it "enraged" him that the government had "declared war on our people" and that as a member of the ANC he had to do something about it.

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

He eventually decided on "flattening" the Hyperama House and Home building, a structure made mainly of plate-glass.

After buying a car he took explosives, ammunition and a pistol from an arms cache in Cato Manor and built a bomb which would include shrapnel consisting of AK 47 bullets and pieces of burglar guards.

□ Evidence of ANC member Mr Gordon Webster taken on commission in London was placed before the court yesterday. The 100-page transcript described Mr Webster's dramatic rescue from Edendale Hospital last May.

The hearing continues today.

yesterday || weekend in which one person was killed and five were wounded. SABC radio news reports

City shop 'was chosen for bombing'

Pietermaritzburg Bureau

THE Pietermaritzburg Supreme Court heard yesterday how terrorism and murder accused Robert McBride, 23, of the ANC had been persuaded to place a car bomb in Marine Parade, Durban, last June instead of outside a large store in West Street.

Giving evidence in his defence before a packed court, Mr McBride admitted that he had known the car bomb contained a 'considerable' amount of explosives and that he was going to cause injury and perhaps even death by his action.

The Court has already heard that the bomb contained 50 kg of TNT and killed three people and injured 98 others when it was detonated on the night of June 14, 1986.

Boot

Mr McBride said that at the time he parked the car outside the Parade Hotel he had not thought there might be injuries or death, and admitted that he did not care. Afterwards however he had 'felt bad' and was scared, too.

He told the Court how he and an accomplice, known as Mr C, had driven to the centre of Durban with the bomb in the boot of his car.

Mr McBride told Mr C he had intended parking outside Hyperama House and Home in West Street but had not disclosed why he had chosen this target.

Mr C, he said, had told him he was 'wasting 50 kg of explosives there' and asked why they should not 'take it down to the Marine Parade because the people want white destruction'.

Mr McBride reacted that it was not ANC policy to attack white people.

'(Mr C) said the ANC was out of the country and it was up to the people here to decide.'

Mr C said he knew of a place where white people sat on a veranda in Marine Parade and suggested they park the car there.

The car and its deadly contents — 10 SZ6 demolition charges, a limpet mine and shrapnel — was eventually driven to the hotel but there was no parking outside it.

Mr McBride drove on further towards a spot where co-accused Miss Greta Apelgren — who had been following the

two men in another car — had parked her vehicle.

Mr McBride indicated to her to move her car and he parked his vehicle outside the Parade Hotel and pulled the cord to the pin to 'initiate the device', which had a time delay of between five and 15 minutes.

The two men waited about two minutes before leaving the car so as not to attract attention and they drove off with Miss Apelgren.

They parked about 400 m from the S A Police radio headquarters in Ridge Road where he told Miss Apelgren about the car bomb.

Questioned by his counsel, Mr David Gordon SC, about his state of mind after the car bomb incident, Mr McBride said he was relieved to have got away from the police. He had read an account of the damage caused by the blast in the newspapers.

'I felt bad about it. At that stage two people had been killed. I was scared, too.'

Asked by Mr Justice Shearer what he meant by saying he 'felt bad', Mr McBride replied: 'I felt I had gone beyond the confines of the organisation.'

Mr McBride agreed that the people who had been killed and injured were not soldiers and were not strategic targets. It was possible that they may even have been 'sympathetic to our cause,' Mr McBride said.

Mr McBride said it 'enraged' him that the Government had 'declared war on our people' and that as a member of the African National Congress he had to do something about it.

Cache

After buying a car he took a number of explosives and ammunition and a pistol from an arms cache in Cato Manor and built a bomb which included shrapnel consisting of AK47 bullets and pieces of burglar guards.

Evidence of ANC member Gordon Webster taken on commission in London was placed before the Court yesterday. The 100-page transcript described Webster's dramatic rescue from Eden-dale Hospital last May.

Mr McBride told the Court yesterday how he and his father had helped Webster — who had 'sensitive intelligence regarding guerillas' — escape from the hospital.

The hearing continues.



Durban Surfers their 21st

Mercury Reporter

THERE was action aplenty on Durban's Addington Beach yesterday when the 1987 Hansa Surf Lifesaving Championships got into full swing in moderate surf.

About 800 competitors from 33 clubs around South Africa are taking part in the championships, hosted by the Marine Surf Lifesaving Club, which continue today and tomorrow.

The championships include the interprovincials, which were expected to finish yesterday but had to be postponed because of poor light, and the nationals, with heats held yesterday and today. The finals are tomorrow.

Another major surf lifesaving event will take place on Sunday at North Beach with the first test between the touring New Zealand team and the Springboks.

The championships are a high point in the surf lifesaving calendar and the country's top lifesavers are competing for their provinces in the interprovincial programme, and also for their individual clubs.

Lifesavers from Durban Surf, which include the Chalupsky brothers, are eager to maintain their club's 20-year unbeaten record in the competition for aggregate club

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Wool prices

PORT ELIZABETH—The S A Wool Board reports that wool prices are 'going through the ceiling' both in South Africa and Australia. — (Sapa)

Argus 27/3/87 331

NATIONAL

Bombing of bar described

The Argus Correspondent

MARITZBURG — Mr Robert McBride, who has admitted planting the Magoo's Bar bomb, said in the Supreme Court here that there was a need for violence to pressure the Government to negotiate with the people.

Mr McBride, 23, and Miss Greta Aplegren, 30, are appearing on four counts of murder, attempted murder, terrorism and other charges.

Mr McBride, who also admitted planting other bombs in Durban, said yesterday that most of his acts were intended to pressure the Government to negotiate with the majority of the people.

Mr Justice Shearer: Were there any acts that this did not apply to?

Mr McBride: Yes, the Parade Hotel.

He did not dispute that he knew that the car bomb, containing about 50kg of explosives, would cause injury, perhaps death to people in the vicinity.

Mr Justice Shearer: You did not care?

Mr McBride: No. The next day when I read about the damage and destruction and the death, I felt bad and I was scared.

Mr Justice Shearer: What do you mean by that? Did you feel that you had done something wrong or something just unfortunate?

Sympathetic

Mr McBride: I thought that I had gone beyond the confines of the organisation. I still feel so. The people who died and were injured were not soldiers or strategic targets. They could have been sympathetic to our cause.

He said that after parking the car with the bomb outside the Parade Hotel — it had been set to explode in five to 15 minutes — he and accomplice Mr C waited in the car for about two minutes.

"My main aim was to get away without attracting attention. It then struck me that it might go off and the police might seal off the city.

"After we had got into the car Miss Aplegren was driving, I told her to buy petrol as we would be making detours to get home."

While they were sitting near the cemetery he had asked Mr C if he had heard silence. Miss Aplegren then asked: "What silence?"

"This was the first time she knew about the bomb. She was shocked. She asked how I could do it. She said that there would be people there.

"She asked how much time was left and I told her it had gone off already. I did not tell her how much explosive I had put in that bomb."

Target

He said he had originally selected the House and Home Hyperama in West Street as a target because he wanted the explosion to be in the central area and where it could not be hidden by the emergency regulations.

"Mr C said that I was wasting the explosives and said that we should rather choose the Marine Parade because the people wanted white destruction.

"I replied that it was not ANC policy to attack white people. He said that the ANC was not in the country and it was up to the people here to select the targets.

"We argued for some time and we became hostile to each other."

The trial continues today.

Defence 'no' to questions for mystery state witness

By FRANZ KRÜGER
in Bisho

DEFENCE counsel in a major Ciskei terrorism trial yesterday declined to cross-examine a key state witness after the judge ruled that the witness could not be identified in court.

The judge's ruling came even though the witness's evidence is being heard in camera.

Earlier, the judge had turned down a state application for the witness — known as Mr X — to stand behind the witness box while giving evidence so the accused could not see him. The state also asked that he be allowed to wear a mask if asked to point out any of the accused.

Mr X was the first of nine witnesses expected to testify behind closed doors in the arms and terrorism trial involving senior United Democratic Front official, the Reverend Arnold Stofile.

The hearing of in camera evidence has been strenuously opposed by the defence at every stage, but the judge has ruled three times that witnesses need to be protected.

Mr X was allegedly given military training by the ANC and later defected to the South African police.

Mockie Friedman, for the defence, argued that his case would be severely hampered if the accused were not able to see the witness. It would mean, said Friedman, that he would not be able to consult fully with the accused and therefore could not prepare a proper case.

Evidence had been led in support of the application by the head of the security police on the border, Col JL Griebenauw, that the ANC regarded people who testified against their members as traitors and that the organisation's policy and practise was to kill or harm them. But Friedman contended that the relevance to a Ciskei court of the colonel's experience in South Africa had not been established.

After lengthy legal argument, the judge ruled that the evidence should be heard in camera but that Mr X had to be visible to the accused.

Mr X then testified that he had left the country to join the ANC in 1982. He had returned to South Africa on an ANC mission and been arrested in 1985.

Mr X said he had been trained by the ANC in politics, the use of arms, engineering, topography, tactics, first aid and artillery. He pointed out one of the accused, Mzwakhe Nelson Ndlela, as a man he had seen in an ANC training camp in Angola called Pango while attending a course there.

Friedman started cross-examining Mr X on personal details when the prosecutor, Ciskei Attorney general Willem Jurgens, objected.

Friedman made an application for Mr X's identity to be revealed. Friedman said the defence would contend that Ndlela had never been trained, did not know Mr X and had never seen him. Accordingly, the defence would have to attack Mr X's credibility on a broad front and needed to know biographical details in order to research the truth of his claims. After further legal argument the judge ruled that the original order would remain in force as the witness had testified in the impression that the court would protect his identity.

When the hearing reopened yesterday morning Friedman told the court he would not cross-examine Mr X as the ruling protecting the witnesses' identity did not give the defence an opportunity to prepare adequate cross-examination.

Jurgens then made an application for eight further witnesses to be heard in camera. During the application which was itself heard behind closed doors, Jurgens named the eight witnesses, some of whom he said were accomplices in the case. He said they might be harmed if their identity became known.

Court adjourns after witness defies judge

The Argus Correspondent

BISHO. — The Ciskei arms and terrorism trial was interrupted here when a state witness refused to tell the judge how he was feeling.

Appearing before Ciskei's Acting Chief Justice, Mr Justice B de V Pickard, are the United Democratic Front (UDF) general secretary in the Border, the Rev Makhenkesi Arnold Stofile, his brother Mr Linda Michael Stofile, Mr Mveleli Gladwell Gqibitole, Mr Mzwakhe Nelson Ndlela and Miss Nomvuyiso Stofile.

They have pleaded not guilty to charges of terrorism, harbouring a suspected terrorist and 11 counts of illegal possession of arms.

The judge granted an application by the prosecution for eight further witnesses to be heard, and ordered their identities not to be disclosed.

When the first took the stand yesterday, the judge asked whether he was of sound mind and body. He replied he could not assure the court of that.

Asked why, the witness said: "Firstly, I was in custody; secondly, I was put in solitary confinement; thirdly, I was sent to the police cells; and fourthly, all in all, a doctor is the only person who can be sure of my state of health."

The judge told the witness if did not answer he would be held in contempt of court and punished.

When the witness repeated his answer, the judge adjourned the court.

(Proceeding).

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Student jailed for refusing to testify

Cape Times 28/3/87 331

BISHO. — A Fort Hare University student was sentenced to four years' imprisonment for refusing to testify in the terrorist trial heard in the Supreme Court here yesterday.

The 27-year-old man, whose name the court ruled could not be disclosed, was a state witness in the trial of five people.

Charged in terms of Ciskei's National Security Act were the Rev Arnold Makhenkesi Stofile, 42, Mr Mziwakhe Nelson Ndlela, 32, Mr Linda Michael Stofile, 28, Mr Mveleli Redwell Gqilditole, 28, and Miss Nomvuyiso Stofile, 30.

They have all pleaded not guilty to the charges.

Sentencing the man, who holds a teacher's diploma from the Cape College of Education, Mr Justice B de V Pickard said he was the second witness who had refused to testify in this case.

At the beginning of the trial, the court convicted French national Mr Pierre-Andre Alber-

tini, 27, a former Fort Hare University lecturer. He was sentenced to four years in jail for refusing to give evidence for the state.

Mr Justice Pickard said the administration of justice should proceed. He said the court was satisfied that the witness had no defective mental capabilities. He did not give answers which could help the court in the case. The court found no justification.

Mr Justice Pickard said the court had called the East London senior district surgeon to examine the witness, but he refused. The witness had been called by the state and warned as an accomplice.

The state prosecution said the witness had played the fool and should be dealt with by the court. He had repeatedly refused to answer questions.

The witness, who had been in detention since October last year, said that because of the manner in which he was treated he could not be sure of his health.

"I am a convict and circum-

stances in which I am held are circumstances which I am not used to," he said.

He said he could not reason. "If I was in normal circumstances I would have been in a position to tell how I feel."

Questioned by the state, the witness said he knew Mr Stofile and Mr Ndlela but said he had had no dealings with them. He said he did not remember seeing exhibits shown to him by the court, an AK-47 and a Makarov pistol. He also said he did not remember using a mini-limpet mine.

He said he was aware of the consequences of not replying to questions.

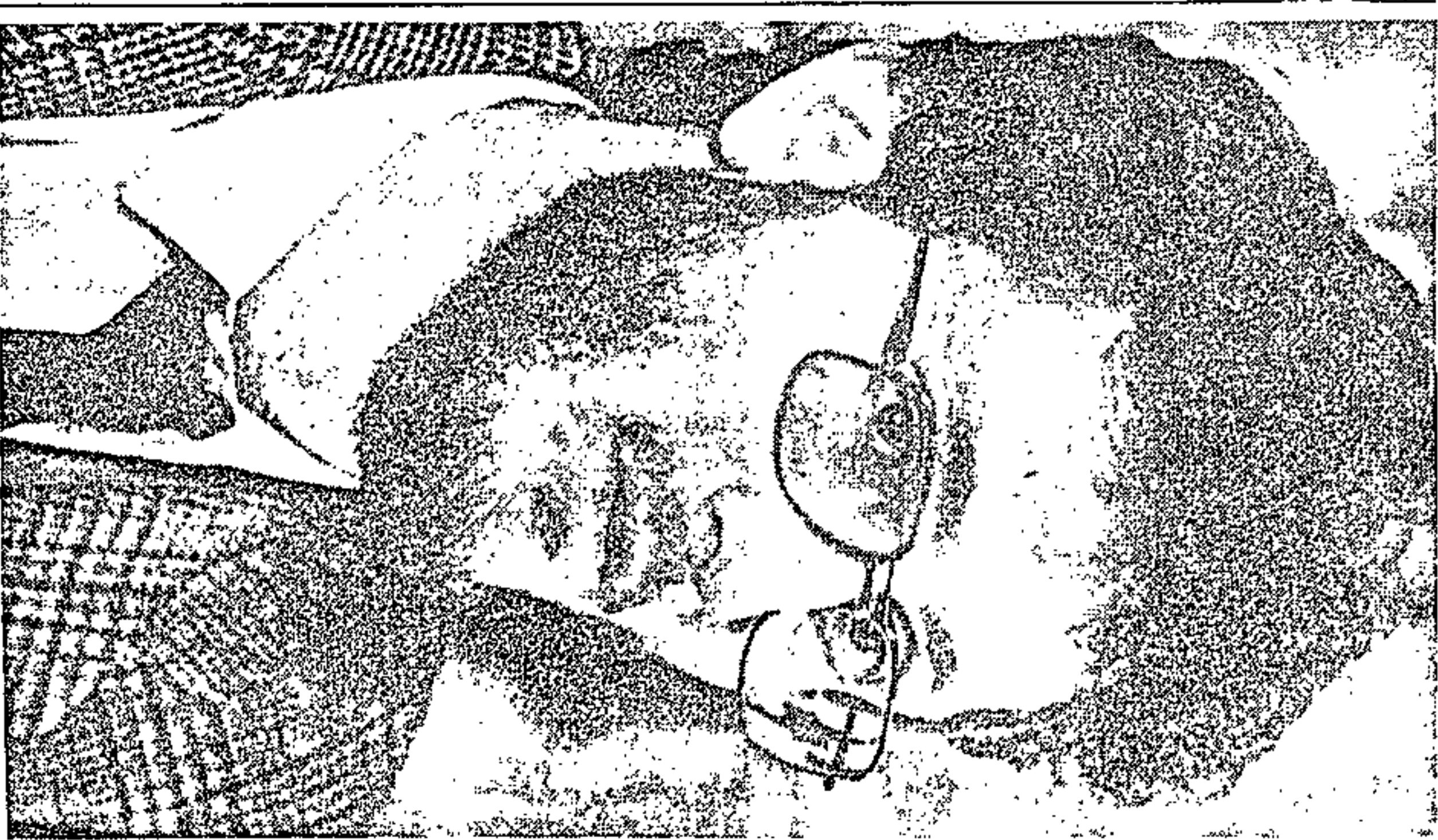
He said the questions seemed to be from a statement which he did not understand. He said he could not answer questions which would incriminate the accused, who were his friends.

Miss Stofile's R500 bail was extended, while the others were remanded.

The trial continues on Monday.
— Sapa

Defence objects to testifying for state

CP Press 29/3/87 (331)



Lance Corporal Philip Wilkinson ... charged with not turning up for a military camp.

CP Correspondent
A MAJOR legal argument erupted in the opening stages of the trial of a conscientious objector in the Port Elizabeth Magistrates' Court - when the State attempted to call a member of the defence legal team to give State evidence.

Lance Corporal Philip Wilkinson, 22, of Port Elizabeth, faces a charge of failing to report for a military camp on April 28 last year.

Magistrate Christo Schutte said he would not rule on the matter until court after minutes of hearing. The lawyer concerned, Norman Manom, objected in

Mystery witness in Stoffie trial

CP Press 29/3/87

CP Correspondent
THE identity of a mystery witness in the arms and terrorism trial involving a senior UDF official, Rev Arnold Stoffie, and four others, will remain secret after a court ruling this week.

"Mr X," an alleged ANC defector, testified that he had seen one of the accused, Mzwakhe Nelson Ndlela, in an ANC training camp in Angola. The judge ruled that the man be allowed to give evidence in camera and that his identity not be disclosed.

However, after his evidence the defence again asked that his identity be revealed. Moeke Friedman, SC, for the accused, said they would argue that Ndlela had never been trained. Appearing with Ndlela and Stoffie are Linda Michael Stoffie, Mvelo Gladwell Gqibithole and Nomvuyo Stoffie. All have pleaded not guilty to charges of terrorism, harbouring a terrorist and 11 counts of illegal possession of arms.

'Legal' evictions

CP Press 29/3/87

THE Soweto Council, which has lost millions in unpaid rents since last June, is using court orders to evict defaulters. Soweto Land and Housing director Estella Bester said this week.

The council this week acted against defaulters in the Jabulani flat complex - and about 450 residents of the area marched on the council offices in protest, claiming no one had received legal notice of eviction.

But Bester insisted that anyone not paying rent had been or would be - served with court orders evicting them. The orders were entirely legal and binding, she said.

The marchers spoke to Bester and Soweto Town Clerk Nico Malan and agreed to appoint a committee of five men and five women to liaise with the council over the evictions.

It was agreed no information about the negotiations would be released until the conflict had been resolved.

the witness box. Earlier, advocate Edwin Cameron submitted that the magistrate was being asked to "fiddle" with a fundamental legal privilege in calling Manom to give evidence about exhibit B - a telex submitted to the court by the first State witness, Commandant Basil Dennis Turner.

Cameron said: "The State may or may not have other ways of proving its case, but it is incumbent upon the defence to help the State."

The prosecutor said the contents of the telex had not been proved and he wanted Manom to testify whether the telex handed in by Turner was "true or false". Cameron said that because clients were protected by legal professional privilege, Manom - if he takes the box for the State - would be forced to object as soon as he was asked about the contents of the telex.

Under cross-examination, Turner said that though he was the regiment's chief administrator officer, he did not supervise the issuing of the call-up papers.

He objected four times during cross-questioning, particularly about the role of the SA Defence Force in the townships. He was overruled on each occasion.

THE CLIPPING



George Bizos

IN a dramatic turn in the Delmas treason trial next Monday, lawyers representing the 19 trialists - charged with treason, alternatively terrorism, subversion and murder - will ask that the trial be nullified.

The application before Judge K van Dijkhorst will be a sequel to the dramatic dismissal of one of the judge's two assessors, Dr Willem Joubert, on March 10.

Joubert's removal followed a disclosure that the academic lawyer was a signatory to the United Democratic Front's Million Signature Campaign in 1983.

According to Joubert's lawyers, copies of a report on his dismissal as an assessor have been sent to the State President, the Justice Minister, the Chief Judge, the Attorney-General, the Association of Law Societies and others.

Details of the report have not yet been made public.

Defence advocate George Bizos will make an application relating to the composition of the trial since Joubert's absence. The application is intended to determine the trial's future.

Defence lawyer Arthur Chaskalson told Judge Van Dijkhorst shortly after Joubert's removal from the trial that he believed it might constitute a material irregularity which may have the effect of nullifying the trial.

If, on Monday, the judge concedes that Joubert's re-

Freedom at last for 19 trialists?

29/2/87 (331) clips



Special report: REVELATION NTOULA



Lazarus More and Simon Vilakazi leave the court with veteran anti-apartheid activist Helen Joseph after they were acquitted in the Delmas treason trial late last year.

cusal had a material bearing on the trial and upholds the defence application, the 19 accused - who have been in custody since 1984 - could be freed at last.

Some of the charges

which they face - such as murder - carry the death penalty, while others allow for long jail terms without the option of a fine.

All the accused have pleaded not guilty to the charges. Six - Patrick Mabalaka, 26, Morake Mokoena, 48, Tsietso Mphuthi, 47, Nephthalie Nkopane, 41, Tebello Ramagola, 36, and Thabiso Ratsomo, 27 - are out on R15 000 bail each.

Since their arrest over two years ago, the accused have been refused bail three times and an application for their acquittal was turned down by the judge at the end of the State's case.

The original 22 were first refused bail in the Pretoria Magistrates' Court after the Attorney-General signed certificates that the accused not be granted bail.

The case was later postponed to enable the defence to study the 400-page indictment, and to be referred back to the AG to consider the withdrawal of the no-bail certificates. The AG later refused to withdraw the certificates.

Bail was again refused by Judge Van Dijkhorst after the trial was moved to Delmas early last year.

When defence lawyers late last year applied for the discharge of 19 accused -

on the grounds that the State had failed to implicate any of them - the judge turned it down. He said if the accused were innocent, they had to prove it in the witness box.

This meant that each of the 19 would have to testify and be questioned by both the defence and State - and the case proceeded.

Monday's application will mark yet another anxious moment for the 19 accused.

Either the application will lead to their freedom - or the marathon trial will continue.

● The accused are: SA Council of Churches' field worker, Soweto Civic Association secretary and former Committee of Ten secretary Thomas Madikwe Manthata, 47, former Vaal Civic Association member Sam Matlole, 61, Azanian National Youth Unity member, Patrick Mabuya Baleka, 26, of Soweto, Azanian People's Organisation member Oupa John Hlomuka, 33, Sharpeville Anglican minister Tebogo Geoffrey Mosekane, 40.

Evaton Baptist Church Youth Committee member Gelnimuzi Petrus Malindi, 25, Vereegiging furniture stock controller Nephthalie Mbuti Nkopane, 41, former Urban Training Project instructor in the Vaal, Bayamile Herbert Vilakazi, 30, former Boipatong Civic Association secretary, Sekwati John Mokoena, 48, former SA Institute of Race Relations co-ordinator Simon Tseko Nkoli, 27, former part-time picture framer's agent Pelamotse Jerry Tlhopane, 27.

Sebokeng Civic Association official Hlabeng Sam Matlole, 61, United Democratic Front general-secretary Popo Simon Molefe, 34, UDF publicity secretary Patrick Terror Lekota, 37, and Moses Mahokela Chikane, 36, who worked as a Johannesburg Community Resource and Information Centre official.

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Mystery witness in Stofile trial

CP Correspondent

THE identity of a mystery witness in the arms and terrorism trial involving a senior UDF official, Rev Arnold Stofile, and four others, will remain secret after a court ruling this week.

"Mr X," an alleged ANC defector, testified that he had seen one of the accused, Mzwakhe Nelson Ndlela, in an ANC training camp in Angola.

The judge ruled that the man be

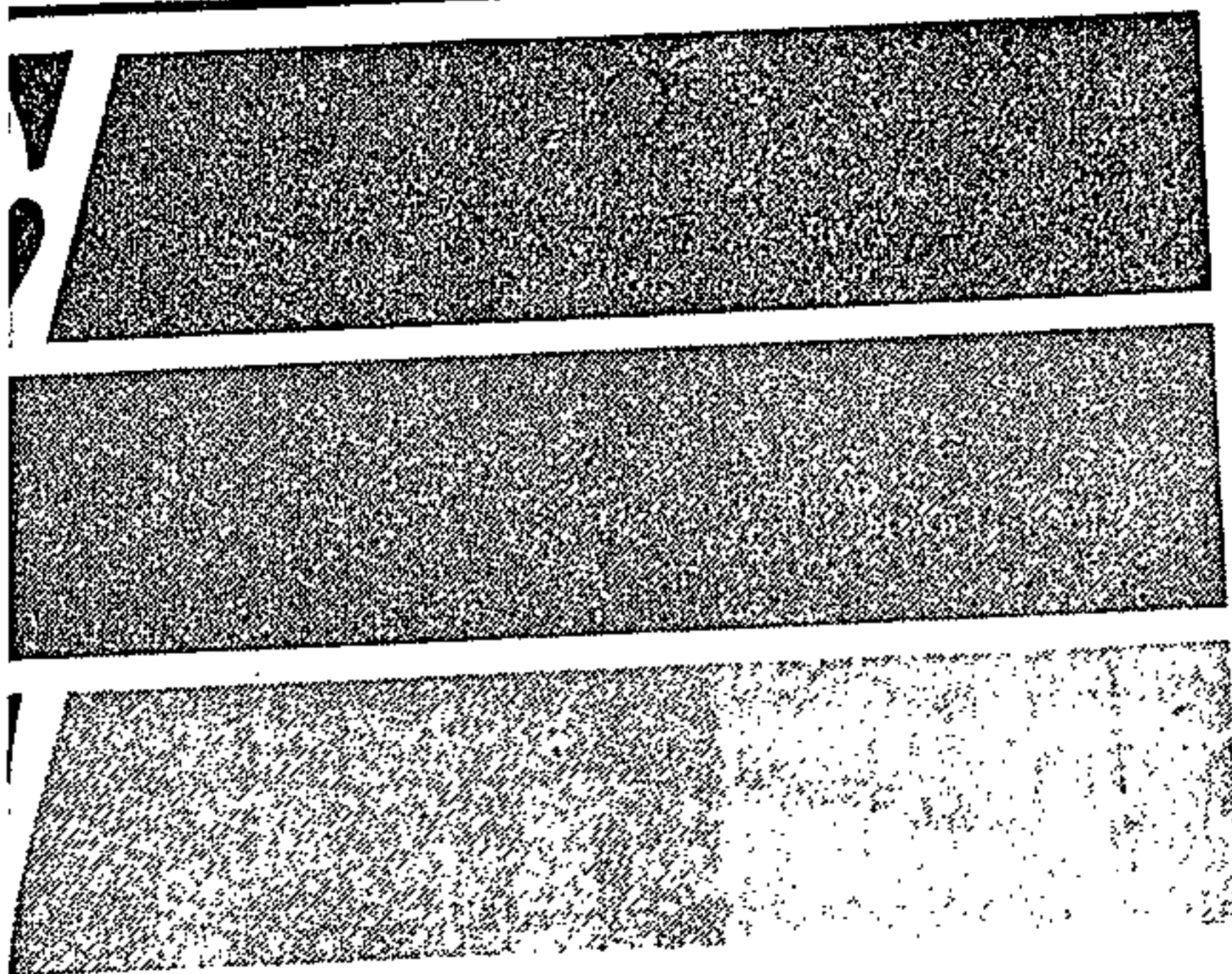
allowed to give evidence in camera and that his identity not be disclosed.

However, after his evidence the defence again asked that his identity be revealed. Mockie Friedman, SC, for the accused, said they would argue that Ndlela had never been trained, and never seen Mr X. Accordingly, he would have to test the truthfulness of the witness and needed to be able to cross-examine him fully.

But presiding judge B de V Pickard ruled that Mr X's identity could not be disclosed.

Appearing with Ndlela and Stofile are Linda Michael Stofile, Mveleli Gladwell Gqibithole and Nomvuyiso Stofile.

All have pleaded not guilty to charges of terrorism, harbouring a terrorist and 11 counts of illegal possession of arms.



'Legal' evictions

THE Soweto Council, which has lost millions in unpaid rents since last June, is using court orders to evict defaulters. Soweto Land and Housing director Estella Bester said this week.

The council this week acted against defaulters in the Jabulani flat complex - and about 450 residents of the area marched on the council offices in protest, claiming no one had received legal notice of eviction.

But Bester insisted that anyone not paying rent had been or would be - served with court orders evicting them. The orders were entirely legal and binding, she said.

The marchers spoke to Bester and Soweto Town Clerk Nico Malan and agreed to appoint a committee of five men and five women to liaise with the council over the evictions.

It was agreed no information about the negotiations would be released until the conflict had been resolved.

7

Delmas trial judge biased, claim accused

331
POST
30/3/87

DELMAS — A historic application was launched today for the Delmas treason trial to be stopped or for the recusal of the judge, Mr Justice K van Dijkhorst — viewed by the 19 accused as biased against them.

The State is opposing the application.

The application by the defence team, coming more than a year after the start of the trial, follows the dismissal of an assessor, Professor W A Joubert, on March 10 — regarded as unprecedented in South African legal history.

The action is supported by an affidavit in which the accused express their belief that the judge and remaining assessor, Mr W F Krugel, are prejudiced and unable to decide fairly on their guilt or innocence.

The adverse sentiments of Prof Joubert to his forced recusal have for the first time also been made known in a statement handed to court.

The application calls for an end to the trial on

the grounds that Prof Joubert's dismissal was made "without power". The dismissal and the judge's ruling — without hearing the accused — that the trial continue with only one assessor, were so irregular that the trial could not continue with the existing court, it is claimed in the statement.

Mr Donald Brunette, SC, Attorney General of the Transvaal, said in an affidavit the judge was being asked to sit in judgment on his own decision.

He denied the judge had acted unlawfully during the dismissal of Prof Joubert. — Sapa

Watson allegations

CP Correspondent

331
PORT ELIZABETH non-racial sport campaigner Ronnie Watson alleges that during his five-day detention in the Ciskei, he was interrogated by a South African security policeman.

Watson and a friend, Archie Mkele, were arrested in Bisho last Friday during a court recess in the trial of UDF official Rev Arnold Stofile.

Watson and Mkele are sporting friends of Stofile's and had gone to his trial "to offer moral support".

Watson said he was interrogated "exhaustively" for more than three hours on three occasions, once by a member of the South African security branch he named

as Chris Engelbrecht.

"He tried to induce me to make a false statement linking me with terrorism," said Watson.

Head of the security branch in East London, Col J Griebenaud, confirmed Engelbrecht went to the Ciskei - but claimed it was to "identify" Watson.

Ciskei's police Press officer Col G Ngaki said, as far as he knew, the SAP had not participated in Watson's interrogation.

He added: "Why should it be necessary to have Watson identified?"

Mkele was not questioned during his detention.

No reason have been given for Watson and Mkele's detention.

PATRICK BULGER

THE judge in the 18-month-old Delmas treason trial yesterday denied he had "strong or right-wing" political views.

Mr Justice van Dijkhorst did so in a statement to the court in which he disclosed "with great reluctance" confidential details of political and legal disagreements with the assessor he had dismissed, Professor W A Joubert, a PFP candidate in Waterkloof in the 1981 general election.

Joubert was dismissed when the judge learned he had signed the UDF million-signature petition.

The prosecution is attempting to prove that at the introduction of the tri-cameral Parliament, the 19 accused had plotted violent revolution, of which the petition was part.

Defence counsel want the trial stopped, claiming Joubert's dismissal was improper. They argue that the judge and the second assessor, W F Krugel, have formed opin-

Trial judge defends assessor's dismissal

ions adverse to their case.

Joubert's allegations in a statement after his dismissal on March 10 had placed the continuation of the trial in jeopardy, the judge said.

While there had been a tacit understanding not to discuss party politics, "on a few occasions the conversation did stray into general politics. I don't recall very great differences between us, but we did not have the same point of view in all respects".

He found Joubert's politics "opinionated, and not open to reason. In fact, I gained the impression that he totally associated himself with the defence case. On an occasion, I admonished him by stating that he was going further than be-

ing merely devil's advocate".

During an adjournment after cross-examination over the million-signature petition, Joubert had "blurted out that there was nothing wrong with the campaign. He had signed the form himself".

"My other assessor and I were dumbfounded, and just looked at each other."

He later asked Joubert whether he felt embarrassed about endorsing the campaign and sitting as an assessor.

"Dr Joubert asked what I was insinuating and told me he was 'tired of insinuations'. I told him my embarrassment stemmed from the fact that he had signed in support of the UDF, which was on trial."

UDF trial judge 'not right-wing'

Own Correspondent

DELMAS. — The judge in the 18-month-old treason trial here yesterday took the unusual step of denying he had "strong or right-wing" political views.

Mr Justice Van Dijkhorst did so in a statement to the court in which he disclosed "with great reluctance" confidential details of political and legal disagreements between himself and the assessor he dismissed, Professor W A Joubert, a PFP candidate in Waterkloof in the 1981 general election.

Prof Joubert was dismissed when the judge learnt he had signed the United Democratic Front's million-signature campaign.

The State is attempting to

prove that at the introduction of the tri-cameral Parliament, the 19 accused had plotted violent revolution, of which the signature campaign was a part.

Counsel for the accused want the trial stopped because they allege Prof Joubert's dismissal was improper. They claim the judge and the second assessor, Mr W F Krugel, have formed opinions adverse to their case.

Prof Joubert's allegations in a statement after his dismissal on March 10 had placed the "continuation of the trial in jeopardy", the judge said.

Mr Justice Van Dijkhorst said he had found Prof Joubert's politics "opinionated and not open to reason. In fact I gained the impression that he totally associated himself with the defence case. On an occasion I admonished him by stating that he was going fur-

ther than being merely devil's advocate".

During an adjournment after cross-examination about the signature campaign, Prof Joubert had "blurted out that there was nothing wrong with the campaign. He had signed the form himself".

"My other assessor and I were dumbfounded, and just looked at each other."

Mr Justice Van Dijkhorst went on to answer allegations by the accused that the other assessor, W F Krugel, would be biased because of his membership of the Afrikaner Broederbond.

"When approached to join the AB he explicitly asked whether his membership could directly or indirectly influence his functions as a judicial officer. He was told that it could not. That statement was correct," the judge said.

The case continues.

CARIB TINKS
31/3/87
331

ANC man tells of smuggling comrade in caravan

Own Correspondent

MARITZBURG. — Former African National Congress unit commander Mr Robert McBride told the Supreme Court here yesterday that he smuggled wounded ANC member Gordon Webster into Botswana in a hired caravan after helping him escape from Edendale Hospital where he was being treated under police guard.

Mr McBride, 23, was being cross-examined by counsel for the State, Mr Ian Slabbert SC, at the trial in which he and Miss Greta Apelgren, 30, are facing several charges of terrorism, murder and attempted murder.

Mr McBride, after describing events at Edendale Hospital on the night of May 4 last year, said he and his co-accused crossed into Botswana on May 10 in a bakkie towing a caravan carrying the wounded Mr Webster and a woman.

Mr McBride said he had stopped every six hours to dress Mr Webster's wounds.

During yesterday's hearing Mr McBride told the court he had bought a car which was intended to be used as a car bomb, with money he had been given by the ANC in Botswana. The money had in fact been intended for some other purpose.

Mr McBride had decided to use the weapon to "flatten" the Hyperama House and Home complex in West Street, Durban, on the night of June 14, 1986, as a form of "violent protest" against the state of emergency.

He did not know why he had allowed himself to be persuaded or influenced by an accomplice, who had been travelling with him in the car bomb, to place the device on the Marine Parade instead.

The hearing continues today.

CAPL 7/11/85
31/3/87

Medical help for State witnesses

Own Correspondent

BISHO. — Two State witnesses were yesterday referred by the Supreme Court here to medical practitioners.

The two, who may not be identified in terms of the court's ruling, told Mr Justice Pickard they were not feeling well.

The men were to testify in the trial of the Rev Arnold Makhenkesi Stofile, Mr Mzwakhe Nelson Ndlala, Mr Linda Michael Stofile, Mr Gladwell Mveleli Gqibithole and Miss Nomvuyiso Stofile.

The accused have pleaded not guilty to charges of terrorism, possession of arms and harbouring of a terrorist. All are in custody except Miss Stofile.

The first witness told the court that before he could give evidence he wanted to consult his lawyer. The judge adjourned the court for him to do so.

When the court resumed, Mr T L Skweyiya, for the witness, told the court his client wanted to see a psychiatrist.

The second witness, also represented by Mr Skweyiya, said he felt pains in his body and was nervous. He also said he would like to consult a doctor.

The judge said the witnesses could consult a doctor and a psychiatrist.

Another witness, Mr Reginald George Doinovan, of East London, told the court he had sold a luxury German car to Mr Pierre Andre Albertini.

The case continues.

'Dismissal of assessor was invalid'

331
57AR
3/3/87

By Jo-Anne Richards
and Adele Baleta

The forced recusal of an assessor in the Delmas treason trial was invalid as the judge had no power to dismiss a member of the court, it was argued yesterday.

Mr Arthur Chaskalson SC, for the defence, said that since the dismissal of Professor W A Joubert on March 10, the trial had continued before an "improperly constituted court".

He was arguing for the quashing of the trial, or alternatively, the recusal of Mr Justice van Dijkhorst or the remaining assessor, Mr W F Krugel.

NULLIFIED

The defence has said the dismissal and the judge's ruling that the trial continue with one assessor — without hearing the accused — were so irregular that the trial should be nullified.

Professor Joubert was forced to recuse himself after he told the judge he had signed the United Democratic Front's million-signature declaration against the new constitution.

The defence launched the application yesterday in a packed courtroom. Public figures and political figures, including Dr Beyers Naude of the South African Council of Churches, Mr Hennie Serfontein, author of a study of the Broederbond and Mr Aubrey Mokoena, of the Release Mandela Campaign, crowded into the court to hear proceedings.

Mr Chaskalson submitted the judge had the power to quash proceedings when an irregularity had occurred. If the irregularity was such a "gross departure" from normal court procedure that the accused had not been properly tried, then the case should be stopped.

"Professor Joubert did not recuse himself. He was in effect dismissed," Mr Chaskalson said.

"There is no case of which we are aware in which it has ever been held that a presiding officer can recuse a member of the court against the will of such person."

Usually, the person whose recusal was sought would deal with the matter himself.

The Criminal Procedure Act provided for recusal when an assessor died or, in the opinion of the judge, became "unable to act" during the trial.

Mr Chaskalson said Professor Joubert had not "become unable" to carry out his duties. The meaning of "unable" was generally held to mean that an assessor was physically or mentally unable to continue.

Even if the judge had had the power to dismiss Professor Joubert, the ac-

cused should have been allowed to put their views to the court.

"In the present case, neither the State nor the accused were heard, and according to Professor Joubert's report, the decision was taken without affording him a proper hearing on the issue.

"On the facts, as set out in Professor Joubert's report, it is submitted that he was not disqualified from continuing to act as an assessor ..."

The Million Signature Campaign, in which Professor Joubert had signed, formed only a small part of the State case, Mr Chaskalson said. Nothing in the indictment suggested signing was unlawful.

The judge said he had never suggested it was. But if one signed a document giving support to a campaign which, it was alleged, formed part of a conspiracy, then one might have difficulty assessing the allegation.

The judge questioned the credibility of Professor Joubert's statement on the grounds that he said he had signed the declaration during 1983. The campaign had only begun in 1984, the judge said.

Mr Chaskalson pointed to evidence that Nusas had already collected 14 000 signatures by October 1983.

**Call to stop
case or that
judge recuse
himself**

DRAMA

331

Secretary
3/13/87

AT TREASON

Assessor
alleged
to be
Broeder

TRIAL

**SATS strike takes a
new turn — See Page 2**



SOME of the squatters who have been ordered to pull down their shacks cut up a horse that was killed when it collided with a car.

A HISTORIC application was launched yesterday for the Delmas treason trial to be stopped or for the recusal of the judge, Mr Justice van Dijkhorst — viewed by the 19 accused as biased against them.

The State is opposing the application.

The application by the defence team, coming more than a year after the start of the trial, follows the dismissal of an assessor, Professor W A Joubert, on March 10, is regarded as unprecedented in South African legal history.

The action is supported by an affidavit in which the accused express their belief that the judge and remaining assessor, Mr W F Krugel, are prejudiced and unable to decide fairly on their guilt or innocence.

Adverse

The adverse sentiments of Professor Joubert to his forced recusal have for the first time also been made known in a statement handed to court.

The application calls for an end to the trial on the grounds that Professor Joubert's dismissal was made "without power".

The dismissal and the judge's ruling — without hearing the accused — that the trial continue with only one assessor, were so irregular that the trial could not continue with the existing court, it is claimed in the statement.

Alternatively, calls are made for the recusal of Mr Justice van Dijkhorst or Mr Krugel.

"We have gained the clear impression, both from the questions they

To Page 2

Squatters warned — Page 2

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Delmas judge is asked to quit trial

From Page 1

whose policies were seen as "strongly supportive of Afrikaner nationalism and hostile to the political aspirations of the black people". As the liquidator of various political organisations, banned in 1977, he was likely to be hostile to the views of those adverse to our case," the accused said in an affidavit.

They believed Mr Krugel to be a member of the Broederbond —

whose policies were seen as "strongly supportive of Afrikaner nationalism and hostile to the political aspirations of the black people".

As the liquidator of various political organisations, banned in 1977, he was likely to be hostile to the views of those adverse to our case," the accused said in an affidavit.

vanced by the State.

As a Broeder, he had access to secret briefings believed to be hostile to the United Democratic Front (UDF) and Azanian People's Organisation (Azapo), to which the accused belonged.

"We have seen the disappearance of the only member of the court whom we believed was not hostile to us. We have been told that a person who signed the million signature declaration (as Mr Joubert did, in opposition to the new Constitution) is not fit to be a member of the court that tries us.

"If this is so, we cannot accept that a mem-

ber of the Broederbond and a judge who is seemingly hostile to us, are fit to do so."

In his report, Professor Joubert submits that the judge had not acted lawfully in dismissing him. His level of political activity had been widely known for years.

"It has not been questioned that I reject apartheid and that I stand for the evolution of a free and democratic country."

Throughout the trial it was clear that he and the judge had very different political views and perceptions on matters relating to the credibility of witnesses and motiva-

tions for their conduct, the report said.

He believed his presence to have been "an important countervailing influence to balance" the judge's views.

"If my (openly expressed) political dispositions . . . constitute a reason why I should recuse myself then, for the same reason, the presiding judge should recuse himself."

He had not been given the opportunity to be properly heard on whether he should recuse himself. And neither the defence nor the State had been asked. The judge's actions had been "extraordinary" and his dismissal had been "peremptory and summary".

His object in signing the million signatures document was not to support any political group, but to express opposition to the new Constitution — as "the entire white electorate" had to express itself for or against it.

Mr Patrick "Terror" Lekota, said in an affidavit that he believed police officers, under Major P E J Kruger, a Broederbond member, to have tried to procure false evidence against him.

The way the investigation was conducted might become an issue in the trial and he would be "most unhappy to have one member of the Broederbond sitting in judgment on another

member of the Broederbond.

Mr Donald Brunette, SC, Attorney General of the Transvaal, said in an affidavit the judge was being asked to sit in judgment on his own decision.

He had no personal knowledge of the Broederbond or if Mr Krugel was a member.

He said the political beliefs of those on the Bench had never been a significant factor in carrying out their duties.

Mr Krugel had had a statutory duty to act as liquidator of banned organisations in 1977. This in no way disqualified him as an assessor, he said.

He was a magistrate of many years standing and the security police would not have made reports available to a magistrate.

He denied the court was unlawfully constituted or that the accused would suffer if the trial continued.

He denied the judge was "seemingly hostile" or that any political differences could have played any part in his decision to ask Professor Joubert to recuse himself.

Mr Brunette said he had no knowledge if Professor Joubert had had a "countervailing" influence on the judge but it could not be said that the judge and Mr Krugel would not have a balanced view of the case.

Judge acted correctly, argues State

331
STATE
1/4/87

By Jo-Anne Richards

The judge in the Delmas treason trial had acted entirely correctly when he dismissed an assessor who, in his opinion, had "become unable" to act, counsel for the State argued yesterday.

Mr W de Villiers was opposing an application by the defence for the trial to be quashed. Alternatively, the defence team has called for the recusal of Mr Justice van Dijkhorst or the remaining assessor, Mr W F Krugel.

'Grossly irregular'

The defence submits that the judge's dismissal of Professor W A Joubert was grossly irregular and claims that the decision — taken without hearing the accused, State or defence — that the trial continue with one assessor, was also so irregular that the trial could not continue.

Professor Joubert was dismissed on March 10 after telling the judge he had signed the United Democratic Front's Million Signatures Declaration against the new constitution in 1983.

In terms of the Criminal Procedures Act, a judge was fully entitled to use his discretion in deciding if an assessor had become unable to continue his duties, Mr de Villiers said. The judge also had the discretion to decide whether the trial either continue with one assessor or begin again.

Counsel for the defence had erred in claiming the judge had no power to dismiss an assessor. He had been mistaken in submitting that the accused, State and defence were entitled to be heard before the trial continued.

Previous legislation stating that the permission of the accused and prosecutor was necessary, had been scrapped.

Because of this, it was clear that the legislator had intended the matter to

be left to the sole discretion of the judge, Mr de Villiers said.

"The effect is thus that where an assessor, in the opinion of the judge, becomes unable to act as an assessor, the judge can in his discretion order that the trial continue without that assessor, and he does not need the agreement of the State or defence," Mr de Villiers submitted.

"In our respectful submission, your Lordship acted totally correctly under the circumstances. On the grounds of the facts put before your Lordship by Professor Joubert, as is clear from your judgment, you were of the opinion that Professor Joubert had become unable to act as assessor."

Mr de Villiers posed the question of whether the words "unable to act" should refer only to physical or mental inability, as the defence had claimed.

He submitted that, according to the ordinary meaning of the word, "unable", it could also refer to an inability which sprang from the behaviour of an assessor.

The law gave the judge sole discretion in choosing his assessors.

Mr Justice van Dijkhorst had acted lawfully and the court was still properly constituted, he said.

Case Times 1/4/87

Delmas judge 'within rights'

Own Correspondent

JOHANNESBURG. — The fate of 19 political activists charged with treason hung in the balance at Delmas yesterday as opposing lawyers argued the finer points of an unusual problem in SA legal history.

The accused have been charged with plotting a violent overthrow of the State. They want the proceedings quashed following Mr Justice Van Dijkhorst's unprecedented dismissal of assessor Professor W A Joubert, a signatory in 1983 of the UDF million-signature campaign.

Counsel for the State, Mr I W B de Villiers, SC, yesterday argued the judge had acted within his rights by dismissing what he considered an "unable assessor".

He contested the argument by Mr Arthur Chaskalson, SC, counsel for the accused, that SA law made no provision for a judge to dismiss another member of the court without consulting all the parties involved.

"No irregularity has been committed at all and there was no deviation from the standing rules of practice and procedure," Mr De Villiers said.

He argued that SA law had evolved in such a manner that Section 147 of the Criminal Procedure Act of 1963 allowed a judge independently to dismiss an assessor.

Earlier Mr Chaskalson closed the defence's argument in favour of the application by pointing out the unusualness of Prof Joubert's

dismissal, and the special circumstances it had created.

Mr Chaskalson said it was important that a case involving a charge as serious as treason be seen to be open and fair.

"No accused person should ever feel something happened at the trial that leaves him under the belief he has not had a fair trial. Where prejudice comes into it, the ordinary common law should apply and the court should be discharged.

"The dismissal of Joubert, the circumstances in which it occurred as described in the report made by him, and the not unreasonable response of the accused thereto, has created a situation in which it is not in the interest of justice that this trial be continued," he said.

The trial continues today.

★★★★★
SIX STAR

THE ULTIMATE

Error on

~~Capt. Mrs. 1/4/87~~
Pamphlet.

Man acquitted

Court Reporter 331

THE secretary of the Atlantis Residents Association, Mr William Cloete, 20, was yesterday acquitted in Wynberg Magistrate's Court of possessing a banned ANC pamphlet.

Mr Cloete said he had driven an association vehicle on June 10 last year to buy "June 16" T-shirts for members.

His vehicle was searched at a roadblock in Mitchells Plain where police allegedly found a briefcase containing a pamphlet entitled "Mandela and our Revolution". He said the vehicle was used by others and the pamphlet could have been left there by someone else.

The magistrate was Mr N Jones. Mr P C Botha prosecuted. Mr J Krige, instructed by McDonalds, appeared for Mr Cloete.

Journalists appear in court

APL 7/15 1/4/83 *243 (331)*
CRADOCK. — Three journalists made brief appearances in the Magistrate's Court here yesterday charged with contravening the Police Act. Miss Jo-Ann Bekker. All pleaded not guilty. The case was adjourned to June 8. — Sapa

The editor-in-chief of the Eastern Province Herald, Evening Post and Weekend Post, Mr J C Viviers, appeared with Herald reporter Miss Deborah March and former Herald reporter

Cape Times 1/6/87
PAC trial postponed 331

PRETORIA. — Seven alleged members of the banned Pan Africanist Congress, who include a priest, appeared in the Magistrate's Court here on Monday on 24 counts of terrorism and attempted murder.

It was reported yesterday that the seven who appeared in leg irons before Mr D J Peterse are: Mr Mabatu Enoch Zulu, 52, Mr Siyabulela Ndoda Gcanga, 26, both of Transkei, Mr Vincent Alson Mathunjwa, 29, of Springs, Mr Setsiba Paul Mohlolo, 29, of Johannesburg, the Rev Daniel Nkopodi, 27, an AME priest in Bophuthatswana, Mr Achmad Cassiem and Mr Yusef Patel, both of Cape Town.

The case was postponed to June 29.

Their lawyer, Mr Dikgang Moseneke, argued successfully that they needed more time to prepare their case. — Sapa

POLITICAL comment in this issue by A H Heard, G Q Kling, G E Shaw, A Johnson and B Streek. Posters, headlines and sub-editing by J Levy. All of 122 St George's Street, Cape Town.

331

Case Time 1/4/87

Delmas judge 'within rights'

Own Correspondent

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dismissal, and the special circumstances it had created.

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The trial continues today.

★★★★★
SIX STAR

THE ULTIMATE

Error on

LAWYER AND IN CLASH AT TRIAL

JUDGE

THE Delmas treason trial judge and the defence lawyer yesterday clashed on the admissibility of an affidavit made by Professor W A Joubert, the assessor who was dismissed on March 10.

Professor Joubert was dismissed after he had told the judge that in 1983 he signed a petition against the new Constitution.

Mr Arthur Chaskalson, SC, for the defence said he received the affidavit yesterday. It dealt with a statement made by the presiding judge, Mr Justice Dijkhorst, on Monday. Mr Chaskal-



Mr ARTHUR Chaskalson . . . defence lawyer.

son intended reading it to the court.

In reply, the judge said the affidavit was "tendered to me and I refused it".

In a sharp tone, he asked if Mr Chaskalson was trying to contradict what the court has put on record. When Mr Chaskalson said he had a "problem" the judge interrupted. "I must warn you, you are vying very close to contempt of court". He added that the court retained the right to object to the defence referring to the affidavit.

Nineteen men, including members of the United Democratic Front, the Azanian People's Organisation and the Vaal Civic Association, submitted in an application that the dismissal of Professor Joubert was irregular. They want the remaining assessor, Mr W F Krugel, to recuse himself.

Waited

Earlier in his argument, Mr William de Villiers (SC), for the State, said the judge acted within the law by dismissing Professor Joubert after he had said he put his name to the UDF's one-million signature campaign.

Mr de Villiers said Professor Joubert saw the indictment when the case started and should have noticed that the UDF's million-signature document was part of the case.

Prof Joubert should have told the judge then that he had signed such a document and should not have waited until one of the accused was questioned about it, he said.

Mr de Villiers said the court was properly constituted and there was no reason for the defence to bring such an application.

Capl Tim's
2/4/87

Delmas judge warns defence

331

DELMAS. — The judge in the treason trial here yesterday warned defence counsel Mr Arthur Chaskalson SC that he "might veer very close to contempt of court".

Mr Justice Van Dijkhorst had refused to accept a new report handed in to court yesterday by dismissed assessor Professor W A Joubert.

The report responds to the judge's replies to an earlier report by Professor Joubert protesting that his dismissal as an assessor was unlawful.

Mr Chaskalson argued that the trial would have to be stopped.

He submitted that the judge could not act as both witness and judge where members of the court disagreed.

"There is no procedure whereby members of the court can put themselves on trial," Mr Chaskalson said.

The State has opposed Professor Joubert's second report being admitted as evidence.

Mr Justice Van Dijkhorst has refused to accept the document tendered by Professor Joubert's attorney.

The defence team for the 19 accused has applied for the trial to be quashed on the grounds that the dismissal and the judge's ruling without hearing any submissions that the trial continue with one assessor — taken without hearing the accused, State or defence — was grossly irregular.

Alternatively, they have called for the judge's recusal or that of the remaining assessor, Mr W F Krugel.

When Mr Chaskalson applied for the report to be admitted the judge asked: "Are you attempting to contradict what the court has put on record?"

Mr Chaskalson: "My answer will be that I have a problem."

Mr Justice Van Dijkhorst: "I must warn you, you might veer very close to contempt of court."

Mr Chaskalson said it was his duty to raise information relevant to the case.

The judge said: "But then it is the duty of the court to set the record straight."

Mr Chaskalson said the judge should give him credit for the fearless carrying out of his duty. The judge replied: "I would have

liked to give you credit for knowing where to draw the line."

Mr Chaskalson: "Your Lordship may feel I have drawn the line in the wrong place. I feel I have drawn it in the right place."

He said the judge's inquiry into Professor Joubert had been conducted in private. He submitted that Professor Joubert's evidence was relevant in proceedings designed to show the inquiry had been irregular.

The judge said that if the new report was before court, he would make a statement contradicting it and would probably receive a further report saying the court was incorrect. "Where will this end?"

Mr Chaskalson said this was a difficulty.

Mr Justice Van Dijkhorst: "It's a problem arising from the way Professor Joubert conducts proceedings from outside court."

Mr Chaskalson replied that Professor Joubert was not permitted to do this from within court.

The judge said Professor Joubert was not entitled to do anything in that court — Sapa

South 2-8/4/87

Achmat Cassiem in court

TWO Western Cape men, Mr Achmat Cassiem of Hanover Park, and Mr Yusuf Patel of Paarl, appeared in the Pretoria Regional Court this week charged with 24 counts under the Internal Security Act.

They appeared with five other men and were all alleged to be members of the banned Pan African Congress. The other men were: Mr Mabatu Zulu, Mr Siyabulela Gcanga, Mr Vincent Mathunjwa, Mr Setsiba Mohlolo and the Rev Daniel Nkopodi.

The men were given details of the charges against them which included a count of attempted murder and defeating the ends of justice.

They were not asked to plead and the trial was postponed to June 29 to give the defence counsel, Mr Dikgang Moseneke, an opportunity to study the charges.

Mr Cassiem, the former president of the South African Students Association (SASA) was detained at his home on May 2 last year.

Stofile trial: ^{2-8/4/87} ^{SOUPA} Witness jailed ⁽³³¹⁾

THE Bisho arms and terrorism trial involving a senior United Democratic Front (UDF) official has been postponed for three weeks.

The UDF's general secretary in the Border region, the Rev Makhenkesi Arnold Stofile, his brother Linda Michael Stofile, Mveleli Gladwell Gqibitole, Mzwakhe Nelson Ndlela and Nomvuyiso Stofile, are appearing before Ciskei's Acting Chief Justice, Mr Justice Pickard.

They have pleaded not guilty to charges of terrorism, harbouring a

suspected terrorist and eleven counts of illegal possession of arms.

All except Nomvuyiso Stofile are in custody.

At the end of last week a second State witness was jailed for four years for refusing to give evidence and on the last day of this week's hearing two State witnesses were referred for psychiatric treatment.

The first witness to be jailed, also for four years, for refusing to give evidence, was Frenchman Pierre-Andre Albertini.

Closed doors

The three witnesses are part of a group of eight for whom the court ordered that they be heard behind closed doors and that their identities not be disclosed.

The jailed witness was first called to the stand on Thursday. He said he had been in solitary confinement and refused to tell the court how he was feeling.

He refused to be examined by a district surgeon. He was recalled to the stand, and after answering every question with "I don't remember", was jailed for four years.

The other two referred for treatment told the court on Monday that they were not feeling well. They were first referred to the district surgeon, then to a psychiatrist.

The trial was adjourned to April 21 before they could be recalled.

ELNEWS

Sacked assessor's bid to reply triggers Delmas court clash

DISMISSED Delmas treason trial assessor Willem Joubert was at the centre of a clash yesterday between Mr Justice van Dijkhorst, who dismissed him, and defence counsel Arthur Chaskalson, SC, after the judge learned on March 10 that Joubert's dismissal on March 10 came after the judge learned he had signed the United Democratic Front (UDF) Million Signature Campaign in 1983. It is the first time in SA legal history that an assessor has been dismissed.

Yesterday's clash — in which Chaskalson was warned about being in contempt of court — came after Joubert attempted to submit a reply to the judge's state-ment on Monday in which he justified the dismissal.

"The report was tendered to me and I refused to accept it," Mr Justice van Dijkhorst said when Chaskalson raised the matter. He asked Chaskalson whether he was attempting to contradict what the court had already put on re-cord.

"I must warn you, you might veer very close to contempt of court," Chaskalson

was told.

Counsel for the State, William de Villiers, SC, said the State had received Joubert's report but was reserving its rights in regard to it.

Chaskalson argued the report should be accepted because it was not an at-tempt to influence evidence, but to throw light on the "private inquiry" Mr Justice van Dijkhorst had conducted in dismiss-ing Joubert.

PATRICK BULGER

(3317) B/DAY 24/87

Sacked assessor's bid to reply triggers Delmas court clash

Chaskalson was asked whether Joubert was saying that what the judge had put on record was incorrect. Chaskalson replied: "Yes".

He questioned whether the judge could refuse a response to what he had said.

Mr Justice van Dijkhorst replied "at the least", a response, was "unique, to say course of events," Chaskalson answered.

He said the conflict had arisen over the manner in which a member of the court was dismissed.

The trial had to stop, he argued, be-cause the judge could not be both "wit-ness and judge in relation to an incident where there was a disagreement among members of the court."

"The accused have had put before them two different versions in regard to facts relevant to the application which we are now bringing. It is their right to rely on that version of the facts which they think supports their case."

The trial continues today.

Application for recusal of judge dismissed **Defence bid to stop year-long treason trial fails**

331
57m
3/4/87

By Jo-Anne Richards and Adele Baleta

The Delmas Treason trial judge yesterday dismissed an application for the trial to be stopped and for his own recusal.

Mr Justice K van Dijkhorst said: "The application is in toto dismissed. My reasons will follow. Do you have your next witness?"

Earlier, Mr Justice van Dijkhorst had ruled that a statement by dismissed assessor Professor W A Joubert could not be put before the court. The report apparently contradicted the judge's version of events leading to Professor Joubert's dismissal.

The judge ruled that his version of events, given in a statement on Monday, was final.

Mr Arthur Chaskalson SC, for the defence, asked the judge for a postponement to consult the accused on the judge's statement in the light of the ruling that it could not be contradicted.

"I will give you no further postponements, Mr Chaskalson. You have had enough. You may go on with your argument for my recusal," the judge said.

Mr Chaskalson said he was not in a position to continue without taking precise instructions from the 19 accused.

Five minutes more?

"You have a team assisting you," the judge said.

Mr Chaskalson could surely continue and take instruction overnight.

"Not even five minutes?" Mr Chaskalson asked.

Mr Justice van Dijkhorst: "You may take 15 minutes only."

Returning, Mr Chaskalson said that, because the defence was not permitted to compare contradictory statements by Professor Joubert and the judge, "we have been instructed not to proceed with the application for recusal".

The judge ruled against the entire application, which included the main call for the quashing of the trial and alternative calls for the recusal of the judge or the remaining assessor, Mr W F Krugel.

The defence had called for the quashing of the trial on the grounds that the judge had not had the power to dismiss Professor Joubert.

They also claimed his ruling that the trial continue with one assessor — without hearing the accused, State or defence — was grossly irregular.

The accused had submitted that the judge and Mr Krugel were, or appeared to be, biased against them.

The trial, which now proceeds with the defence case, has been running for over a year.

JUDGE RULES AGAINST

DISMISSED ASSESSOR

THE Delmas treason trial judge yesterday ruled that a document from dismissed assessor Professor W A Joubert, was inadmissible, as was all direct and indirect reference to it.

The document deals with the present judge. Mr Justice van Dijkhorst's statement read in court on Monday. It is the third document to be submitted by Professor Joubert.

Arguments on whether Professor Joubert's documents were admissible resulted in a clash between the judge and defence counsel, Arthur Chaskalson (SC), on Wednesday, when the judge warned him that he was "ying very close to contempt of court".

Mr Justice Dijkhorst did not make a ruling on the other two reports made by Professor Joubert. One of these reports is an affidavit that features in the application of the 19 accused

that the proceeding should be quashed and the judge and remaining assessor, Mr W F Krugel, recuse themselves.

Specified

Earlier, Mr Willem de Villiers, (SC), for the State, said the whole situation had been created by the defence team. He submitted that the defence attorneys had asked Prof Joubert for a statement and specified what they wished him to deal with.

He said the defence

should not have informed the accused about the statement, which was inadmissible. By doing so, he said, they had seriously erred.

Mr De Villiers said Prof Joubert's statement was an attempt to contradict comments made by the judge. He said the function of the court would be seriously impaired if Prof Joubert was allowed to make public the discussions between the judge and assessors.

(Proceeding)

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School head tells court of grenade attack

The Argus Correspondent

MARITZBURG. — A witness told the Supreme Court here of his role in a handgrenade attack on the home of a Wentworth school principal in April last year.

Witness A, who may not be named, was giving evidence in the trial of Mr Derrick McBride, 53, father of alleged Magoo's Bar bomber Mr Robert McBride, and Mr Antonio du Preez, 22.

Mr McBride yesterday pleaded not guilty to a charge of murder, four of attempted murder and other charges arising from the freeing of African National Congress commander Mr Gordon Webster from Edendale Hospital on May 4 last year.

SIMILAR CHARGES

Mr du Preez, who faces similar charges as well as five charges of terrorism, also pleaded not guilty to all charges.

Mr du Preez was allegedly instructed by Mr Robert McBride to bomb the home of Mr Yuil Klein, the principal of Wentworth Primary School, in April last year.

Appearing before Mr Justice Kriek, Witness A told the court he and Mr du Preez went to Mr Klein's house with handgrenades given to them by Mr Robert McBride.

They threw grenades through a window and hid in a neighbouring house. They heard two explosions from Mr Klein's house.

The trial proceeds today.

● Judgment on Mr Robert McBride and his girlfriend, Miss Greta Apelgren, accused of causing the Magoo's Bar blast in Durban and freeing a suspected terrorist from Edendale Hospital is expected on Tuesday.

Mr McBride, 23, is facing 23 counts and Miss Apelgren, 30, 14 counts. These include charges of terrorism and four counts of murder.

constructive place under a black ma- tise were destroyed. — Sapa-Reuter.

Judge rejects ex-assessor's reply

Delmas trial bid dismissed 'in toto'

DELMAS treason trial judge Mr Justice van Dijkhorst yesterday rejected the application by the 19 accused for the hearing to be stopped.

He made his ruling after four days of argument which included sharp exchanges between himself and counsel for the accused Arthur Chaskalson, SC. At one point Chaskalson was warned about a possible contempt of court charge.

Much of the argument centred on the admissibility of a report by dismissed assessor Willem Joubert, in which Joubert attempted to answer statements made by the judge on Monday.

Following Joubert's dismissal as an assessor on March 10, after he told the judge he had signed the United Democratic Front (UDF) Million-Signature Campaign, the accused brought three applications before the court.

They were for the proceedings to be quashed, and for either the judge or his assessor W F Krugel to recuse themselves.

After an adjournment yesterday, Chaskalson told the court the accused

PATRICK BULGER

wished to withdraw their application for the judge to recuse himself.

"The application in toto is dismissed — my reasons will follow later," the judge answered Chaskalson.

The court heard argument earlier from counsel for the State, William de Villiers, SC, who said it was not in the public interest that Joubert make public details of discussions between himself and the judge.

Mr Justice van Dijkhorst later ruled that Joubert's third statement — a reply to the judge's reasons for dismissing him — was inadmissible. He also ruled that a paragraph in Joubert's second report — a reply to an affidavit by Transvaal Attorney-General Don Brunette — was inadmissible.

Meanwhile Joubert has submitted his disallowed report to President P W Botha, the Minister of Justice, the Transvaal Judge President and the AG of the Transvaal.

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WELCOME HOME!



Home after almost 300 days of detention without trial: the Reverend Francois Bill, who was released this week

Picture: ERIC MILLER, Africa World

One man's escape at the centre of 3 separate trials

AS the Magoo bomb trial reached its climax this week, two of a number of related cases came up in court.

The accused in the Pietermaritzburg Supreme Court, Robert McBride and Greta Applegren, are both from Wentworth, a township close to Durban's Louis Botha Airport.

A number of others from the same area, including McBride's father, are involved in cases relating to the Magoo's trial.

However, in one of these, charges were withdrawn against the accused this week.

Two brothers of alleged ANC guerrilla, Gordon Webster, appeared in the Durban Regional Court, charged with helping and harbouring Webster.

He was "sprung" from Edendale Hospital in May last year by a group of people, allegedly including McBride and Applegren.

At the time of the incident, Webster was in the intensive care unit of the hospital under police guard, being treated for injuries sustained in a clash with police at the time of his arrest.

Evidence given in the Pietermaritzburg trial was that after his dramatic freeing from the hospital ward he was taken to Durban where he spent some days before being smuggled out of the country in a caravan.

Webster's two brothers Victor and Trevor faced charges under the Internal Security Act and the Prisons Act — the latter for allegedly helping

The extraordinary hospital escape of alleged ANC guerilla Gordon Webster was at the centre of three different court cases this week, reports CARMEL RICKARD

an escaped prisoner.

The state claimed they directly or indirectly assisted Webster and that they did not report his presence in Umlazi and Wentworth to the police after he was "sprung".

But when they appeared in court on Tuesday, they were told the case against them was being withdrawn and that they were both free to go.

The two spent nearly four months in detention under the Internal Security Act last year.

Another related case, that of Derrick McBride, 53, and Antonio du Preez, 22, began in Pietermaritzburg during the week.

The two face one count of murder and four of attempted murder for the role the state claims they played in "springing" Webster from hospital.

They are also charged with "concealing or harbouring a terrorist".

In addition, each of the two men is alleged to have set up an arms cache.

However, it is the Magoo's trial which has caught most attention.

McBride junior and Applegren are charged with four counts of murder

He said the bomb was to be a retaliation against the state which he believed had "declared war" on the black population by imposing a State of Emergency the week before.

Defence witness, Wits University psychology professor Noel Manganyi, said the two accused grew up in Wentworth, one of the most violent urban communities in South Africa, where individual life was valued very little.

McBride "tried for white" at one stage, and after being rejected and humiliated, took on "an African identity". Manganyi said McBride felt he should make extra sacrifices and that he as a person of mixed race origin would achieve more than any African saboteur had done.

On Applegren's motivation, Manganyi said her job as a social worker exposed her to the daily trauma of the coloured people. She was a committed Roman Catholic and at the time of her recruitment to the ANC, thought it her "moral and Christian duty to take up the challenge".

— three women died when a car bomb exploded outside the Magoo's Bar on Durban's Marine Parade last June, and one man died during the "rescue operation" to get Webster out of hospital.

Among the more dramatic recent developments in the trial was a trip to London where evidence was taken from Webster himself.

His evidence was made part of the trial record after the defence and prosecution teams returned from London.

He said on the night of the incident he heard firing from AK47s and McBride burst into his ward shouting his code-name.

McBride pulled the blood-transfusion tube from his body and put him on top of a trolley. Webster took McBride's AK47 from him so he could use both hands to push the trolley.

On the way out of the building Webster fired into the air to "frighten" people and clear the way, and added that after the second burst from the rifle he saw two people fall to the ground "with blood on them".

He said when he was being put into the escape vehicle outside the hospital, nurses and others in the area shouted pro-ANC slogans.

During McBride's own evidence on his motives, he said he originally planned to bomb a city centre store, but a colleague — a witness who cannot be named — persuaded him to explode the bomb on the beachfront outside a hotel.

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Delmas judge

THE DISSENTING PROFESSOR

The man who always spoke his mind: Profile of the assessor at the centre of the Delmas controversy

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squashes defence plea

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Defiant miners move wives into hostels

By SEPAKO NYAKA
MIGRANT mineworkers at several Anglo American Corporation-controlled coal mines in the Eastern Transvaal have confronted the migrant labour system head on: they have unilaterally moved their wives or girlfriends into the single-sex hostels.

The move — done in defiance of mine management — is the first such public action following the National Union of Mineworkers (NUM) pledge at their recent annual conference to "take control" of the compounds and dismantle the migrant labour system.

It creates an acute dilemma for mine management, who have repeatedly stated their opposition to the single-sex compound system but have been accused by the union of dragging their feet in changing it.

Now management will either have to turn a blind eye to the defiance — thus acknowledging that miners have at least partial control of the compounds — or throw the wives out, discrediting their claims to support the concept of mixed hostels.

The occupation of the hostels is likely to test Anglo's liberal policy and utterances, according to an NUM representative.

The "occupation" of the Anglo American Collieries (Amcoal) mine hostels started last weekend at Landau, Bank, Kriel and Goedeheop Collieries in the Witbank-Middelburg area.



It looks like an everyday gathering of friends, but it's actually an act of defiance. Musawenkosi Mfosi was one of the first miners to bring his girlfriend, Beauty Mgwita, into a single-sex hostel. George Mbukwana looks on

Picture: ERIC MILLER, Afrapix

Attempts by senior officials from the Chamber of Mines and mine management to stop the occupation of the hostels have been unsuccessful.

Workers have ignored a circular sent to their wives from mine management warning them their presence constitutes trespass.

"I would like you to know

that I do not condone your presence in the hostel single accommodation as I believe it will lead to complications from other occupants of the hostel," the circular from mine manager AP Bugden warned.

The circular added that the facilities and food provided by the mine were "for our employees only and you will

not be treated like a lady".

There has been no attempt to stop women from obtaining food from the kitchen, although some workers have been purchasing cooked food from outside the mines.

There were none of the usual security officers or "indunas" at the gates and no special

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By RUTH BECKER

INTENSE argument and an unprecedented legal debate were abruptly ended yesterday when the Delmas treason trial judge ruled that his statement on the dismissal of assessor Professor Willem Joubert could not be contradicted.

The future of the trial hung in the balance yesterday until the defence suddenly withdrew an application for the judge's recusal as a result of his ruling.

Judge K van Dijkhorst then dismissed their entire application "in toto". This included the application for the quashing of the proceedings, the recusal of the judge and his remaining assessor, WF Krugel.

The application for the recusal of the judge "raises important questions about perceptions of justice", Professor John Dugard, director of the Centre for Applied Legal Studies, said yesterday.

Commenting on what he termed an "extraordinary turn" in the trial, he said: "Justice must not only be done, it must be seen to be done. It seems difficult to believe that after this application the general public will have confidence in the subsequent course of the trial."

Earlier in the day, Judge K van Dijkhorst ruled a third report by dismissed assessor Professor Willem Joubert was inadmissible.

Closing argument for the defence yesterday, after Joubert's third report was rejected, Arthur Chaskalson, SC, asked the judge to rule on Joubert's two earlier reports that had been filed with their application.

Van Dijkhorst ruled that the second report contradicted his own account of Joubert's dismissal and struck out one paragraph.

He accepted Joubert's first report, which alleged irregularities in his dismissal three weeks ago.

Dugard said: "I would like to comment more upon the subject. However it seems that South Africa has returned to the dark ages of the Sixties and early Seventies when the judicial office was protected by the threat of contempt of court."

"We now seem to have reached the situation in which any challenge to the judge's presentation is contempt of court."

The basis of the defence's application for Van Dijkhorst's recusal was removed by his ruling, which would not allow the defence to contradict his statement concerning Joubert's dismissal.

Chaskalson accordingly asked for a postponement until today. The judge refused. He then granted 15 minutes

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The contents of this newspaper have been restricted in terms of the Emergency regulations.

Judge rejects defence plea

for Chaskalson to consult with the accused.

●From PAGE 1

A bemused gallery watched the lawyers and the accused file down to the cells.

When they returned, Chaskalson announced that "in the circumstances we have been instructed not to proceed with the application" (for the judge's recusal).

Van Dijkhorst promptly ordered the application dismissed "in toto". He said he would give his reasons later and asked the defence "Do you have a witness available?"

A silent court watched advocate George Bizos, SC call Accused No 7, Tsietsi Mphuti, to continue the

defence case.

According to legal experts, the accused will have to wait for the end of the trial if they want to appeal yesterday's decision. The trial is expected to last for at least another year.

The 19 accused ^{3-9/4/87} including UDF national leaders Popo Molefe and Patrick "Terror" Lekota — face charges including treason, murder and subversion. Six are on bail, while the other 13 have been in custody for two years or more.

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A court weighs up the case against itself

'Nothing like this has ever happened before,' said the defence advocate, describing the extraordinary proceedings at the Delmas treason trial this week. 'Let's hope it never happens again,' replied the judge.

RUTH BECKER reports

ON Monday morning there were three microphones lining the Delmas treason trial bench. By Monday afternoon there were only two.

The removal of one microphone during lunch-hour proved a lot quieter than the removal of an assessor three weeks ago. The vacant seat behind the microphone highlighted Professor Willem Joubert's absence as the court heard argument that his dismissal had annulled the trial.

The intense argument this week around the dismissed assessor saw Justice K van Dijkhorst warning the defence counsel — and one of the country's most eminent lawyers — Arthur Chaskalson SC, that he was in danger of contempt of court.

Defence for the 19 accused in one of South Africa's longest trials applied this week for the trial to be halted on the grounds that the court is no longer properly constituted. Their submission arose from Van Dijkhorst's decision that Joubert should recuse himself because he signed the United Democratic Front's Million Signature Campaign declaration.

Joubert refused to recuse himself and submitted a report alleging irregularities in his dismissal. He subsequently drew up two further reports.

In court this week, Chaskalson described the dispute as "quite extraordinary."

"Nothing like this has ever happened before, to my knowledge."

"Let's hope it never happens again," Van Dijkhorst replied.

Their exchange on Wednesday followed Van Dijkhorst's refusal to accept Joubert's third report.

In his initial report Joubert stated he did not consider the judge's decision lawful and still considered himself bound by the oath he took as an assessor to give a true verdict on the issues at stake in the trial.

He stated: "It was manifest throughout the period of the trial in discussions which I had with the presiding judge that there continued to be very great differences in our political perceptions and in our approach to political issues in the country."

Later in the report he said: "I believed then and I believe now that my presence as a member of the court

and the contribution I was making in these debates acted as an important countervailing influence to balance the orientation of the judge towards various issues of great importance.

"I fully accept that the judge and I had different political dispositions. If my political dispositions, expressed openly to the presiding judge and to others, constitute a reason why I should recuse myself then, for the same reason, the presiding judge should recuse himself."

Before the defence opened its case on Monday, Van Dijkhorst recorded his response to Joubert's report.

He described the Million Signature Campaign as "an important feature of the state's case" and said it was Joubert's duty "to disclose to me that he had participated in this campaign".

Van Dijkhorst said he saw Joubert's statement as "an attempt to justify his refusal to recuse himself by attacking my integrity."

"Thereby he deliberately places the continuation of this trial in jeopardy."

The accused submitted that Joubert's dismissal is prejudicial to them as it alters the composition of the court and affects their right to a fair trial.

In their founding affidavit they expressed concern about the judge's attitude and of the other assessor, W F Krugel, stating: "We have gained the clear impression that they have formed opinions adverse to our case."

They voiced misgivings about

Krugel's membership of the Afrikaner Broederbond, the policies of which they see as "strongly supportive of Afrikaner nationalism and hostile to the political aspirations of the black people".

A further reservation expressed by the accused is Krugel's appointment as liquidator of a number of political organisations banned in October 1977. Some of the accused were members of these organisations.

They go on to say "it is difficult to describe the impact" Joubert's dismissal had on them.

"We have seen the disappearance of the only member of court whom we believed was not hostile to us. We have been told that a person who signed the Million Signature declaration is not fit to be a member of the court that tries us. If this is so, we cannot accept that a member of the Broederbond and a judge who is seemingly hostile to us, are fit to do so."

They concluded by saying: "We no confidence whatever in the ability of the court before whom we are now being tried to deal with our case fairly and objectively and we seek their recusal."

In his statement on Monday, Van Dijkhorst said he found the atmosphere in court was "reasonably relaxed."

"The suggestion that the recusal of Dr Joubert was done with ulterior motives is rejected."

"I am at a loss to understand the allegation that I by tone, gestures or otherwise favour the state. In the absence of detailed information I cannot comment upon this matter at this stage."

Van Dijkhorst recorded Krugel's response to the allegations made by the accused against him.

He said Krugel joined the Broederbond in 1975 but did not hold an executive position.

When approached to join the Broederbond, Krugel was told his membership could not directly or indirectly influence his functions as a judicial officer.

"That statement was correct," Van Dijkhorst said.

"At no stage has the Afrikaner Broederbond in any way attempted to influence the course of the administration of justice where he (Krugel) was involved."

Van Dijkhorst went on to say Krugel "regards the Afrikaner Broederbond as an Afrikaner cultural and political think tank. It does not prescribe to its members what political beliefs to adhere to."

At no stage was Krugel aware that any of the accused had been a member of any of the organisations he was designated to liquidate and their names were only relevant for Krugel's purposes if they had been creditors, Van Dijkhorst said.

The defence for the 19 accused, charged with treason, terrorism, subversion, murder and furthering the objects of an unlawful organisation, argued on Monday that the judge did not have the power to decide an assessor's recusal. They submitted Van Dijkhorst should have put his reservations to the state and defence lawyers.

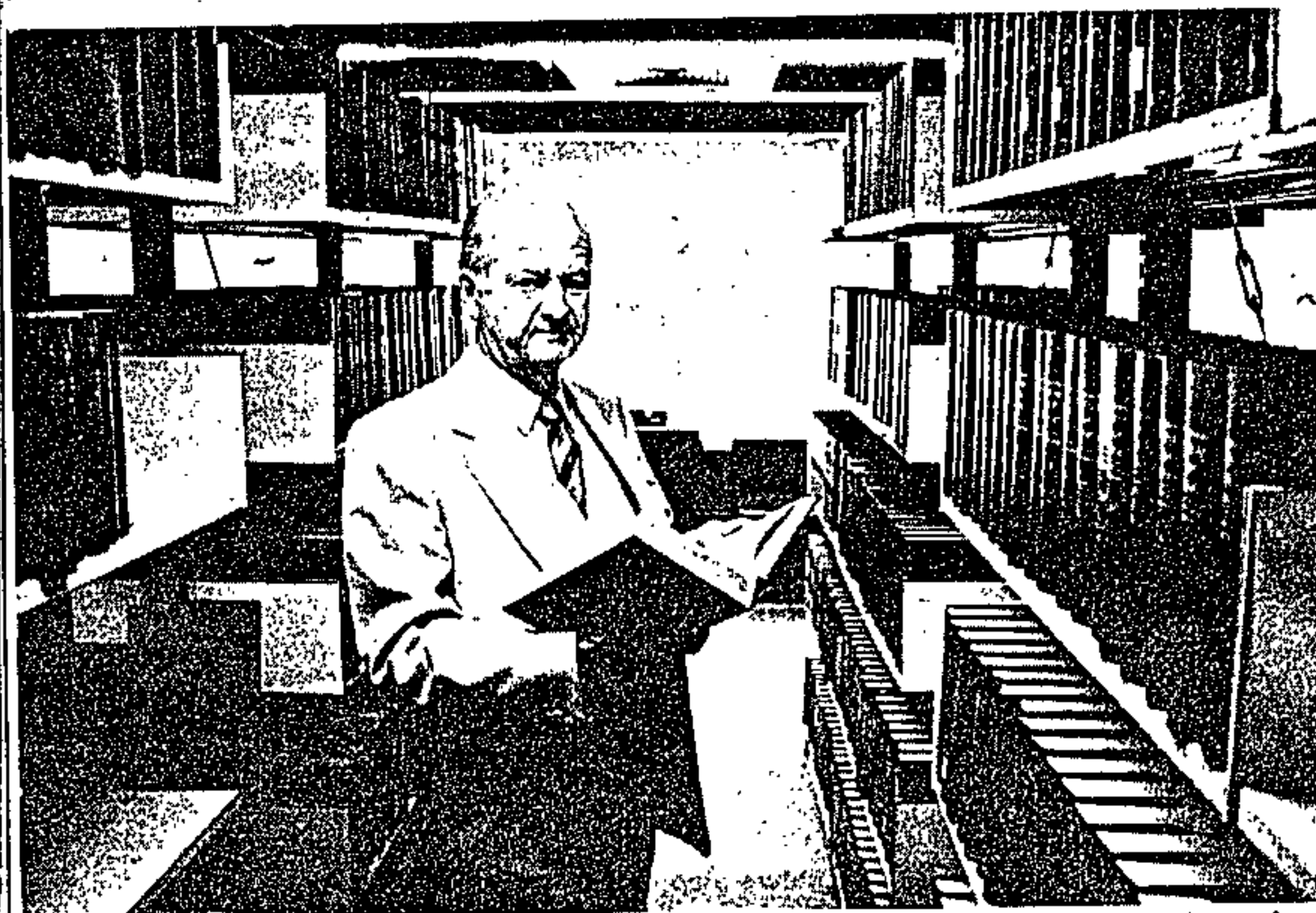
The state defended Van Dijkhorst's action, saying South African law provided for this. Moreover they argued the defence could not expect a judge to review his ruling.

It was precisely because Van Dijkhorst could not review his own order that the defence was asking him to rule that the "consequences of what you've done is create a situation that constitutes a material irregularity and vitiates the trial," Chaskalson said.

An assessor's view carries equal weight to a judge's in deciding on points of fact.

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A quiet morning in the library for the man at the centre of the Delmas legal controversy



Professor W A Joubert, the lawyer, academic and reluctant man in the spotlight this week

Picture: ERIC MILLER, Afrepla

THE assessor who this week alleged irregularities in his dismissal from the Delmas treason trial is an Afrikaner with a long history of opposition to the Nationalist government.

Professor Willem Adolf Joubert, 68, son of a Stellenbosch professor who was a supporter of National Party founder General JBM Hertzog, grew up in a "Nationalist home". On leaving school, he joined the Junior National Party branch at Stellenbosch, headed at that stage by former Prime Minister BJ Vorster.

He has since broken that association. He gives "what support I can afford" to Dr Frederik van Zyl Stabbert, the former Progressive Federal Party leader who broke away from white parliamentary politics.

Five years ago Joubert left the white Ned Geref Kerk to join the NG Sendingkerk or Mission Church — the coloured branch which has Dr Allan Boesak as synod moderator. Joubert's disillusionment with the NP policy "where everything was in the party and for the party", however, began in his student days.

During the Second World War he became active in student politics. "I was very strongly opposed to the Smuts government and to the war and on the side of General Hertzog's plea for neutrality.

"In those days, you must remember, South Africa was practically a colonial state. We were fighting British imperialism, British capitalism," he says, hastening to explain that he supports neither capitalism nor socialism, but free enterprise.

The founder and first editor of Stellenbosch University's student newspaper, *Die Matie*, Joubert said: "As students we were fighting for a new political order."

As a young academic and advocate he became a member of the national

He is a white member of Allan Boesak's church. He signed the UDF petition. JO-ANN BEKKER reports on the Afrikaner dissenter in the middle of the Delmas controversy

executive of the South African Bureau of Racial Affairs (Sabra) which he describes at that stage as a group of "enlightened Afrikaners" who were promoting a "liberal apartheid".

In the early Fifties he spoke out strongly against the government's decision to enlarge the Senate — in the face of consistent opposition from the appeal court — in order to disenfranchise the coloured people.

Joubert made his mark as an intellectual dissenter from the government's racial policies more vocally in 1960, when he delivered a critical paper on the political future of the "homelands" and was "scolded by the establishment and called a second Bishop Reeves" (Bishop Ambrose Reeves was the outspoken bishop of Johannesburg at that time.)

A year later his break with the country's rulers became final when he and founding members of Sabra were kicked out of the association after they refused to delay the publication of a report on the social and economic position of coloured people.

Joubert said their ousting was at the direction of the then Prime Minister, Dr Hendrik Verwoerd, and the Broederbond.

In 1972 Joubert founded a "non-partisan public interest pressure group" called Verligte Action. An alliance of Nationalists, Progressive Party and United Party members, it was an initiative for "enlightened changes to the racial and constitutional structures of South Africa".

Joubert, the group's first chairman, said the government had responded to Verligte Action by declaring a national election, and the alliance had quietly disbanded as members went to canvass for their respective parties.

Joubert was a founder member of the Progressive Federal Party in 1977, and, until 1981, the party's Northern Transvaal chair.

In the 1981 election — at a time when he was involved in publishing and not attached to any university — he stood as the PFP's candidate in the Waterkloof constituency while his wife, Hulda, stood for the Provincial Council. They were both narrowly defeated.

Today, Joubert — reluctantly in the

spotlight because of his ousting from Delmas — is unwilling to be drawn on his political views, preferring to allow his actions to speak for themselves. But he does sum up his beliefs in his report on his dismissal: "My opposition to the policies of apartheid and to white domination has not been in any doubt," he says.

"It has not been questioned that I reject apartheid and that I stand for the evolution of a free and democratic country in which oppression and racism will become things of the past. No-one has had reason to doubt that I would give support to any lawful initiatives aimed at securing justice for all of South Africa's people and the creation of a free and stable society."

A fortnight ago Joubert was awarded an honorary Doctorate in Law by the University of the Orange Free State (UOFS) — a distinction which comes towards the end of a long and full academic career.

Although he began as a classics scholar, graduating from Stellenbosch university in 1947 with an MA in classics, he chose law as a "very attractive discipline which married academic with practical work". After completing an LLB degree, he obtained his Doctorate in Law, also from Stellenbosch University, in 1950.

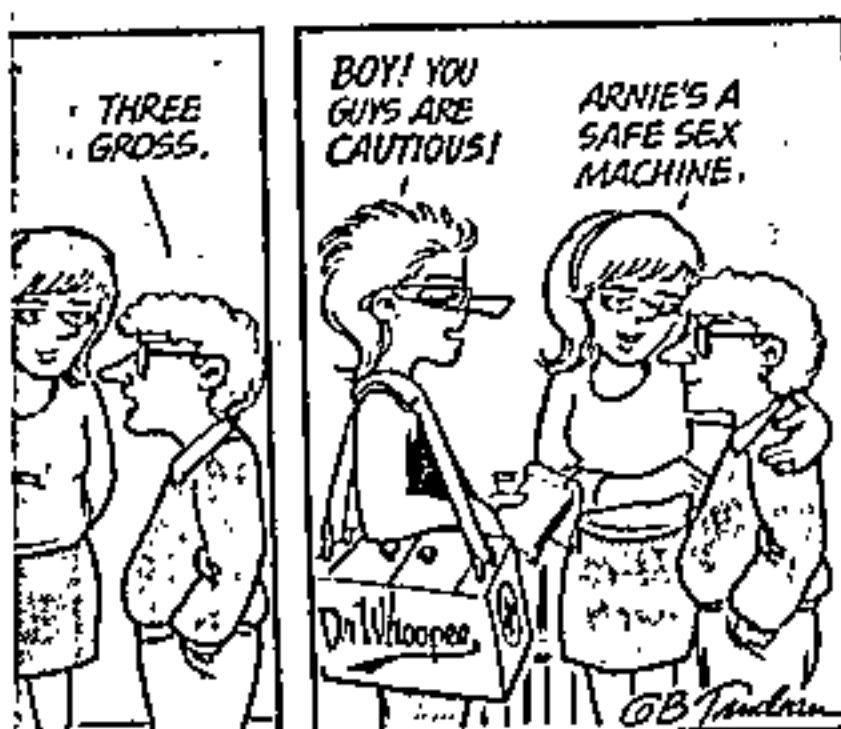
He was admitted to the bar in 1947 and after lecturing at the University of Potchefstroom, served as dean of the faculties of law at the University of the Orange Free State and the University of South Africa.

He frequently acted as assessor in major trials in Bloemfontein.

Joubert has founded and edited many legal publications, of which his most ambitious work was *The Law of South Africa*, an encyclopaedic work which the UOFS, in its citation for Joubert, describes as the "largest and most impressive publication in the history of South African law".

A provincial tennis player and interprovincial rugby referee in his younger days, Joubert keeps fit by jogging most evenings, usually accompanied by his wife.

Hulda Joubert, who has an MA in social work, married Willem Joubert when they were both lecturing at Potchefstroom. She has a daughter from her first marriage and the Jouberts have a daughter. Their son was killed in a car crash some years back while studying law at Stellenbosch.



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PATRICK BULGER

WILLEM JOUBERT no longer sits as an assessor at the Delmas treason trial, but his absence has dominated proceedings every day this week.

His sacking by Mr Justice Van Dijkhorst has created a unique problem in SA legal history.

At the same time, it has revived interest in the fate of 19 political activists to whom the platteland town has become a second home in the past 18 months.

Joubert's dismissal on March 10 after the judge learned he had signed the United Democratic Front (UDF) Million-Signature Campaign led him to outline his background and his views in an affidavit he submitted to the court.

He was adamant Mr Justice Van Dijkhorst had acted incorrectly in dismissing him.

"If my political dispositions, expressed openly to the presiding judge and others, constitute a reason why I should recuse myself then, for the same reason, the presiding judge should also recuse himself," he stated.

Joubert has a long history of dissent from the Afrikaner establishment.

He was born and educated at Stellenbosch, where he gained an MA in classics in 1947. Three years later he obtained a doctorate. From 1952 until 1959 he was dean of the faculty of law

Joubert is absent, but he dominates Delmas trial still

at the University of the Orange Free State, and dean of law at the University of SA from 1960 to 1969. The author of dozens of legal works, he is also editor-in-chief of Joubert's *The Law of SA*.

Joubert, the court learned, has always had a keen interest in public affairs. This brought him into conflict with Afrikanerdom from an early stage.

For many years he played a prominent part in intellectual dissent by certain Afrikaner academics against the policies of apartheid.

He clashed with the NP from the early 1950s, when he opposed the enlargement of the Senate to disenfranchise coloured voters. In 1961 he was expelled from the apartheid think-tank, the SA Bureau of Racial Affairs (Sabra) — at the behest, he believes, of then Prime Minister Hendrik Verwoerd.

In 1972 he founded "a non-partisan public interest pressure group called Verligte Action in order to provide an initiative for enlightened changes to

the racial and constitutional structure of SA".

Five years later he was a founder member of the Progressive Federal Party, and in 1981 he stood unsuccessfully as a candidate in Waterkloof.

Joubert said he signed the Million-Signature Campaign in 1983 because he felt "the new constitution would be a disastrous step because it would permanently alienate the black majority in this country".

On the Delmas trial, Joubert noted that in relation to Mr Justice Van Dijkhorst "there continued to be very great differences in our political perceptions and in our approach to political issues in this country".

His presence as an assessor "acted as an important counter-veiling influence to balance the orientation of the judge towards various issues of great importance".

Almost exactly a year before being dismissed as an assessor, Joubert received an Honorary Doctorate in Law from the University of the Orange Free State.

CAM-Trans 3/4/87 (331)

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Treason judge rejects application to stop trial

Own Correspondent

JOHANNESBURG. — The judge in the Delmas treason trial, Mr Justice Van Dijkhorst, yesterday rejected the application by the 19 accused for the trial to be stopped.

He made his ruling after four days of argument which included sharp exchanges between him and counsel for the accused, Mr Arthur Chaskalson SC. At one point Mr Chaskalson was warned about a possible contempt-of-court charge.

Much of the argument centred on the admissibility of a report by dismissed assessor Mr Willem Joubert, in which Mr Joubert attempted to answer statements made by the judge on Monday.

Following Mr Joubert's dis-

missal as an assessor on March 10 after he told the judge he had signed the UDF million-signature campaign, the accused brought three applications before the court: for the proceedings to be quashed, and for the judge or his assessor Mr W F Krugel to recuse themselves.

After an adjournment yesterday, Mr Chaskalson told the court the accused wished to withdraw their application for the judge to recuse himself.

"The application in toto is dismissed — my reasons will follow later," the judge said.

Earlier the court heard argument from counsel for the State, Mr William de Villiers SC. He said it was not in the public interest that Mr Joubert make public details of discussions between

himself and the judge. Neither was it in the interests of public policy that the judge should be cross-examined on his actions.

Mr Chaskalson said there was no mechanism whereby a judge could rule on his own actions.

The judge later ruled that Mr Joubert's third statement — a reply to the judge's reasons for dismissing him — was inadmissible. He also ruled that a paragraph in Mr Joubert's second report — a reply to an affidavit by Transvaal Attorney-General Mr Don Brunette — was inadmissible.

Meanwhile, Mr Joubert has submitted his disallowed report to President P W Botha, the Minister of Justice, the Transvaal Judge President and the AG of the Transvaal.

The trial continues today.

w/c ARS 4/4/87

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Police to charge Tribune?

PRETORIA. — Police say they are investigating the possibility of bringing criminal charges against the Sunday Tribune of Durban for an article quoting the Detainees' Parents Support Committee.

A police statement says that in a double-page news article under the heading "The price of police assaults" the police were accused of having spent more than R7-million of taxpayers' money for police "assaults, torture and alleged assaults".

"The South African Police takes the strongest exception to the article, as it is not only

biased, slanderous and completely distorted but also factually incorrect," says the statement.

"In spite of the fact that the police had told the Sunday Tribune that its information regarding, for instance, the amount of R7-million, was incorrect, it continued to publish the inaccuracies."

The statement adds: "The South African Police is investigating possible criminal charges in terms of the Police Act against both the Sunday Tribune and the Detainees' Parents Support Committee." — Sapa.

Trial hears of weapons in ceiling

MARITZBURG. — Twenty-one AK47 rifle shells and one spent bullet from a Makarov pistol — all found in Edendale Hospital after suspected terrorist Mr Gordon Webster was sprung — were fired from weapons discovered in the ceiling of Mr Derrick McBride's factory premises.

This was formally admitted by the defence at the trial of Mr Derrick McBride, 53, and Mr Antonio du Preez, 22, in the Supreme Court here yesterday.

It is alleged that Mr McBride and Mr Du Preez, together with Mr McBride's son Robert and another, sprang Mr Webster from Edendale Hospital near here last May 4.

Mr Derrick McBride and Mr Du Preez are charged with the murder of a 20-year-old bystander, who was shot through the brain and left lung with an AK47, and the attempted murder of two other bystanders and two policemen during the rescue.

They are also charged with terrorism, aiding a prisoner to escape and concealing a terrorist.

They have pleaded not guilty to all the counts.

The defence yesterday admitted that, in addition to the shells and spent bullets which were fired from the weapons discovered in the ceiling, one 9mm spent bullet, one 9mm shell, one 9mm Makarov shell, four 7,62mm spent bullets, six bullet cores and four jackets of bullets were found near the intensive-care unit of Edendale Hospital where Mr Webster had been a patient.

In evidence yesterday Constable J Visagie said the day Mr Webster was sprung a man, who was identified at a police identity parade as Mr Robert McBride, burst into the ward where he was guarding Mr Webster.

The man fired at the constable, hitting him in the right forearm. Constable Visagie ran away and hid in a sluice room. When he emerged he saw a man, who appeared to be dead, lying outside the ward.

Mr Robert McBride is also on trial on terrorism charges in another courtroom in the same building where his father is being tried.

The hearing continues on Tuesday. — Sapa

JUDGE Dijkhorst is on trial at the Delmas trial.

The irony of the case is that the same judge will have to pass judgment on himself.

And the 19 accused, whom he is presiding over in the treason trial, are now spectators as the legal battle drags on between the bench and the defence.

This is an extraordinary shift in South Africa's legal history, as the spotlight switched from the 19 accused to the trial judge and the assessor he dismissed three weeks ago.

This unexpected switch of events followed an application by advocates defending the trialists, asking Judge Dijkhorst to recuse himself from the case and thereby nullify the marathon trial.

Secondly, that a subsequent affidavit, made by dismissed assessor Willem Joubert seeking to divulge private and confidential happenings, which led to his expulsion from the bench.

Announcing the termination of the assessor's services last March 10, Judge Dijkhorst said in a brief statement that it had come to light that Joubert could no longer be part of the court. Joubert was a signatory to the 1984 United Democratic Front one-million signatures against the introduction of a new constitution for South Africa.

The State's case in the trial -- among



**REVELATION
NTOULA**

other things -- rests on an attempt to establish a relationship between events leading to the 1984 Vaal unrest and UDF activities.

Joubert's dismissal provoked a sharp reaction from the defence team, challenging the judge's right to drop the assessor. Defence counsels asked the judge, (and the remaining assessor), to recuse himself and thereby set all accused free because of the alleged irregularities.

In an affidavit submitted this week, the accused expressed their belief that Judge Dijkhorst and assessor WF Krugel are prejudiced against them.

Krugel was also believed to be a member of the Broederbond -- seen as strongly supportive of Afrikaner nationalism and hostile to black political aspirations.

The accused, the affidavit said, were also of the opinion that both the judge and the remaining assessor could be biased against them.

Krugel was also believed to have occupied an office at John Voster Square and had had contact with the security police. Because of this, the accused were of the

opinion that Krugel would have been privy to information likely to be hostile to the views to be advanced in their defence and supportive of those advanced by the State.

The call for the judge's recusal this week led to a heated debate by the defence and State counsel, with occasional sharp exchanges of words between the judge and defence advocate Arthur Chakalson SC.

In an earlier decision, the judge ruled that he had acted properly by dismissing Joubert and that the case should, therefore, continue. The defence, however, have on three occasions tried to ask the court to accept three affidavits by Joubert explaining certain points which led to his dismissal.

The State, however, has contended that Joubert's statements are not to be accepted as evidence in the case, because it would have the effect of revealing what transpired between the judge and himself in private.

This, said De Villiers, would be contrary to law.

At the time of going to Press, the judge had not yet made the ruling as to whether the latest attempt by the defence to have him recused, on the grounds that he had acted improperly by dismissing Joubert.

The 21-month-old trial has been hitting international media headlines and is being closely monitored at home and abroad.

Among those who have attended the trial have been the Anglican Archbishop of Cape Town, Archbishop Desmond Tutu, South African Council of Churches general secretary Beyers Naude, former leader of the Progressive Federal Party Dr Frederik Van Zyl Slabbert, PFP MP Helen Suzman and UDF patron Alan Boesak.

Many diplomats stationed in Pretoria, observers from legal associations and other world organisations have also attended the Delmas trial.

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open
5/4/87

THE

TRIAL

Necklace suspect faces judgment

4/18/87
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By SOL MORATHI

JUDGMENT against a 33-year-old Laezonia man suspected of necklacing a policeman, will be passed in the Pretoria Supreme Court on May 4.

Henry George Burt, of Plot 33, Laezonia, Pretoria, has pleaded not guilty to killing Sergeant Jacob Burt Ndumande by stabbing and necklacing him in June last year.

He has submitted that he had given Ndumande a lift after drinking beer at a civil defence meeting and had later gone to see Roger North - an acquaintance - and also an alleged accomplice in the case.

He said he had gone to see North in connection with an appointment the latter had failed to keep

Mob sang as Maki burnt

By SOL MORATHI

ROSALINE Maki Skhosana - the Duduza woman who was killed by a mob of people after a funeral service two years ago for allegedly being a police informer - was still alive when a huge rock was hurled on top of her chest.

This evidence was led by a 15-year-old youth from KwaThema, Springs, in the murder trial of 10 East Rand people.

The youth, who may not be named, is also standing trial.

The accused are: Mathakala Elizabeth Motau, 27, Sanna Twaia, 22, Solomon Mosisogae, 27, Linda Alexandre Hlophie,

with the Legal Aid Board, body of Ndumande and had North, who has since left told him he had killed him.

He said Burt had wanted in a statement that Burt his assistance to burn the body and make it a "black

26, Lorraine Zanele Sobuzi, 31, Jacob Tshabalala, 21, Lydia Mokoena, 24, Phineas Maseko, 31, Daniel Mhokwane, 22, and a 17-year-old girl.

They are all from Duduza.

All have pleaded not guilty to killing Skhosana by assaulting and burning her to death in Duduza on July 20, 1985.

The 15-year-old youth told the court that he had seen the half-naked Skhosana lying on the ground with a mob of people dancing and singing around her.

She was still alive, though she did not cry despite the vicious assaults she was subjected to.

Both men then burnt the body.

Burt, who told court that he was stripped naked and

assaulted during interrogation, denied that the seat of the car in which he gave the policemen a lift had blood stains on them of the same group as Ndumande's.

His fiancée - Moeke Grobbelaar - also testified that the car had no traces of blood.

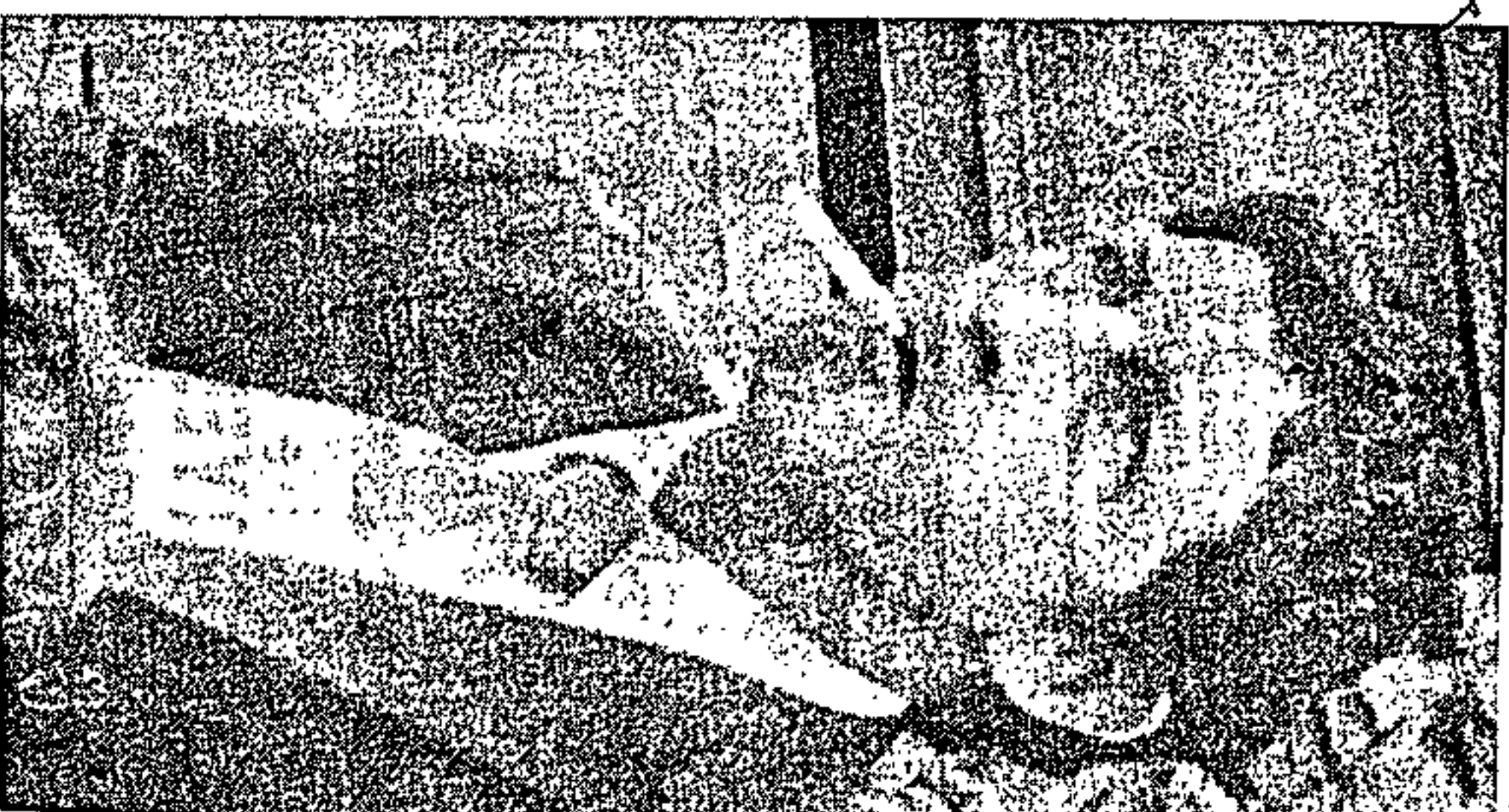
But both the investigating officer and forensic tests found that the car seats had blood stains on them.

This week, counsel for defence said Burt had no motive to assault and necklace the policeman.

The counsel, David Kuny SC, said in mitigation that the case against Burt consisted basically of speculation and circumstantial evidence.



The accused's fiancée, Moeke Grobbelaar.



The accused, Henry George Burt.

CITY PRESS, AP

Cape Times

8/4/87

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Applause greet convicted bomber

Own Correspondent

MARITZBURG. — Magoo's Bar bomber Robert McBride, 23, was greeted by a storm of applause as he re-entered the dock in the Supreme Court here yesterday soon after being found guilty of placing a car bomb outside Durban's Parade Hotel last May which killed three people and injured 89.

Mr Justice Shearer and two assessors earlier found McBride, of Wentworth, guilty on 19 counts including murder, attempted murder, assault and various contraventions of the Terrorism Act.

Referring to the Magoo's Bar bombing, Mr Justice Shearer said the car bomb had been designed to kill as many people as possible.

The judge said McBride's evidence was that he had constructed the car bomb in reaction to the declaration of the state of emergency on June 12, in which family members of his girlfriend and co-accused Greta Apelgren were detained.

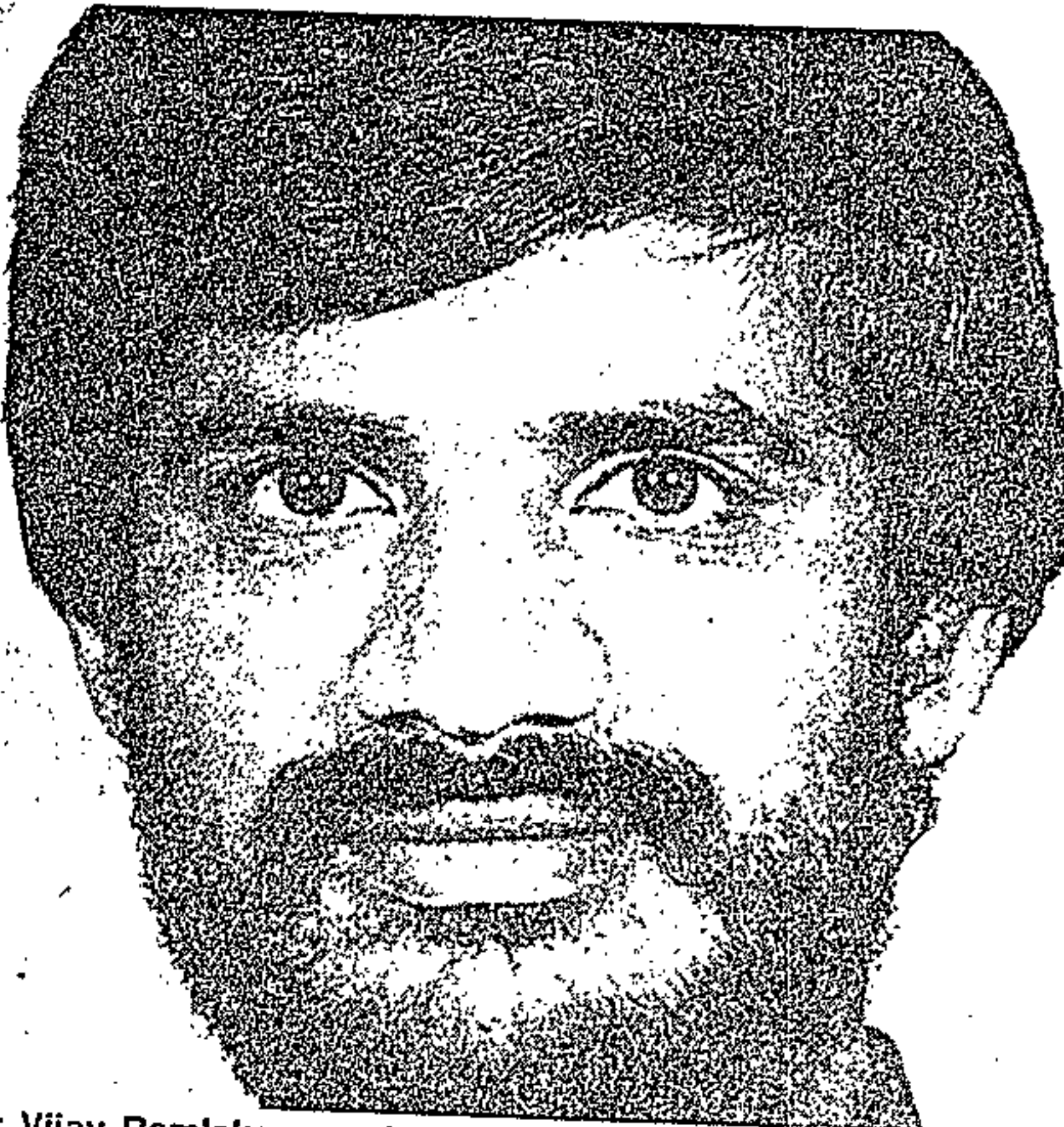
She was acquitted on all charges connected with the Parade Hotel bombing.

She was convicted on a total of five counts involving assault with intent to do grievous bodily harm and contraventions of the Terrorism Act, including the freeing of ANC terrorist Gordon Webster from Edendale Hospital's intensive-care unit last May.

The hearing continues today.

A doctor tells the court why he turned to violence

A doctor who worked in a hospital so overcrowded and understaffed that he sometimes had to choose which patients would be allowed to die, told a court why he turned finally to 'selective violence'. CARMEL RICKARD reports



Dr Vijay Ramlakan, sentenced to 12 years in prison last week, had to choose which patients he would allow to die

AGAINST great odds of family poverty, Durban doctor, Vijay Ramlakan, qualified as a medical practitioner.

But his medical training gave him a new view of South Africa and the effects of apartheid.

Eventually this — and the things he saw in medical practice — drew him into the ANC and a week ago he was sentenced to 12 years imprisonment for his part in a number of bombing incidents in and around Durban.

Originally Ramlakan was charged with 11 others, but three were acquitted, and at the end of the trial the remaining nine were given a total of 84 years' imprisonment.

The case drew interest because two of the accused were doctors — Ramlakan and Sibongiseni Dhlomo.

During his evidence in mitigation Ramlakan said he believed every doctor had a duty to become involved in the struggle against apartheid. No health worker could ignore the fact that apartheid caused disease, he said.

Explaining to the court what had led him to become politically involved and ultimately to join the ANC, Ramlakan said because of apartheid there were two types of disease in South Africa: whites suffered from diseases of excess, from a well-fed, inactive life style, while black people suffered from diseases caused by poverty, lack of sanitation, housing and food.

Apartheid created the kind of conditions where, of 1 000 African children, 282 die before their first birthday — compared with six white children in every thousand which die in their first year, none of them of malnutrition.

For most of Ramlakan's working life, he was based at Durban's giant King Edward VIII Hospital, although he had some other experience including terms at two rural hospitals.

He said King Edward Hospital was the second largest in the southern hemisphere, but it was a "constant nightmare" for staff and the over half a million patients seen in the hospital every year who have to queue up to 14 hours to be seen.

The hospital had been prevented from expanding as it needed to do, because it was in the middle of a "white" area.

There were often three patients to a bed and seriously ill patients had to sleep between or under beds.

He said because of a shortage of both staff and facilities he found himself having to watch the death of patients who could have been saved if they had "proper" treatment. He sometimes had to choose which patients he would have to allow to die.

These conditions existed not 10km from Durban's Addington Hospital where several wards have been closed because there are not enough white patients to fill the beds.

Ramlakan's life was changed

irreversibly, he said, when he was faced with this situation.

He said that as a doctor his first consideration and duty was to his patients. He would not permit considerations of religion, race, politics or social standing to interfere with this.

This meant also that he could not allow apartheid to interfere in his relationship with patients.

He felt he had a moral duty to destroy apartheid and if he failed to try to do this he would not be true to his calling.

Ramlakan, who was also a lecturer in anatomy at Natal University's Medical School, came from a very poor family of eight children who lived in a single room with their parents, in Cato Manor.

When the area was declared white during the 1950s, the family was forcibly moved.

An uncle noticed his academic talents and tried to help him through high school. Whenever he visited his home he saw how his parents and siblings were affected by the poverty of their circumstances and how they could not afford for his brothers and sisters to continue their education.

While he was a student he worked in organisations which tried different kinds of non-violent protest but eventually he turned to the ANC in 1984 and accepted the need for "selective violence" to "overcome the forces of apartheid as there was no other option".

However, he told the court he believed the worst kind of violence was that "enshrined in the legislation of this country."

"I am greatly saddened that I belong to a community that is forced to engage in violence in order to get the basic rights it deserves," he said.

Ramlakan, convicted of ordering House of Delegates leader Amichand Rajbansi's home to be bombed, said he wanted to show Rajbansi that he represented no one but himself and that the "oppressed people will not forgive him".

Ramlakan was described as an "angry young man" by Judge Thirion, who said he took into consideration that Ramlakan had warned his trainees to be careful not to injure anyone.

Ramlakan and his wife, Sandy Africa, have a daughter of 21 months, Rosa Raksha.

Africa said this week she was greatly encouraged by the support given her by her family and members of the community.

She was also coming to terms with the fact that Rosa would be over 12 before she saw her father again.

"But I'm proud of Vijay and believe he was playing his part in the liberation of black people," she added.

Africa said she hoped the families of the other eight sentenced in the trial would find similar support in the community.

They are Sibusiso Ndlanzi who was also sentenced to 12 years; Sibongiseni Dhlomo and Vusumuzi Mahlobo who were given 10 years each; Ordway Msomi and Mapiki Dlomo both given nine years; Bafu Nguqu and Malusi Majola who will each serve eight years and Jude Francis who was given a six year sentence.

Ndlanzi, like Ramlakan from Cato Manor where his family too was forcibly removed, caused a stir when, towards the end of the trial, he began an application for jailed ANC leader Nelson Mandela to give evidence in mitigation.

Eventually, after Ndlanzi's counsel had discussions with Mandela, the application was dropped, and Ndlanzi gave evidence on his own behalf.

Passing sentence, the judge said he took into consideration that Ramlakan and the other accused were influenced by a sense of injustice at the disparity between many blacks and whites, for example, in education and labour.

But he found Ramlakan's views "simplistic". The judge said he did not agree that nothing was being done to improve the lot of black people.

CAPE TIMES 8/4/87

'Untrue statements' — editor charged 331

Court Reporter 2021-11-10

THE editor of an Oudtshoorn community newspaper who allegedly published untrue statements appeared in Wynberg Regional Court yesterday charged with contravening the Police Act.

Mr Humphrey Joseph, 30, of New Extension, Bridgeton, Oudtshoorn, who is the editor of Saamstaan, pleaded not guilty.

The State alleges that he published untrue statements concerning an incident in which two 11-year-old boys were shot dead by police in Bongoletu.

Co-accused Mr Norman Mzukizi Mooi, 20, of Fourth Avenue, Bongoletu, Oudtshoorn, was discharged at the end of the State's case.

He said he saw two children approach a house empty-handed. They were shot by the police. He saw a policeman come out of the house with a container of petrol. Later he saw it next to the body of one child. He then told Mr Joseph what he had seen.

Constable Barend Cilliers said two boys approached the front door. One sprinkled petrol on the carpet while the other intended striking a match. As he was about to do so, the police shot him. The other boy was shot as he was running away.

The police deny that they placed a container of petrol next to one of the bodies.

The hearing was adjourned to May 4 in Mitchells Plain Regional Court for verdict.

Mr J D Beyers was the magistrate. Mr I Yuill prosecuted. Mr D Potgieter, instructed by E Moosa and Associates, appeared for Mr Joseph.

Boltt
FURNITURE

Tandoori

Delmas accused denies he sang freedom songs

By Sejamothopo Motau,
Pretoria Bureau

An accused in the Delmas treason trial yesterday denied that he and other members of the Yaal Civic Association (VCA) had sung freedom songs along with a Radio Freedom cassette while on the way to a United Democratic Front (UDF) seminar.

Mr Tsietso Mphuthi (49), one of the 19 on high treason and several alternative charges, denied under cross-examination that he had attended the UDF-organised workshop on civic associations at St John Conference Centre, Daleside, near Meyerton, as a VCA delegate.

ATTENDANCE REGISTER

He identified his signature in a column for "delegates" in an attendance register handed in to the court. He had not paid a R2 registration fee.

Earlier Mr Mphuthi had mentioned the Daleside seminar as an occasion he had attended as a delegate.

According to an invitation, one of the purposes of the seminar was to "evaluate the anti-community council campaign in the continuing struggle against the local authorities".

Mr P Jacobs, for the State, submitted that the real purpose of the workshop was to evaluate and plan future actions against the township councils to further the goals of "the struggle".

Mr Mphuthi denied the submission and said he did not know what was referred to by "the struggle".

Earlier Mr Mphuthi had said he had described the Lekoa town councillors as untrustworthy at a meeting on February 19 1984 where the Zone 7 VCA area committee was elected.

He had also referred to the councillors as supposed leaders responsible for evicting residents in the townships.

He had said the councillors were unreliable because, while campaigning for election, they had promised they would stop evictions and lower rents. These problems had persisted.

Mr Mphuthi denied that his objective for criticising the councillors was to have people at the meeting accept him and other members of the VCA as the "real" leaders.

He also denied that the unity called for at the meeting was to mobilise the people against the councils, councillors and the council system.

He rejected a State submission that he had aligned himself with the UDF's campaign against local authorities.

He had taken part in the UDF's one million signature campaign launched to oppose the "Koornhof Bills" and the tricameral Parliament before he was elected to the Zone 7 VCA area committee.

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9/4/87

AN ACCUSED in the Delmas treason trial yesterday told the court that councillors were regarded as "disciples of evil" and this was what many people in the townships believed.

Mr David Mputhi was giving evidence in his defence.

He is one of the 19 men, among them alleged members of the United Democratic Front, Azanian People's Organisation, and Vaal Civic Association, appearing before Mr Justice K van Dijkhorst and an assessor on charges

Councillors were 'disciples of evil'

By **MANDLA NDLAZI**

of high treason, subversion, terrorism and murder.

Crimes

The State alleges they committed crimes from September 1984, during the outbreak of unrest in the Vaal Triangle townships.

Mr Mputhi was being cross-examined by the prosecutor, Mr P B Jacobs, when he said councillors were referred to as "disciples of evil".

He said he remembered a placard saying: "Don't feast with disciples of evil".

The placard, he said, was one of the 20 carried by residents who protested against a feast to celebrate the victory of Evaton town councillors in the elections.

The councillors, he said, had arranged the feast to take place on May 12, 1984, and it was to be held at the stadium.

The placards were not to influence residents against councillors.

It was common knowledge, he said, that the councillors had been rejected by the community.

Protest

The placards, said Mr Mputhi, were to register the communities' strong protest against the celebrations.

He said the councillors were not hated as individuals, but for working within the "system", and the way they behaved towards the residents.

He said he could not point a finger at any councillor and say he did him wrong.

He agreed with the judge that he hated the councillors because they worked within the "system".

(Proceeding)

ACCUSED TELLS DELMAS TREASON TRIAL JUDGE



neral will take place on Easter Monday at his home place of Ha Rakolo, Kalonyama in the northern Leribe district.

State

The military government has remained silent on the death of Mr Jonathan who ruled Lesotho for 20 years before he was toppled in a coup in January last year.

Sources close to the government said the military authorities had no intention of giving Mr Jonathan a state funeral alleging that at the time of his death he was a private citizen. — *South Africa News Service*.

Matter of fact

THE mayor of Mamelodi, Mr Zikhali Ndlazi, was mistakenly referred to as Mr Bernard Mahatsi in yesterday's *South African*. Appearing with him in the picture is Deputy Minister for the Department of Constitutional Development and Planning, and of Public Works and Land Affairs, Mr Ben Wilkens. We regret any inconvenience which might have been caused.

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FATHER Jacob Maleke (left) and Father Mlungisi Ntsele, of the Good Shepherd Anglican Church in Tladi, Soweto, were among the spectators who attended the Delmas treason trial. This picture was taken earlier this year. One of the accused, the Rev Tebogo Moselane, is a priest of the Anglican Church.

Delmas treason trial told

PEOPLE HAD NO TRUST

331
Sowetan
9/4/87

THE one million signature campaign against the Government's new constitution was a campaign against apartheid, the Delmas treason trial heard yesterday.

This was said by one of the 19 accused, Mr David Mputhi, who was giving evidence in his defence. He was being cross examined by Mr P B Jacobs for the State.

Mr Phuthi and 18 other men are appearing before Mr Justice K van Dijkhorst and an assessor.

The State alleges they committed the offences during the unrest that broke out in Vaal Triangle townships during September 1984.

Answering a question by the prosecutor Mr

By **MANDLA
NDLAZI**

Mputhi said he knew of the one million signature campaign. He said it was the UDF campaign against apartheid and it was national. He said he was involved in the campaign, but denied that he had planned with the UDF to disrupt black local authorities.

Given a register which is one of the exhibits in court, Mr Mputhi said he did not know how he signed his name as a delegate of the Vaal Civic Association at a

UDF meeting. He said he went there as an observer.

Mr Mputhi agreed that he told the residents at a meeting that councillors were not leaders.

He also agreed that he told a meeting that residents were being evicted by councillors. He said this was not a secret.

Mr Mputhi said residents who had problems were pushed around instead of being helped by the councillors. Some of them were evicted from their house if they owed rent for a month.





The legal fraternity has welcomed a city judge's decision to use community service as an alternative to imprisonment for public violence, writes Supreme Court

Reporter, SUE LUPTON

ARGUS 9/4/87

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Sentence aimed at reconciling community

A Cape Town judge's use of community service as an alternative to imprisonment for public violence has caused a stir in legal circles.

In the Supreme Court last week Mr Justice Williamson imposed suspended jail terms on four Zolani men convicted of damaging a house and two cars, the property of vigilantes, or Amasolomzi.

The judge also ordered them to pay R8 500 compensation and to do two years community service from 8am to 4pm every Saturday.

The service is to include removing litter in the township and is to be carried out in terms of a report by a Nicro social worker, who recommended that the four grass a soccer pitch in Zolani.

Since unrest swept the Western Cape in 1985, hundreds of people, including many juveniles, have been jailed for public violence, usually for stone-throwing or petrol-bombing.

Sentences of 12 and 18 months were common for first offenders as young as 17.

Few appeals against sentences imposed by magistrates have succeeded and public violence offenders are apparently not considered for parole, which can reduce a jail term by half.

A team sent to South Africa in February by the International Commission of Jurists said in its preliminary report: "Many of the sentences imposed recently in public violence cases are unreasonable to the point of barbarity."

Against this background, last week's

community service sentences were welcomed by advocates and attorneys involved in similar trials.

These were the comments of lawyers who did not wish to be named:

● "This is a brilliant sentence, the first consistent with the principles of sentencing, which require that the crime, the criminal and community interests are taken into account."

● "Imprisonment brings young first offenders into contact with hardened criminals, therefore the use of alternative sentences is welcomed."

● "This has caused a great deal of excitement because it is a deviation from the trend of heavy jail sentences."

● "We hope judicial officials take note of these sentences, which are a precedent and in sharp contrast to cases where juveniles are jailed."

Professor Dennis Davis, associate professor of law at the University of Cape Town said: "Community service is a useful alternative to imprisonment if used correctly in projects to benefit the community."

"It is clearly a form of sentence that works in other parts of the world."

"Public violence charges have been used mainly to show political activity as criminal and many sentences were shocking."

However, a spokesman for the Democratic Lawyers' Organisation which represents all black lawyers and some white lawyers in the Western Cape warned that the sentences had to be seen in perspective.

"They remain harsh. Perhaps a lesser evil than the barbaric jail sentences for public violence, but must that be our standard?"

"The case must be viewed in context — the Amasolomzi, who committed unlawful acts in a planned and organised way, were never charged or brought to court. Why not?"

"Victims of the Amasolomzi were hauled before courts and found guilty, but not the Amasolomzi who, though acting unlawfully, appear to have enjoyed the protection of the police," said the spokesman.

During the eight-month trial, a picture emerged of Zolani, a community torn by the violence of vigilantes, or "Amasolomzi", who were allegedly assisted by police.

Passing sentence, the judge said he was impressed by the evidence of community worker Mr Dawie Bosch, who said a large section of the community was frustrated at not being able to curb the excessive zeal of the vigilantes.

The judge was left with the "uneasy impression" that the authorities may have been "reluctant" to act on complaints against the vigilantes.

A spiral of violence ensued and the four acted in revenge and retaliation for their grievances against the vigilantes.

The sentence, which did not involve the "destructiveness of prison", was aimed at effecting reconciliation in the community, the judge said.

Cape Times 9/4/87
118 (276) 331

Ex-Inkatha chairman in court after killing

Own Correspondent

DURBAN. — Former Inkatha chairman Mr Thembin-kosi Nyameni appeared with two other men in the Supreme Court here yesterday in connection with an allegation of murder.

Mr Nyameni, Mr John Shoba Thusi and Mr John Nyathi were not asked to plead when they appeared before Mr Justice Leon and the hearing was ad-journed till May 25.

It has been alleged that on March 16, 1985 there was a shooting incident involving Mr Caiphas Mazibuko and Mr Thembinkosi Makhanya in which Mr Makhanya was fatally wounded.

Mr Mazibuko was disarmed and Mr Thusi and Mr Nyathi took him and the dead man to Mr Nyameni's home where it is alleged Mr Mazibuko was beaten with a sjambok, kicked and stabbed with an assegai.

An angry crowd prevented the Inanda police from removing the dead man or arresting Mr Mazibuko.

Mr Mazibuko was forcibly removed from the house by Mr Thusi and Mr Nyathi and assaulted with bush-knives, an assegai and a stick. He was left lying on the ground. Later his body was allegedly removed and hidden in a tunnel.

being," Wilma said.

Magoo's Bar bombing: ANC man tells of moral dilemma

THE incredible moral dilemma of two young South Africans at the receiving end of apartheid has been vividly outlined in evidence to the Maritzburg Supreme Court in the trial of Robert McBride and Greta Applegren.

McBride, 23, was found guilty this week of placing a bomb on a Durban beachfront bar, killing three people, and charges relating to helping to spring an ANC guerilla from hospital.

Applegren, 30, was acquitted on all charges relating to the bombing, but was found guilty of helping to free ANC member Gordon Webster.

Three of the murder charges related to the bombing of the Magoo's Bar in June last year, two days after the state of emergency had been reimposed, killing three women. The fourth murder occurred allegedly during the "springing" of Webster from the Edenvale Hospital while under police guard.

Despite the pleas of not guilty, McBride admitted parking a car packed with explosives outside Magoo's Bar, taking part in the action to free Webster and planting an unprimed bomb in a parkade in Durban.

Burst into ward

Interest also focussed on evidence given to a special commission by Webster in London. Webster testified that McBride had burst into his ward flourishing an AK47 assault rifle, loaded him on a hospital trolley and helped him escape.

The motivations of the accused, however, appear by far the most important aspect of the trial.

McBride and his girlfriend are from the notoriously depressed "coloured" township of Wentworth in Durban.

McBride told the court he had originally intended to bomb a large departmental store but had been persuaded to attack the bar instead by an accomplice — witness Mr C who may not be named — who allegedly told him he would be wasting explosives.

McBride said he had told Mr C that it was not ANC policy to attack white civilians but Mr C

had insisted.

After reading an account of the blast, McBride said he felt bad because people had been killed. He said he had gone beyond the "confines of the ANC".

He said he had not contacted the ANC because he was afraid of being disciplined and it was possible he could have ended before a "firing squad".

McBride admitted being a member of the ANC's special operations division. His job included establishing arms caches and providing transport for guerillas.

He said he joined the ANC in 1985 after the SRC at Bechet College where he was a student teacher had been banned and he had been prevented from writing his final examinations.

'Hopeless'

After the banning he realised peaceful protest was useless "and there was no hope of a so-called coloured person to progress within the restraints of the authorities".

He said in May last year he had placed a bomb in in the Pine Arcade in Durban but deliberately omitted the detonator.

He and Webster had attempted to bomb the Mayville electricity sub-station in January last year. They, and a third person, successfully attacked a sub-station in Jacobs in March last year.

In evidence, McBride gave an account of the racial torment that finally drove him to violence.

"When I was 17 I decided to try for white. I enrolled as an engineering student at Natal University," he said.

His efforts to infiltrate white society were a dismal failure.

"I despised them because of the insults I received from them including my friends and rugby team mates. I realised there was a sickness in the country.

"I wanted to destroy that sickness and became a black radical. I became black, took an interest in black music and dressed in black", he said.

The trial continues. — Press Trust

Struggle

9-15/48 SOUTH 331
SMEN NEWS

Cop tells of Webster escape

MARITZBURG. — A policeman, who was injured when alleged insurgent Mr Gordon Webster was rescued from Edendale Hospital, denied in the Supreme Court here yesterday that he exaggerated his injuries to explain why he allowed Mr Webster to escape.

Constable E Ngcobo was testifying at the trial of Mr Derrick McBride, 53, and Mr Antonio du Preez, 22, who allegedly attempted to murder him when they rescued Mr Webster from Edendale.

The two men face three other attempted murder counts as well as a count of murder related to the rescue.

They are also charged with terrorism, aiding a prisoner to escape and concealing or harbouring a terrorist.

Bullet splinter

Cross-examined by defence advocate Mr H Viljoen SC, Constable Ngcobo said that after he was shot at and his hand injured by "a coloured man", he had run away as he was unable to use his gun.

He agreed he told the judge at the trial of Mr McBride's son, Robert, that a bullet had lodged between his thumb and finger, but said he learnt afterwards it was a splinter from a bullet.

Mr Ngcobo told the court the splinter had made his hand numb and he had been off duty from the time of the rescue — May 4 — till the end of June.

The hearing continues today. — Sapa

Our correspondent reports that the trial of Magoo's Bar bomber Robert McBride, 23, and his girlfriend Greta Apelgren, 30, will resume in the Maritzburg Supreme Court this morning when the defence is expected to make submissions or lead evidence in extenuation.

Bomber 'plotted death, destruction'

OWN TIMES 10/4/87 (SAD) 331

Own Correspondent

MARITZBURG. — Magoos Bar bomber Robert McBride, 23, had built an explosive device designed to cause wholesale destruction and death, the Supreme Court here was told yesterday.

State counsel Mr Deon Schaup asked Mr Justice Shearer and two assessors to find that no extenuating circumstances existed in favour of McBride for the murder of three women in the Parade Hotel bombing last June 14.

Counsel for the defence, Mr David Gordon, SC, earlier pleaded for McBride's life.

He said McBride was "blessed with intelligence ... and qualities of leadership" which would now never achieve fruition.

To understand the reasons for his actions it was necessary to try to understand what it meant to be

black in South Africa.

"It means to be discriminated against and deprived of any number of freedoms.

"This deprivation is perceived by blacks to be reinforced and imposed upon them by authorized State violence."

McBride had seen the emergency as a "declaration of war against blacks" and it had "devoured him to a point of madness". It was in this condition that he had constructed the bomb.

He had been tempted and persuaded by a State witness and accomplice to the bombing, Mr C, to alter his target from the Hyperama in West Street to the Marine Parade. Mr Gordon submitted that there had therefore been an absence of premeditation.

Earlier yesterday the defence called Professor Fatima Meer, a professor of sociology at the University of Natal.

She told the court she believed McBride to be a "very caring person" and that it was out of character for him to have placed the bomb outside the Parade Hotel.

Mr Schaup, for the State, said that while accepting that the declaration of the state of emergency on June 12 had affected McBride, he had learnt of it on the morning of June 13 and executed his plan only the next evening.

He was able to plan the bomb in a "meticulous" manner and his actions were not irrational.

He bought the car and then constructed the explosive device designed to cause "wholesale destruction and kill people".

Although the court had found that Mr C had persuaded McBride to change the target, this was of no consequence since McBride was in full agreement.

Judgment on extenuation will be given on Monday.

CRP Trials
10/4/87

~~11/11/87~~ 331

Eight acquitted on people's court charge

By YVETTE VAN BREDA
Court Reporter

EIGHT men who have been in detention for almost nine months were yesterday acquitted in Mitchells Plain Regional Court of conducting a "people's court", assault and kidnapping.

They are Mr Andile Sweni, 18, Mr Vuyisile Grotelo, 19, Mr Ntu Yakwe Daweti, 42, Mr Loyiso Ngqolo, 21, Mr Lutouba Zithouphite, 47, Mr Nuloseleli Mpunzi, 38, Mr Kutwana Mpayitheli, 32, and Mr Nceba Chagwe, 29, all of Guguletu.

They have been in detention since July last year and Mr Sweni and Mr Grotelo were granted bail two weeks ago.

They were acquitted of sedition in that they conducted a "people's court", assaulting Stanley Davids by hitting him with a quirt, and kidnapping in that they held him captive at the Zolani Centre in June last year.

A second charge of kidnapping Mr Boyce

Mthwa, and holding him captive at the KTC squatter camp and then at the Zolani Centre, was withdrawn.

Davids, who is at present serving a jail term for motor vehicle theft, said he had been drinking at a shebeen with friends and an argument over drink had broken out between him and a friend, "Noas".

He had stabbed "Noas" in the shoulder with a knife. "Noas" had threatened to "take me to the Maqabanas — they have a court where they hear cases", he said.

"The next morning they came to my house and asked about the shebeen incident. They took me away, they wanted to hit me but some people prevented them. I went with them because I was scared."

They had taken him to a room in the Zolani Centre where there was a "magistrate" sitting at a table. "None of these men (the eight before the court) were there. I know all the people who were there."

"The police gave me a photo album and told me to identify the accused but I did

not see photos of these people."

The prosecutor, Mr S C O'Brien, read out a signed statement which Davids had made to the police and had agreed was correct. In the statement he had positively identified six of the eight men from photographs.

Cross-examined by Mr G Woodland for the eight, he said: "I never saw the men in my life." He had been sentenced to 200 lashes in the "people's court", but was lashed 150 times and had paid a R50 fine, he said.

Mr O'Brien discredited Davids as a witness as his statements conflicted and closed the State's case. Mr Woodland then asked for the eight to be discharged.

The magistrate, Mr P M A Louw, said Davids, a single witness for the State, had been unreliable and there was no evidence that could link the eight to the charges. "They are entitled to the discharge requested by their advocate."

Mr Woodland was instructed by E Moosa and Associates.

10-16/48 331
w/ Mail

Advocate links police to De'Ath death

By JEAN LE MAY, Cape Town
AFFIDAVITS handed into the Cape Town Magistrate's Court yesterday alleged that George De'Ath was killed by *witdoeke* vigilantes acting under orders from or with the compliance of police.

This evidence was advanced at a preliminary hearing by Jeremy Gauntlet, the advocate acting for De'Ath's family. If it were accepted, it could lead to an inquest finding that culpable omission on the part of the South African Police led to the cameraman's death.

An affidavit from Andile Fosi, the sound man who was with De'Ath at the time of the fatal attack, suggested that the video tape in De'Ath's camera had been obliterated by an editing machine, Gauntlet said.

Fosi said De'Ath had been filming right up to the moment when he was attacked. Two tapes had been returned to the TV company by the police, he said.

Ian Robbie, an experienced TV

● To PAGE 2

10-16/48 331
w/ Mail

Tape tampered with - soundman

From PAGE 1
cameraman and editor, said in another affidavit that one entire tape consisted of a freeze frame and a man with a megaphone. Robbie's comment was: "I do not see how De'Ath could have accomplished this with his camera."

The inquest magistrate, SJP Marais, refused Gauntlet's application for oral evidence to be called at the inquest.

Gauntlet argued oral evidence would assist the magistrate in establishing who had been responsible for the fatal attack on De'Ath, who died in Groote Schuur Hospital a few days after the incident on June 10 last year.

Gauntlet gave notice that he proposed asking that the magistrate's decision should be reviewed by the Supreme Court.

331

Magoo bomber's defence team pleads for mercy

THE face of convicted Magoo's bar bomber, Robert McBride, 23, lies in the balance this week-end.

WEEKLY MAIL REPORTER,
Durban

On Monday afternoon the court will give sentence and rule on whether there were any extenuating circumstances reducing his moral blameworthiness for the three murders for which he has been convicted.

If no extenuation is found, the judge will be obliged to pass the death sentence.

McBride was found guilty of murdering the three young women who were killed by the blast at Magoo's last year.

He had admitted loading a car with explosives and parking it outside the

popular Durban beach-front night spot before detonating the 50kg of explosives it contained.

The judge found there was no evidence that McBride's co-accused Greia Aplegren knew beforehand of the Magoo plot and added that her reaction after the blast was "consistent with shock, perhaps horror".

He said that given the African National Congress code of secrecy, it was plausible that McBride had not told Aplegren of his plans for the bar bomb blast.

Aplegren, 30, was cleared of all

four murder counts against her — the three Magoo deaths and the death of a visitor to Edendale Hospital last year who was killed when ANC guerrilla Gordon Webster was "sprung" from the intensive care unit. McBride was also acquitted of this murder charge.

Both accused were convicted on a number of other counts including assault with intent to do grievous bodily harm — arising from injuries sustained by two policemen during the hospital incident.

Defence counsel David Gordon SC, arguing yesterday on whether the court should find extenuating circumstances, described the case as "a South African tragedy".

He said if the court started a process of reconciliation by sparing McBride's life this would be a good thing.

Among the factors on which Gordon based his plea for the court to find extenuating circumstances was McBride's feeling that the state had declared war on his people by the declaration of an Emergency and that the state would clothe abuses in secrecy. McBride then felt compelled to make a statement which the state could not deny or hide.

The emotional forces which came into play then deprived him of his usual logical reasoning.

Terrorism: Man jailed for 5 years

Court Reporter

A GUGULETU man who has been in custody for more than a year was yesterday jailed for five years by a regional magistrate on charges of terrorism and furthering the aims of the banned Pan African Congress (PAC).

Andile Gusha, 24, was sentenced to five years for terrorism and two years for furthering the aims of the PAC. The two years are to run concurrently with the five. He has been in custody since January 1986.

In a confession handed to the court, Gusha said he was a member of the Azanian National Youth Unity (Azanyu).

He said he went to Mbekweni to help in a fight between Azanyu and the UDF and was threatened a number of times by UDF members when he returned.

He decided he had to leave South Africa for his safety and approached Mr Stanford Maliwa, who told him of PAC military camps in Lesotho.

Mr Maliwa was later burned to death by members of the UDF. Gusha attended a funeral in Lady Frere, near Umtata, on January 19.

After contacting a man in Transkei who informed him there were "enough soldiers" in the camp, he and some friends returned to Cape Town.

While stopping at a house to get money for their return, one of the men with Gusha told a man at the house they had tried to get to Lesotho. They were arrested because "unfortunately the man was a policeman", Gusha said.

The Rev Moses Moletsane, a minister at St Cyprians Church in Langa, said he was well acquainted with the Gusha family and Andile had been a "server" in the church.

He said he had been at Mr Maliwa's memorial service and together with other ministers of religion had presided at the service. He was unaware that PAC pamphlets had been distributed at the service.

Gusha's mother, Mrs Juliette Gusha, said he had been the breadwinner of the family since his father's death, and had two brothers aged 15 and eight.

Mr F Bunting, for Gusha, said his client left South Africa because of faction fighting and was arrested on his way back. He had not had military training and no damage had been done or lives lost, he said.

The magistrate, Mr J M Lemmer, said it was clear Gusha intended to leave South Africa to attend a military camp for training. Gusha had also attended a memorial service in Langa for Mr Maliwa where PAC pamphlets "were handed out".

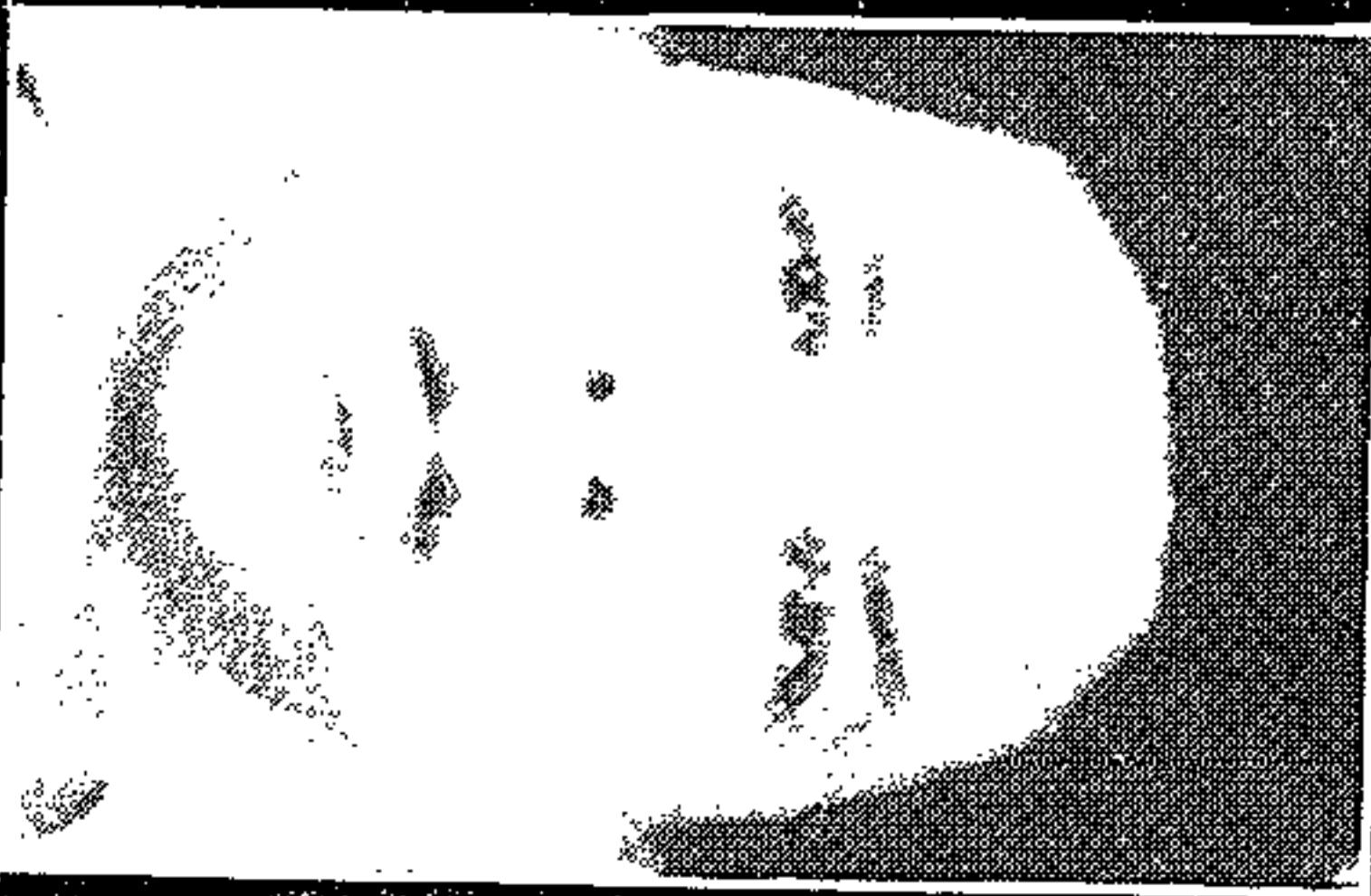
"The people at these events were encouraged to act against the government, but did Gusha associate himself with the actions of these people? It is clear however that he felt attracted to them."

An application for bail pending the outcome of an appeal, will be held on April 22.

Miss A de Lange prosecuted. Mr Bunting was instructed by Syfret, Godlonton, Fuller, Moore Incorporated.

Rugby, reggae... and Revolt

THE AMAZING DOUBLE LIFE OF THE



MAGGOOS BAR MURDERER

By SHAUN HARRIS

THE double life of Durban bomber Robert McBride was summed up this week at a trial described as "a South African tragedy".

Sentence will be passed on the man found guilty of three murders tomorrow when he enters the dock of the Maritzburg Supreme Court for the last time with his lover, Greta Apelgren.

Over the past two months McBride's life has unfolded before the court.

He loved rugby and played for a top Durban club until comments from team mates about being "a busy" got to him.

This rejection by whites led him to identify strongly with black people and their struggle.

He had good matric results and began studying chemical engineering at university, but left after disagreements with other white students and joined a coloured college as a trainee teacher instead.

Rejection

He enjoyed reggae music, an interest he shared with his friend Gordon Webster — an African National Congress unit commander whom Mr Justice Shearer this week said recruited him into the organisation.

The ANC dominated his other life.

And it was early rejection by whites that set Robert McBride on the road to violent change.

McBride told the court he received explosives training in Botswana, and became a member of an ANC special operations division.

Working for the organisation, he built up a frightening cache of arms and explosives in Durban and travelled between Botswana and South Africa on missions for the ANC.

When he returned from one of these trips last June he was confronted by the newly declared security regulations. Mr Justice Shearer said before passing judgment this week.



Mrs Doris McBride, daughter and grandson

Pictures: JIMMY HUTTON

Derrick, featured prominently in Mr Justice Shearer's summing up before judgment this week.

Sketching McBride's background and the events which influenced his life, the judge described his father as a man who over the years had be-

come "triflingly anti-white" and who identified fully with black people.

Mr Justice Shearer said McBride was coloured "in terms of race classification" but noted that his uncle was classified white.

He said McBride had

"tried, for acceptance" among whites at university and white sports clubs, but said he had been rejected and had come under the influence of his father.

It was with his father that McBride freed his friend Gordon Webster from a hos-

pital in Maritzburg on May 4 last year in a daring armed raid which left one man dead and four people wounded.

The couple were acquitted on charges of murdering Mr Mlungisi Buthelez in the hospital raid.

But Mr Derrick McBride is presently on trial in the Supreme Court, Maritzburg, in connection with the raid, together with Mr Antonia du Preez. They face charges of murder and attempted murder.

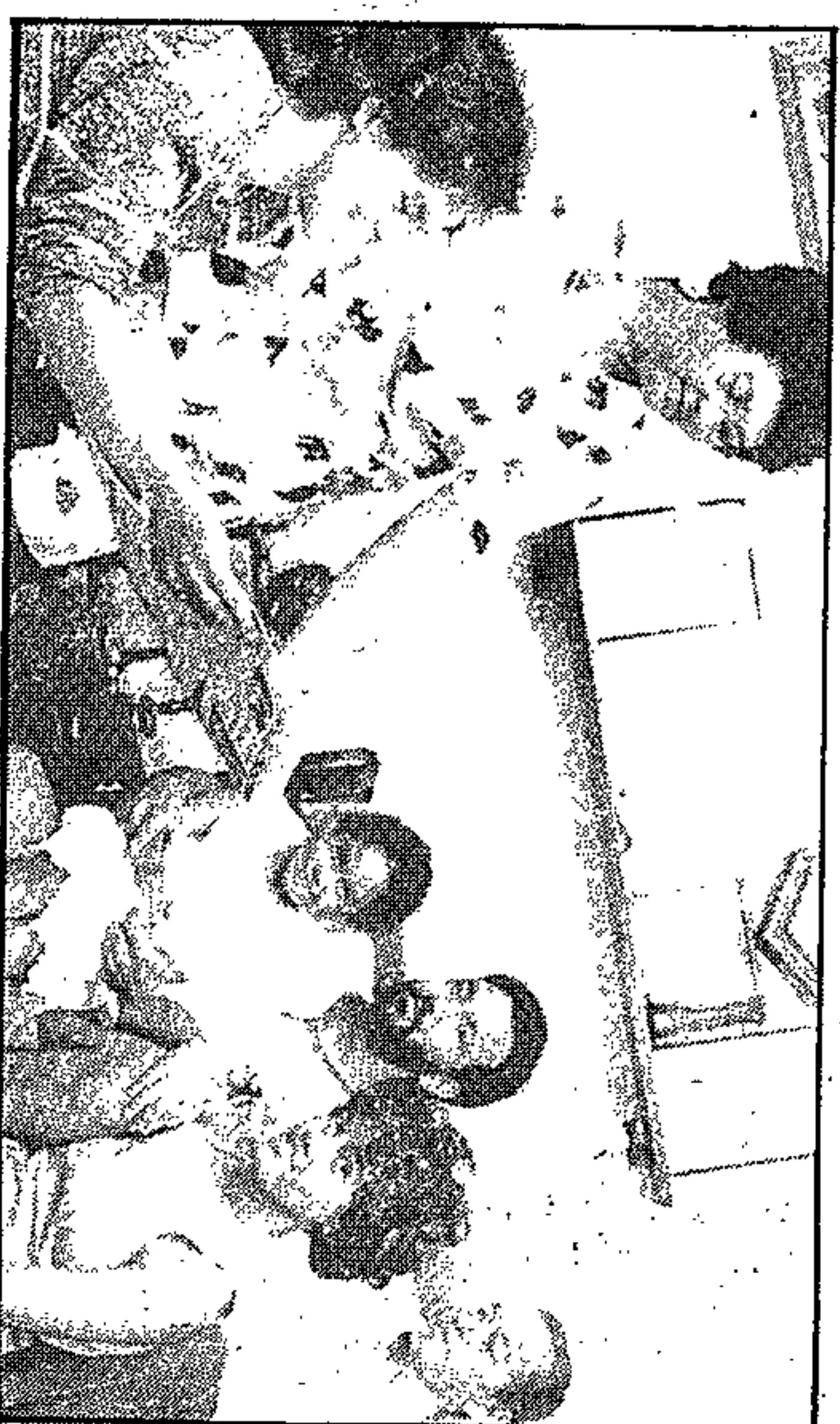
Poverty

The judge also noted the poverty and gang violence of McBride's home area, Wentworth, and said he had once killed a man in a gang skirmish, although in circumstances which exonerated him.

Mr Justice Shearer said that McBride accepted responsibility for the Maggoos bomb, but he said what he did was contrary to ANC policy and that the ANC did not direct attacks on civilians.

For this reason he feared he might be disciplined by the ANC.

When McBride gave evidence he said he did not contact the ANC after the bomb because he feared he would



Together in hope ... the Apelgren family gather round mum Margaret (second from left) and dad Eric (far right)

face a firing squad or be sent to an isolation camp.

The judge also accepted that McBride had not intended to park the car outside the hotel on June 14 last year, his original target being a building in the centre of town to protest against the state of emergency.

The judge said he was persuaded by an accomplice, now turned State witness, to

searched and scores of people had to be turned away from the packed gallery in court A.

When McBride returned to the dock this week after judgment, he was greeted with applause, whistles and clenched-fist salutes.

He returned the salute as a senior police officer warned that anyone who made a noise would be evicted.

Day of prayer for parents of two convicts

By SHAUN HARRIS

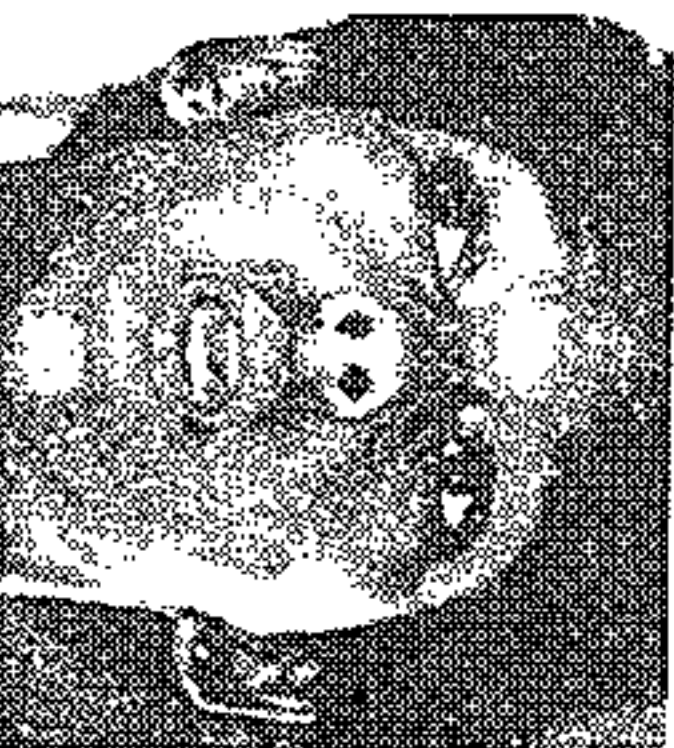
TWO families in Wentworth, an impoverished grey township on the outskirts of Durban, will be praying for their children today.

Tomorrow they are to be sentenced in the Supreme Court, Maritzburg.

The Apelgrens are praying for their daughter, Greta.

She was cleared this week of all murder charges arising from the Maggoos car bomb blast in Durban and the springing of ANC commander Gordon Webster from police custody in Maritzburg's Edendale Hospital, but convicted on five lesser charges.

Mrs Doris McBride will be praying for her son, Robert, found guilty on three counts of murder, 89 of attempted murder, and a host of other charges.



GRETA APELGREN Worked for Wentworth

Maritzburg nearly every day — often switching courts during sessions to keep up with both trials.

"It has been difficult financially. When my husband was arrested, I had to close up his engineering workshop, and

He decided to "do something which could not be ignored or covered up by the state of emergency."

What he did was, in a car loaded with 50kg of explosives, laced with bullets and iron bars as shrapnel, outside a packed beachfront hotel on a Saturday night.

The Maggoos Bar blast killed three young women — Miss Angellene Padden, Miss Marchelle Gerrard and Miss Julie van der Linde — and injured nearly 100 people.

A month later, on July 17 last year, McBride and his lover, social worker Greta Apelgren, 30, were arrested by police in the Transvaal.

Cleared

This week McBride was found guilty on three counts of murder, 89 attempted murders, and a host of further charges, including furthering the aims of the ANC, terrorism, assault with intent to do grievous bodily harm and aiding a prisoner to escape.

Apelgren was cleared on all counts relating to the Ma-

rick, were both detained. Her husband is also on trial in the Supreme Court, Maritzburg, facing charges, which include murder, for the raid that sprung Webster.

"The first few weeks after they were picked up were the worst," she said this week.

"For months I didn't see Robert or Derrick — police told me they had been arrested, but I didn't know where they were being held."

Mrs McBride, a remedial teacher at a school for cerebral palsy children, was herself detained for two days while police investigated her husband's and son's activities.

Since they first appeared in court, she has travelled to

I've had to take unpaid leave from my school to attend the trials," she said.

The Apelgrens have also had more than one family member detained — last June, Greta's sister, Janet, a social worker, and brother, Eric, a schoolteacher, were held.

Eric was released after three months; Janet recently, Mr and Mrs Apelgren have managed to send five, including Greta, to university.

"Greta and I were founder members of the Wentworth Improvement Project," said Janet Apelgren.

"She worked tirelessly for the people of Wentworth, fighting for housing and health services."



Sunday Times MAGAZINE MARK McNULTY: TAKING IT TO THE TOP

HIDDEN HURT OF MAGOO'S BOMBER

17/4/87 C/P/120

331

CONVICTED Magoos Bar bomber, Robert McBride, was snubbed by whites throughout his life.

But he had an opening for this frustrations - turning to the ANC and becoming a black radical.

And the ANC accepted him - giving him a job as a special operations man in it's military wing.

McBride accepted the ANC job "because I realised there was a sickness in the country".

And McBride wanted to destroy the sickness.

The sickness, McBride told Judge B.L. Shearer in the Maritzburg Supreme Court, was South Africa's race laws.

He hated racial segregation and wanted to destroy it.

He said he had been unable to accept himself as a coloured person and had been rejected by whites.

"I despised them because of the insults I re-

By
SBU
MNGADI

ceived a high-powered car bomb which was later planted in front of the Durban's Parade Hotel.

The explosion claimed the lives of three women and left 89 people injured.

This week, he was convicted of the murder of the three victims, Angelique Vanessa Pattenden, Marchelle Cheryl Gerrard, and Julie Emily van der Linde - and the attempted murder of 89 other people injured in the blast.

McBride and his social worker girlfriend Greta Appelgren, 30, were this week awaiting sentence following their conviction on several counts, including murder, attempted murder and terrorism.

Recalling his decision, McBride told the court that on his arrival from Botswana, where he had gone to fetch R3 000 from the ANC to "compensate" the girlfriend of a man killed by police, he was enraged to hear of the declaration of the state of emergency.

He said the declaration was accompanied by the detention of Appelgren's

the Marine Parade, which had a balcony in front.

There was no parking in front of the hotel so they drove into the first parking area after the hotel.

He said he pulled the safety pin out of the detonating device, which was set for between 5 and 15 minutes, and he and witness C were collected by Appelgren and left the scene.

McBride told the court that Appelgren only knew about the bomb after it exploded.

Under cross-examination, he told Judge Shearer and his two accessors that he had no contact with the ANC after the Magoo's blast because he was "fearful of discipline".

Both McBride and his girlfriend, Appelgren, were found guilty on charges of assisting Webster to escape from Edendale Hospital in May last year, of harbouring him and smuggling him to Botswana.

They were also found guilty of the assault with intent to do grievous bodily harm to two police constables, Edward Ngcobo and Johannes Visagie, who were shot and wounded during the incident.

McBride was convicted on a total of 19 counts.

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coloured person and had
been rejected by whites.

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cause of the insults I re-
ceived from them, includ-
ing my friends and rugby
team-mates," he said.

McBride said while his
family was classified col-
oured his uncle (his fa-
ther's brother) was living
as a white in Johannes-
burg.

He then decided to try
for white.

"I joined the white
Northlands Rugby Club. I
think I was a talented lock.
While I was trying for
white, many insults were
directed at me by opposing
players and by my club
mates. But when I made
the A team, the player I
replaced was consoled by
another who said: 'Don't
worry, he is only a bushy'."

McBride continued his
story in court: "I chose a
blonde white girl as a girl-
friend, but I did not make
the grade."

In 1983 he enrolled at
the Bechet College of Edu-
cation where he met Gor-
don Webster, and alleged
ANC commander who re-
cruited him to the ANC
and the man he later
sprung from police guard
at the Edendale Hospital
in a dramatic break-out.

His association with
Webster was to be the be-
ginning.

Then came the state of
emergency . . . and
McBride's turning point.

McBride told Judge
Shearer: "The state of
emergency was a blatant
declaration of war on the
black population of the
country."

"This was a turning
point in my life. I wanted
to do something major.
Something that could not
be touched by the state of
emergency."

McBride, 23, manufac-

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raged to hear of the decla-
ration of the state of emer-
gency.

He said the declaration
was accompanied by the
detention of Appelgren's
brother and sister and "lots
of people in Wentworth"
and, "as a member of
Umkhonto we Sizwe (the
ANC's military wing), I
had to do something about
it".

He then used the R3 000
compensation from Bots-
wana to buy a car which
was later converted into a
deadly car-bomb carrying
over 60kg of explosives. He
used AK-47 bullets and cut
up burglar-guards to create
additional shrapnel.

McBride told the court
he initially selected a Hy-
perama as a target as "the
building is mostly con-
structed of glass".

On the night of June 14
he and State witness C
went to the Hyperama.

"He said I was wasting
50kg of explosives (at the
hyperama) and why didn't
I take it down to the Ma-
rine Parade because the
(black) people want white
destruction. I told him it
was not the policy of the
ANC to attack white peo-
ple."

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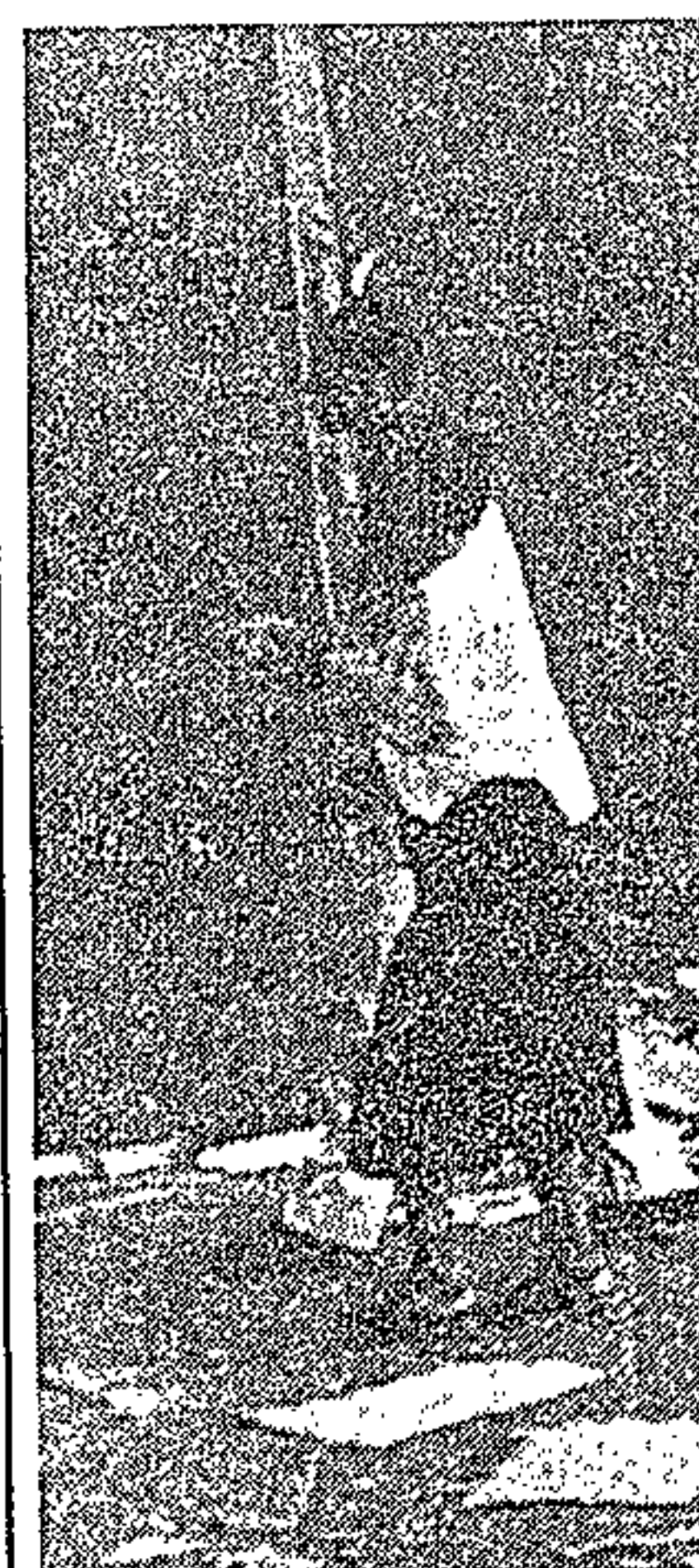
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ly harm to two police con-
stables, Edward Ngcobo
and Johannes Visagie, who
were shot and wounded
during the incident.

McBride was convicted
on a total of 19 counts.

Appelgren was convict-
ed on five charges involv-
ing assault and contraven-
tions of the Terrorism Act,
and was acquitted on all
counts relating to the Pa-
rade Hotel blast.



Rubbish piles up at John

Strike tally

By SANDILE MEMELA

THE labour scene entered
the second quarter of the
year riddled with strikes
and breakdowns in negotia-
tions - resulting in nearly
25 000 people in the min-
ing, railway and postal ser-
vices out on strike.

Talks to resolve the
month-old strike by over
16 000 SA Railway and
Harbours Workers' Union
members took a nose-dive
this week when worker re-

presentatives did not arrive
for talks.

The meeting had been
called to continue negotia-
tions between SA Trans-
port Service management
and strikers' representa-
tives from the City Deep
container depot.

The general manager of
SATS has alleged that
worker representatives
were intimidated by
Sarhwa members.

Meanwhile, as attempts

33) ~~33~~ 12/4/87 epress

CP Correspondent

HUMPHREY Joseph, editor of the Oudtshoorn community newspaper, *Saamstaan*, has been charged under the Police Act for allegedly making untrue statements.

The State alleged that Joseph published untrue statements about an incident on June 17, 1985, in which two 11-year-old boys were shot dead by police in Bongoletu Township.

Norman Mzukizi Mooi, 20, who witnessed the inci-

Oudtshoorn editor accused of 'untruths'

dent and had been charged with Joseph, was discharged.

The State agreed with evidence that the Bongoletu home of a security policeman, W/O Richard Mngoma, was petrol-bombed and police were in

the process of moving his belongings when a crowd of children started stoning the house. They also agree that two boys approached the front door and were then shot dead.

However, police deny Mooi's statement, published by Joseph, that po-

lice placed a container of petrol next to the bodies.

Constable Cilliers testified that one boy entered the house and poured petrol on the carpet and the other had a box of matches.

But Mooi testified that the boys were empty-handed.

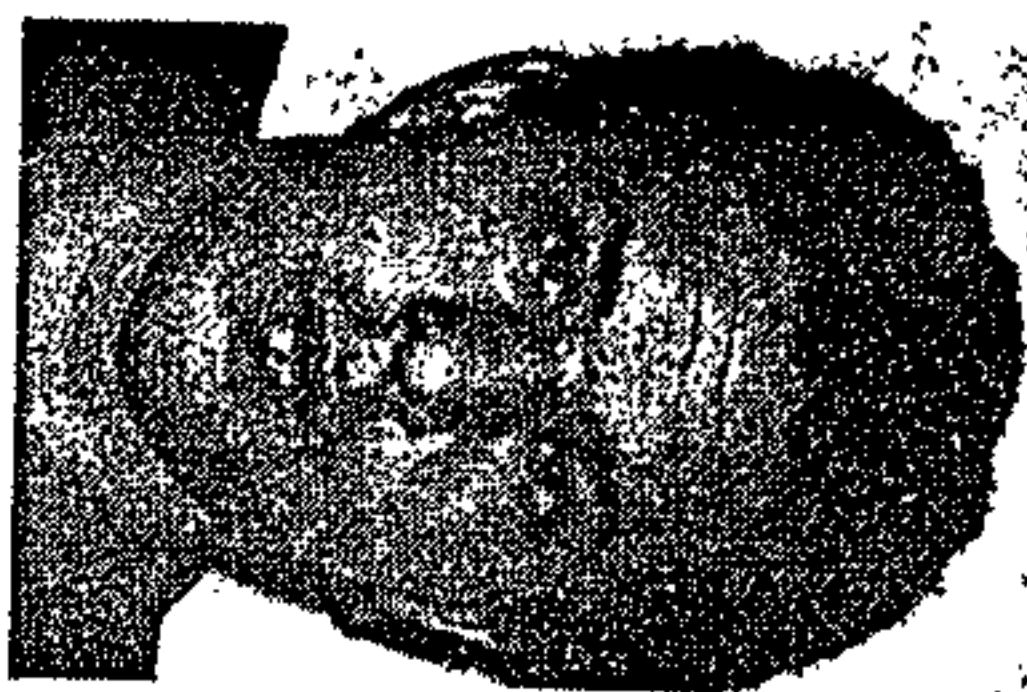
Mooi said he saw police come out of the house carrying a container. He then left the scene for a few minutes and when he returned the container was next to the bodies.

776
623
12/4/87

Durban bomber gets death three times

Own Correspondent

CAPE TOWN 14/4/82



Robert McBride

MARITZBURG. — Magoo's Bar bomber Robert John McBride, 23, stood impassively in dock in the Supreme Court here yesterday as three death sentences were imposed on him for the murders of three women who died in the blast.

This was after a majority of the court found no extenuating circumstances in his favour.

As he was led down to the cells, McBride shouted: "The struggle continues until Babylon falls."

Mr Justice Shearer in his judgment on extenuation, in which he was supported by assessor Mr Brian Lesley, described the planting of the car bomb outside the Parade Hotel last

June as a "gross, callous and atrocious act".

The second assessor, Prof John Milton, disagreed with the finding that no extenuating circumstances existed.

In addition to the death penalties, Mr Justice Shearer sentenced McBride to an effective 67 years in jail on 16 other counts, including terrorism and attempted murder.

He granted McBride leave to appeal against the majority finding that there were no extenuating circumstances against the death penalty.

McBride's girlfriend and co-accused, Greta Apelgren, was jailed for an effective one year and nine months on charges of assault with intent to do grievous bodily harm, assisting a prisoner to escape, harbouring a terrorist,

and terrorism.

An additional three years and three months' imprisonment was suspended conditionally for three years. The charges relate to the freeing of ANC terrorist Gordon Webster from Eden-dale Hospital last May.

The court found that as her lover, McBride had a powerful influence on her and her actions. She was a person with a solid record for social work in the community.

There was an exceptionally large police presence to control the crowd which gathered at the court to hear the judgment and sentence. The courtroom was packed with onlookers and many people were turned away at the court entrance.

After the hearing, crowds gathered

around the court building and across the street and were cleared by police using dogs.

In his dissenting judgment, Prof Milton, found there were factual circumstances which acted on the mind of McBride and which had a bearing on his moral blameworthiness.

His plan to plant a bomb in West Street was as a means of protest and not out of a murderous intent.

Mr Justice Shearer granted an indemnity from prosecution to three state witnesses who had been warned as accomplices, including Greta Apelgren's sister, Miss Jeanette Apelgren. However, he refused to grant an indemnity to Mr C, the accomplice to the Magoo's Bar bombing.



Greta Apelgren

Sedition charges withdrawn against 20 detainees

11/3 1448
Court Reporter 331

TWENTY emergency detainees charged with sedition were released today after the State withdrew all charges against them in the Wynberg Regional Court.

The detainees, 17 men and three women, were arrested last July on allegations that they held people's courts in Guguletu.

They were among a group of 52 detainees who first appeared in the Mitchell's Plain Magistrate's Court on January 29.

The State alleged they committed sedition in June last year in Guguletu by attempting to defy the authority of the State by conducting a people's court.

SJAMBOKS

They were also charged with intent to do grievous bodily harm by hitting Samuel Zontsi and Patrick Kali with sjamboks and other weapons.

Of the 52, eight were acquitted in the Mitchell's Plain Regional Court last week because of insufficient evidence.

Those released today were: Ms Khuselwa Valt, Mr Mvuyisi Mhlanga, Ms Nomasomi Jacobs, Mr Phillip Mnintshane, Mr Layiso Ngqola, Mr Lizo Nqcula, Mr Bongile Siwahle, Mr Lindile Tokwe, Mr Lesley Nceba Chagwe, Mr Sumisame Zindo, Ms Ntombentle Tema, Mr Tutsuba Zihuphile, Mr Headman Choldize, Mr Mchosomze Mpunye, Mr Zombebe Maweza, Mr Kutwana Mphuzaheli, Mr Muthazele Madikane, Mr Monde Fetile, Mr Zola Qhina and Mr Sizaheli Tshambe.

Mr G Woodland, for the accused, brought a bail application on their behalf before a Wynberg Regional Court Magistrate last Wednesday.

The case was postponed to yesterday and the State requested a further postponement to today because witnesses had not arrived.

KEY WITNESSES

Today, the prosecutor Mr M Sher told magistrate Mr A P Kotze that the State was not able to trace key witnesses and all the charges were accordingly withdrawn.

In releasing the accused Mr Kotze warned them that if State witnesses became available in future, they could be re-arrested.

Most of the 52 accused were detained in July last year, and were held at the Victor Verster Prison in terms of the emergency regulations. The three women were held at Pollsmoor.

Mr Woodland was instructed by E Moosa and Associates.

Cape Times 19/10/77 (231)
Terror accused not guilty

MARITZBURG. — A Durban woman, Ms Duduzile Buthelezi, one of 10 terror accused in the Maritzburg Supreme Court, was found not guilty and discharged yesterday. The nine remaining co-accused face charges of terrorism, possession of arms and ammunition and banned literature. In finding Miss Buthelezi not guilty, Mr Justice P W Thirion said that although the three documents found in her possession could give rise to the inference that she had undergone ANC military training, this inference could not be drawn without reasonable doubt.

Reports by Staff Reporter, Own Correspondent, Sapa-Reuter-AP and UPI.

Nearly 200 to appear in political trials soon

Cape Times 15/4/87 228 331

Own Correspondent

JOHANNESBURG. — Police are holding the highest number of Internal Security Act (ISA) detainees for interrogation since 1982 in preparation for a wave of political trials involving nearly 200 people over the next few months.

The cases follow the nationwide unrest of last year, the Transvaal attorney-general, Mr Don Brunette, said yesterday.

Charges were also being brought against people who allegedly planted 18 landmines in separate incidents in the

Transvaal. In all, about 20 terrorism trials would come before the courts.

One-hundred-and-ninety-five people will come before the Supreme and regional courts charged with offences which include terrorism, arson, subversion, sedition, murder and furthering the aims of banned organizations.

A number of the accused are being charged with offences arising from their involvement in street committees and "people's courts".

(Report by P Bulger, 11 Diagonal St, Jhb.)

Bible-carrying men placed mine, court hears

CAPE TIMES 15/4/87 331

DURBAN. — A group of men carrying Bibles, "as if they were going to church", placed a limpet mine against the home of Mr Amichand Rajbansi, chairman of the Ministers' Council in the House of Delegates, on Sunday August 4, 1985, an unidentified witness told the Regional Court here yesterday.

Mr A, whose identity was protected by the court, said he had been instructed by a Dr Ramlakan, who also took him blindfolded to receive instruction on the use of explosives.

He was giving evidence in the trial of Mr Derek Naidoo, who is charged with being an ANC member and with bombing Mr Rajbansi's house and the Chatsworth Magistrate's Court.

Mr A said he, Mr Naidoo and other friends decided to bomb Mr J N Reddy's home. Dr Ramlakan said limpet mines could be used.

Dr Ramlakan said they should bomb Mr Rajbansi's home.

Mr A was taken to a man called Lincolnd, who instructed him in the use of bombs, grenades and limpet mines.

Dr Ramlakan gave them a limpet mine, detonators and a timing device. With members of his group he placed the mine against Mr Rajbansi's home.

In November 1985 Dr Ramlakan told him December 16, the birthday of Umkhonto We Sizwe, the ANC military wing, should be marked by a bombing at the offices of the House of Delegates in Chatsworth.

However, after obtaining the device from Dr Ramlakan on December 13 they found there were too many people around the target.

They then went to the Chatsworth courthouse and placed the bomb against the fence after people had left. The hearing continues. — Sapa

McBride struck out at 'persecutors'

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331

THE frustrating "racial conditions" experienced by a 23-year-old Durban student teacher had caused him to "strike out at those he regarded as his persecutors", one of the assessors in what is commonly referred to as the "Magoo's bomb trial", said this week.

Professor John Milton, in his dissenting judgment on mitigating circumstances in the case of Robert John McBride, said there were factual circumstances which had a bearing on McBride's moral blameworthiness.

McBride was this week sentenced to death three times for causing the death of three women in a blast in Durban last year. While Professor Milton found that there were extenuating circumstances, Mr Justice

Shearer, and the other assessor, Mr Brian Lesley, found no extenuating circumstances.

McBride was also sentenced to an effective 67 years in jail on 16 other charges.

His girlfriend, Greta Apelgren, 30, was sent to jail for an effective 21 months imprisonment for her part in the escape of ANC guerrilla, Gordon Webster.

When the judge delivered his verdict the court was packed and the defence counsel at one stage had to appeal to the people to accept the sentence with "dignity and decorum".

There was a tense silence in the courtroom after Mr Justice Shearer imposed the three death sentences and the jail sentences. These included McBride's

personal experiences and family background particularly his father's "obsessive" hatred of whites, his youth and lack of maturity, his emotional state on the day in question when he was "enraged" by the State of Emergency, and the deep frustrations he suffered.

Professor Milton said all these conditions had caused McBride to "strike out at those he regarded as his persecutors". He said one of the extenuating circumstances of the case was that McBride had planned to commit destruction and not to take life.

This was why he had chosen at first to plant the bomb in West Street on the night of June 14, 1986.

But his decision to alter the target from West Street in Durban

to the Marine Parade had been taken on impulse under the persuasion of Mr C (who turned state witness during the trial).

Professor Milton said Mr C must accept a large part of the responsibility for the deaths at the Parade Hotel. If it was not for Mr C, the bomb would not have been detonated at the Marine Parade.

Mr Justice Shearer said he accepted beyond question that McBride had felt himself representative of the people of Wentworth, a "coloured" township in Durban, and that in the course of time the "deprivations he suffered had turned to frustration, to anger, and to violence".

He said it was easy when one felt oppressed to associate those who made the laws with all those

who had white skins.

"We live in a country where, unhappily, freedoms have been removed by legislation", he said.

However, Mr Justice Shearer said, to kill for what you believed were the sins of the government, was an offence against the elementary moral code.

He said to persecute people because of their white skins was also "racist".

McBride, who has been described as a member of the military wing of the ANC, Umkhonto We Sizwe, accepted the three death sentences defiantly and as he was being led away to the cells below the court, he proclaimed: "The struggle continues until Babylon falls".

Mr Justice Shearer has granted McBride and Apelgren leave to appeal against the sentences.

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Public violence: Parents appeal to Chief Justice

Staff Reporter

THE parents of eight school pupils convicted of public violence during 1985 have petitioned the Chief Justice for leave to appeal against their children's sentences.

The parents are supported by the Wynberg Crisis and Relief Centre.

An appeal in the Supreme Court, Cape Town, was dismissed and an application for leave to appeal to the Appellate Division was refused.

At a Press conference at St George's Cathedral Hall yesterday, the sentences were described as extremely harsh.

Statements of support came from Archbishop Desmond Tutu, Dr Allan Boesak, Archbishop Stephen Naidoo, Professor Jakes Gerwel, the Rev Lionel Louw, chairman of the Western Province Council of Churches and president of World Vision International, and Sheikh Nazim Mohamed, president of the Muslim Judicial Council.

The pupils are Wayne Jordaan, 19, sentenced to five years' imprisonment (two suspended), Shaidie Enous, 18, Venecia de Klerk, 19, Dee Dicks, 18, Nazir Masoet, 18, Julian Stubbs, 18, and two below the age of 18, all sentenced to three years' imprisonment (two suspended).

Another youth charged with them, Shuaid Tofey, has left the country.

ARRESTED

They were arrested in 1985 during a stone-throwing incident after police broke up a rally at Wynberg Senior Secondary School.

Mr Enver Daniels of the Wynberg Crisis and Relief Centre said it was accepted that incarceration would blemish the characters of the youths "not to mention the psychological damage they would suffer as a result of the imprisonment".

"These harsh sentences could set a precedent for sentencing students facing similar charges and one dreads to think of all the serious repercussions it would have on the already volatile conditions prevailing throughout the country."

He said if the appeal was unsuccessful, the youths would be imprisoned as common criminals.

'People's court' charges withdrawn

CAN THIS 15/8/77 Court Reporter *(28) (33)*
TWENTY people who have been in detention for almost nine months, had charges of assault and conducting a "people's court" withdrawn in Wynberg Regional Court yesterday.

The detainees, 17 men and three women, have been in detention since July last year.

The State alleged that they committed sedition in June last year by holding a "people's court" in Guguletu. It was further alleged that they assaulted Samuel Zontsi and Patrick Kali with intent to do grievous bodily harm by hitting them with sjamboks.

The 20 are: Ms Khuselwa Valta, Mr Mvuyisi Mhlanga, Ms Nomasomi Jacobs, Mr Phillip Mnitshane, Mr Layiso Ngqola, Mr Lizo Ngcula, Mr Bongile Siwahle, Mr Lindile Tokwe, Mr Nceba Chagwe, Mr Sumisame Zindo, Ms Ntombentle Dema, Mr Tut-sula Zihuphile, Mr Headman Choldize, Mr Mchosomze Mpunye, Mr Zomsele Maweza, Mr Kutwana Mphuzaheli, Mr Muthazele Madikane, Mr Monde Fetile, Mr Zola Mbilokic and Mr Sizatele Thsamba.

Earlier a bail application on their behalf was adjourned as State witnesses had not arrived. Yesterday the prosecutor, Mr M L Sher, told the court that key witnesses could not be traced and the charges were withdrawn.

The magistrate, Mr A P Kotze, warned the 20 that if witnesses were found they could be rearrested.

Mr G Woodland, instructed by E Moosa and Associates, appeared for the 20.



PLEA FOR CONVICTED ... Those of the "Wynberg Eight" who are not minors — (from left) Wayne Jordaan, 19, Dee Dicks, 18, Venecia de Klerk, 19, Naasir Masoet, 18, Showqie Enous, 18 and Julian Stubbs, 18 — outside St George's Cathedral yesterday.

Wynberg pupils: Renewed pleas

By SHAUNA WESTCOTT

PROMINENT religious leaders and two university principals have added their voices to pleas for a rethink on prison sentences imposed last year on eight Wynberg pupils convicted of public violence.

Archbishop Desmond Tutu, Archbishop Stephen Naidoo, Dr Allan Boesak, Muslim Judicial Council president Sheikh Nazim Mohamed, UCT principal Dr Stuart Saunders and UWC rector Professor Jakes Gerwel are among 30 000 people who have asked the Chief Justice to grant the eight leave to appeal.

The eight were at a press conference organized by the Wynberg Crisis and Relief Centre (WCRC) yesterday.

The conference was called to underline public concern and dismay at prison terms for public violence imposed on and facing hundreds of pupils embroiled in the unrest of 1985.

Attorney Mr Enver Daniels of the WCRC, noting that a panel of international jurists who recently visited South Africa had condemned the local judiciary for imposing sentences "bordering on the barbaric" in public violence cases involving juveniles, said it was essential that the case of the Wynberg eight went to the Appellate Division.

The eight were among 10 pupils from Wynberg and Athlone high schools — South Peninsula, Livingstone, Alexander Sinton and Wynberg — convicted of public violence by Wynberg Regional Court in May last year.

Wayne Jordaan, 19, was sentenced to five years' imprisonment, with two years suspended. Venecia de Klerk, 19, Showqie Enous, 18, Julian Stubbs, 18, Naasir Masoet, 18, Dee Dicks, 18,

and a 17-year-old boy were sentenced to three years' imprisonment, also with two years suspended. All were at least a year younger at the time of the violence.

Sentencing of a 14-year-old girl was postponed for five years.

One of the 10 was acquitted on appeal to the Supreme Court and one fled the country soon after conviction.

They were arrested after stone-throwing near the Immaculata High School in Wynberg and at a mass rally at Wynberg Senior Secondary School.

The Supreme Court dismissed an appeal from the eight and leave to appeal to the Appellate Division was refused. They have now petitioned the Chief Justice to allow an appeal and are on bail pending the outcome.

If this fails, they will be jailed.

Community service

The archbishops, Professor Gerwel and Dr Boesak said in a statement: "We want to believe that our appeal to the judiciary will give us the confidence that we want to have in the courts of our country."

All the speakers at the conference emphasized that the eight came from respected families and had promising futures. All expressed concern at the effect of jail on the eight and at the antagonism aroused in the community by the harshness of the sentences.

It was noted that the Supreme Court had recently imposed a community service sentence on adults convicted of a more serious offence.

It was also noted that the public were deeply disturbed by the fact that a soldier convicted of rape could be sentenced to an R80 fine, while young people convicted of throwing stones were jailed for a year and more.

Case Tim B 16/4/87

Helper jailed for bombings

Page 331

DURBAN. — A laboratory assistant, Derek Naidoo, 26, was sentenced to five years' imprisonment by a regional magistrate here yesterday for two limpet-mine bombings.

Naidoo had pleaded not guilty before Mr J J Augustyn to taking part in the bombing of the home of Mr Amichand Rajbansi, chairman of the Ministers' Council in the House of Delegates, on August 4, 1985. He also pleaded not guilty to taking part in a bombing at Chatsworth Magistrate's Court on December 13, 1985.

Earlier yesterday Mr D Gordon, SC, for Naidoo, changed his plea to one of guilty on both counts.

Three years of the sentence were suspended for five years.

Passing sentence, Mr Augustyn said violence could not be excused. The court accepted that violence had been used to bring attention to what Naidoo felt was his opposition to SA's political system.

The magistrate said he took into account that in the placing of the bomb at Mr Rajbansi's home there was no deliberate risk to the policemen on guard duty there. At the court-house precautions were taken to place the bomb when no one was there.

Mr Augustyn said that in the attack on Mr Rajbansi's home, Naidoo had merely carried the limpet mine. At the court-house he stood guard while the limpet mine was placed.

The court took into account that Mr A, a witness who cannot be named, was the leader of the group of which Naidoo was a member.

Mr A had been approached by Dr V Ramlakan because he was politically active.

Naidoo was recruited by Mr A and played only minor roles. Mr A was a member of the ANC.

There was no indication that Naidoo joined the ANC although he may have shown support for it.

Pleading in mitigation, Mr Gordon said Naidoo deserved sympathy as a pawn drawn in by others who influenced him. He felt strongly that the tri-cameral Parliament was not the correct way of meeting the requirements of black people.

The explosions were protests rather than serious attempts to injure people or damage property.

Mr Gordon said witness A was clearly the leader and the one who should have stood in the dock.

The big fish was actually Dr Ramlakan who had been charged in the Supreme Court with these and other offences. Three other members of the group had left the country. — Sapa



Robert McBride — wanted to make a public gesture



Greta Aplegren — dealt with the victims of violence

Picture: CEDRIC NUNN, Afrapix

At Magoo's, cheers. At home, tears

THEY cheered in Magoo's bar when Robert McBride was given a triple death sentence.

At McBride's home, his mother described him as a hero.

And in court, his "disappointed" lawyers said they would do everything possible to save his life because his bombing of Magoo's last June — an act described by the judge as "gross, callous and atrocious" — was "out of character".

It was this act which probably drew the queues of people to the Maritzburg Supreme Court for each day's hearing.

Hundreds who could not fit into the court waited outside on judgement day when the three death sentences were imposed on 23-year-old student teacher Robert McBride, and co-accused Greta Aplegren, 30, was given a total of five years.

They faced a number of charges, but the most serious related to a massive car bomb which exploded outside Magoo's beachfront bar last June, and the "springing" of African National Congress guerrilla Gordon Webster from Edendale Hospital.

Aplegren was acquitted of the four murders with which she was charged. McBride was acquitted of murdering the visitor who died during the hospital "springing", but convicted of murdering the three young women who died at Magoo's.

Both Aplegren and McBride are from Durban's Wentworth township, which regularly features in the news as the scene of horrific gang fights and killings. Both had first-hand experience of this violence: as a social worker, Aplegren dealt with its

By CARMEL RICKARD Maritzburg

victims and tried, unsuccessfully, to deal with its causes; McBride tried not to become involved in Wentworth's gang life, but found himself caught up in it when he killed a gangster in self-defence.

Natal University sociology professor Fatima Meer, who interviewed McBride, Aplegren and their families, reported another common feature: like many coloured people they experienced rejection at the hands of whites, both from their own white or white-looking relatives and from people outside the family.

Meer says of McBride's mother, Doris, who had a (white) Afrikaner father and a coloured mother, that only relatives who could pass for white were invited to the (white) family farm in Harding.

Meer believes no South African group has been as "invidiously" defined by the Population Registration Act and other laws as the coloured community, and she notes that constant rejection, which is the common experience, leads to self-rejection, high alcoholism and crime rates — the highest in the country.

Aplegren herself did not give evidence during the trial, but Meer believes she became involved in the illegal activities with which she was charged because of the frustration she experienced through her work and in civic and other organisations.

She says through her work, Aplegren was constantly faced with children and adults who suffered

because of discriminatory laws and practices.

Many of those in the public gallery were curious about what caused two members of the relatively privileged coloured community to become involved in the bombing.

McBride himself spoke of some of the influences on him, including the impact of the State of Emergency and the start of mass detentions.

He said it felt like a declaration of war on the oppressed people of South Africa, and he wanted to make a gesture which could not be hidden through the state's media curbs.

Defence counsel David Gordon said McBride intended to make a city centre store his target, but he was influenced by a person who turned witness — who cannot be named — to change his plan.

He said that to understand McBride's actions one had to understand what it meant to be black in South Africa.

"(It) means to be discriminated against and deprived of any number of freedoms. (This deprivation of freedom) is perceived by blacks to be reinforced and imposed upon them by authorised state violence. The violence of the police and the defence forces is only tolerated in South Africa because it is committed under authority."

Professor John Milton, one of the two assessors, submitted a minority report, saying he believed there were extenuating circumstances which lessened McBride's moral blame-worthiness.

Among these, he says, were McBride's personal experiences and family background, especially his father's obsessive hatred of whites, his lack of maturity and the deep frustrations he suffered which caused him to "strike out at those he regarded as his persecutors".

Passing sentence, Judge Douglas Shearer said he had considered all these circumstances, but "sadly" concluded they did not amount to extenuation.

McBride has been given leave to appeal.

●McBride's lawyers have accused police of taunting him by dangling a noose in front of his head a few hours before sentence was passed.

Shortly after McBride received the triple death sentence his lawyer, Roshan Dehal, told reporters police had allegedly taunted McBride with the noose to the point where he could no longer take it and lashed out at a policeman in the cells and got involved in an exchange of blows.

Police representative Captain Pieter Kitching initially said he had not heard of the incident.

However, he said yesterday that police were investigating charges of assault against McBride in connection with the incident.

Tomorrow begin

**CENTRE FOR
OF HEALTH**

Applications are invited for two

Unionist charged with high treason

METAL and Allied Workers' Union leader Moses Mayekiso is to be charged with high treason, along with four other Alexandra community leaders.

All five face alternative charges of subversion and sedition. They are due to appear in the Rand Supreme Court on August 3.

Appearing with Mayekiso will be his younger brother, Mzwanele, 22, Paul Ndlovu Tshabalala, 38, Richard Mzameni Mdakane, 29, and Obed Kopeng Bapela, 28, all of Alex.

A 160-page indictment containing the allegations was presented to the accused at the Randburg Magistrate's Court yesterday by Magistrate R Mandelstam.

The presentation of the file was greeted with a smile by the five men, who have been awaiting trial for several months.

Lawyer Paul Benjamin, appearing for the accused, told magistrate Mandelstam August 3 is a tentative date, as it still has to be finalised with the state attorney.

According to the charge sheet, the five are alleged to have tried to "overthrow, usurp or endanger the authority of the state, with seditious intent to defy or subvert the authority of the State".

They are believed to be the first people in South Africa to be charged with treason for running people's courts, street, block and area committees, and for forming an action committee.

The state describes these structures as "organs of people's power".

By MONO BADELA

The five are accused of plotting to seize control of Alexandra or to render the area ungovernable by the state. They are also accused of forming people's courts, and acting as the courts' functionaries.

Other accusations include:

- Campaigning against the security forces, the Alex town council and "so-called collaborators".

- Launching a rent boycott.

- Changing street names.

The alternative charge is that they tried to overthrow or endanger the state's authority.

The organisations mentioned in the indictment are Alexandra Youth Congress, Transvaal Students' Congress, Alexandra Crisis Committee, Alexandra Women's Organisation and Alexandra Students' Congress.

Natal court finds 9 guilty of terrorism

Doctors chant freedom slogans after verdict

PETERMARITZBURG

— Freedom slogans were chanted by nine men, including two doctors, shortly after they were found guilty of terrorism in the College Road Supreme Court in Pietermaritzburg yesterday.

The men, who were found guilty before Mr Justice Thirion and two assessors, were Sibongiseni Maxwell Dhlomo, 26, Vejaynand Indurjith Ramlakan, 28, Sibusiso Robert Ndlanzi, 29, Jude Francis, 21, Ordway Quondo Msomi, 20, Mapiki Dlomo, 32, Bafu Nguqu, 30, Malusi Israel Majola, 20 and Vusumuzi Wesley Mahlobo, 25.

Twelve people originally appeared, but the first accused in the trial, Mrs Duduzile Buthelezi, 32, was acquitted earlier this week, while Mr Siphobhila, 31, and Mr Phumezo Nxiweni, 20, were acquitted earlier this year.

Sentence is to be passed on April 22.

Mr Justice Thirion said it had been proved by the state that Vejaynand Ramlakan became a member of the ANC in 1984, and that he re-

cruited Jude Francis and trained him and one other in the use of explosives and the establishing of arms caches.

He said it was also proved that Ramlakan trained Mapiki Dlomo and one other person in the use of explosives.

Mr Justice Thirion said it had also been proved that in July, 1985, Ramlakan and Jude Francis had reconnoitred the house of Mr Amichand Rajbansi, with the intention of planting a bomb there.

It had been proved by the state that Ramlakan conspired with two other people to place an explosive device at the Chatsworth Magistrate's Court in December, 1985.

Mr Justice Thirion said the state had proved that Sibongiseni Dhlomo was a member of the African National Congress, and that he trained Vusumuzi Mahlobo in the use of limpet mines, explosives and handgrenades.

He said it was also proved that Dhlomo fetched three trained

members of the ANC, including Sibusiso Ndlanzi from Ingwavuma and took them to Durban in about September, 1985.

Mr Justice Thirion said the state had also proved that Sibusiso Ndlanzi was trained by the ANC, and that in October, 1985, he crossed into South Africa to commit acts for the ANC.

He said it had been proved that Ndlanzi was appointed by the ANC as commander of a group of ANC members and was responsible for the training of several people in matters relating to the ANC.

Mr Justice Thirion said the state had proved that Ordway Msomi had joined the ANC in 1985, and had received training in the use of explosives and other military devices.

The state had proved Msomi had taken Mapiki Dlomo to Umgababa for training with the ANC.

It proved that Msomi handed explosives over to an accomplice to be used for the training of ANC recruits.

The state also proved that Msomi established or helped in the establishment of a DLB (dead letter box or arms cache) consisting of a cache of arms in about November 1985. It was proved that Mapiki Dlomo established or assisted in establishing a DLB containing a cache of arms at the Kwa-Gijima Sports Grounds, Lamontville, in about September, 1985, and one in Mpanza Road, Lamontville, at an undetermined date in 1985.

It was also proved he received military training from Andrew Zondo in the use of several weapons.

It was also proved that at an unknown date, Bafu Nauqu established a DLB at Mpanza Road and one at the Kwa-Gijima Sports Grounds which he had subsequently pointed out to police. — Sapa

9 found guilty *9/2*
MARITZBURG. — Nine *7.4/5*
men were found guilty *17/4/82*
yesterday of terrorism.
They are Sibongiseni
Maxwell Dhlomo, Ve-
jaynand Indurjith Ram-
lakan, Sibusiso Robert
Ndlanzi, Jude Francis,
Ordway Quondo Msoni,
Mapiki Dlomo, Bafo
Nguqu, Malusi Israel
Majola, and Vusumuzi
Wesley Mahlobo. Sen-
tence was postponed to
April 22. — Sapa

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SUPPORT GROUPS

Terror trialist freed

331
A DURBAN woman, Duduzile Charity Baby Buthelezi, one of 10 terror accused in the Maritzburg Supreme Court, was found not guilty and discharged this week.

The nine remaining co-accused face charges of terrorism, possession of arms and ammunition and banned literature.

In finding Buthelezi not guilty, Judge PW Thirion said that, although the three documents found in her possession - one in her own handwriting - could give rise to the inference that she had undergone ANC military training, such inference could not be drawn without reasonable doubt.

Thirion completed a third of his judgment and was dealing with the "pointings out" done by the various accused.

Earlier in the day the judge said the State had proved that the explosions were caused by ANC operators in the pursuance of their aims. - Sapa.



A jubilant Dudu Buthelezi outside the Durban Supreme Court after her acquittal.

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Apr 19/4/87

A MAN was shot dead when suspected terrorist Gordon Webster was sprung from Edendale Hospital last year. Sphiwe Shange, 19, was giving evidence against Derrick McBride, 53, father of Magoo's bomber Robert McBride, 23, and Antonio du Preez, 22.

The two men allegedly

Magoo's men shot witness

sprung Webster from police guard on May 4 last year, murdered a civilian, attempted to murder four other men and Shange sustained gunshot wounds.

Shange told the court that he was waiting for a friend in Edendale Hospital when shortly before the shooting he saw "an oldish person who was grey

haired" walk down the corridor "as though he was looking for someone".

Asked by H Viljoen SC, for the defence, why he had not mentioned this in his evidence, Shange said that he had not connected the man to the subsequent shootings.

The hearing continues. — Sapa.

A BLACK WEEK FOR SA MINERS

By SANDILE MEMELA

A PALL of death lingered over Ermelo this week.

Mine disasters yet again exacted their toll on mineworkers this week — increasing the death toll to 11 in six days.

Seven mineworkers died and three were injured by a

massive rock fall at Johannesburg Consolidated Investments' Randfontein Estates gold mine this week.

The accident dramatically spiralled the total number of dead to 41, with 35 victims injured in South Africa's third mine disaster

in less than a week.

About 130 tons of rock fell on top of 10 black miners 860m underground at Cook No 3 shaft while they were drilling holes for underground workshop support.

This follows closely behind an Ermelo Mines tragedy last week which claimed 24 lives and left

maphosa has described as "the resurgence of gas explosions in the mines".

The recent accident was the ninth worst mine disaster to hit the mining industry.

According to Ramaphosa, worse mine disasters include:

- The Kinross mine disaster

Bid to Summon Mandela to give evidence at trial

By SHAUN HARRIS

SOUTH Africa's best-known prisoner, Nelson Mandela, may be called to give evidence in court.

A bid will be made this week to subpoena the jailed ANC leader to give evidence at a Maritzburg treason trial.

Part-judgment was given in the Maritzburg Supreme Court on Wednesday by Mr Justice Thirion and two assessors.

The court convicted nine Durban men of terrorism relating to a number of incidents in Durban last year, including a bomb attack on the home of House of Delegates chairman Amichand Rajbansi and a bomb blast at the Chatsworth magistrate's court in 1985.

Mitigation

After the conviction the defence team was reliably understood to be working on an application to subpoena Mandela to give evidence in mitigation before sentence is passed.

It is believed to be the first time an attempt has been made to subpoena Mandela.

Defence counsel Alan Magid would not comment on the application, saying it was not in the interests of his clients to talk about their affairs.

And a spokesman for the instructing attorneys said she was not allowed to comment on the matter.

But it is believed the application will be made when the hearing resumes on Wednesday.

The convicted men are: S Dhlomo, V Ramlakan, S Ndlanzi, J Francis, O Msomi, M Dhlomo, B Nguqu, M Mahola and V Mahlobo.

Teacher's pet

A TEACHER holidaying at the Wild Coast Sun, Mrs M Frank, of Ladysmith, Natal, won a R35 584 jackpot at the casino, the resort announced yesterday. — Sapa

McBride's woes have just begun

By SIBU MNGADI

SELF-CONFESSED African National Congress guerrilla Robert McBride, 23, may be in death row this week, but his family's ordeal has just begun.

With his father, Derrick, 54, appearing in a separate hearing in the Maritzburg Supreme Court on charges of terrorism and murder, the remaining three members of the McBride family - including a grandson - face a bleak future without a breadwinner.

At the centre of this saga is Robert's mother, Doris, 50.

After Judge DLL Shearer had found no extenuating circumstances and announced three death sentences over McBride, for the death of three white women killed during the Magoo's bar bomb blast, without shedding a tear, Mrs McBride dashed to the nearby C court where her husband's fate hangs in the balance.

McBride senior and Antonio du Preez, 22, are facing terror and murder charges arising from, among other things, the dramatic springing of alleged ANC commander Gordon Webster from Maritzburg Edendale Hospital last year.

McBride's parting words to the packed courtroom and to his lover and co-accused, Greta Apelgren, 30, were: "The struggle continues."

In an interview with *City Press* at their Wentworth council house, Mrs

McBride described the two as the family's heroes.

"Even though I was naive earlier, their political commitment has transformed me - and today I fully agree with what they stand for. I believe they did what they did on behalf of their people whom they believed were deprived by this apartheid government," she said.

Her husband is no newcomer to politics. He was a Natal delegate at the Congress of the People in Klip-town, where the Freedom Charter was drafted and his friends include the Rivonia Treason trialists.

Because of the dire need to supplement the family's income, the McBrides recently decided to sell their take-away shop and engineering workshop in Jacobs, after the two were charged. The workshop was alleged by the State to be an arms cell.

Mrs McBride, a remedial teacher, took indefinite unpaid leave in February to attend the trials which meant travelling about 230km a day between Durban and Maritzburg. Her daughter, Bronwyn, 22, had to leave her catering job because she could not bear anymore insults from her white colleagues, who started hurling them at her after it was made public that her brother and father had been involved in the spate of bomb blasts.

Mrs McBride is of mixed parentage. Her father is white and her mother coloured.

"Even my father's family and relatives have shunned us," she said. This did not bother her because progressive organisations and people in general have been very supportive.

She said she was hurt but strong and courageous. The moment McBride was charged, she knew there would be no happy ending.

"Under the present government and its legal system blacks don't stand a chance, particularly when they have committed what is perceived as crimes against whites. Even if my husband is sentenced to death, it won't come as a surprise. After all, we blacks have no say in the drawing up of the country's laws. Neither are we obliged to obey them."

What upsets her most was the unbecoming behaviour of the policemen who transported McBride from prison to the Supreme Court for sentence.

Defence attorney Roshan Dehal disclosed that he had been instructed to investigate charges of criminal assault against members of the SAP.

Maritzburg SAP police PRO P Kitching said that he had not heard of the incident but gave his assurance that the matter would be properly investigated and should charges of assault be laid.

Speaking of her son, Mrs McBride said he was trouble-free and although the township was plagued by gangsters, he remained aloof.



Robert McBride



Greta Apelgren

He spent most of his time with his father in a family business.

Mrs McBride said she sympathised with victims of all her family's attacks under ANC missions, but said the government should take responsibility for the violent atmosphere that exist in the country today.

Mystery 'Mr A' tells of bombing

A GROUP of Indian men carrying bibles placed a limpet mine against the home of Amichand Rajbansi, chairman of the Minister's Council in the House of Delegates, on Sunday, August 1, 1985, an unidentified witness told the Durban Regional Court this week.

Mr A, whose identity cannot be disclosed, said that he had been instructed to do so by a Dr Ramlakan, who also took him blindfolded to receive instructions on the use of explosives.

He was giving evidence in the trial of Derek Naidoo, charged with being a member of the ANC, and of bombing Rajbansi's house and the Chatsworth courthouse.

Mr A said he was a member of the NIC, UDF and Bayview Residents' Association of Chatsworth.

He said he had decided to bomb the home of a member of the HOD and discussed this with Naidoo and others.

After his group reconnoitred Rajbansi's home, they were given a limpet mine, detonators and a timing device by Ramlakan.

Together with members of his group, Mr A placed the mine against Rajbansi's home.

In November 1985, Ramlakan told him that December 16, founding day of Umkhonto We Sizwe, should be marked by bombing the offices of the HOD in Chatsworth.

However, after obtaining a mine from Ramlakan on December 13, they found there were too many people around the target.

They then placed the mine at the Chatsworth court.

The trial is proceeding. - Sapa.

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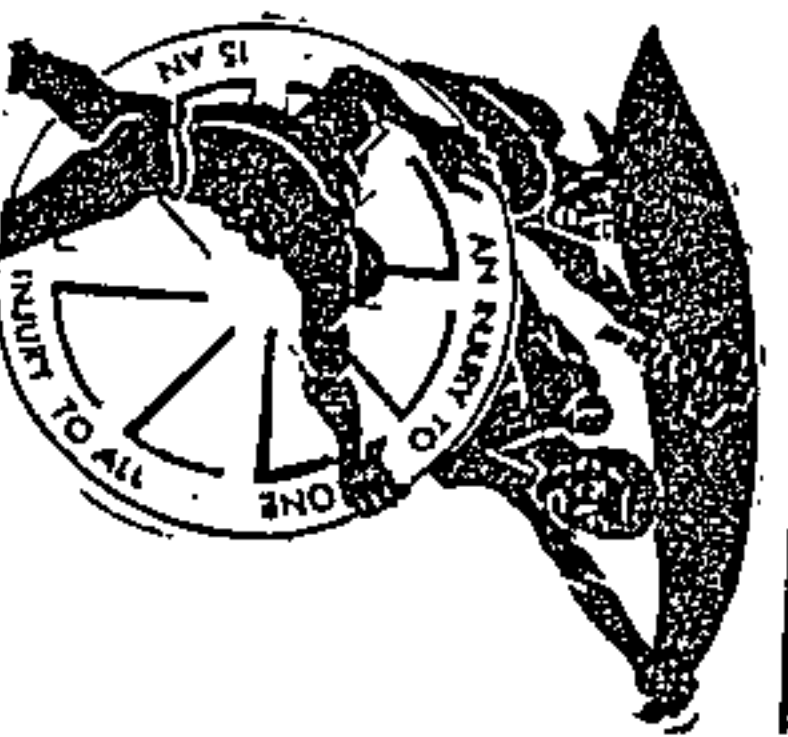
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Cosatu rejects Sats torture allegations

APR 19/4/87

COSATU rejected allegations that non-striking railway workers had been tortured at its head offices in Johannesburg.

A statement released by Cosatu head office said the allegations were made to justify Sats' refusal to negotiate with striking rail-

statement said. "It is important to note that Sats do not even attempt to claim that they are willing to negotiate with elected worker leaders," the statement said. "We have, together with Sarhwalu, warned Sats and the government that their

intransigence and the involvement of police and scabs, could lead to unnecessary conflict and even violent clashes, but Sats refused to listen.

ers have been the target of systematic attacks, as is always the case when we are involved in an important struggle challenging the status quo."

"They started off by blaming agitators and denying the legitimate grievances of workers. Then they used government media to label the strike a communist plot.

"Now they make their 'torture' allegations, which we read as an indication that they are moving further away from the idea of dealing with elected worker representatives."

The statement said Sats had to accept responsibility for the "climate of violence" which it claimed to be so concerned about.

"Sarhwalu and Sats work-

History the ANC way?

By STAN MZIMBA

(331)

APR 19/4/87

A HISTORY teacher at a Mqanduli school in Transkei denied in the Umtata Regional Court this week that, while teaching modern history, he told his pupils Nelson Mandela was the people's leader and the homelands were puppet states.

Lundi Mqingwana is charged with furthering the aims of the banned ANC. He has pleaded not guilty.

Presenting the State's case, David Sankey said that during 1981 Mqingwana told his Std 5 class that the ANC was a lawful

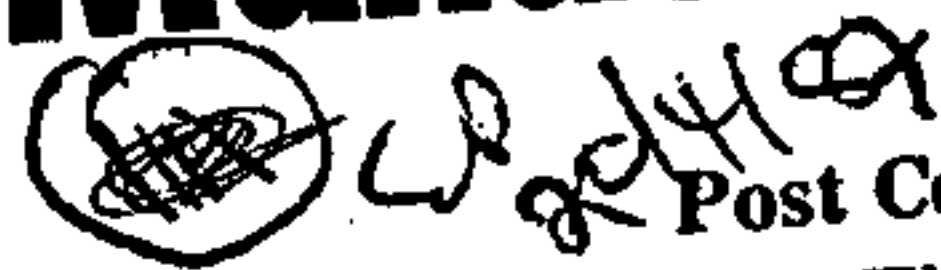
organisation and suggested that they join it. The court heard that, during April 1981, he had led a group of youths to the sea for an outing, where they sang freedom songs. One of the pupils was given an ANC flag to hoist.

Mqingwana denied the allegations and contended that he had often taught modern history, such as "who was the present Prime Minister or President of a certain national state and so on" and had not made any mention of Mandela and PW Botha.

The statement said Sarhwalu members had been assaulted and that Cosatu House had been vandalised. "Cosatu and Sarhwalu want a speedy resolution to the conflict. We do not want security forces using the strike as an excuse to enforce state repression and demonstrate National Party law and order.

"We reiterate our willingness to resolve the strike. Our track record shows our willingness to negotiate in good faith and with mutual respect over the legitimate interests of our members," it said. - Sapa.

State doesn't want Mandela to testify

 331

Post Correspondent

JOHANNESBURG — The State and the Commissioner of Prisons would oppose an application by the defence at a terrorism trial in Maritzburg to call the imprisoned ANC leader, Nelson Mandela, to testify in mitigation, it was reported today.

An application asking for Mandela to be permitted to testify in mitigation is expected to be brought in the Natal Supreme Court in Maritzburg tomorrow by the defence counsel for nine men convicted of terrorism last week in connection with bombings in 1985-1986.

Mandela, imprisoned in 1964 for sabotage and conspiracy to overthrow the Government, is in Polsmore Prison in the Cape, and was the first leader of the ANC's

military wing, Umkbonto we Sizwe.

The defence wants Mandela to testify in mitigation before the court deals with sentence of the convicted men which is due on Wednesday.

Should the application be granted, it would be the first public appearance by Mandela since his imprisonment 23 years ago.

Many believe that Mandela, now 68, remains South Africa's paramount black leader in the eyes of many activists despite his long stay in prison.

Prisons dept will oppose Mandela move

CAPE TOWN 20/4/87
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JOHANNESBURG. — The Commissioner of Prisons, General W H Willemse, would oppose the attempt to have jailed African National Congress leader Mr Nelson Mandela, who has not been seen or heard in public since 1964, testify in a treason trial.

Yesterday, a prisons spokesman said the department had rejected a subpoena on Saturday calling for Mr Mandela, 68, to give evidence in mitigation of sentence at a trial in Maritzburg.

"The subpoena was irregular and was withdrawn," he said.

However, he said a new attempt would be made tomorrow when lawyers defending nine men convicted of treason planned to seek a court order for Mr Mandela's temporary release from Pollsmoor.

Rejection

The spokesman said Gen Willemse had made it plain that he planned to fight the court application.

Mr Mandela, president of the outlawed African National Congress, was convicted of sabotage against the State in 1964 and was jailed for life. He has not been photographed or seen in public since then.

His only public statement since 1964 was a message released with government permission in February 1985 rejecting State President P W Botha's offer two weeks earlier of freedom in return for his public rejection of political violence.

Mr Mandela's lawyer, Mr Ismael Ayob, confirmed the move to call him as a defence witness in the trial of nine men convicted of carrying and hiding ANC weapons and of an attack on an Asian leader's home.

Civil-rights lawyers in Johannesburg said they believed this was the first attempt to call Mr Mandela as a trial witness. They said they did not expect the move to succeed.

Cape Times 20/9/87

Utasa condemns pupils' jail terms

33' ~~200~~
Staff Reporter

THE Union of Teachers' Associations of South Africa, Utasa, has condemned the spate of "harsh sentences" imposed on Peninsula school pupils.

Eight pupils, whose ages range from 14 to 19, have been convicted of public violence and other similar charges arising out of the student revolt in 1985.

They are Wayne Jordaan, 19, who was sentenced to five years, with two years suspended. Dee Dicks, 18, Venecia de Klerk, 19, Naasir Masoet, 18, Showqie Enous, 18, Julian Stubbs, 18, and a 17-year-old boy were all sentenced to three years, with two years suspended.

Sentence on a 14-year-old girl was suspended for five years. The pupils were at least a year younger at the time of being sentenced.

Deterrent effect?

At an emergency meeting of the 26 000-member Utasa held in the city yesterday, delegates from the various provinces resolved to "express deep dismay at the harsh sentences imposed by the courts on the eight pupils from high schools" and also on Gregory Arthur and Michael Carstens, Peninsula pupils who were both recently jailed.

Utasa said they believed that such convictions and "harsh sentences create the impression in the community in general and our union in particular that these young people might have been singled out as a deterrent to others and that the effect has in fact been the opposite".

The organization noted the anxiety of teachers that the "imprisonment of young people will do irreparable harm to these students at a very sensitive period of their development" and at the same time cause agony for parents and the community.

"In the light of the above Utasa further resolved to lend its full support to the parents in their appeal that the sentences be set aside," it said.

● Helicopter escorts
accused to court

● 15 deny bomb attacks
at Langa and Mowbray

in Big ANC trial city

By SUE LUPTON, Supreme Court Reporter
FIFTEEN men who pleaded not guilty today in the Supreme Court to terrorism charges are accused of limpet mine attacks on Langa police station in 1985 and Mowbray railway station in 1986.

They are Mr Lizo Ngqungwana, Mr Them-binkosi Mzukwa, Mr Joseph Ngoma, Mr Temba Tshibika, Mr Sazi Veldtman, Mr Mthetho Myanya, Mr Joseph Mkhulhwa, Mr Anderson Ncivata, Mr Reed Macozoma, Mr Quentin Michels, Mr Cecil Esau, Mr Neville van der Rheede, Mr Gladwin Mabengeza, Mr Cyril Ntabeni and Mr Norman Macanda.

The prison van transporting them to court today was escorted by a police helicopter.

The State alleged that between 1978 and 1986 they committed violence, performed acts aimed at causing violence, conspired to cause violence and incited others to commit violence.

Alternative charges are membership of the African National Congress, participating in the activities of an unlawful organisation, furthering the aims of the ANC and possessing banned literature.

Based in Lesotho

It is alleged that after joining Umkhonto we Sizwe, the military wing of the ANC, and being trained in Angola and the Soviet Union, Mr Ngqungwana became commander of the Western Cape division of Umkhonto we Sizwe in 1983.

Based in Lesotho, he allegedly trained Mr Mzukwa, Mr Ngoma, Mr Tshibika and others.

It is alleged in 1985 he entered South Africa secretly and came to Cape Town.

The State alleges that his duties were to co-ordinate military activities in the region, recruit and train new members, find hide-outs for terrorists and caches for arms, import arms and explosives from Botswana, and increase terrorist activities in the region, particularly in June 1985 and from May 1986.

Mr Ngqungwana allegedly visited Mr Mzukwa, giving him hand-grenades and a limpet mine which he suggested were to be used in an attack on the Administration Board offices in Langa.

Mr Mzukwa allegedly attacked the Langa police station on June 12 1985, placing the limpet mine on the stoep of a prefabricated police building and throwing a hand-grenade at the charge office.

The charge office was damaged but no one was injured and the limpet mine was discovered before it detonated.

Mr Mzukwa is also alleged

(Turn to Page 3, col 6)

ANC trial 331

(Cont. from Page 1)

to have thrown a hand-grenade at a Casspir in Langa.

It missed, causing only slight damage to the Casspir.

The accused were allegedly involved in recruiting ANC members and setting up new cells, transporting weapons from Botswana and Lesotho and finding "safe houses" to harbour terrorists and weapons.

The State alleges that in April 1986 Mr Mkhulhwa was arrested. He took police to Mr Ncivata, who was in possession of a pistol.

Mr Ncivata took them to Mr Macozoma where they found a limpet mine.

Mr Michels and Mr Esau were also arrested in April.

On April 23 police entered a hut in Crossroads where Mr Ngqungwana was lying with a loaded Makarov pistol in one hand.

They allegedly found a limpet mine, a hand-grenade, 100g of TNT, detonators, a loaded AK47 rifle, magazines and cleaning rods for the arms, R1 250 and documents, ANC publications and false travel documents.

Mr Ngoma and Mr Tshibika were also arrested in May.

In September Mr Magen-geza, Mr Ntabeni and Mr Macanda were arrested.

It is alleged that Umkhonto we Sizwe was responsible for 25 acts of terrorism in the Cape Peninsula in 1985.

On April 29 Mr Ngoma allegedly planted two limpet mines in the lavatory at Mowbray railway station where they exploded.

On May 22 Mr Veldtman and Mr Myanya were arrested and a Luger pistol and an AK47 rifle were seized.

On May 25, 1986 police allegedly found limpet mines hidden in the grounds of the Langa sports stadium.

The men pleaded not guilty to all the charges put to them by Mr W Viljoen who appeared for the State.

In addition Mr Anderson Zingisele Ncivata and Mr Cecil Esau pleaded not guilty to possessing an unlicensed firearm and unlawful publications.

The men appeared in leg irons and chanted and sang as they were led into the court.

Mr Jan van Eck, the Progressive Federal Party MP for Groote Schuur, was among the people who crowded into the court.

Mr D Kühne, who appeared for all the accused except Mr Ncivata, Mr Esau and Mr Tshibika, asked the court to have the leg-irons removed.

Mr Justice H C Nel said the matter would be discussed.

Mandela - bid to call him as a witness

331
21/4/87

DEFENCE lawyers in a terrorism trial want to call jailed black nationalist leader Nelson Mandela as a witness, officials said.

It would be the first time Mandela, leader of the African National Congress (ANC), has appeared in public since he was jailed for life in 1964 for sabotage and plotting revolution.

The Prisons Service said one of nine men convicted of terrorism by the Maritzburg Supreme Court last week had filed an application for leave to call Mandela to give evidence in mitigation before sentence is passed.

The Prisons Service said it will oppose the application, which will be heard by the court today.

It said defence lawyers had served a subpoena on the commanding officer of Cape Town's

SA Press Association

Pollsmoor prison where Mandela is held to allow him to testify.

The subpoena was later withdrawn because it contained certain irregularities, it said in a statement.

Prisons Services spokesman Major Danie de Villiers said he did not know which of the defendants wanted Mandela as a witness. He could not say what evidence Mandela might give.

South Africa still holds Mandela (68), despite worldwide calls for his release. In 1985, Mandela rejected an offer of freedom from President P W Botha on condition he renounced violence.

The Maritzburg court ruled that the nine men, all black, conspired with the ANC and carried out

deeds which would further the aims of the banned organisation.

The nine are S Dhlomo, V Ramlaka, S Ndlanzi, J. Francis, O Msoni M Dhlomo, B Nguqu, M Majola and V Mahlobo.

The court found that Ramlaka was responsible for explosions at the home of South Africa's only Indian cabinet minister, Amichand Rajbansi last year and at a magistrate's court in 1985. — Sapa-Reuter.

THELMA TUCH

TODAY is the first time an application will be made for jailed ANC leader Nelson Mandela to be brought from prison to testify in court, legal experts believe.

The defence team for the nine men convicted last week of terrorism will ask the Maritzburg Supreme Court to allow Mandela to testify in mitigation before sentence is passed.

A spokesman for the Prisons Department yesterday confirmed the Commissioner of Prisons would op-

Mawu Workers

Bid to have Mandela at ANC trial

pose the application.

One legal expert said he could foresee legal difficulties in getting Mandela to court.

A problem facing the defence in ANC trials was that it was impossible

to lead evidence of an ANC member because participation in the organisation was unlawful.

The state, however, has been able to call former members of the ANC to give evidence on its behalf.

There is provision in the Criminal Procedure Act for convicted prisoners to be called to testify if the court authorises their appearance.

However, the court can only grant authorisation if it is satisfied the evidence is material to the case. It must also be satisfied public safety or order is not endangered by the calling of the witness.

THERE will be no head-count of the number of Afrikaner academics who stand

Reticence over

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Journalist faces 4 charges

THE deputy news editor of the Cape Times, 30-year-old Mr Tony Weaver, will appear today in Cape Town Regional Court where he faces four charges of "unlawfully publishing untrue matter" about police actions.

Three of the charges, framed in terms of Section 27 of the Police Act, arise from a report in the Cape Times on March 12 last year about the killing of seven alleged ANC guerillas by police in Guguletu on March 3, 1986.

The fourth charge arises from an interview about the killing Mr Weaver gave to the BBC's World Service on March 4 last year.

If convicted, Mr Weaver faces a maximum sentence of a fine of R10 000 or five years in prison or both, on each charge.

Spanish and Di

CAF Trials 21/4/87
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Mawu plan for work stoppages

JOHANNESBURG — Members of the Metal and Allied Workers' Union (Mawu) have resolved to stage weekly one-hour work stoppages in protest against the continued incarceration of their general secretary, Mr Moses Mayekiso.

A union spokesman says fairly widespread stoppages have occurred among the union's 62 000 members on three occasions so far. He says shop stewards have planned for stoppages to occur each Monday.

Mr Mayekiso, also the chairman of the Alexandra Action Committee, was detained last June. Last Wednesday he was charged with high treason along with four other Alexandra community leaders.

In a 160-page indictment they are accused of trying to overthrow, usurp or endanger the authority of the State. It is alleged they plotted to seize control of Alexandra or render the township ungovernable.

They are accused of establishing "people's courts", campaigning against the security forces, the town council and so-called collaborators, launching a rent boycott and changing street names.

A Seifsa director, Mr Sam van Coller, confirmed that stoppages had occurred but declined to comment as talks with Mawu on the issue are in progress.

Defence in terror trial tells Supreme Court...

Why Mandela's testimony on ANC violence is vital

Own Correspondent

MARITZBURG — Counsel in the Ndlanzi case has explained why he wishes to call Nelson Mandela, jailed leader of the African National Congress (ANC), to give evidence in mitigation.

Mr Alan Magid SC, seeking Supreme Court permission for an appearance by Mandela, said the ANC leader had first-hand knowledge of the reasons for the ANC decision to switch from a non-violent policy to violence.

Sibusiso Robert Ndlanzi was convicted here last week of undergoing military training by the ANC and taking part in the activities of the ANC and Umkhonto we Sizwe (its military wing). The convicted man said in his application that Mandela's evi-

dence was necessary for the determination of a proper sentence. He said a fundamental question when assessing his sentence was his reasons for involvement in a struggle which used violence. Ndlanzi said Mandela was a founder of Umkhonto we Sizwe and prior to that had been involved in negotiations with the government of the day.

Mandela was the only person who, from personal knowledge, could tell the court why, after 50 years of non-violent opposition to the Government, the ANC decided on violent confrontation.

His application added: "It was and still is morally justifiable, when no non-violent options remain open, to embark on a struggle which may involve violence."

"I believe the founders of Umkhonto we Sizwe were moved by motives similar to mine and Mandela will be able to confirm this."

"I believe my conduct has been in accordance with the activities which were envisaged by the founders of Umkhonto we Sizwe and Mandela will be able to confirm this too."

"I also believe Mandela would be able to convince this court that it is not unreasonable for citizens of South Africa who are not white to believe that no non-violent option remains open."

"Mandela is eminently qualified to testify on these aspects and help persuade this court that my beliefs have a strong moral basis and have for a long time been shared by responsible leadership in our community."

The motion was opposed by the Commissioner of Prisons and the Attorney-General.

Mr Magid said one objection, that there could be a risk to public order and safety, could be met if Mandela gave evidence in Polsmoor Prison or some other secure venue.

Mr Magid said the defence was prevented from interviewing Mandela last weekend.

If Mandela were reluctant to give evidence, the defence would withdraw the application.

Mr Justice Thirion asked what evidence Mandela could give that was not already known.

He also wished to know if evidence would be of a political nature.

Mr Magid said professors could give similar evidence, but Mandela had the advantage of personal involvement.

PUBLIC ORDER

General W J Willemse, Commissioner of Prisons, said Mandela was seen as a martyr and a leading figure by many.

In the present political climate, it would endanger public order if he were allowed to appear in a public court to defend his views.

General Willemse said that to allow him to give evidence would merely give him a platform to justify violence and acts of terror.

It would be an expensive undertaking to bring him to court, he added.

Such an operation would receive worldwide news coverage and was likely to spark large-scale demonstrations.

Even if there were no demonstrations, he expected a massive crowd which in the present political climate could be hazardous.

General Willemse said Mandela's evidence would be irrelevant.

It was well known that the beliefs of the 1950s and 1960s differed radically from those of today, he added.

Appearances: Mr Magid and Mr Pius Langa for Ndlanzi, Mr Jan Combrink SC and Mr S J Maritz for the Commissioner of Prisons, and Mr Mike Imber SC, the Attorney-General, and Deputy Attorney-General Mr Bennie Schonfeldt SC and Mr Christo van Schalkwyk.

(Proceeding).

23/4/82

Protest over lunch delays terror trial

CAPE TOWN — The resumption of the Supreme Court terrorism trial of 15 men was disrupted yesterday afternoon when the accused refused to leave their cells.

The state advocate, Mr W Viljoen, said the men were demanding a better lunch than the jam and bread they had received.

The men are charged with limpet mine attacks on the Langa Police Station in 1985 and the Mowbray Station in 1986.

They are Mr Lizo Ngqungwana, Mr Thembinkosi Mzukwa, Mr Joseph Ngoma, Mr Temba Tshibika, Mr Sazi Veldtman, Mr Mthetho Myanya, Mr Joseph Mkhulhwa, Mr Anderson Ncovata, Mr Reed Macozoma, Mr Quentin Michels, Mr Cecil Esau, Mr Neville van der Rheede, Mr Gladwin Mabengeza, Mr Cyril Ntabeni and Mr Norman Macanda.

The men pleaded not guilty to charges in terms of the Terrorism Act, and alternative charges of being members of the African National Congress.

The state alleged that from 1978 to 1986 they committed violence, performed acts aimed at causing violence, conspired to cause violence and incited others to commit violence.

It is alleged that after joining Umkhonto we Sizwe, the military wing of the ANC, Mr Ngqungwana became commander of the western Cape division of Umkhonto we Sizwe in 1983.

Mr Ngqungwana allegedly made contact with his people and visited Mr Mzukwa, giving him hand-grenades and a limpet mine.

Mr Mzukwa allegedly attacked the Langa police station on June 12, 1985.

The charge office was damaged, but nobody was injured.

On April 29 Mr Ngoma allegedly planted two limpet mines at Mowbray Station.

Mr W. C. Viljoen and Mr M. Stowe appear for the state. Mr D. Kuhne SC, Mr A. O. Omar, Mr S. Desai and Mr J. Whitehead appeared for the accused, instructed by E Moosa and Associates and R. Vassen and Company.

The Judge, Mr H. C. Justice Nel, postponed the case to this morning. — Sapa

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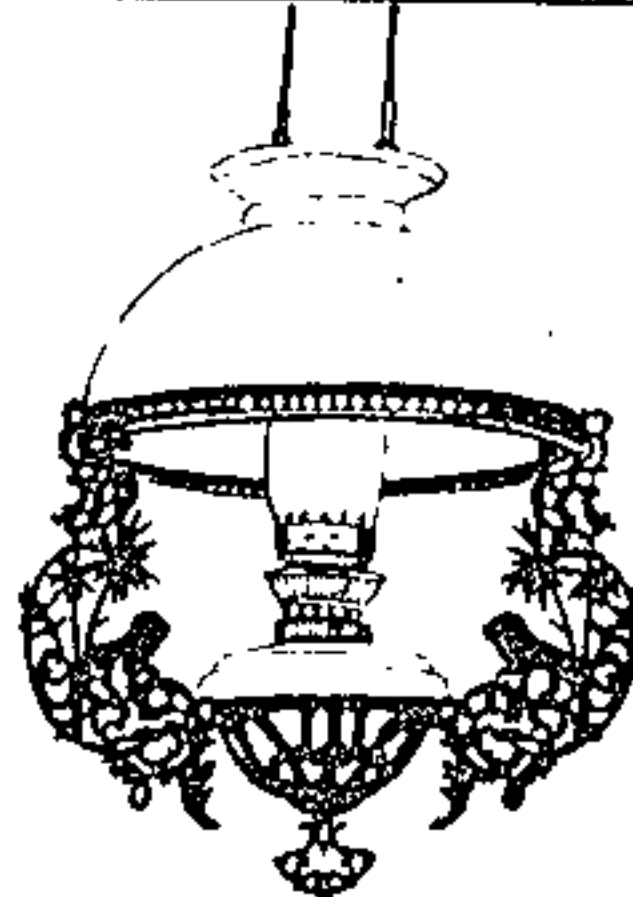
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Officer tells of shoot-out with seven in Guguletu

Staff Reporter

A POLICEMAN who fired at one of the seven men shot dead in Guguletu on March 3 last year saw him fall, but shot him again when the man "made a movement with his hands".

This was said in evidence by Warrant Officer John Martin Sterrenberg in the trial of Cape Times journalist Tony Weaver, who has pleaded not guilty to a charge of publishing untrue statements about the police action at Guguletu in an interview with the BBC the day after it occurred.

Three other charges of contravening the Police Act were withdrawn by the State in Cape Town Regional Court yesterday.

They related to a Cape Times report of the Guguletu incident, published on March 12 last year.

Evidence was that Warrant Officer Sterrenberg was one of several policemen deployed at the intersection of NY1 and NY111 in Guguletu where, according to police information, a police transport vehicle was to be attacked.

MACHINE-GUN CHATTER

Warrant Officer Sterrenberg said he heard a warning shout that a man was about to throw a hand-grenade.

"I heard shots being fired and I saw the man fall," he said.

"I heard machine-gun chatter and I saw another man running across the intersection of NY1 and NY111, firing as he ran.

"He stumbled and fell to the ground still firing his weapon. Then there was a lull in his firing.

"I ran closer to him, taking cover behind a tree.

"I peered round the tree and saw the man looking at me. He still had his weapon in his hands and when he made a movement with his hands I fired three shots at him with my hand-gun."

ALLEGATIONS DENIED

He said the man had been firing a Russian-made AK-47 rifle.

He denied that policemen planted weapons on the dead men to make it seem as if they were guerrillas, had shot dead a man who walked towards them with his hands in the air or had shot dead a wounded man.

These assertions, made to Mr Weaver by parents of the dead men, were used in the BBC interview.

The trial continues today.

Mr J M Lemmer is on the Bench. Mr S Shrock is prosecuting and Mr J Gauntlett, instructed by Findlay and Tait, appears for Mr Weaver.

ANC trial: 15 refuse sitting

By SHAUNA WESTCOTT
Supreme Court Reporter

A CROWD of about 300 people burst into ululations, cheers and freedom songs outside the Supreme Court yesterday as 15 men accused of terrorism were bundled into a prison van after refusing to reappear in court for the afternoon sitting.

In the morning the fifteen, ranging in age from 22 to 38, pleaded not guilty to the main charge and alternatives of being members of the ANC, taking part in the activities of the ANC or furthering the aims of the ANC.

They refused to return to court after the midday adjournment in protest at hunks of bread they were given for lunch.

The trial was postponed until today in their absence at the request of prosecutor Mr W C Viljoen, who said he and the defence team were trying to negotiate an arrangement satisfactory to both sides.

Police were out in force, sealing off the section of Keerom Street outside the court building before the trial began and after the early adjournment.

A police helicopter escorted the prison van between Pollsmoor Prison and the court building, and armed policemen, some with dogs, kept the crowd at a considerable distance from the van.

Undeterred, the throng gave the accused an ovation and a large part of it then "toi-toied" through the city, down Adderley Street to the station, singing "Lead us Tambo" and other freedom songs.

Earlier, all the people who packed the public gallery remained seated when the court convened and adjourned.

There was a ripple of laughter when the Bench inquired what the relevance of a "Learn and Teach" magazine, handed in as an exhibit, was to the proceedings and the prosecutor replied "it is part of the education of these sorts of people".

The magazine was one of a large quantity of documents allegedly found in the possession of accused number one, Mr Lizo Ngqungwana, who is alleged to be the commander of the Western Cape division of Umkhonto we Sizwe.

To page 2

From page 1

According to the charge sheet, swollen to 43 pages by a variety of "schedules", Mr Ngqungwana is alleged to have given political and military training to a number of ANC recruits — including most of his fellow-accused — both in and outside the country, and to have controlled the importing and distributing of arms and explosives for ANC guerillas in the Western Cape.

Apart from the alleged holding of many meetings, and alleged trips to Botswana to smuggle weapons, a number of bombings are alleged to have been committed by the accused.

● Number two, 22-year-old Mr Themba Mzokwa, is alleged to have thrown a hand-grenade which caused considerable damage to the Langa police station charge office on June 12, 1985.

He is also alleged to have planted a limpet mine on the police station stoep, which was deactivated by police before it exploded, and to have thrown a grenade at a police Casspir in Langa.

● Number three, 26-year-old Mr Joseph Ngoma, is alleged to have planted a limpet mine which destroyed a toilet building at Mowbray station on April 29 last year.

Defence counsel put it to security police witness Sergeant Wilhelm Bellingham yesterday that Mr Ngqungwana — allegedly found in possession of a vast quantity of Russian weapons and "subversive" literature (including the Learn and Teach magazine) — was assaulted when he was arrested on April 23 last year. This was denied.

Mr Ngqungwana claims he was strangled with a belt, kicked and hit with a gun butt.

The other accused are: Mr Temba Tshibika, Mr Sazi Veldtman, Mr Mthetho Myanya, Mr Joseph Mkhulhwa, Mr Anderson Ncivata, Mr Reed Macozoma, schoolteacher Mr Quentin Michels, Mr Cecil Esau, Arcadia schoolteacher Mr Neville van der Rheede, Mr Gladwin Mabengeza, Mr Cyril Ntabeni and Mr Norman Macanda.

A defence request for leg irons to be removed while the men are in the dock has yet to be ruled on by the judge.

Mr Justice H C Nel presided with Mr L P Francis and Mr W R Vivier as assessors. Mr Viljoen appeared with Mr M Stowe, Mr D A Kuny SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E Moosa and Associates and R Vassen and Co, appeared for the defence.

□ Picture, page 3

CAPE Times 22/4/87

Newsman denies BBC interview was 'untrue'

By YVETTE VAN BREDA
Court Reporter

THE DEPUTY news editor of the Cape Times, Mr Tony Weaver, had three of four charges against him — relating to the alleged printing of untrue matter — withdrawn in the Regional Court yesterday.

Mr Weaver, 30, pleaded not guilty to the fourth charge under section 27(b) of the Police Act.

Brigadier Leon Mellet, personal secretary to the Minister of Law and Order, Mr Adriaan Vlok, also attended the hearing.

The three withdrawn charges arise from a report in the Cape Times on March 12 last year following the killing of

seven alleged African National Congress guerrillas by police in Guguletu.

The remaining charge arises from an interview he had with the British Broadcasting Corporation's Africa service on March 4 last year concerning the shootout.

The State alleges that he "unlawfully published untrue matter in relation to an action by the police to wit, that certain persons killed in a shooting incident at NY1 Guguletu on March 3 had been shot by members of the police in cold blood and that the police had then 'planted' weapons on the deceased, claiming that they were guerrillas to justify the fact that they had been shot".

In a statement to the court, Mr Weaver ad-

mitted that he had been interviewed by the BBC. But he said the content did not constitute untrue matter. It had been clearly expressed at all times as the opinion of the parents and associates of two of the deceased, and not as fact.

He said the "facts which I reported were the feelings of the family. I had no reason to believe that their feelings and opinions were not genuine. I specifically stated that we have no proof that the shootings were 'set up', which was the feeling of the parents".

Mr Herman Hanekom, of the Department of Foreign Affairs, told the court he had recorded an extract of a BBC interview with Mr Weaver.

Major CAJ Odendaal said on March 3 last year he received information that a police vehicle which passed a certain corner in Guguletu between 7am and 7.30am every day, would be attacked.

He was also told that the alleged attackers would be transported in a stolen minibus. "We decided that we would put certain men in the vehicle on that morning and place other policemen in strategic positions in the area."

He described how a hand-grenade had been thrown at a patrol van, and police had retaliated with gunfire. After the shooting, near the bus he saw a black man fatally wounded and another man lying in the road "on top of his AK-47 and three magazines. Another black man was lying with a handgrenade close by and yet another with a revolver".

He denied that the "whole thing was a set up or that the weapons had been planted".

The hearing continues today.

Mr J M Lemmer was the magistrate. Mr S Shrock prosecuted. Mr J J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

Too late for classification

ONE TIMES
Wednesday, April 22, 1987

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Terrorism trialist subpoenas Mandela

MARITZBURG. — An urgent application for ANC leader Mr Nelson Mandela to testify in mitigation of sentence on behalf of an accused convicted of terrorism in a trial being heard in the Maritzburg Supreme Court, has been postponed.

The postponement was granted so the defence team may renew its application to the Commissioner of Prisons for permission to consult Mr Mandela.

The application to subpoena him was brought by Sibusino Ndlanzi, one of nine people convicted on charges of terrorism last week.

Ndlanzi said yesterday in papers before Mr Justice Thirion he believed Mr Mandela would convince the court that it was reasonable for black citizens to believe that violence was the only option left for them.

The application is being opposed by the State. The Commissioner of Prisons, Mr Willem Willemse, said in a sworn statement that if Mr Mandela were to appear in court, it would give him a platform from which he could propagate acts of violence and terror. — Sapa

AKG 5
22/4/87
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Trial hears of mine in garden

Staff Reporter

A LIMPET mine and a detonator were found in a box buried in the garden of a Langa house, a policeman told the Supreme Court today.

Lieutenant Michael Fryer was giving evidence in the trial of 15 men charged with terrorism.

Mr Lizo Ngqungwana, 24, Mr Thembinkosi Mzukwa, 22, Mr Joseph Ngoma, 26, Mr Temba Tshibika, 38, Mr Sazi Veldtman, 32, Mr Mthetho Myanya, 35, Mr Joseph Mkhulhwa, 30, Mr Anderson Ncivata, 27, Mr Reed Macozoma, 28, Mr Quentin Michels, 24, Mr Cecil Esau, 32, Mr Neville van der Rheede, 26, Mr Gladwin Mabengeza, 36, Mr Cyril Ntabeni, 30, and Mr Norman Macanda, 29, have pleaded not guilty.

Lieutenant Fryer said he and other policemen were taken to a house in Zone 18, Langa, on April 23 last year where they found Mr Macozoma.

"Another of the accused, Mr Ncivata, spoke to Mr Macozoma and he took us to a place in the garden.

"He showed us a place covered with long, dry grass.

"Sergeant le Roux and I found a wooden container under the ground.

"Inside we found a limpet mine wrapped in newspaper and a detonator inside a cylindrical cardboard container."

Exhibits

The box, the detonator and the mine were produced as exhibits.

The State alleges that Mr Ngqungwana was trained in Angola, Lesotho and the Soviet Union as a member of the ANC's military wing, Umkhonto we Sizwe, and became commander of the Western Cape division.

He allegedly recruited and trained new members, found hide-outs for terrorists and caches for weapons, and arranged for arms and explosives to be smuggled from Botswana.

The other 14 allegedly also took part in these activities as Umkhonto we Sizwe members.

Attacked

The State alleged Mr Mzukwa attacked the Langa police station with a limpet mine and a hand-grenade on June 12 1985.

The grenade damaged the charge office, but the limpet mine was found and defused before it exploded. No-one was injured.

Mr Mzukwa is also alleged to have thrown a hand-grenade at a Casspir patrolling Langa on September 11 1985.

The State alleges that on April 29 1986 Mr Ngoma placed two limpet mines in the lavatory of Mowbray railway station. They exploded, but no-one was injured.

(Proceeding)

Mr Justice Nel is on the Bench with Mr L P Francis and Mr W R Vivier as assessors. Mr W C Viljoen and Mr M Stowe appear for the State. Mr D Kuy SC, Mr A M Omar, Mr S Desai and Mr J Whitehead appear for the 15, instructed by E Moosa and Associates and R Vassen and Co.

ARGUS 22/4/82
331

Accused 'intimidate' witness with laughs

The Argus Correspondent

EAST LONDON. — The accused in the Bisho terrorism trial were warned not to "intimidate" a witness by laughing at him when the trial resumed in the Bisho Supreme Court.

On trial are the general-secretary of the Border United Democratic Front, Rev Makhenkhesi Arnold Stofile, his brother Mr Linda Michael Stofile, Mr Mzwakhe Nelson Ndlela, Mr Mveleli Gladwell Gqibitole and Miss Nomvuyiso Stofile. They face charges of terrorism and illegal possession of arms.

The trial resumed yesterday after a three-week adjournment. The witnesses had been called before the adjournment but were referred to doctors at their own request.

The two witnesses who gave evidence in camera yesterday were part of a group of eight witnesses who may not be

named in terms of an earlier ruling by the court.

The first of the eight to be called was sentenced to four years' imprisonment last month for refusing to give evidence.

The first witness admitted that police found a pistol on his property. He said he did not know how it got there.

The Ciskei Attorney-General, Mr Willem Jurgens, who is prosecuting, said that statements made by the witness to both the police and himself did not correspond with the witnesses evidence in court.

While the second man was giving evidence, Acting Chief Justice Pickard warned Mr Stofile and Mr Ndlela not to influence the witness by smiling or laughing at him. He adjourned the court for 15 minutes so that Mr Stofile could be "dealt with".

The trial continues today.

Evidence 'could be taken on affidavit'

Terror trial lawyers to see Mandela in prison

MARITZBURG — Members of the defence team in the trial of nine Durban men convicted of terrorism in the College Road Supreme Court here last week are to visit ANC leader Nelson Mandela in Pollsmoor Prison today.

An urgent application yesterday to subpoena Mandela to testify in mitigation of sentence at the trial was adjourned while the defence renewed its application for permission to consult with Mandela at the prison.

Mr Justice Thirion said if the defence were able to see Mandela it might be possible to arrange for his evidence to be taken on affidavit.

Earlier, Alan Magid, SC, for the defence, told the court the Commissioner of Prisons had re-

Own Correspondent

fused permission for the defence team to consult with Mandela.

Magid said this was despite an undertaking by the defence to drop the application should Mandela not wish to give evidence.

Jan Combrink, SC, said in reply to a question by Mr Justice Thirion that he was unable to say why Magid should not be allowed access to Mandela.

Late yesterday a spokesman for the instructing attorneys said permission had been granted for defence members to interview Mandela at Pollsmoor today.

Yesterday's application was brought by Sibusiso Ndlanzi, one of nine men found guilty on charges of terrorism.

In papers before the court he said he believed the founders of

the ANC's military wing — Umkhonto we Sizwe — of which Mandela is one, had been moved by motives similar to his own.

Ndlanzi said he believed Mandela could convince the court it was not unreasonable for SA citizens who were not white to believe that no non-violent options remained open to them.

The State opposed the application on the grounds that if Mandela were brought to Maritzburg to testify he would pose a threat to public safety and order.

Commissioner of Prisons Willem Willemse said in an affidavit there were other expert witnesses able to give similar evidence to that of Mandela.

Magid said it would be possible for the court to order that Mandela's evidence be taken at Pollsmoor or on commission.

B/Daw
23/48
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Cape Times 23/4/67

Terrorism lawyers to see Mandela

331

Own Correspondent

MARITZBURG. — Members of the defence team in the trial of nine Durban men convicted of terrorism in the College Road Supreme Court here last week are to visit jailed ANC leader Mr Nelson Mandela at Pollsmoor Prison today.

An urgent application in the Supreme Court here yesterday to subpoena Mr Mandela to testify in mitigation of sentence at the trial, was adjourned while the defence renewed their application for permission to consult with Mr Mandela at the prison.

Mr Justice Thirion said that if the defence were able to see Mr Mandela it might be possible to arrange for his evidence to be taken on affidavit.

Earlier Mr Alan Magid, SC, for the defence, told the court that the defence team had been refused permission by the Commissioner of Prisons to consult with Mr Mandela. He said this was in spite of an undertaking by the defence to drop the application should Mr Mandela not wish to give evidence.

Last night a spokesman for the instructing attorneys confirmed that permission had been granted for members of the defence to interview Mr Mandela at Pollsmoor today.

Yesterday's application was brought by Sibusiso Robert Ndlanzi, one of nine men found guilty on various charges under the Terrorism Act. The respondents are the Commissioner of Prisons and the Attorney-General of Natal.

In papers before the court Ndlanzi said he believed the founders of the

military wing of the ANC — Umkhonto we Sizwe — of which Mr Mandela is one, had been moved by motives similar to his own. He believed his own conduct was in accordance with the activities envisaged by the founders of Umkhonto we Sizwe.

Ndlanzi said he believed Mr Mandela could convince the court that it was not unreasonable for citizens of South Africa who were not white to believe as a fact that no non-violent options remained open to them.

The application was opposed by the State on the grounds that if Mr Mandela were to be brought to Maritzburg to testify he would pose a threat to public safety and order.

The Commissioner of Prisons, Mr Willem Hendrik Willemsse, said in an affidavit that a court appearance would give Mr Mandela a platform from which he could propagate his views and justify violence and acts of terror. He said there were other expert witnesses available who would be able to give similar evidence to that of Mr Mandela.

Mr Magid said the defence believed Mr Mandela would be able to give a factual account of the circumstances leading to the formation of Umkhonto we Sizwe, the motives of those involved and representations made to the SA government by the ANC. He submitted this evidence was relevant in that it might explain the motives of his clients.

Mr Mandela, the first "Commander-in-Chief" of Umkhonto we Sizwe, was sentenced to life imprisonment on June 12, 1964.

Families buy food after 'jam and bread' protest ^{23/4/87} ³³¹ Terror trial diet change

Staff Reporters

A MORE varied diet has been made available to the 15 men facing terrorism charges in the Supreme Court after their refusal to carry on with the trial on Tuesday in protest at the "court lunch" of jam and bread.

An attorney for the accused, Mr Ramesh Vassen, said an agreement had been reached whereby he would place an order daily with a cafe near the Supreme Court building. Yesterday the accused had pies, chips, milk and juice. Their families are footing the bill for their meals.

In yesterday's proceedings the accused entered and left the court singing, with people in the public gallery joining in, ululating and waving.

The day was taken up by the cataloguing of the arrests of the accused by policemen.

Examined

Lieutenant Liebenberg of the Security Branch said four of the accused — Mr Lizo Bright Ngqungwana, Mr Joseph Susele Mkhulwa, Mr Anderson Zingisele Ncivata and Mr Reed Zwelethu Macozoma — were arrested on April 24 last year.

Mr Quentin Deon Michels and Mr Cecil Esau were arrested at the same time and all six men were examined by a district surgeon preparatory to being detained under Section 29 of the Internal Security Act.

"On May 2, I arrested Mr Neville van der Rheede at his home after confiscating a copy of Congress Review there," added Lieutenant Liebenberg.

"Mr Sazi Livingston Veldtman was arrested in the early hours of May 22 last year at a house in Nyanga East pointed out to us by Mr Ngqungwana.

"At our knock, there was a scrambling sound inside. We broke down the door and found Mr Veldtman and a woman inside. He motioned us towards his bed, where we found four AK-47 magazines containing 119 rounds of ammunition."

Eight limpet-mine detonators were found later in a tissue box cover pointed out by Mr Veldtman.

"Mr Veldtman then took us to another house in Guguletu, where I was involved in the arrest of Mr Mthetho Douglas Myamya, who tried to escape via the back door of his house. Mr Myamya then showed us an AK-47 rifle hidden in his garage.

"The next day Mr Veldtman took us back to his shack, where he handed to us a German Luger pistol and a magazine with four rounds."

Two other arrests were made on May 25, the court heard.

The State alleges that as commander of Umkhonto we Sizwe, the ANC's military wing, in the Western Cape, 24-year-old Mr Ngqungwana co-ordinated military activities in the region and controlled the smuggling of weapons and explosives from Botswana and Lesotho.

Many of the other accused were allegedly involved in the smuggling, the recruiting and training of new members of Umkhonto we Sizwe, and finding hideouts for terrorists and caches for weapons.

Some of the accused are alleged to have planted limpet mines at Langa police station and Mowbray railway station and to have thrown hand-grenades at the police station and at a Caspir in 1985.

Mr Ngqungwana, Mr Mzukwa, Mr Ngoma, Mr Temba Tshibika, Mr Veldtman, Mr Myamya, Mr Mkhulwa, Mr Ncivata, Mr Macozoma, Mr Michels, Mr Esau, Mr van der Rheede, Mr Gladwin Mabengeza, Mr Cyril Ntabeni and Mr Norman Macanda have pleaded not guilty to terrorism.

Man made 'bomb threats'

A ZWELETHEMBA man, Zongezile Christopher Tyawana, 24, appeared briefly in the Worcester Regional Court this week on various charges related to ANC activities.

The State alleged that Tyawana had been in possession of detonators; had made written bomb threats in the name of the ANC national executive and had possessed and distributed unlawful publications.

Tyawana was not asked to plead and the hearing was postponed to June 2. Tyawana was remanded in custody.

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In February 1983 he allegedly arrived in Lesotho, where he served the ANC and in April 1983 he was appointed as acting

He allegedly had to select "safe addresses" for guerrillas as well as the storage of arms and explosives, and arrange the importation of arms and explosives from Botswana.

After Lizo arranged accommodation for himself in May 1985, he contacted people. He visited Thembinkosi, allegedly refreshed his knowledge in the handling of handgrenades and limpet

On September 9 1985, Thembinkosi allegedly threw a handgrenade at a police Casspir on patrol in Washington Avenue, Langa.

From June to December 1985, Joseph

During these disc-

By VUYO BAVUMA

Described by close friends as an "introvert", Myamyia is married and has four children.

Reed Macozoma, 26, of
carpenter for a building
is from a family of five
one child.

Anderson Ncivata, 34, of
labourer at Fattis and M
father of four children.
member of the Western C
Association.

By VUYO BAVUMA THIRTEEN of the 15 alleged ANC members on trial in the Sunamvele case were sentenced to 10 years in prison. Joseph Mkhuhlw, 31, of railway worker, was Transkei.

Mthetho Myama, 35, of Guguletu, was a student at Fort Hare where he obtained a social worker's degree in 1972.

Described by close friends as an "introvert", Myanya is married and has four children.



He said he noticed blood in the left eye of Veldtman with
he and a Warrant Officer Nel had pinned down

Earlier, he claimed Veldtman had moved in the direction of a door as they were searching.

ANC TRIAL...ANC TRIAL

Joseph Ngoma was a trained ANC member who was to introduce him to the group. In early 1986, Joseph Ngoma met between Sazi and Ngoma. Ngoma recruited Sazi as an ANC member and allegedly encouraged others, to recruit others to form a cell of the group to further the aims of the ANC. Sazi then in 1986, the Myamya as a

In early 1986 Quentin Michels was allegedly asked by Ismael Moss, a member of the ANC, to go to Botswana for a meeting with the ANC. Moss

Initially they only met to discuss ANC doctrine and policies. However, they became frustrated and Quentin Michels, decided to contact Moss, so that

At subsequent meetings Lizo briefed

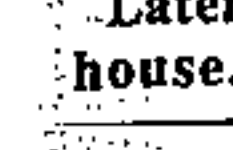
He also instructed him in the use of an AK47 rifle. He then gave Joseph

Explosives

Arrested

On April 23 1986, the police entered hut in Crossroads. They arrested Lizo

1



...ANC TRIAL...ANC TRIAL...ANC TRIAL...ANC TRIAL...ANC TRIAL...ANC TRIAL...

'Terrorist' fired first, policeman tells court

Court Reporter

RR645 23/4/8
RIOT squad policeman Warrant Officer Hendrick Barnard denied in the Cape Town Regional Court that he shot a suspected terrorist when the man was on his knees or lying on the ground.

He was giving evidence in the trial of Cape Times journalist Mr Tony Weaver, who has pleaded not guilty to a charge under the Police Act of making false statements about police action in Guguletu last March to the BBC. Seven men were shot dead in the incident.

The BBC report, parts of which were read in court by the prosecutor, Mr Selwyn Shrock, quoted witnesses who believed the police planted Russian-made weapons near the bodies of the seven men to create the impression they were terrorists.

Warrant Officer Barnard said on March 3 riot police acted on information there was to be an attack on police in Guguletu.

About 7.10 am a combi arrived and Warrant Officer Barnard, armed with a shotgun and pistol, said he heard an explosion.

Major Dolf Odendaal "screamed something about a hand-grenade" and Warrant Officer Barnard "stormed" through the bush after two men from a group near the combi. One was holding a pistol and the other carried what looked like a hand-grenade.

Chasing the man with the pistol, Warrant Officer Barnard said he wanted to "take the man in" and was not planning to shoot, but as he was gaining the man turned and fired three shots.

He believed his life was in danger so he fired two shots, one of which "blew the man's face off".

He saw that the pistol fired by the dead man was a Russian-made Tokarev.

Under cross-examination by defence counsel Mr J Gauntlett, Warrant Officer Barnard denied that he fired the shot while the man was on his knees or on the ground. He said he was about six or seven metres away from the man when he fired.

(Proceeding)

Mr J M Lemmer is on the Bench. Mr Gauntlett is instructed by Findlay and Tait.

Guguletu PAC man refused bail

Cape Times 23/4/87 (10) 331
Court Reporter

A GUGULETU man who is serving a jail term of five years for terrorism and furthering the aims of the banned Pan African Congress (PAC) was yesterday refused bail in the Regional Court, pending the outcome of an appeal.

Andile Gusha, 24, has been in custody since January last year.

The magistrate, Mr J M Lemmer, who previously sentenced Gusha, said Gusha had previously tried to leave the country and "there is no reason to believe that if he is released on bail he would not try to do so again".

At a previous hearing Gusha said he was member of the Azanian National Youth Movement (Azanyu).

After being threatened by UDF members he decided to leave South Africa for his safety. He had been told of a PAC military camp in Lesotho.

After contacting a man in Transkei, he had been informed that there "were enough soldiers" in the camp.

On their return to Cape Town they had stopped at a house for some money and one of the men with Gusha had told a man at the house that they had tried to get to a camp in Lesotho. "Unfortunately the man was a policeman and we were arrested," he said.

Mr F Silbert prosecuted. Mr F Bunting, instructed by Mr C Swart, appeared for Gusha.

Police use dogs in Supreme Court

CAT 6 Tmp 23/4/87

33/

By SHAUNA WESTCOTT
Supreme Court Reporter

POLICE brought leashed dogs into the Supreme Court building yesterday afternoon after the 15 men accused of terrorism joined people in the public gallery in singing a freedom song after the court adjourned.

Policemen tried to hasten the pace of the accused down the stairs to the cells, but were defeated by the fact that the 15 are still in leg irons.

The Bench has not yet ruled on a defence plea that the accused be unchained while in court.

Security arrangements for the trial — which included a police helicopter on Tuesday — appear to have eased. There was no helicopter yesterday and fewer uniformed policemen were outside the court.

The accused, who refused to return to court on Tuesday afternoon in protest at the official lunch of slabs of dry bread with or without jam, were reported to be "happier" with yesterday's lunch of meat pies, hot chips, fruit juice and milk supplied by a local cafe.

In terms of an agreement between the State and the defence team, a policeman will accom-

pany attorney Mr Ramesh Vassen — the defence team member "in charge of lunch" — to the cafe each day to pick up food.

Most of yesterday's hearing was taken up by evidence from Lieutenant William Liebenberg of the Cape Town security police who gave details about the arrests of most of the accused and the alleged pointing out of three hidden limpet mines.

Lieut Liebenberg said accused number seven, Mr Joseph Mkhulhwa, 30, took police to "a certain address" in Langa where they dug up a wooden box containing a limpet mine.

Another limpet mine and a mini-limpet mine were found hidden under dry grass in the Langa stadium after accused number two, Thembinkosi Mzukwa, 22, took police there.

A piece of paper alleged to show detonation times for limpet mines or hand-grenades was allegedly found in the house of accused number 10, Mr Quentin Michels, 24.

ANC and SACP literature was allegedly found at the house of accused number 11, Mr Cecil Esau, 22, while number 12, Mr Neville van der Rheede, 26, was the alleged possessor of a copy of Congress Review and Mr

Mkhulhwa of a green, black and yellow flag "similar to the colours of the ANC".

Four AK-47 magazines with 119 rounds were allegedly found concealed in the bed of accused number five, 32-year-old Mr Sazi Veldtman, while eight limpet mine detonators were allegedly found in a tissue box on his dressing table.

He was also the alleged possessor of a Luger pistol and magazine while number six, 35-year-old Mr Mthetho Myanya, allegedly revealed a hidden AK-47 to police after his arrest.

Lieut Liebenberg said Mr Myanya fell when he was "grabbed" by himself and a Warrant-Officer Nel at the time of his arrest. "There was a scratch on his forehead, I think, but there wasn't really a lot of blood."

Earlier, Lieutenant Michael Fryer denied under cross-examination that a group of people in the Langa single quarters were assaulted when Mr Mkhulhwa was arrested.

The trial continues.

Mr Justice H C Nel presided, with Mr L P Francis and Mr W R Vivier as assessors. Mr W C Viljoen appeared for the State with Mr M Stowe. Mr D A Kuny SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E Moosa and Associates and R Vassen and Co, appeared for the defence.



Relatives of the accused outside court this week. Picture: RASHID LOMBARD

ANC 'link man' named



Ismael Moss

By ANTON FISHER and
VUYO BAVUMA

A FORMER Cape Town political figure, Ismael Moss, has been named in the major terrorism trial in the Supreme Court as an alleged link man who helped set up an ANC network in the Western Cape.

Fifteen alleged African National Congress guerillas, among them well-known local activists and two teachers, are accused of committing or planning violent acts to overthrow the State.

Moss, known to many as Ish, was active in student organisations and was well known for his work as editor of Social Review and as publicity secretary on the national executive committee of the Azanian Students Organisation.

The State alleges that in 1985 one of the accused, Quentin Michels, a teacher at Silver-

stream High School in Manenberg, met Moss in Botswana where he received political instruction.

Michels undertook to set up an ANC cell in Cape Town.

According to the State, two

**Profiles and sketches
of 15 trialists, see
pages 8 and 9**

other accused, the Western Cape commander of the ANC's military wing (Umkhonto we Sizwe), Lizo Ngqungwana, and Neville van der Rheede, also a high school teacher, met in Crossroads later in 1985 on instructions from Moss.

The aim of their meeting was allegedly to improve communication between members of the ANC in Botswana and Cape Town as well as between members in Cape Town.

In March 1986, Van der Rheede allegedly set up a meeting between Ngqungwana and Michels — again at the direction of Moss.

A former colleague of Moss described him as quiet and very committed to the struggle against apartheid.

Moss, he said, came to Cape Town from Kimberley to study at the University of the Western Cape in the mid-70s, but was detained and then expelled from UWC in 1976.

"Ish came from a working-class background and was the first in his family to finish school and attend university."

Ngqungwana, 26, was born in Alice and comes from a family of six. He is a father of a 12-month baby.

He matriculated in 1978 at Jabavu High and came to Cape Town in 1985. He stayed at a squatter camp at Cement Works in Nyanga.

Handwritten mark resembling a stylized 'M' or 'W'.

State promised my release — terror witness

BISHO — A State witness told the Bisho Supreme Court yesterday he wanted to be trained as a guerilla under the auspices of the African National Congress so he could liberate South Africa from the National Party government system.

The witness, whose name the court ruled could not be published, said he did not like giving evidence against the Rev Makhenkesi Stofile and Mr Mzwakhe Ndelela, two of the five accused, but was doing so because of a promise by the Attorney-General, Mr F W Jurgens, the police and the court that if he gave evidence, he would be released. He said he was not a collaborator.

The witness was being cross-examined by Mr W M Friedman, for the defence, in the trial of Mr Makhenkesi Stofile, Mr Ndelela, Mr Linda Stofile, Mr Gladwell Gqibitole and Miss Nomvuyiso Stofile.

All had pleaded not guilty to charges of terrorism, harbouring a terrorist and possessing arms.

The witness said he still held the views of the ANC and needed the training so he could fight police when they fought the people.

He said in 1986, at Mr Albertini's flat, Mr Ndelela had showed him a Makarov pistol, which he had dismantled and re-assembled.

He had asked Mr Ndelela to let him do the same, but Mr Ndelela had refused, accusing him of indulging in public politics and being too fond of women. He had promised to improve.

He said he had fled from Ciskei in October 1986 to Transkei but had been arrested by Transkei police in November that year.

He had made a statement to them after being assaulted.

He knew Mr M Stofile was an executive member of the UDF. Later, defence and State counsels were summoned to the judge's chambers. When court resumed, Mr Friedman said the defence was entitled to know why the witness was giving evidence against the accused and still held the views he did.

Mr W F Jurgens opposed the question, saying it implied intimidation of the witness.

Mr Justice B Pickard prohibited Mr Friedman from asking questions that "smacked as if the witness had a choice".

Asked by the defence if there were reprisals by the ANC against those who testified against them, the witness it depended on how deep the evidence was against the ANC. The policy of the ANC was to ostracise informers.

The trial continues today. — Sapa.

331 SMM
24/4/87

231 5/10 24/11/87

Policeman denies planting timetable in accused's home

Own Correspondent

CAPE TOWN — A security policeman who arrested several of the 15 alleged Umkhonto we Sizwe members on trial in the Supreme Court yesterday denied planting a list of handgrenade and limpet mine detonation times in the home of an accused.

Lieutenant Liebenberg said that while searching Mr Quentin Michels's house, he found a piece of paper containing numbers, labelled "timetable".

During cross-examination Mr D Kuny SC, for the 15, said: "I say you had the timetable in your possession and didn't find it in Mr Michels's house ... our instructions are that the timetable was in Mr Ngqungwana's handwriting and was found at Mr Ngqungwana's house."

Lieutenant Liebenberg said he did not know about the handwriting, but the timetable was in Mr Michels's house.

Asked about the arrest of Mr Mkhulhwa at single quarters in Langa, Lieutenant Liebenberg said Lieutenant Michael Fryer forced the door open and about 20 people were ordered out of the room.

A LOT OF BLOOD

Mr Kuny: I understand certain of your people assaulted some people to find out who "Mgwashu" (Mr Mkhulhwa) was.

Lieutenant Liebenberg denied this or that later there was a lot of blood in the room. He denied that Mr Mkhulhwa was assaulted after he was arrested.

Mr Kuny read a district surgeon's report saying Mr Mkhulhwa told the doctor he was hit, kicked in the chest, throttled and his testicles were squeezed.

The State alleges Mr Ngqungwana co-ordinated military activities and the smuggling of weapons and explosives from Botswana and Lesotho.

Mr Mzukwa is alleged to have planted a limpet mine at Langa police station and thrown hand grenades at the police station and at a Casspir in 1985.

Mr Ngoma is alleged to have planted two limpet mines which damaged Mowbray Railway Station in 1986.

The 15 men who have pleaded not guilty to charges of terrorism are: Mr Lizo Ngqungwana (24), Mr Thembinkosi Mzukwa (22), Mr Joseph Ngoma (26), Mr Temba Tshibika (38), Mr Sazi Veldtman (32), Mr Mthetho Myamya (35), Mr Joseph Mkhulhwa (30), Mr Anderson Ncivata (27), Mr Reed Macozoma (28), Mr Quentin Michels (24), Mr Cecil Esau (32), Mr Neville van der Rheede (26), Mr Gladwin Mabengeza (30), Mr Cyril Ntabeni (30), and Mr Norman Macanda (29).

(Proceeding)

331
24/4/87
D.D.

Terror charges after shootings?

PRETORIA — Police are investigating charges of terrorism, among others, following the detention of a "considerable number" of people in Johannesburg on Wednesday.

The arrests were made after police surrounded and searched Cosatu House in a sequel to the death of six people in two confrontations with security forces.

In the first detailed statement from police on the shootings near the Germiston and Doornfontein railway stations, the Directorate of Public Relations said one of the reasons for the operation was "reasonable grounds" that a number of trained terrorists were in Cosatu House.

An earlier statement by the directorate, containing specific details of the number of people detained and suspected terrorists, was withdrawn and amended "on legal grounds".

Six people were killed and 13 injured — seven of them policemen — in the two railway strike-related shootings.

Police said another reason for the Cosatu House operation was a belief that violent action against policemen and their families was being planned in the building to revenge the death of a striker killed in Germiston.

When police entered the building after announcing their intention to do so and urging people to leave, members of the police were attacked with iron bars, sticks, pangas, knives and axes.

"Two shots were fired to ward off the attack after a number of security force members had been injured. One of the attackers was wounded and is under guard in hospital."

The directorate said the attackers who seriously wounded four policemen at Doornfontein had black marks on their foreheads and a number of those in Cosatu House bore similar markings.

During interrogation it had come to light that the markings had been applied by a witchdoctor to protect the men from security force bullets.

The directorate said police had received a report of unrest at the World Centre, near the Germiston railway station, on Wednesday morning.

"During the ensuing security force action at the centre, four police members were injured.

"Three of the rioters were fatally wounded and one injured man was arrested".

Later, a group of blacks had been seen walking towards the railway station in Doornfontein.

A policeman was attacked when he attempted to disperse them with teargas after they had ignored his request to disperse. Two policemen then fired on the group and two constables came to their aid.

"The policemen managed to drive off their attackers who ran towards Cosatu House".

State witness: I uphold ANC aims

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24/4/87 A.D.

Dispatch Reporter

BISHO — A state witness told the Supreme Court here yesterday that he had wanted to be trained as a guerrilla fighter under the auspices of the African National Congress (ANC) so he could fight and liberate South Africa from the National Party government system.

The witness, whose name it was ruled could not be published, also said under cross-examination he did not like giving evidence against the Rev Makhenkesi Stofile and Mr Mzwakhe Ndelela, two of the five accused of terrorism, but had been made to do so because he had been promised by the Attorney-General, Mr W. F. Jurgens, the police and the court, that if he did give evidence he would be released.

He said he was not a collaborator.

The witness said this while being cross-examined by counsel for the defence, Mr M. W. Friedman, in the trial of Mr Makhenkesi Stofile, Mr Ndelela, Mr Linda Stofile, Mr Gladwell Gqibole and Miss Nomvuyo Stofile.

All five have pleaded not guilty to charges of terrorism, harbouring a terrorist and possessing arms.

The witness told the court he still held the views of the ANC and he needed the training so that he could fight the police when they fought the people.

He had formed the idea to fight the government system in South

Africa while still at school, he said.

He had earlier told the court that he was a member of the United Democratic Front (UDF) and of the Detainees' Parents' Support Committee, which was affiliated to the UDF.

He said he had met Mr Ndelela on more than one occasion in 1986. Once he had met him at Mr Albertini's flat where Mr Ndelela showed him a Makarov pistol which he dismantled and re-assembled.

He said he had asked Mr Ndelela to allow him to do the same with the pistol but Mr Ndelela had refused, saying he would have to improve his behaviour first.

The witness said Mr Ndelela had accused him of indulging in public politics and of being too fond of women.

He wanted to be trained to use the Makarov pistol, which was why he had asked to be shown how to dismantle and re-assemble it, he said.

He fled Ciskei in October 1986 for Transkei but was arrested by Transkei police at Matluli in November that year, he said.

He had made a statement to the Transkei police. He was assaulted by the Transkei police whenever he did not answer questions, he alleged.

He was not sure whether he would have made a statement if he had not been assaulted, the witness told the court.

He had not made a statement to either the Ciskei or South African police, he said. He had informed the Ciskei police about the assaults but had not told the attorney-general.

He said he had given evidence against Mr Makhenkesi Stofile and Mr Ndelela because he did not want to be sentenced.

He said he was in detention and almost all the policemen he had met had told him that if he gave evidence he would be released but if he did not he would be sentenced.

In 1984, he saw Mr Ndelela at his place of residence and had also seen him at UDF meetings, he told the court.

He knew Mr Makhenkesi Stofile as an executive member of the UDF and had seen him casually. They were not intimate friends.

He denied having seen Mr Ndelela at the funeral of Mrs Mxenge at Rayi in 1985 and said he had seen him in February 1986.

When Mr Ndelela came to his flat in 1986, he (the witness) informed Mr Makhenkesi Stofile that he had a visitor. Mr Stofile did not ask the name of the visitor.

Asked by the court if it was not strange that Mr Stofile did not ask the name of the visitor or that he (the witness) did not say who the visitor was, he replied that that was the way Mr Stofile had handled his visitors.

He said the visitors

would go to his flat and he would contact Mr Stofile, who would then escort the visitors through the security gates to his house.

The visitors were mostly people from far-off places and some were members of the UDF.

His flat was outside the security fence and Mr Stofile would fetch the visitors from there because the visitors might encounter problems at the security gates, as not everyone was allowed into the Fort Hare campus, he said.

He was asked by Mr Stofile to arrange a safe place for Mr Ndelela's accommodation, the witness said.

He said he did this, but the accommodation, at Healdtown, which he arranged with another man, was rejected by Mr Ndelela since the owner sold and smoked dagga.

Mr Ndelela had never told him that he was a trained guerrilla fighter but had told him at Mr Albertini's flat that he had "skipped" the country, he said.

He thought the reason why Mr Ndelela had reproached him about his behaviour was that Mr Ndelela and Mr Stofile might have discussed the possibility of training him, he said.

When he wanted to be taught to handle the Makarov pistol at Mr Albertini's flat, he wanted to have the same knowledge as Mr Ndelela, the witness said.

He had promised Mr

Ndelela that he would improve his behaviour, he said.

When Mr Friedman asked him why he was testifying against Mr Stofile and Mr Ndelela while he upheld the ANC and UDF principles, Mr Justice Pickard intervened and asked the defence if the question was necessary since the witness had earlier stated that the reason was that he did not want to be sentenced.

Mr Friedman argued that he was entitled to ask the question since the witness had said he still upheld the ANC principles.

Mr Justice Pickard adjourned the court and told Mr Friedman to consider his question.

A few minutes later the defence and the state counsels were summonsed to the judge's chambers.

When the court resumed, Mr Friedman told the court he still felt he should ask the question since the case was of a political nature which involved beliefs and conscience on the part of those involved.

He said the witness had told the court he still held views of liberating South Africa and the defence was entitled to know why he was giving evidence against the accused if he still held those views.

Mr W. F. Jurgens, for the state, opposed the question, saying it implied intimidation of the witness.

The defence further

argued that the question did not carry any intimidation and it had no value judgment.

Mr Justice Pickard ruled that Mr Friedman be prohibited from asking questions of that nature.

He said such questions suggested the witness had a choice to refuse to give evidence against the accused. Witnesses were compelled to give evidence, Mr Justice Pickard added.

Thereafter the witness told the court that he was not a collaborator and his conscience was clear.

Asked by the defence if there were any reprisals by the ANC against those who testified against them, he said that the ANC people "were clever".

He said it depended on how deep the evidence was one gave against the ANC for the organisation to carry out reprisals against such a person.

His evidence did not implicate the accused to such an extent that he could be considered for reprisals, he said.

Some of his evidence did implicate the accused as having taken part in unlawful activities, he said.

The policy of the ANC was to ostracise informers, the witness said.

Informers were those who gave information to the police about the activities of the ANC, he said.

The trial continues today.

CAPE TOWN — A policeman attached to the murder and robbery squad told the regional court that he had fired six shots in quick succession at an alleged African National Congress guerilla after the man hurled a handgrenade at him.

Captain Johannes Kleyn was giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who is charged under section 27 b of the Police Act.

The charge Mr Weaver faces arises from an interview he

had with the BBC Africa service on March 4 last year concerning a shootout between police and four or five men.

The state alleges that Mr Weaver unlawfully published untrue matter by saying that the men had been shot in cold blood and that the police had then "planted" weapons on the deceased claiming that they were guerillas to jus-

Police tell of shootout

tify the fact that they had been shot.

Capt Kleyn said he had been a passenger in a car whose three occupants formed a "stopper group". They had driven to the intersection and seen "four or five blacks walking slowly with their hands in their pockets".

He had asked the driver of the car to stop and had alighted. One of the

men had thrown a handgrenade at him which had hit the car's door and exploded.

The other two men ran into the bushes and he fired six shots at the man who had thrown the handgrenade. He said about 10 minutes after the shooting in the area had stopped, he had heard more shooting.

Capt Knipe then arrived to search all of the bodies. He said he had not heard any shooting coming from the bushes at 7:56 am.

The hearing was adjourned to May 13.

ANC trial: Policeman denies assault claims

Staff Reporters

A SECURITY police lieutenant has repeatedly denied that some of 15 men charged with terrorism were injured in his presence, although long lists of injuries to the men were read out from district surgeons' reports.

Lieutenant William Liebenberg, who has been in the witness stand for almost two days, was cross-examined yesterday during the Supreme Court trial of Mr Lizo Ngqungwana, 24, Mr Thembinkosi Mzukwa, 22, Mr Joseph Ngoma, 26, Mr Temba Tshibika, 38, Mr Sazi Veldtman, 32, Mr Mthetho Myanya, 35, Mr Joseph Mkhulhwa, 30, Mr Anderson Ncivata, 27, Mr Reed Macozoma, 28, Mr Quentin Michels, 24, Mr Cecil Esau, 32, Mr Neville van der Rhee, 26, Mr Gladwin Mabengeza, 30, Mr Cyril Ntabeni, 30, and Mr Norman Macanda, 29.

They have pleaded not guilty.

Lieutenant Liebenberg told Mr Denis Kuny SC, for Mr Sazi Veldtman, that Mr Veldtman had been tackled when he was arrested at his home and might have fallen against a dressing table. "There was blood on his right eye," he added.

Threatened

Lieutenant Liebenberg denied allegations that Mr Veldtman had been assaulted and threatened with being shot. He said Mr Veldtman had helped

the police look for limpet-mine detonators.

Lieutenant Liebenberg told Mr Kuny he could not remember if Mr Veldtman had blood on his clothes, but later said he had blood on his shirt which he changed before he was arrested.

Mr Kuny: Mr Veldtman says that as he was undressing, he lost consciousness when a policeman struck him with the butt of a rifle behind his right ear. He says he only regained

consciousness when his head was held under cold water. — He did not lose consciousness in my presence, but he did rinse blood off his forehead under a tap.

The lieutenant denied Mr Veldtman had been assaulted at Guguletu police station.

Mr Kuny said the injuries reported to the district surgeon by Mr Veldtman included scratches, bruises, a mark with crusted blood above the eye, swelling of the right eye, an

abrasion on his nose, and lacerations of the ear, the back and forearm.

Lieutenant Liebenberg said the only marks he had seen were the cut and swelling on the right eye.

(Proceeding)

Mr Justice Nel is on the Bench. Mr L P Francis and Mr W R Vivier are assessors. Mr W C Viljoen and Mr M Stowe appear for the State. Mr D Kuny SC, Mr A M Omar, Mr S Desai and Mr J Whitehead appear for the 15, instructed by E Moosa and Associates and R Vassen and Co.

'Shots in bushes after police action against terrorists'

Court Reporter

ABOUT 15 minutes after police action against suspected terrorists in Guguletu ended, shots were heard in nearby bushes, a riot squad policeman told the Cape Town Regional Court.

Sergeant Wilhelm Bellingan was giving evidence yesterday in the trial of Cape Times journalist Mr Tony Weaver, who has pleaded not guilty to making false statements to the BBC about police action in which seven men died.

The incident happened at the intersection of NY1 and NY111, Guguletu, on March 3 last year.

The BBC report the following day — parts of which were read out in court — quoted witnesses who claimed Russian-made weapons had been planted on the bodies to create the impression they were terrorists.

Mr Weaver told the BBC interviewer there was no proof to back this claim.

Sergeant Bellingan, part of a "stopper group" on the outskirts of the scene, said as he climbed out of a car he heard an explosion.

A shot was fired at the vehicle and he was hit in the face by shrapnel. He saw a man carrying an AK-47 rifle.

WOULD HAVE NOTICED

At that moment Sergeant Andre Grobbelaar shouted: "Watch out, hand-grenade!"

Sergeant Bellingan said he fired at the gunman with his 9 mm pistol as he feared for his life.

The man fell to the ground and Sergeant Bellingan assumed he was dead.

Cross-examined by Mr J Gauntlett, for Mr Weaver, Sergeant Bellingan said about 15 minutes after all the shooting at the intersection ended he heard shots being fired in some bushes across a field.

He said he would have noticed if anyone had planted weapons next to the bodies.

Captain Leonard Knipe of the Peninsula Murder and Robbery Squad told the court he had been summoned to the scene of the shooting.

He arrived about 7.45am to search the bodies.

He did not take particular note of the dead men's weapons.

The hearing was postponed to May 13.
Mr J M Lemmer was on the Bench.

ARGUS 24/4/82 (24/4/82) 31

Reporter freed from pledge to protect informer's identity

The Argus Correspondent

JOHANNESBURG. — Journalist Jo-Anne Richards, due to appear in court today to provide information concerning a source which she had pledged to protect, has been released from her obligation by the source.

She had been asked by the State to provide the names of the doctors who examined detainees after their release from detention and who had reported that the detainees had shown signs of physical and mental abuse.

She disclosed the doctor's name in an affidavit which she provided, she said in the docu-

ment, "with the utmost reluctance".

The court hearing at which Richards was due to appear today to provide information, or go to jail, was cancelled.

Instead the affidavit was accepted by the police.

In the affidavit she said she was fully in favour of a detailed police investigation into all assaults.

But, she said, there had been occasions in the past where the identity of sources had been disclosed to the police and these sources had subsequently been detained.

Her source was releasing her from her undertaking for several reasons. He was inter-

viewed on the subject (assault on detainees) in a film being screened at the Market Theatre entitled *Witness to Apartheid*.

Last year he delivered a paper on the subject at the Witwatersrand University medical school.

The source indicated that his identity was already known to the police and for that reason believed it futile for Richards, a reporter on Johannesburg's Star, to protect his identity unnecessarily.

The source has also written an article on the subject which has already been accepted for publication in The Lancet, the British Medical Journal.

'Torture' denial by policeman

Cape Times 24/4/87 331

By SHAUNA WESTCOTT
Supreme Court Reporter

A SECURITY policeman yesterday denied in the Supreme Court that he had participated in a series of alleged assaults on some of the 15 alleged Umhkonto we Sizwe members being tried for terrorism.

Lieutenant William Liebenberg was being cross-examined by Mr D A Kuny SC.

Mr Kuny put it to the lieutenant that he was involved in the torture of Silverstream High school teacher Mr Quentin Michels, who was allegedly given electric shocks through a wire tied to his toe after an inner tube was fastened round his nose and mouth and water thrown over his head.

"He was never assaulted in my presence," Lt Liebenberg replied.

It was put to him that another accused, railway worker Mr Jo-

seph Mkhulhwa, was punched, kicked, throttled, thrown against a wall and had his testicles squeezed when he was arrested in the middle of the night at the Langa single quarters.

"He was never assaulted in my presence," was the reply.

The lieutenant said police entered the quarters where about 20 men, women and children were mostly asleep although "a large number" were awake. These people "willingly" trooped outside and lined up against a wall when police asked them to.

He denied that any of these people were assaulted by police and said he was not aware that a lot of blood was found in the room afterwards.

He also denied knowledge of assaults on post office worker Mr Sazi Veldtman and social worker Mr Mthetho Myanya.

"I must put it to you, lieutenant," Mr Kuny said, "that police told Mr Myanya they would shoot

him if he did not co-operate."

"Never in my presence," the witness said.

"And while you were looking for (limpet mine) detonators you ordered him to lie flat on the ground and another policeman stood on him with his boot on the accused's head, pushing it flat while you interrogated him."

"It never happened," was the reply.

"And when he stood up you told him to take off his clothes which were wet with blood. Do you deny this?" Mr Kuny asked.

"It occurs to me that I asked him to put another shirt on and to bring a warm jersey," the policeman replied.

Mr Kuny read out the district surgeon's reports listing complaints of assault by the accused and noting observable injuries.

The trial continues — with the accused free of leg irons while in the dock.

Conspiracy denied

(33) *Sautun 24/4/87*
A DELMAS treason trialist yesterday denied the Vaal Action Committee conspired with the African National Congress, the South African Communist Party and the United Democratic Front to topple the Government.
Mr Geina Malindi (26), former Vaal chairman of the Congress of South African Students (Cosas), was giving evidence in his defence.

He is one of the 19 alleged members of the UDF, Azanian People's Organisation and the Vaal Civic Association, appearing before Mr Justice K van Dijkhorst and an assessor on charges of high treason, alternatively terrorism, subversion and murder.

The Archbishop of Cape Town, Desmond Tutu attended yesterday's hearing.

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Prison commissioner criticised

THE Commissioner of Prisons, General WJ. Willemse, has been criticised for making a decision that should legally have been made by the courts.

Professor John Dugard, director of the Centre for Applied Legal Studies at the University of the Witwatersrand, condemned the commissioner for saying mitigating evidence of ANC leader, Nelson Mandela, in the Maritzburg Supreme Court trial in which an accused has been convicted of terrorism, would be irrelevant.

Sibusiso Ndlazi, one of nine people convicted of terrorism last week, made an urgent application to subpoena Mandela whom he believed would convince the court that it was reasonable for blacks to believe that violence was the only option left to them.

The matter was postponed for the defence to renew its application to the Commissioner of Prisons for permission to consult the ANC leader.

By THAMI MKHWANAZI

Dugard said it was for the court, not the commissioner, to decide whether Mandela's evidence would be relevant.

The court, he added, would consider whether the argument made by the commissioner for refusing to allow Mandela to give evidence was reasonable.

Willemse is reported to have argued that Mandela was a martyr and allowing him to defend his views in the present political and violent climate would endanger public safety and order.

Willemse also pointed out that bringing Mandela to court was likely to trigger large-scale demonstrations.

Dugard said it was not legal procedure for the commissioner to decide for the court the relevance of any one party in this matter.

A defence lawyer has reportedly said it was possible for Mandela's evidence to be heard in Pollsmoor Prison if the court so ordered.



Is death becoming a little passé? A little. Just a little. But then the dead body on the floor is only a dummy, brought in by the SA Defence Force to promote its stall at the Rand Show this week...

Picture: GIDEON MENDEL

A PORT ELIZABETH riot policeman who shot a 17-year-old Grahamstown youth last year during a funeral told an inquest court this week he had acted in self-defence.

"They were singing in their own language and this causes riots," said Adjutant Officer JJ Erasmus, who admitted shooting Mngcini Big Boy Mginywa — because he thought his life was in danger.

Mginywa's mother broke down and cried in the Grahamstown Magistrate's Court after seeing a video of her son being dragged to a police bus.

A packed court watched in horror as slow motion footage filmed by a police video unit clearly showed how two policemen had dragged the badly bleeding youth across the road and into a police bus.

Earlier, a lieutenant told the court he and two other policemen had tried to wrench a petrol bomb from the youth's hand.

When asked by the advocate appearing for the family of the deceased why he had not just pulled the boy's arm behind his back and forced him to drop the bottle, Lieutenant Andre Smit said he "did not want to get his clothes dirty, as the boy was full of blood".

Under cross-examination, he told the court he had pulled the injured youth to the bus immediately after getting the petrol bomb so that he could be transferred to hospital.

Later, however, he admitted that the bus had stayed at the scene of the shooting for some time while policemen were looking for petrol bombs.

A doctor gave the cause of death as "bleeding from a destructive leg wound".

'Singing causes riots' — so he shot a singer

By PETER AUF DER HEYDE,
Grahamstown

Port Elizabeth riot policeman Erasmus, who had been sent to Grahamstown for duty at the funeral, described the events which led to Mginywa's death. "I saw a man in the crowd with a bottle. When I jumped from the bus he started to run away and I gave chase. After a few metres, he turned around at me and it seemed as if he was going to throw the bottle at me. I then shot him."

Erasmus said he had tried to take the bottle from the injured youth because he thought it might contain acid.

Advocate T Fourie, appearing for the dead youth's family, asked Erasmus why he had not mentioned

this fact, nor that the boy had been running away from him, in the statement he made after the shooting.

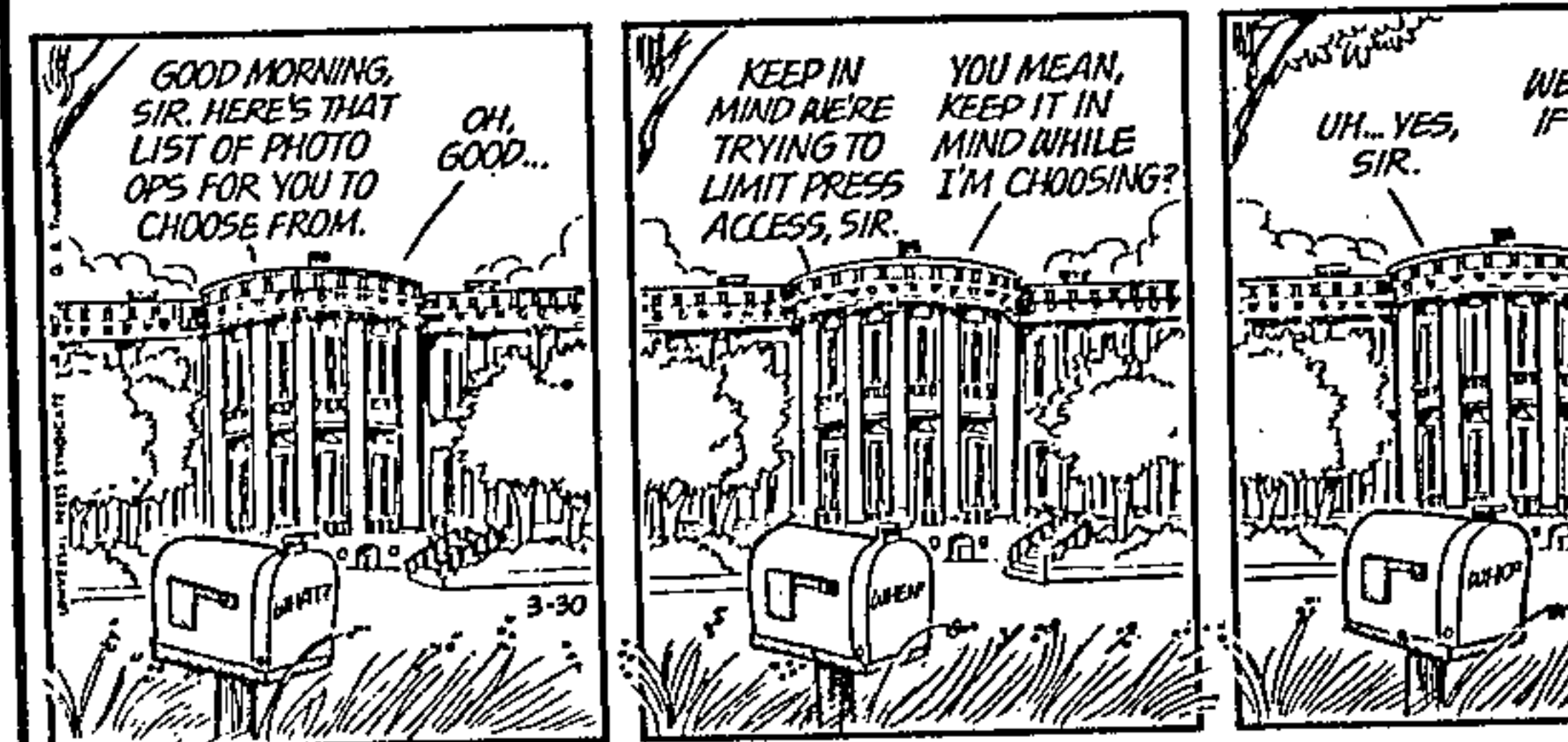
Erasmus replied he did not want to mention there might have been acid in the bottle in his statement as he wanted to do so in court.

Fourie suggested Erasmus had decided to change his original story to explain why the boy had been shot in the back of the leg.

Two church ministers, who had followed the last group of mourners, denied any of the people had been armed with petrol bombs. They said police had suddenly jumped from the bus and pointed their weapons at the youths, who then turned to run.

The inquest is continuing. — Albany News

Doonesbury



Stofile ^{33 Mail} 'harboured guerrilla' ^{24-29/4/87}

By FRANZ KRÜGER, East
London

THE arms and terrorism trial involving senior United Democratic Front official Rev Arnold Stofile resumed in the Bisho supreme court this week with in camera evidence by two witnesses.

Stofile, the UDF's general secretary in the Border region, is appearing with four others on charges of terrorism, harbouring a suspected terrorist and 11 counts of illegal possession of arms. They have pleaded not guilty to all charges.

One of the witnesses, who may not be named and who was warned as an accomplice, testified Stofile had asked him to arrange a safe place of accommodation for the second accused, Mzwakhe Nelson Ndlela, who is alleged to have been a trained guerrilla.

On another occasion Ndlela, who had told him he had skipped the country, had shown the witness a Makarov pistol. The witness had asked Ndlela to teach him how to use the pistol, but the accused had refused because he and Stofile "had problems" with the witness.

These related to his high political profile and his "involvement with women". The witness said he thought Ndlela and Stofile might have discussed the possibility of training him.

The defence challenged the relevance of the incident but after a whole day of legal argument Ciskei's Acting Chief Justice Benjamin De V Pickard, granted a prosecution application to amend the charge sheet to bring the evidence within its ambit. — Elnews

Court hears of grenade attack

Cape Times 24/4/87
331
Court Reporter

A POLICEMAN yesterday told the Regional Court he had fired six shots in quick succession at an alleged ANC guerilla after the man hurled a hand-grenade at him.

Captain Johannes Kleyn was giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who is charged under Section 27 (b) of the Police Act.

Mr Weaver previously had three charges withdrawn against him. The charges arose from a report in the Cape Times following the deaths of seven alleged ANC guerillas who were killed by the police in Guguletu on March 3 last year.

The charge he now faces relates to an interview he had with the BBC concerning the deaths on March 4 last year. The State alleges that Mr Weaver unlawfully published untrue matter by saying the men had been shot in cold blood and that the police had then "planted" weapons on the deceased.

'Stopper group'

Earlier, the court heard that police had set up a counter-attack after receiving information that a police vehicle which passed a certain corner in Guguletu between 7am and 7.30am would be attacked.

Captain Kleyn said he had been a passenger in a car whose three occupants formed a "stopper group". After hearing that the police vehicle had reached the intersection, they had gone there and he had seen "four or five blacks walking slowly with their hands in their pockets".

One had flung a hand-grenade at him and he had fallen to the ground. The hand-grenade hit the car's door and exploded.

He fired six shots at the man who had thrown the hand-grenade "until I saw him fall". He said that about 10 minutes after all the shooting in the area had stopped, he had heard more shooting coming from nearby bushes.

The hearing was adjourned to May 13.
Mr J M Lemmer was the magistrate. Mr S Shrock prosecuted. Mr Gauntlett was instructed by Findlay and Tait.

Notes 24/4/07
331
**Lawyer
to visit
Mandela
at weekend**

Staff Reporter

MR ALAN MAGID, SC, leader of the defence team in the terrorism trial being heard in the Supreme Court, Maritzburg, plans to interview jailed African National Congress leader Nelson Mandela in Pollsmoor Prison on Sunday.

The Prisons Service has given Mr Magid permission for the visit.

He said from Durban today he was unable to fly to Cape Town today or tomorrow for the interview.

"Sunday looks like the only day on which I can visit Mr Mandela," he said.

Mr Magid applied to the court this week on behalf of convicted terrorist Sibusiso Robert Ndlanzi for permission to subpoena Mr Mandela to give evidence in mitigation of sentence.

Mr Magid said Mr Mandela would be able to tell the court why after 50 years of non-violent opposition to the Government the ANC had turned to violence.

Mr Justice Thirion said that Mr Magid should speak to Mr Mandela to find out whether he had anything to say, whether he was prepared to testify and whether the matter could be dealt with by affidavit.

● See Page 5

W/6 ARGUS 25/4/87

'ANC no prisoner of violence'

331

Weekend Argus Reporter

THE need for the African National Congress to take up arms will never transform it into prisoners of the idea of violence, but the organisation may have to "wade through rivers of blood" to achieve liberty, justice and peace, ANC president Oliver Tambo says.

A copy of Mr Tambo's address on the 75th anniversary of the ANC in January was attached to an affidavit by the Commissioner of Police General Johan Coetzee. This was given in reply to an action by the PFP before the Cape Supreme Court that challenges the ban on campaigning for the release of detainees.

Also attached were extracts from documents by the South African Communist

Party, the ANC and the United Democratic Front.

In the papers Mr Tambo is reported to have said that white "compatriots" were coming to realise "that their security and their legitimate hopes for a happy future rest in the emergence of a democratic South Africa".

"The idea that social and political relations in our country must be defined according to ethnic and racial groups with the white group in dominant positions can no longer be sustained. If anything is 'outdated', it is precisely that idea."

He said the Government was frightened that it could no longer count on the unity of the white population and its attachment to the ideas and the practice of white domination.

As surely as the Government had lost political control over the black masses so also was it set to lose political control over the white population.

"The day of the new Voortrekkers has come," he said.

"The need for us to take up arms will never transform us into prisoners of the idea of violence, slaves to the goddess of war. And yet, if the opponents of democracy have their way, we will have to wade through rivers of blood to reach our goal of liberty, justice and peace."

In an extract from the South African Communist Party publication Umsbenzi, the organisation said "ungovernability" had become the battlecry of the people.

A statement by the ANC on April 5 1985 called for apartheid to be made more unworkable and the country less governable.

An extract from the UDF magazine Isizwe discussed "peoples' courts" and said that while the idea behind such independent attempts was well-intended, the result had often been negative.

"It is crucial that such courts are seen to be defenders of the people."

CAPE TOWN 28/4/87 (331)
Arsonist convicted
DURBAN — Alan Edward Pearce, 25, a member of a group led by condemned murderer and terrorist Robert McBride, was convicted in Durban Regional Court yesterday of setting fire to a school, wilfully causing an explosion and possessing grenades and limpet mines.

Court may hear Mandela views

By SHAUN HARRIS

EVIDENCE from Nelson Mandela may be presented in court this week for the first time since the ANC leader was jailed for life in 1964.

The leader of a treason trial defence team, Mr Alan Magid SC, is due to meet Mandela, 69, at Pollsmoor Prison in Cape Town today.

Mr Magid will ask Mandela to make a statement to be used in mitigation at the trial of nine men convicted of terrorism.

An application to subpoena Mandela was also made in the Supreme Court, Maritzburg, last week.

The application was made on behalf of Sibusiso Ndlanzi, convicted of having ANC military training and taking part in activities for the ANC's military wing, Umkhonto we Sizwe.

Motives

It argued that Mandela's evidence could give a personal account of why, after 50 years of non-violent opposition to the government, the ANC turned to violent confrontation.

"I believe the founders of Umkhonto we Sizwe were moved by motives similar to mine, and Mandela will be able to confirm this fact," Ndlanzi said.

The application was opposed by the Commissioner of Prisons on the grounds that Mandela's evidence would be irrelevant to the case, and that his appearance in public could spark large-scale demonstrations and endanger public safety.

The presiding judge, Mr Justice Thirion, suggested other ways be investigated, and Mr Magid was then granted permission to visit Mandela in prison.

Lizo and 14 others in big Cape Town trial

CP Correspondent

THE ALLEGED commander of Umkhonto We Sizwe in the Western Cape, Lizo Bright Ngqungwana, appeared with 14 other men on a charge of terrorism in the Supreme Court in Cape Town this week.

Ngqungwana, 24, and his co-accused are also charged with carrying out limpet mine attacks on Langa Police Station in 1985 and Mowbray Police Station last year.

Appearing with him in Cape Town's biggest terrorism trial are: Thembin-kosi Mzukwa, 22; Joseph Ngoma, 26; Temba Tshibika, 38; Sazi Veldtman, 32; Mthetho Myanya, 35; Joseph Mkulhwa, 30; Anderson Ncivata, 27; Reed Macozoma, 28; Quentin Michels, 24; Neville van der Rheede, 26; Cecil Esau, 32; Gladwin Mabengeza, 36; Cyril Ntabeni, 30, and Norman Macandais, 29.

At the trial the men sang and gave clenched fists salutes which were answered

by the packed public gallery.

Their leg-irons clicked rhythmically as they stamped their feet.

The State alleges that, from 1978 to 1986, they committed violence, performed acts aimed at causing violence, conspired to cause violence and incited others to commit violence.

Alternative charges are membership of the ANC, participating in the activities of an unlawful organisation, furthering the aims of the ANC, and possessing banned literature.

All the accused have pleaded not guilty to all the charges.

D Kuny, SC, appearing for most of the accused, said none of his clients would make any statements or admissions.

Kuny also requested permission from the court for the leg-irons on the accused to be removed.

According to papers before the court Ngqungwana left South Africa in 1978 to join Umkhonto we Sizwe. He received train-

ing in camps in Angola, Russia and Lesotho.

He returned to Cape Town in May 1985 as the alleged commander of the Western Cape division of Umkhonto we Sizwe in May 1985.

His orders were allegedly to:

- Co-ordinate military activities in the region.
- Recruit and train new members.
- Find hide-outs for terrorists and caches for arms.
- Import arms and explosives from Botswana.
- Increase terrorist activities in the region, particularly in June 1985 and from May 1986.

The accused were allegedly involved in recruiting ANC members, transporting weapons from Botswana and Lesotho and finding "safe houses" to harbour guerillas and weapons.

The first State witness, security police sergeant,

Wilhelm Bellingham, said in evidence that he and 14 policemen arrested Ngqungwana on April 23, 1986, after informed of his presence of in Crossroads.

He denied that Ngqungwana was assaulted during his arrest.

It is alleged that Umkhonto We Sizwe was responsible for 25 acts of terrorism in the Cape Peninsula in 1985.

Cape 26/4/87

331

Witness did not know of pistol

337 2/14/87
A STATE witness told the Bisho Supreme Court this week he had no knowledge of a firearm found in his yard by the police last year.

The witness, who may not be identified in terms of a court ruling, was testifying in the trial of the Rev Makhenkesi Stofile, Mzwakhe Ndelela, Linda Stofile, Gladwell Gqibithole and Nomvuyiso Stofile.

The five have been charged with terrorism, harbouring a "terrorist" and possessing arms.

He said the police had arrived at his home and found a pistol in his carport. He said he was surprised as he had never seen it before.

Asked if he had ever had a Makarov pistol, he replied he had, as Malcomess Kondoti had brought him one in 1975 for safekeeping. Kondoti had promised to fetch it within a few days but had not done so.

He agreed he had made a statement to the police but said he had not signed it. He said anything he had said outside the court was not true. The trial is continuing.
Sapa.

Inquest hears 'acid' evidence

331
C/Prep
26/4/87

CP Correspondent

A POLICE lieutenant in charge of an "unrest bus" told a Grahamstown magistrate he and another policeman had dragged a badly bleeding youth across the street to the bus to enable him to be taken to hospital.

Giving evidence at the inquest into the death of 17-year-old Mngcini "Big Boy" Mginywa, who was shot and killed by a policeman at the funeral of another unrest victim, Lt Andre Smit said he had seen a petrol bomb in the youth's hand.

Smit later admitted that after they had dragged the

badly bleeding youth to the bus, they had remained at the scene for some time while policemen were looking for petrol bombs in the area. Mginywa was at this time lying in the bus.

A doctor's report stated that the youth had died from bleeding from a "destructive leg wound".

Smit also told the court how he and another policeman had attempted to wrench a petrol bomb away from the injured youth after he had been shot.

"We tried to pull the petrol bomb from the man lying on the ground, but he put up a very strong fight.

Maybe he was under shock.

"With one hand he was holding the petrol bomb, with the other he was holding the barrel of the gun of the policeman who shot him," he said.

In evidence, Smit told the court that he weighed 100kg. A post-mortem conducted on Mginywa gave his weight as 70kg.

When asked by the advocate appearing for the family of the deceased why he had not just put the dead youth's arm behind his back to force him to drop the bottle, Smit said he had not wanted to get his clothes dirty as Mginywa was covered in blood.

Church ministers who had been walking behind the group of people of which the dead boy had been a part, told the court that they had not seen any petrol bombs being carried by people in the crowd.

They said police had suddenly jumped from the bus and pointed their weapons at the youths, who turned to run.

"I heard some shots and one young man fell. Police took him and dragged him to the bus," one of the ministers said.

During cross-examination, Warrant Officer JJ Erasmus told the magistrate he had shot the boy in self-defence as he had thought his life was in danger.

"I saw a man in the crowd with a bottle. When I jumped from the bus, he started to run away and I gave chase. After a few metres, he turned around and acted as if he was going to throw something at me. I then shot him."

When asked why he had then attempted to take the bottle out of the youth's hand, he said he thought the bottle might contain acid.

The advocate appearing for Mginywa's family asked Smit why he had not mentioned this fact, nor the fact that the boy had started to run away from him, in his statement which he made less than two weeks after the shooting.

Erasmus replied that he had not wanted to say that there might have been acid in the bottle in his statement as he had wanted to do so in court.

The advocate then suggested Erasmus had decided to change his original story to explain why the boy had been shot in the back of his leg.

The inquest is continuing in the Grahamstown Magistrates' Court.

Advocate T Fourie, of Grahamstown, instructed by B Sandi, of Grahamstown, is appearing for the family of the deceased. The Minister of Law and Order is represented by Advocate C Jansen.

331 open 26/4/8

Free — after 7 months

A TWENTY-four-year-old Cape Town man was acquitted in the Butterworth Regional Court on charges of possessing banned literature after spending nearly seven months in detention awaiting trial.

Mzwamandla Pasiya, of Gugulethu, was arrested on July 11 last year in Cumnah, Transkei. According to the State he was found in possession of a booklet, *Africa, Our Africa*, purported to be a banned publication by the Pan-Africanist Congress.

Pasiya made his first court appearance at Lady Frere in March this year and the trial was later transferred to Butterworth, followed by a series of remands.

Pumzile Majeke, for the defence, argued that the booklet belonged to an organisation known as Africanist Patriotic Front, which was not a listed organisation in Transkei.

Pasiya was found not guilty and discharged.

QMC Toms 27/4/87 (234) 331

Killing of civilians 'could be justifiable'

Own Correspondent

MARITZBURG. — The killing of civilians who "got caught in the cross-fire" of violence directed at a military target during a war situation could be morally justifiable, according to a professor of political studies at the University of Cape Town.

Arguing in the Supreme Court here last week, Prof Andre du Toit, a specialist in moral philosophy, was testifying in mitigation of sentence for nine men convicted of terrorism earlier this month.

Prof Du Toit told Mr Justice Thirion and two assessors that when as-

sessing whether violence was morally justifiable it was necessary to distinguish between criminal, political and officially authorized violence. The onus was always on the person who made use of violence to justify his actions, he said.

Prof Du Toit said it was possible to justify violence used for political motives if one could show that it was necessary and that all other options had been exhausted.

In the context of a democracy where people had recourse to parliament, the courts and open public protest, it would be more difficult to

justify the use of violence.

Prof Du Toit said it was necessary to bear in mind that the State also made use of violence, sometimes in response to protest, and one would then have to question whether the State's actions reflected the view of all society.

Referring to the ANC, he said that from a moral point of view there was a difference between an organization which resorted to violence from its very inception and one which only reluctantly turned to violence after having exhausted other non-violent options which were clearly getting nowhere.

In the context of a war situation a distinction had to be drawn between the use of violence against combatants and military targets and violence aimed at civilians. "This is the basic distinction which has been drawn through the ages between hard and soft targets."

Prof Du Toit said mass bombings of towns and cities, for example, during World War II was wholly unjustifiable from a moral point of view. He said this was distinguishable from a situation where the violence was directed against a military target and civilians were

"caught in the crossfire" and were unintentionally killed.

One would however also have to question whether due care was taken to avoid injury to and death of civilians.

He said he believed that while South Africa was not engaged in a full-scale war it was in a situation of "small-scale civil war".

Replying to questions by Mr Justice Thirion, Prof Du Toit said he believed the ANC's use of violence against military targets in South Africa, as long as they observed the distinction between hard and soft targets, was morally justifiable.

New name for Barclays

By JOSHUA RABOROKO

THE State-appointed commission of inquiry asked to ascertain whether Barclays Bank managing director, Mr Chris Ball was involved in financing the "Unban the ANC" advertisement in nationwide newspapers has not released its findings yet.

This was said by Mr Ball when

he announced at a function in Sandton that the name of Barclays Bank was to change to the First National Bank of Southern Africa with effect from September 30 this year.

The commission of inquiry, chaired by Mr Justice G G A Munich, has collected evidence from various people in connection with the advertisement which

appeared in newspapers on January 11 this year.

Mr Ball said the commission did not influence the bank to change name, logo and colour for itself and most of its major satellites.

The change-over in September was subject to ratification by a general meeting of share-holders to be held on May 22.

Treason trial told of march

RESIDENTS' grievances sparked off the protest march to "Houtkop" — the Administration Board offices in the Vaal, a witness told the Delmas treason trial on Friday.

The witness, Mr Gcina Malindi, former chairman of the Congress of South African Students (Cosas) in the Vaal, was giving evidence in his defence.

He is one of the 19 members of the United Democratic Front, Azanian People's Organisation and the Vaal Civic Association appearing before Mr Justice K van Dijkhorst and an assessor on charges of high treason, alternatively terrorism, subversion and murder.

The State alleges they committed the crimes during the outbreak of unrest in the townships on the Vaal Triangle in September 1984.

Mr Malindi told the court that the residents aired their grievances at a meeting on August 26, 1984.

The meeting, he said, resolved

By MANDLA NDLAZI

that the residents should not pay the R5,90 rent increase; that they should stay away from work on September 3 and march to Houtkop to hand over their grievances to the Administration Board officials.

Topping the list of grievances, he said, was the rent increase, a call that councillors should resign and the replanning of Evaton that would strip the residents of their property rights.

He said a Mr Kadi spoke at the meeting about residents who would eventually lose their property rights if Evaton was replanned. Mr Kadi, he said, accused the Evaton Council and Mr Rabotapi of having backed those behind the replanning of Evaton.

Mr Malindi said he told the residents that there was nothing illegal about a march to demonstrate a "dissatisfaction", and the media would be there to report about the event.



MAY

AN, Monday, Ap

'Court must play role to stem violence'

Nine found guilty on terror charges

Mandela's views put to court

MARITZBURG — Nine men convicted of terrorism, among them two Durban doctors, one of whom is the cousin of kwaZulu Minister Dr Oscar Dhlomo, shouted "viva Mandela", "viva Sisulu", "viva Tambo", "viva ANC" and "amandla" after being sentenced to a total of 84 years in jail yesterday.

The public gallery in the Supreme Court at College Road responded with clenched-fist salutes to the nine, who jumped on to their seats and faced the gallery while singing and saluting.

Sentencing the men, presiding judge Mr Justice Thirion said the sentence should "express society's outrage at the spiralling political violence in this country".

"The court must play its part in trying to stem

the tide of violence," he said.

The judge added there was no guarantee that the men would not repeat their conduct if given the chance.

All nine had conspired to assist the African National Congress to overthrow the government by force.

However, the judge took into account that they were influenced by a sense of injustice at the disparity between many blacks and whites in fields such as education and labour.

Mr Justice Thirion imposed the heaviest sentences on Durban doctor and full-time lecturer at Natal University, Vujanand Ramlakan (29) and Sibusiso Ndlanzi (30) of kwaMashu. Each was sentenced to 12 years' imprisonment.

Ramlakan had held a "fairly senior position" in Umkhonto we Sizwe, the ANC's military wing, and had conspired to place a bomb which exploded outside Chatsworth Magistrate's Court.

He also ordered the bombing of Minister Amichand Rajbansi's house and recruited and trained people for the ANC.

Mr Justice Thirion said he took into account, however, that Ramlakan had taken care to prevent injury to people in the bombings and had warned his trainees against causing injury.

10-YEAR SENTENCES

Ramlakan was a "very angry young man" but his views on the ills besetting the country were "simplistic".

Sentences of 10 years were imposed on Durban doctor Sibongiseni Dhlomo (27), cousin of Dr Oscar Dhlomo, and on factory worker Vusumuzi Mahlobo (28).

Mahlobo had received ANC training and possessed "a considerable quantity" of weapons.

Ordway Msomi (21), arrested while he was in matric, and Mapike Dhlomo (33), a former miner with a Standard 3 education, had each handled and possessed arms.

They were sentenced to nine years behind bars.

Bafo Nguqu (30), formerly a member of the Transkei Defence Force, and Malusi Majola (21) were sentenced to eight years' imprisonment.

MARITZBURG — The reasons jailed ANC leader Nelson Mandela abandoned a policy of non-violence were conveyed to the court by defence lawyer Mr A Magid.

He conferred with Mandela in Pollsmoor Prison on Sunday.

Mr Magid visited the jailed leader after Sibusiso Ndlanzi applied to the court for permission to subpoena Mandela to give evidence on his behalf.

Ndlanzi was one of nine accused in the College Road terrorism trial who were sentenced yesterday.

Mr Magid withdrew the subpoena application after his visit to Pollsmoor. Instead, he referred to Mandela's views during his address on sentence.

Mandela told him he turned to violence after he had been involved in repeated attempts at negotiation — which were ignored by the Government, he said.

A peaceful stay-at-home called to protest against Government refusal to reply to a request for a national convention in 1961 had resulted in police harassment and assaults, the jailed leader had said.

Mandela, the protest organiser, said he called it off because he did "not wish to expose his people to more violence".

The following month Mandela had recommended at a meeting of opposition groups that "non-violence had ceased to be a viable policy" because of state violence, the court heard.

Mr Magid said Mandela said he had been involved in an attempt by the ANC and South African Indian Congress to organise a meeting with the Government even earlier, in 1952.

The then prime minister rejected the request.

A similar attempt by the ANC in 1957 had been ignored, according to Mandela, he said.

The court heard that by 1961 many small groups were beginning to plan acts of violence.

Mandela told Mr Magid he recommended the ANC establish a military corps because these groups would be better controlled and disciplined.

This and other recommendations led to the establishment of Umkhonto we Sizwe. — Sapa.

Court told why Mandela chose violence

MARITZBURG — Jailed ANC leader Nelson Mandela says he turned to violence after being involved in repeated attempts at negotiation which were ignored by the Government, the College Road terrorism trial here was told yesterday.

Mandela's reasons for abandoning non-violent protest were conveyed to the court by Mr A Magid, SC, defence lawyer for nine terror trialists who were sentenced yesterday.

Mr Magid conferred with Mandela in Pollsmoor Prison for 2½ hours on Sunday.

The court was told that a peaceful stay-at-home called to protest against the Government's refusal to reply to a request for a national convention in 1961 had resulted in police harassment and assaults.

Mandela, who was organising the stay-at-home, told the lawyer he called it off because he "did not wish to expose his people to any more violence".

The following month Mandela recommended to a joint meeting of the ANC, South African Indian Congress, Congress of Democrats and South African Congress of Trade Unions that "non-violence had ceased to be a viable policy" because of State violence to the African people.

Mr Magid visited the jailed leader after one of his clients, Sibusiso Ndlanzi, applied to the court for permission to subpoena Mandela to give evidence on his behalf.

Mr Magid withdrew the subpoena application, without giving reasons, after his visit to Pollsmoor.

He instead referred to Mandela's views during his address on sentence.

The court heard that in their discussion Mandela said he had been involved in an attempt by the ANC and SAIC to organise a meeting with the Government in 1952 to discuss such problems as the Group Areas Act, the pass laws, race classification and the Separate Representation of Voters Act.

The then Prime Minister rejected their request.

A similar attempt by the ANC in 1957 had been ignored, according to Mandela, as had a letter in 1961 which asked for a national convention.

The court heard that by 1961 many small groups of inexperienced people were beginning to plan acts of violence.

Mandela said he recommended that the ANC establish a military corps because these groups would be better controlled and disciplined if they were not left to their own devices.

This led to the establishment of Umkhonto we Sizwe. — Sapa

Policeman denies assaults in arrests

CAR TIPS 28/4/87 *(25) (30) (33)*

By PETER DENNEHY

A SECURITY policeman told the Supreme Court yesterday that each arrest of a suspected member of Umkhonto we Sizwe generated more arrests as suspects led police to arms caches and houses where they identified people.

Warrant Officer Johannes Nel was giving evidence in the trial of 15 men accused of terrorism. As he spoke, two limpet mines, eight detonators, an AK-47 rifle and four loaded magazines were placed on the table as exhibits.

'Dived on him'

W O Nel told the court that in May last year, Mr Lizo Ngqungwana, who had been in custody for a month, took him and about 15 other policemen to an address in Nyanga where they arrested Mr Sazi Veldtman.

Police took Mr Veldtman outside to be identified by Mr Ngqungwana. When he was brought back he showed police his bed and then "moved towards his cupboard". Police dived on him as they "feared he was going to get something". A struggle ensued and they subdued Mr Veldtman, who emerged with blood on his forehead which "must have been the result of his fall".

Cross-examined by Mr Denis Kuny, SC, W O Nel denied that Mr Veldtman had been kicked, hit, thrown against

the wall, hit with rifle butts, and that he had been unconscious at any stage.

"After that, Mr Ngqungwana and Mr Veldtman took us to an address in Guguletu," W O Nel said. When police knocked on the front door, Mr Douglas Myamya ran out the back door where police seized him and they all fell.

Mr Myamya received a wound on his forehead, W O Nel said. Mr Kuny put it to him that Mr Myamya had been "assaulted with fists, kicked, hit on the forehead with the butt of a pistol", karate-chopped, and threatened with death "with a tyre round your neck".

W O Nel denied all this.

He told the court he had been present at three other arrests, of Messrs Gladwin Mabangeza, Cyril Ntabeni and Norman Macanda, on September 11 when a trained terrorist known as Agrippa or Mzwandile took him to Khayelitsha and Langa.

"Agrippa" was not one of the accused. He had been held under Section 29 of the Internal Security Act, but was now being held under Section 31, the State witness section, he said.

The hearing continues today.

Mr Justice H C Nel presided with Messrs L P Francis and W R Vivier as assessors. Mr W C Viljoen appeared for the State. Mr Kuny, Mr J R Whitehead, Mr A M Omar and Mr S Desai, instructed by E Moosa and Associates and R Vassen and Co, appeared for the defence of the 15.

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ANC violence: Court told of Mandela's view

Own Correspondent

MARITZBURG. — The defence in the trial of the nine men convicted of terrorism in the College Road Supreme Court yesterday abandoned an application to subpoena jailed ANC leader Mr Nelson Mandela to testify in mitigation of sentence.

However, Mr Alan Magid, SC, told Mr Justice Thirion and two assessors in the course of his argument in mitigation of sentence that he had visited Mr Mandela at Pollsmoor Prison on Sunday and outlined Mr Mandela's version of the events leading up to the ANC's adoption of a policy of violence in 1961.

Mr Magid told the court Mr Mandela said he had helped draft two letters; one sent to the then Prime Minister, Mr D F Malan, by the ANC and SA Indian Congress, in 1952, in which a request was made for a round table conference.

In 1957, Mr Mandela claimed, a letter from the ANC leader, Chief Albert Luthuli, requesting a meeting with the then Prime Minister, Mr J G Strdom, to discuss the deteriorating situation in the country, was ignored.

Mr Magid said Mr Mandela told him it was resolved at a conference in Maritzburg on March 25, 1961, that a three-day stay-at-home protest was to be staged unless the government held a national convention to draw up a democratic constitution. A letter to this effect sent to Dr Verwoerd was ignored.

Mr Magid said Mr Mandela told him that the day before the stay-at-home was to begin on May 29, members of the SADF moved into the townships in force, and the following day members of the SAP followed suit. Mr Mandela said they entered people's homes and in many cases assaulted men and "carted them off to work".

That night he had called off the stay-at-home because he did not wish to expose the people to more violence.

In June 1961 Mr Mandela suggested at a meeting of the national executives of the ANC, SAIC, Congress of Democrats and the SA Congress of Trade Unions, that the policy of non-violence be abandoned.

Mr Mandela referred at the meeting to the government's past record of violence, including the killing of 67 people by members of the SA Police at Sharpeville on March 21, 1961.

He pointed out that strikes only resulted in blacks losing their jobs and as a result their right to occupy their homes and their children were denied the right to an education.

Disenchanted

Mr Magid said Mr Mandela told him he also mentioned that loyal members of the ANC were disenchanted with the policy of non-violence, and other underground groups were also contemplating carrying out acts of violence.

Many of these were inexperienced and the ANC would be better able to control them and discipline them than if they were left to their own devices.

Mr Mandela's suggestion was not accepted but he was granted leave as an individual to form a separate group, which was permitted to use violence as a form of opposition to the government.

He and other ANC members then formed what is now the ANC's military wing, Umkhonto we Sizwe.

Trialists — up to 12 years' jail

CAPE TIMES 28/4/87
Own Correspondent

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MARITZBURG. — Nine men convicted of terrorism in the College Road Supreme Court here earlier this month were yesterday jailed for periods ranging from six years to 12 years.

Immediately after the hearing, the nine raised clenched-fist salutes, sang freedom songs and chanted slogans as they waved to their families and friends in the public gallery.

Sentences handed down were: Vejaynand Ramla-kan and Sibusiso Ndlanzi jailed for 12 years; Si-bongiseni Dhlomo and Vusumuzi Mahlobo for 10

years; Ordway Msomi and Mapiki Dlomo for nine years; Bafo Nguqu and Malusi Majola for eight years; and Jude Francis for six years.

Mr Justice Thirion said in passing sentence he had regard to the conduct of each accused and had looked at matters such as the extent of each one's activities; the position each occupied in the hierarchy of Umkhonto we Sizwe (the military wing of the ANC); the potential harm to members of the public and the safety of the State inherent in the conduct of each.

The judge said all the accused had joined in a conspiracy with the ANC to overthrow the State authority in this country and had actively assisted in the pursuance of this goal.

The sentence imposed must express society's outrage at the spiralling political violence — that of the ANC's as well as other acts committed by other groups — in the country.

However, he was aware that there were mitigating factors in this case.

He said the accused were greatly influenced by a sense of injustice resulting from the disparity between their position in society when compared with that of whites.

At the end of yesterday's hearing, a small crowd of about 20 family members and friends of the accused gathered on the pavement opposite the court building in the hope of seeing the accused as they were driven away in police vehicles. The crowd was dispersed by police with sjamboks.

Not guilty plea on 'people's court'

CATC trials 28/4/87

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Court Reporter

TWENTY-ONE men and three youths, who have been in detention for nine months, yesterday pleaded not guilty in Wynberg Regional Court to holding a "people's court" and assaulting two men.

They have been in detention since July last year. They all pleaded not guilty to sedition in that they conducted a "people's court", and assaulting Mr Patrick Kali and Mr Samuel Zantsi, by hitting them with sjamboks.

One of the youths was convicted of possessing a .22-calibre firearm and six rounds of ammunition after he admitted he knew the gun was unlicensed and he was not supposed to have it in his possession.

The other twenty-three had these two charges withdrawn against them.

The men are: Mr Moses Faku,

Mr Aubrey Matrose, Mr Lulame Matabeni, Mr Tlabo Mangeni, Mr Mongezi Mavata, Mr Vukile George, Mr Shadrack Somo, Mr Michael Mdusulwana, Mr Patrick Ncapayi, Mr Solomon Numi, Mr James Mngqibisi, Mr Zangisele Myekiso, Mr Patrick Eleke, Mr Getwa Pheni, Mr William Kompeni, Mr Vuysile Mephi, Mr Gerald Booi, Mr Peter Menye, Mr Bala Mfungusa, Mr Gilbert Bala, Mr Ngeba Godwana and three 17-year-olds.

Samuel Zantsi, who is serving a jail term, told the court he had trouble with "Billy" who said he was "mad". "This made me unpopular with the people.

"Billy went to lay a charge against me at the people's court," he said. "He said I wanted to kill him."

About five people came to arrest him at his house in Guguletu in June last year. They came in a car belonging to one of his female

neighbours who was a "dagga smuggler" and took him to the Elikhanysveni Centre, he said.

He said Mr Faku was in the car. He was not well and Mr Faku hit him on the head with a firearm and the others kicked him.

At the centre he was taken to a room with some women and hit 65 times with a "pipe on my back and buttocks".

He said the people at the centre were "busy with trials but there was no magistrate and it was not exactly a court".

All he could remember was that he was beaten 65 times but he does not know who gave the order to have him beaten or why as he was "very sick".

The hearing continues today.

Mr J D Huggett was the magistrate. Mr N C Erasmus prosecuted. Mr J H de Lange, Mr J C Marais, instructed by Mr B M Olivier of E Moosa and Assoc, and Mr L Padayachi appeared for the

'SJAMBOKKING AT CEMETERY'

A SENIOR police officer told his juniors who were sjambokking mourners at a cemetery "donner die kaffirs," a witness said at the Delmas treason trial yesterday.

The witness, Mr Gcina Malindi, was giving evidence in his defence. He is one of the 19 people appearing before Mr Justice K van Dijkhorst and an assessor on charges of high treason, alternatively terrorism, subversion and

murder.

The State alleges they committed the offences during the outbreak of unrest in the townships on the Vaal Triangle during September 1984.

Mr Malindi said he was one of the hundreds of people who attended the funeral of Mr Joseph Sithole on September 23, 1984.

A military helicopter, he said, circled above the church building where

the funeral was held.

Mr Malindi said the coffin was carried shoulder-high from the church to the hearse. Police in their vehicles led the procession to the local cemetery. Other police cars were at the tail of the procession, said Mr Malindi. He denied that some mourners walked to the cemetery.

He said the burial service was just about to end when police surrounded the mourners at the cemetery and began sjambokking them. Later

Witness tells treason trial

he heard a gun shot and mourners dispersed in different directions.

Mr Malindi said Mr P Mahlatsi, the brother of the mayor, Mr E Mahlatsi, tried in 1982 to influence him to encourage members of Cosas to accept the community council. He said Mr Mahlatsi told him that money was no problem and Cosas could be financially assisted by the Mahlatsi's if they accepted the community councils.

Mr Malindi said he saw the police fire rubber

bullets, tearsmoke and sjambok mourners at the cemetery. He said he heard Colonel Viljoen shouting that his men should "donner die kaffirs."

Mourners ran in different directions and he was one of those who took refuge in some of the cars in the cemetery. He said he was sjambokked by the police and shot above one eye with a rubber bullet. He was arrested on that day he said.

He said Mr E Mahlatsi told him there was nothing wrong with the councils but the people running them. He criticised his predecessor, Mr Matjila.

Mr Malindi said one of his colleagues in Cosas, Mr Tim Moropodi, was given R280 to pay for his computer lessons.

(Proceeding)

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Nine jailed for terrorism thanked for good conduct

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The Argus Correspondent

MARITZBURG. — Nine men, including two Durban doctors, who were convicted in the College Road Supreme Court here earlier this month of terrorism, were yesterday given sentences ranging from six to 12 years' imprisonment.

Jude Francis, 23, was sentenced to six years; Bafu Bawana Nguqu, 30, and Malusi Israel Majola, 21, each to eight years; Ordway Qonda Msomi, 21, and Mapiki Aaron Dlomo, 33, to nine years; Sibongiseni Maxwell Dhlomo, 27, and Vusumuzi Wesley Mahlobo, 28, to 10 years, and Vejaynand Indurjith Ramlakan, 29, and Sibusiso Robert Ndlanzi, 30, to 12 years.

Mr Justice Thirion expressed his appreciation to all the accused for their "exemplary conduct" while the court was in session.

He said all the accused had joined in a conspiracy to overthrow the State.

In spite of the seriousness of the crimes, there were still mitigating factors — they were "greatly influenced by a sense of injustice resulting from the disparity of their position in society compared to that of whites".

Account was also be taken of the personal circumstances of the accused, as well as the fact that they had been awaiting trial for "a long time".

The court was also told that Nelson Mandela, jailed leader,

of the African National Congress, said he had turned to violence after he had been involved in repeated attempts at negotiation which were ignored by the Government.

Mr A Magid SC, defence lawyer for the nine men, conferred with Mandela in Pollsmoor Prison on Sunday. He did so after one of his clients, Sibusiso Ndlanzi, applied to the court for permission to subpoena Mandela to give evidence on his behalf.

Mr Magid withdrew the subpoena application, without giving reasons, after his visit to Pollsmoor.

Mr Magid, who outlined the substance of his talk with Mandela, said that the jailed ANC leader had told him that a peaceful stay-at-home called to protest against the Government's refusal to reply to a request for a national convention in 1961 had resulted in police harassment and assaults.

Mandela, who was organis-

ing the stay-at-home, said he called it off because he did "not wish to expose his people to any more violence".

The following month Mandela had recommended to a joint meeting of the ANC, South African Indian Congress, Congress of Democrats and South African Congress of Trade Unions that "non-violence had ceased to be a viable policy" because of State violence against Africans. — Sapa.

'People's court': 24 on sedition charge

Court Reporter

TWENTY-four emergency detainees, including three juveniles, who have been in prison since July, have appeared in the Wynberg Regional Court on charges of sedition, possession of a firearm and ammunition and assault after allegedly conducting a people's court.

All pleaded not guilty except a juvenile who pleaded guilty to possessing a firearm and ammunition. He denied the other charges.

After questioning the 17-year-old youth, magistrate Mr JD Huggett, convicted him of possessing a firearm and ammunition without a licence.

This charge against the others was withdrawn.

DEFY AUTHORITY

The 21 adults are: Mr Moses Faku, 24, Mr Aubrey Matrose, 21, Mr Lulame Matabeni, 21, Mr Tlabo Mangeni, 20, Mr Mongezi Mavata, 26, Mr Vukile George, 18, Mr Shadrack Somi, 18, Mr Michael Mduzulwana, 21, Mr Patrick Ncapayi, 24, Mr Solomon Numi, 20, Mr James Mngqibisi, 20, Mr Zangizele Myekiso, 23, Mr Patrick Eleki, 26, Mr Getwa Pheni, 19, Mr Bala Mfungusa, 27, Mr Gilbert Bala, 35, Mr Nceba Jodwana, 22, Mr William Kampeni, 20, Mr Vuyisile Mephi, 22, Mr Gerald Booi, 19, and Mr Peter Menye, 20.

The State alleged they committed sedition in June last year in Guguletu, attempting to

defy the authority of the State by conducting a people's court.

They are also charged with assault with intent to do grievous harm to Mr Samuel Zantsi and Mr Patrick Kali by beating them with sjamboks and other weapons.

Mr Zantsi, who is in Pollsmoor prison, told the court a man called "Billy" claimed he (Zantsi) was possessed by devils.

65 LASHES

He said Mr Moses Faku and Mr Nceba Jodwana were in a group of people who dragged him from under a bed, hit the back of his head with a pistol and then drove him to the Elikhanysveni Centre in Guguletu where he was given 65 lashes with a flexible pipe. He was not sure if this was a sjambok.

He said there was no magistrate at the "hearing" and it was not like a proper court. There were people "standing around and talking" and there was "one person standing in front".

He said he did not know why he was given 65 lashes.

His back and head were injured in the beating but he did not seek treatment, he said.

The hearing continues today.

The accused are represented by Mr JH de Lange, Mr JC Marais, Mr LM Padayachi and Mr BM Olivier. Mr de Lange and Mr Marais are instructed by Mr Olivier.

ANC case: Court hears 'trial within a trial'

Supreme Court Reporter

A TRIAL within a trial has started in the Supreme Court terrorism trial of 15 men alleged to have been members of Umkhonto we Sizwe, the ANC's military wing.

The defence is contesting the admissibility of a statement allegedly made to a Wynberg magistrate by an accused, Mr Theminkosi Mzukwa, on May 26 1986, the day after his arrest.

The magistrate, Mr Richard Peckham, said Mr Mzukwa was brought to his office by a security policeman, who waited in the corridor.

Mr Peckham asked Mr Mzukwa if he had been assaulted or threatened, if he feared he would be assaulted, if he had been encouraged to make a statement or if he expected to gain anything by making a statement.

He answered "No" to these and similar questions.

Mr Mzukwa said he did not want to be a State witness, Mr Peckham said.

Lawyer

When Mr Mzukwa asked if he could have a lawyer, Mr Peckham told him this would be possible if he were charged.

Mr Peckham said Mr Mzukwa gave his reason for making the alleged statement as: "I was asked by the police if I was prepared to tell a magistrate what I told them. I said 'Yes'. That is why I am here."

The contents of the statement are not before court.

The hearing adjourned early yesterday for the defence team to discuss the alleged statement with the accused.

Mr Lizo Ngqungwana, 24, Mr Mzukwa, 22, Mr Joseph Ngoma, 26, Mr Temba Tshibika, 38, Mr Sazi Veldtman, 32, Mr Mthetho Myanya, 35, Mr Joseph Mkhulhwa, 30, Mr Anderson Neivata, 27, Mr Reed Macozoma, 28, Mr Quentin Michels, 24, Mr Cecil Esau, 32, Mr Neville van der Rheede, 26, Mr Gladwin Mabengeza, 30, Mr Cyril Ntabeni, 30, and Mr Norman Macanda, 29, have pleaded not guilty to charges of terrorism.

The State alleges that as Western Cape commander of Umkhonto we Sizwe, Mr Ngqungwana co-ordinated military activities and controlled

the smuggling of weapons and explosives into South Africa from Botswana and Lesotho.

Several of the accused are alleged to have been involved in the smuggling.

They also allegedly recruited and trained new members of Umkhonto we Sizwe, found hideouts for terrorists and caches for weapons.

Mr Mzukwa is alleged to have planted a limpet mine at Langa police station and thrown hand-grenades at the police station and at a Casspir in 1985.

Mr Ngoma is alleged to have planted two limpet mines which damaged Mowbray railway station in 1986.

Mr Justice Nel is on the Bench. Mr L P Francis and Mr W R Vivier are assessors. Mr W C Viljoen and Mr M Stowe appear for the State. Mr D Kuny, SC, Mr A M Omar, Mr S Desai and Mr J Whitehead appear for the 15, instructed by E Moosa and Associates and R Vassen and Co.

Nine guilty of conspiring to overthrow State

Own Correspondent

MARITZBURG — Nine men convicted of terrorism in the College Road Supreme Court earlier this month were jailed for periods ranging from six to 12 years in Maritzburg yesterday.

The court found earlier in its judgment that several accused had established or controlled arms caches inside SA, had undergone military training in the use of explosives or been involved in

training others.

All had conspired with the ANC with the aim of overthrowing the State.

Mr Justice Thirion said in passing sentence he had regard to the conduct of each accused and had looked at matters such as the extent of each one's activities; the position each occupied in the hierarchy of Umkhonto we Sizwe (the ANC's military wing); the potential harm to the public and the safety of the State inherent in the conduct of each.

THE trial of eight people alleged to have participated in the holding of a people's court in Alexandra last year began in the Rand Supreme Court yesterday with their defence counsel applying to have the main and alternative charges against them quashed.

Ashwell Zwane, Vusi Ngwenya, Andrew Mafutha, David Mafutha, Arthur Vilakazi, Albert Sebola, Piet Mogano and a 17-year-old youth have all been charged with sedition, alternatively subversion, in contravention of the Internal Security Act.

Their counsel, M Wallis SC, argued that the charge should be quashed because none of the alleged offences in the indictment constituted sedition.

He submitted that even if it was found that the allegations did constitute sedition, the State had improperly combined a number of separate allegations of sedition into one charge.

Wallis argued that while it might not be necessary for violence to occur for an act to constitute sedition, it was nonetheless clear from earlier judgments that it was essential that there was something in the nature of a "tumult, insurrection against the State or the threat of a disturbance of the public peace".

"In this case," he said, "the indictment

Bid for sedition trial dismissal

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SUSAN RUSSELL

lacks any allegation at all of any of these and is, accordingly, in our submission, deficient."

Wallis argued that the main and alternative charges did not allege that any of the meetings in which his clients allegedly participated were seditiously unlawful or had a seditiously unlawful purpose.

Wallis argued that, in any case, neither the police nor the local authority in Alexandra embodied the sovereignty of the State for the purposes of the crime of sedition.

He said sedition had to be committed against the authority of the Government and not that of a person or other body.

Wallis said it was also a clearly established principle that where an accused person was charged with a number of offences of the same kind committed at different times, each offence should form a separate charge and not be combined in one count.

The trial continues today.

Court told of SAP threats

CAPE TOWN — A 26-year-old Langa man, on trial for terrorism with 14 others in the Cape Town Supreme Court, said yesterday he was threatened with neck-lacing, shooting and stabbing if he did not co-operate with police.

Mr Thembikosi Theophilus Mzukwa was testifying in a trial-within-a-trial on the admissibility of a statement made to a magistrate the day after his arrest.

Mr Mzukwa is alleged to have planted a limpet mine at Langa police station and thrown handgrenades at the police station and at a Caspir in 1985.

He said yesterday that after being taken from his home on May 25 last year he took policemen to Langa Sports Stadium, where they found two limpet mines.

He said he had agreed to take the policemen to the stadium because "they were quite desperate and angry and the firearms were pointing at me."

Mr Mzukwa claims that while he was being taken to security police offices at 112 Loop Street the following day, a policeman called Nortje told him they would "necklace" him and dump his body at Crossroads if he "did

not co-operate or tried to be funny or play tricks".

Mr Mzukwa also said that when he got to Loop Street his hands were handcuffed behind his back to a chair and he was punched and slapped by a W/O Nel as Nortje questioned him.

Mr Mzukwa said he had asked to see a lawyer but was told he could not until he had appeared in court. He said he did not know he was entitled to refuse to answer questions.

He said he had denied being assaulted or threatened when speaking to a magistrate, Mr Richard Peckham, because he was afraid of what the police would do to him when he was taken back to Loop Street.

The trial continues today.

● The SAP in Pretoria reports that last week a suspected terrorist was arrested at the Cape Town terror trial of Lizo Bright Ngqungwanaka and 14 others. — Sapa

The accused, who have pleaded not guilty to terrorism are: Mr Lizo Ngqungwana, 24, Mr Thembikosi Mzukwa, 22, Mr Joseph Ngoma, 26, Mr Temba Tshibika, 38, Mr Sazi Veldtman, 32, Mr Mthetho Myanya, 35, Mr Joseph Mkhulhwa, 30, Mr Anderson Neivata, 27, Mr Reed Macozoma, 28, Mr Quentin Michels, 24, Mr Cecil Esau, 32, Mr Neville van der Rheede, 26, Mr Gladwin Mabengeza, 30, Mr Cyril Ntabeni, 30 and Mr Norman Macanda, 29.

RESIDENTS 'TRICKED'

By MANDLA NDLAZI

THE residents of Evaton lost their rights to own land when they were "tricked" by councillors who backed the replanning of the area, a witness told the Delmas treason trial yesterday.

The witness, Mr Gcina Malindi, said the government's policy was that blacks should not be given rights to own land and this was perpetuated by the councillors in Evaton.

Mr Malindi (26) was giving evidence in his defence. He is one of the 19 men facing high treason charges, alternatively terrorism, subversion and murder appearing before Mr Justice K van Dijkhorst and an assessor.

The State alleges they

committed the crimes during the outbreak of unrest in Vaal Triangle townships in September 1984.

They have all pleaded not guilty.

Cross examined by the prosecutor, Mr P Jacobs, he said he went to a meeting at a Roman Catholic Church on August 26, 1984 to give solidarity to the people of Evaton and support them in their fight against the replanning of the township.

Land

Councillors said the area was being replanned while residents actually lost their land in the process, said Mr Malindi.

He said he knew of

residents who lost their property rights but could not remember the names. He said some sites were sold by councillors to the Sebokeng Administration Board without the knowledge of the owners.

Mr Malindi said some residents remained on the sites not knowing that they had lost them to the board. He said he knew that the Sebokeng Administration Board wanted to replan Evaton but the residents were not happy about it because they knew they were going to lose their freehold rights in the process.

Mr Malindi said there was no need for the replanning of the area, but a great need for

installation of electricity and a better sanitary system.

He said his parents moved from a farm in the Free State. His father worked in Johannesburg where he stayed with relatives. His mother was a domestic who stayed at her place of employment.

Mr Malindi said his parents later moved to Evaton for accommodation. Like many other families, he said, his parents did not get permission to stay there. This was a problem still facing many blacks, he said.

Brought

Mr Malindi said, like his parents, a great number of black families moved away from the farms because of the drought and lack of work, and into the towns and cities for work, and better accommodation.

He said some property-holders in Evaton refused to allow families to build shacks on their land. Those who agreed found their land crowded and there was no proper sanitary system.

Mr Malindi agreed with the prosecutor that people of Evaton wished to live in a better environment with better houses, but not to be stripped of their freehold rights.

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Evaton
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'Victim' arrested, court told

Court Reporter

POLICE "bust" into a hall in which a man was being sjambokked during a "people's court" and arrested him along with the people who had beaten him, a Wynberg Regional magistrate heard yesterday.

The alleged victim, Patrick Kali, who is presently serving a jail term, was giving evidence in the trial of 21 people charged with sedition in that they held a "people's court" in June last year and assaulted Kali and Mr Samuel Zantzi.

All the charges were withdrawn against Mr Peter Menye, Mr John Davids and Mr Gilbert Bala.

Patrick Heyana was earlier during the trial convicted of possessing a firearm and six rounds of ammunition after he pleaded guilty to the charges, which were withdrawn against all the others.

The hearing continues today.

Mr J D Huggett was the magistrate. Mr N C Erasmus prosecuted. Mr de Lange, Mr J C Marais instructed by E Moosa and Associates and Mr L Padayachi appeared for the 21.

'incident'

n kicked the door down and policemen who had sjamboks, in and a dog, and a man in a gas mask on his face into the library.

policemen then ran up the gallery where students study. I then heard a bang and a student started screaming, a student then came running up the steps with a policeman on his back, but he got away.

policemen walked up and the gallery banging on the doors with their sjamboks telling them 'we will fix you'. They seemed to know where they were going.

Nusas

SOS to

Matie

profs

JOHANNESBURG. — The National Union of South African Students yesterday challenged academics at the University of Stellenbosch to condemn the university's ban on Nusas.

This week the acting rector of the university, Professor Roux de Villiers, temporarily suspended the activities of Nusas and the Black Students' Organization of Stellenbosch (BSOS) after an incident at a meeting they arranged last Friday.

A scuffle broke out on campus when a security policeman tried to arrest a member of the SA Railways and Harbours Workers' Union who was addressing the meeting.

Nusas president Mr Steve Kromberg said the ban came at a time when it was essential that white South Africans listened carefully to the aspirations of the non-racial progressive movement.

"In enacting the ban the administration has shown they are prepared to act as a branch of the Nationalist government and the SAP, and are enforcing their own state of emergency on campus."

Police said they would necklace me'

Supreme Court Reporter

POLICE threatened to "necklace" one of the 15 men charged with terrorism if he did not co-operate or "try to be funny", the Supreme Court heard yesterday.

Mr Thembinkosi Mzukwa, 26, was giving evidence in a trial within a trial on the admissibility of a statement made to a magistrate the day after his arrest on May 25 last year.

Mr Mzukwa said that while he was being taken to security police offices at 112 Loop Street, a policeman called Nortje told him they would "necklace" him and dump his body in Crossroads, "so it would not appear this had been done by police".

He said Nortje also threatened to shoot him and dump his body in a river and to stab him and dump him in Crossroads if he "did not co-operate" or "try to be funny or play tricks".

He was also told police knew he had a lung damaged by TB and he "would not be able to endure being tortured for 24 hours".

When he got to Loop Street, a conversation in Afrikaans between two policemen — one Nel and another — "made me shiver", he said.

Nel was asked: "Where is the other boy?" He answered: "We took him to hospital for an X-ray."

"His head?" asked the unknown policeman. "Yes," Nel replied. "And this one?" Nel was asked.

"He'll get the same thing if he doesn't want to talk," Nel replied.

Punched and slapped

Mr Mzukwa's hands were handcuffed to a chair behind his back and he was punched and slapped by Nel who prowled up and down behind him as Nortje questioned him.

He asked to see a lawyer but was told he could not till he had appeared in court. He said he did not know he was entitled to refuse to answer questions.

He consented to make a statement to a magistrate, thinking he could tell the magistrate about being assaulted, but "gave up hope" when he saw Nortje pick up a phone and ask to speak to the magistrate.

Hope faded further when Nortje warned him that if the statement he made to the magistrate did not satisfy police they would tear it up and "do something about me".

He said his mind was not set at rest when the magistrate told him: "You have nothing to fear and can elect to speak frankly."

"I don't see much difference between magistrates and policemen. All these people are working for the government," he said.

Mr Mzukwa said he was also assaulted when he was arrested and had guns pointed at him while he was in a police van.

He agreed to take police to the Langa stadium where they found two limpet mines because "they were quite desperate and angry, and since guns were pointing at me".

The trial continues.

Mr Justice H C Nel presided with Mr L P Francis and Mr W R Vivier as assessors. Mr W C Viljoen appeared for the State with Mr M Stowe. Mr D A Kuny SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E Moosa and Associates and R Vassen and Co, appeared for the defence.

Suspect arrested at ANC trial

Call Time 24/4/87 Staff Reporter

33

A SUSPECTED guerilla was arrested last week at the trial of Mr Lizo Bright Nqungwana and 14 others in the city, according to police in Pretoria.

A statement to Sapa yesterday said: "On Thursday, 23 April, whilst the case was in progress an observant member of the Security Branch noticed a suspicious black male at court.

"After apprehension and further investigation it was established that he is a suspected terrorist."

Asked to elaborate last night, Colonel Steve van Rooyen, of the Police Directorate of Public Relations in Pretoria, said the man was being held under Section 29 of the Internal Security Act and that he had been arrested outside the courtroom.

He declined to comment further.

Discharge plea by terror accused

Dispatch Reporter

BISHO — The State will reply tomorrow to the application made by the defence counsel for the discharge of four people, including a Border region United Democratic Front (UDF) executive, standing trial for terrorism and for taking part in activities of an unlawful organisation.

On trial before Mr Justice B Pickard are the former Fort Hare University lecturer and Border branch executive of the UDF, the Rev Arnold Stofile, Mr Nelson Dlele, Mr Michael Stofile, Mr Gladwell Gqibitole and Miss Nomvuyiso Stofile.

They have all pleaded not guilty to the charges.

Mr W. M. Friedman,

for the defence, submitted in his application that there had been no evidence suggesting conspiracy among the accused.

Mr Friedman also applied for the acquittal of Miss Stofile who is charged with harbouring or failing to report a suspected terrorist during July and October last year.

Dealing with that charge, the defence said there was no evidence produced against her. The only evidence was that she had been "visited" by a Mr Grootboom.

There was also no evidence that she lived with Mr Dlele.

Mr Friedman added that there was also no evidence against Miss Stofile that she knew

there was a limpet mine in her room. Therefore she should be discharged, he said.

In his application, Mr Friedman said there was no evidence of conspiracy, acts of violence or threats in connection with Mr Dlele.

Asking the court to find the accused not guilty on the main count of terrorism, he stressed that there had been no acts of violence whatsoever.

There had also been no evidence that arms had been used or threats made.

The defence said despite the evidence that Mr Dlele had been found in possession of a Makarov pistol there was no evidence that he had used it.

Mr Friedman main-

tained that there had been no conspiracy between Mr Stofile and Mr Dlele despite the fact that there had been discussions between them and Mr W (a witness who was not identified any further) for safe accommodation.

Mr Friedman said the only evidence relating to Mr Gqibitole was about the finding of an arms cache and there was no evidence linking the other accused.

He said Mr Stofile should be discharged on the charge of being found in possession of a limpet mine as there was no evidence against him.

There was also no evidence produced that Mr Gqibitole was found in possession of arms near Alice, he said.

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DD 30/4/87

M-Plan linked to Pretoria people's court

By THAMI MKHWANAZI

A POLICE expert on the African National Congress told the Pretoria Regional Court last Friday that the ANC had set up seven people's courts in Atteridgeville based on the Mandela Plan.

The state witness, Lieutenant HJ Prinsloo, testified before Mr GJ Jordan, in the Atteridgeville People's Court trial in which Helen Rashapule (23) and four minors are charged with furthering the aims of the ANC by setting up a people's court in Atteridgeville, conspiring with the ANC to overthrow the state, and engaging in terrorist activities by intimidating people to participate in people's courts.

The accused, who pleaded not guilty, are facing alternative charges of kidnapping the "accused" to bring them to trial; extortion in making an "accused" compensate a complainant for broken spectacles; and assault with intent to do grievous bodily harm by threatening to sjambok the "accused" before the court.

Rashapule has been warned to appear in court on August 20 this year, and the minors were released into the custody of their parents.

Prinsloo testified that the Mandela Plan (M-Plan) was a communist-inspired structure imported from the Soviet Union. He handed a sketch of the M-Plan to court and explained how it worked.

Counsel for Rashapule, Advocate Mathole Motshekga, argued that the M-Plan was not communist inspired as it was based on a tradition whose chief exponent was the "father" of African nationalism, Anton Muziwakhe Lembede, and that Mandela merely translated the tradition into practice in the form of the M-Plan.

This, Motshekga argued, was in keeping with ANC policy of borrowing useful ideas from other ideologies in the development of indigenous structures of government. He pointed out that these structures were adapted to the needs of urban communities.

He added that the people's courts were not peculiarly South African, but also existed in states such as Zimbabwe and Mozambique, where they were established to counter official structures regarded as illegitimate because they were established against the will of the people.

KEEROM Street outside the Cape Town Supreme Court is turned into an armed camp daily for the arrival and departure of 15 men — including the alleged Western Cape commander of Unkhonto weSizwe — for trial on charges of terrorism.

The street is sealed off by armed riot police with dogs and a police helicopter escorts a convoy of police vehicles accompanying the prison van to and from Pollsmoor Prison.

Inside the courtroom, people in the public gallery stand when the prisoners enter the courtroom but remain seated during entrances and exits of the bench.

The 15 have pleaded not guilty to a main charge of terrorism and alternative charges of furthering the aims of the ANC. On the first two days of the trial they were compelled to wear leg irons, but now, after a protest, they sit in the dock unchained.

The gallery laughed on the first day of the trial when the bench asked about the relevance to the proceedings of a *Learn and Teach* magazine handed in as an exhibit, and the

The prisoners enter, and the spectators rise. The judge enters, and the spectators sit down

By SHAUNA WESTCOTT,
Cape Town

prosecutor replied: "It is part of the education of these sorts of people."

The magazine was among the documents allegedly found in the possession of Lizo Ngqungwana, accused of being the Western Cape commander of Unkhonto weSizwe.

According to the 43-page charge sheet, he is accused of having given political and military training to a number of ANC recruits, including most of his fellow accused, both inside

and outside the country, and to have controlled the import and distribution of arms and explosives for ANC guerrillas in the Western Cape.

A number of bombings are listed on the charge sheet.

Theminkosi Mzuka is accused of throwing a hand grenade which caused considerable damage to the Langa police station charge office on June 12, 1985, of planting a limpet mine on the police station's stoep, and of throwing a hand grenade at a

Caspir in Langa, and missing it. Joseph Ngoma is alleged to have

planted a limpet mine which destroyed a toilet at Mowbray Station last year.

Barely a week into the trial, allegations of police brutality are mounting in court. Ngqungwana says he was strangled with a belt, kicked and beaten with a gun butt when he was arrested. Silverstream High School teacher Quentin Michaels says he was given electric shocks while an inner tube was fastened around his nose and mouth. Railway worker Joseph Mkhulwa says he was punched, kicked, throttled, thrown against the wall and had his testicles squeezed when he was arrested in the middle of the night at the Langa single quarters.

Police witnesses have denied these allegations.

The trial, likely to continue for some months, is now focused on Mzuka, who is contesting the admissibility of a statement made to a magistrate the day after his arrest in May last year. He told the court police threatened to necklace him and dump his body in Crossroads if he "did not co-operate or tried to be funny".

'Mistakes' in Stofile charge sheet

IN a dramatic turn of events in the Bisho arms and terrorism trial of senior United Democratic Front officials yesterday the prosecution admitted they had made a mistake with the charges.

Their dramatic admission followed a defence application earlier in the day for the discharge of the first four accused with respect to the main count of terrorism and the alternate count of taking part in the activities of a banned organisation.

The four are the general secretary of the Border UDF, Rev Makhonkhesi Arnold Stofile, Mzwakhe Nelson Mdlela, Linda Michael Stofile, and

Mweleli Gladwell Gqibitole.

The accused are charged with contravening Section 1(a)(i) of the National Security Act of 1982 which alleges they committed an act of violence.

However Ciskei attorney-general Willem Jurgens, SC, who is prosecuting, asked that the charge sheet be amended. He told the court it should have read Section 1(a)(ii-iv). These sections deal with acts aimed at bringing about acts of violence.

By LOUISE FLANAGAN in Bisho

Defence counsel Mookie Friedman, SC, argued the original charge was substantially different from the amended charges. He said it was not merely a typing error, but a fatal mistake in *substantia*.

Jurgens argued that correcting the error did not change the allegations against the accused. But Friedman said if the allegations which accompany the charges did not substantiate the

charges, as is the case, then they are irrelevant.

Presiding judge, acting chief justice B de V Pickard reserved judgement until this morning on whether or not to amend the charge sheet.

Yesterday's defence application also asked that some of the 11 charges of illegal possession of arms and ammunition be dropped, and that the fifth accused, Nomvuyiso Stofile, facing a charge of illegally harbouring or failing to report a

suspected "terrorist", be discharged.

Jurgens at that stage said the state would make no concessions with regard to the main count of terrorism and its alternate charge, nor would concessions be made regarding the charge against Nomvuyiso Stofile.

The only concessions were in respect of some of the arms charges. Jurgens agreed to withdraw charges of illegal possession of limpet mines and AK-47 rifles against Rev Stofile, but not against Mdlela. A further charge of possession of a CZ pistol against Mdlela was also withdrawn.

— Elnews

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Cape Times, Thursday, April 30, 1987

'People's court' charge: 21 acquitted

TWENTY-ONE MEN who have been in custody for more than nine months, were yesterday acquitted in the Wynberg Regional Court of holding a "people's court" and assaulting two men whose evidence the court found was "totally unreliable".

The men were arrested in July last year and were all acquitted of sedition.

They were further acquitted of assaulting Patrick Kali, who is serving a jail term for another offence, and Mr Samuel Zantzi, who is in custody awaiting trial.

Twenty of the men were also acquitted on charges of illegally possessing a firearm and ammunition.

Patrick Heyana, 18, was sentenced to 18 months imprisonment, suspended for five years, for possessing a .22 calibre gun and six rounds of ammunition. He pleaded guilty to the charge earlier.

The other 20 are: Mr Moses Faku, Mr Aubrey Matrose, Mr Lulame Matabeni, Mr Thabo Mankwa, Mr Monde Bekwa, Mr Mongezi Mayata, Mr Willie George, Mr Shadrack Somo, Mr Michael Mankwa, Mr Patrick Ncapayi, Mr Solomon Nkomo, Mr James Mngqibisi, Mr Zangisele Mayekiso, Mr Patrick Eleke, Mr Getwa Pheni, Mr Bala Mfungusa, Mr Gilbert Bala, Mr Vuysile Mephi, Mr Peter Mankwa and Mr Ngeba Godwana.

The magistrate said he was satisfied that the evidence of Kali and Mr Zantzi was unreliable. He said it would be dangerous to come to a decision based on their evidence.

Mr J D Hugget was the magistrate. Mr N Erasmus was the prosecutor. Mr J H de Lange and Mr J C Marais, instructed by E Moosa and Associates and Mr L Padayachi, appeared for the 21.

Bing, wife, living on charity

LEEDS, England. — Sir Rudolf Bing, former director of the New York Metropolitan Opera, and his 77-year-old bride settled into a modest guest house yesterday to live on charity while a court fight over his fortune rages in the United States, a spokesman said.

His wife Carroll, a former geriatric nurse, said she and her 85-year-old husband intend to live "a peaceful and quiet life" in England despite orders by a New York judge that Sir Rudolf be returned to a hearing to determine the future of his estate.

The two were married in January but have been officially declared incapable of handling their affairs — including his fortune, estimated at about a million dollars. — UPI

peared respectively for Mr Buys and Mr Bester.

People's courts: 21 acquitted

Court Reporter

WYNBERG Regional Court today found there was "not a grain of evidence" to implicate 21 emergency detainees in people's courts and assaults in Guguletu and Langa last June.

The men, who pleaded not guilty, were acquitted.

They are: Mr Patrick Heyana, 18, Mr Moses Faku, 24, Mr Aubrey Matrosa, 21, Mr Lulama Matabeni, 21, Mr Thabo Mangena, 20, Mr Monde Bekwa, 18, Mr Mongezi Mavata, 26, Mr Vukile George, 18, Mr Shadrack Somi, 18, Mr Michael Mozulwano, 21, Mr Patrick Ncapaji, 24, Mr Solomon Nunu, 20, Mr James Mnjibisa, 20, Mr Zongezile Majekiso, 23, Mr Patrick Eleki, 26, Mr Getwa Pheni, 19, Mr Bala Mfungasane, 27, Mr Gilbert Bala, 35, Mr Nceba Jodwana, 22, Mr Vuyisile Mephi, 22, and Mr Peter Manja, 20.

Mr Heyana earlier pleaded guilty and was convicted of possessing an unlicensed firearm and six rounds of ammunition. He was sentenced to 18 months' imprisonment conditionally suspended for five years.

"WEAK, UNRELIABLE"

The rest, who have been in detention under the emergency regulations since July last year, were released.

The magistrate, Mr J D Huggett, said the court's opinion was that the State witnesses were "absolutely weak, unreliable and utterly untrustworthy".

"In the case of Mr Samuel Zantzi, the court had to deal with a man who had hallucinations and didn't know what was going on at the time of the alleged offence. As far as Mr Patrick Kali was concerned, there was no description of court proceedings, nor any notes taken, nor any indication that the accused were guilty of taking the law into their own hands."

Mr Huggett said Mr Kali's evidence was contradictory and the court could not accept his explanation of why he waited three weeks before laying charges of assault.

Mr Huggett said that in neither case was there medical evidence of injury to two witnesses.

The men were arrested with 31 others on charges of conducting people's courts and assault. All have been released either because of insufficient evidence or the State's inability to trace key witnesses.

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NEWS 30/4/87

Campus protest: Early hearing for 18 UCT students

By GILL TURNBULL
and REHANA ROSSOUW
Staff Reporters

THE Wynberg Magistrate's Court convened half an hour early today for the appearance of 18 University of Cape Town students arrested during a protest on the campus on Tuesday.

The proceedings went ahead without the students' attorney, Ms Andy Durbach, who said she was not told about the earlier start.

When Ms Durbach entered the court she was told by the magistrate, Mr P Engelbrecht, the matter had been finalised.

The students appeared in connection with an alleged gathering but were not formally charged and were released on R50 bail each. The case was postponed to June 3.

The students are Tanya Hagen, 20, Jacqueline Basson, 22, Nicola Kench, 20, Anthony Karon, 26, Claus Preisen, 33, Mathew Slavon, 20, Chaum

Field, 26, Eugene Dreyer, 24, David de Villiers Schmidt, 27, Ephrain Jané, 27, Nathan Dyantyisi, 21, Theofrastas Tzouvelekis, 21, Andrew Wheelton, 22, Kevin Lester, 21, Jonathan Burns, 19, Franklin Opperman, 21, Mahmoud Obray, 23, Kashif Marcus, 24.

Ms Durbach said afterwards she saw her clients under "the most bizarre" circumstances.

"At 8.40am I entered the court to find all my clients in the dock. The magistrate said the matter had already been finalised."

Ms Durbach said she asked what was happening and Mr Engelbrecht replied that the court sometimes started earlier.

"He told me that it was in the interests of the accused, who were in a hurry to get home, that the case was heard earlier.

"If I had not arrived early

(Turn to Page 3, Col 5)

NEWS 30/4/87

UCT students

(Cont. from Page 1)

they would not have been represented at all.

"I was also told that the magistrate was an electoral officer and that was the reason for the rush," she said.

At 8.50am a court orderly came into the corridor where friends and journalists were waiting to be let into court.

"The accused have been given R50 bail and the case has been postponed to June 3," he said.

Another police officer said: "I don't want any more of you students coming up here."

One of the students, Mr Tony Karon, said they were bewildered when they entered an empty court room.

"We got the impression that they had made an arrangement with our lawyer to push the case through in a hurry," he said.

There was a large police presence both inside and outside the building.



Picture: DANA Le ROUX, The Argus

ON BAIL: Nicola Kench is greeted by friends after appearing in court with 17 other students today.

'I helped my son'

30/4/87
MARITZBURG. — Mr Derrick McBride, 53, father of convicted bomber Robert McBride, admitted in the Supreme Court here yesterday that he helped his son spring suspected terrorist Mr Gordon Webster from under police guard in Edendale Hospital.

Mr McBride said he had not known his son was an ANC member until the day of the springing, May 4 last year.

His son had said he had heard of plans to kill Mr Webster because if he "talked" he would implicate others, "including Robert".

Mr McBride said he was reluctant to go on the mission because he had withdrawn from active politics.

Mr McBride said he agreed to help after his son convinced him no force would be involved.

Counts against Mr McBride include a count of murder. — Sapa

Magistrate slates police witnesses

By ANDREW DONALDSON

THREE Zwelethemba residents were acquitted of public violence in the Worcester Regional Court this week after the court found that the state's case against the accused "appeared to be fabricated" by members of the police.

In his judgment on Tuesday, the magistrate, Mr A P Kotze, said that during the course of the trial he had noticed several policemen, all State witnesses, conferring with each other in the court passages and reading each other's statements, apparently to strengthen their evidence.

He criticised their actions as being "certainly not in the interests of justice".

Contradictions

Even so, there were several "material contradictions" in their evidence, Mr Kotze said.

The charges against Mr Holiday Louw, 49, Mr Lawrence Louw, and a 16-year-old youth arose from an incident in Thusa Avenue, Zwelethemba, on May 21 last year.

It was alleged that between 30 and 90 people built a metal barrier in the street and attacked a generator, as well as throwing stones and petrol bombs.

Police, responding, claimed they fired 10 SSG shots into the crowd. No one was found hit or injured.

In addition, the youth — who may not be named — was also charged with assault with intent to commit grievous bodily harm after he allegedly attacked a police officer, Lieutenant H le Roux, with a knife.

All had pleaded not guilty to the charges.

Referring to his criticism of the evidence by the police, Mr Kotze said this was not levelled at the prosecutor in the case, Mr W B Badenhorst.

He strongly doubted the involvement of all three accused in the incident and said he was left with the impression that Lieutenant Le Roux, a chief State witness, had attempted to "press his stamp" on other police witnesses, before they testified, to strengthen his (Lt Le Roux's) evidence.

"Their evidence teems with contradictions and improbabilities."

Mr R W McLachlin, of Conradie and Partners, of Worcester, appeared for Holiday and Lawrence Louw, and Mr M A Albertus, instructed by Y Ebrahim and Company, appeared for the youth.

ARGUS 31/3/87

NATIONAL/INT

ANC man had sensitive information, court told

The Argus Correspondent

MARITZBURG. — The alleged Magoo's Bar bomber said in the Supreme Court here that he had decided to free an ANC man because he had sensitive information and because they were long-term friends and comrades in "the struggle".

Mr Robert McBride, 23, told the court about his decision to free ANC commander Mr Gordon Webster from police guard in the Edendale Hospital.

Mr McBride and Miss Greta Apelgren, 30, are appearing before Mr Justice Shearer and two assessors

They face four charges of murder — three related to the bombing at Magoo's Bar on Durban's beachfront last year — and charges of attempted murder and terrorism. Some charges are related to the freeing of Mr Webster.

ARMS CACHES

Mr McBride said yesterday that Mr Webster, who has given evidence before a London commission for use in the trial here, had probably been involved in ANC activities which he did not know about.

Mr Webster might also have known about arms caches and had been one of the ANC's links with the world.

Mr McBride said Miss Apelgren had not known that Mr Webster was to be sprung from the hospital, although she had gone on the mission.

Mr McBride said he bought the car used to blast the Parade Hotel with money the ANC had given to him to "compensate" the girlfriend of a man shot by the police.

Mr McBride was being cross-examined by prosecutor Mr Ian Slabbert SC.

Mr McBride said he was so enraged when he heard about the declaration of the state of emergency that he decided to make a form of violent protest. He was acting on his own behalf when he decided to make a car bomb.

He said he had initially intended to "flatten" the House and Home Hyperama, causing as much damage as possible. However, his accomplice, Mr C, had persuaded him to bomb a target on the Marine Parade.

Mr Justice Shearer asked if he had intended doing as little damage to people as possible when he decided to attack the Hyperama.

Mr McBride said he had not thought about damage to people at the time.

Mr Slabbert said that anybody walking past the building at the time would most probably have been killed.

Mr McBride agreed.

He said that he and Miss Apelgren had smuggled Mr Webster and a woman to Botswana in a caravan after springing him from hospital.

The trial continues today.

TO TALITARIANISM — POLITICAL TRIALS

1987

MAY — JUNE

Cape Times 1/5/87 (331) (286)

Faction fight: 271 appear

DURBAN. — Dundee Magistrate's Court was crowded by 271 men facing faction-fighting charges yesterday following a mass arrest in the Helpmekaar area in January this year. M.J.W. Roos, prosecuting, said the men were all remanded till July 23 pending a decision from the Attorney-General.

Detective Sergeant Kupeni at 97-7451

Call 7/1/81 1587 (331)
Terrorism trial

BISHO. — Mr Justice Benjamin Pickard yesterday granted an application by the State to amend the main count in the terrorism trial held at the Bisho Supreme Court. The amendment was made in the trial of the Rev Arnold Stofile, Mr Nelson Ndela, Mr Michael Stofile, Mr Gladwell Gqibitole and Miss Nomvuyiso Stofile. They are facing charges in terms of the Ciskei National Security Act and have all pleaded not guilty.

WESTERN CAPE

News 11/5/87

Paying a debt to society

IF a person convicted of a crime is not a danger to society, it makes sense to allow him to pay for his misdeed by serving the community, instead of sending him to prison to be exposed to contamination and alienation at the taxpayer's expense.

This is the concept of community service as an alternative to prison, which has been ordered in about 300 court cases in Cape Town since Nicro launched a pilot project in 1980.

Nearly 200 men and women have completed their service in this period, and 29 are doing it at the moment.

As a result of the project's success, community service orders have been introduced on a small scale in other regions and the local branch of Nicro is drawing up guidelines for other branches.

Nicro doesn't claim a fairytale success rate with community service. In fact, about a quarter of offenders sentenced in this way are referred back to court because they don't fulfill the conditions of regular attendance: being sober, punctual, co-operative and responsible.

Because a community service order is always made in conjunction with a suspended or post-

THE recent sentencing in the Supreme Court of four public violence offenders to weekly community service for two years — the first public violence sentence of its kind — attracted attention in legal circles. But community service as an alternative to imprisonment was the focus of a pilot project launched by Nicro (National Institute for Crime Prevention and Rehabilitation of Offenders) in Cape Town in 1980. As a result, community service has gained acceptance, although Nicro would like to see it used more widely. SUE LUPTON spoke to Linda Christiansen, Nicro's Western Cape director, and Isabel Hancock, a senior social worker responsible for co-ordinating community service orders:

poned sentence, the court then has the option of sending the offender to jail, or giving him another chance at the service.

Community service has numerous benefits — not only is the offender able to remain in his family and continue working, but he does not have to face readjusting to society.

He repays society by giving unpaid service and he benefits from appreciation, which boosts his self-esteem and confidence. Low self-esteem is almost always one of the reasons why he became involved in crime.

But it is not a "soft option" — the maximum sentence recorded is 1 664 hours' service, the equivalent of one eight-hour working day a week for four years.

By trial-and-error, Nicro drew

up a programme to be followed before a community service order is imposed.

● When a judge, magistrate, social worker or lawyer suggests that community service may be appropriate, a report is requested on the suitability of the person.

● The probation officer — a member of a State welfare department — investigates;

● A panel discussion, involving the Nicro community service supervisor, the probation officer and the offender is held to assess if the offender is suitable;

● A suitable placement is found;

● Community service is recommended to court;

● The judge or magistrate accepts or rejects the recommendation.

During this process, candidates are screened carefully. The minimum age is 15 and only those with stable accommodation and employment are considered suitable.

Usually unsuitable are mentally disturbed offenders, drug-addicts and sexual or violent offenders.

It is essential that the offender is willing and motivated to do community service.

Great care is taken in finding a placement where the offender will fit in and be able to make a contribution. The offender's interests and where he lives are also taken into account.

A person is never sentenced to community service a second time. If he commits another crime, it is clear that the objec-

tive of the sentence — to rehabilitate — has failed.

Community service orders are most often imposed for drunken driving offences.

Other crimes for which it has been used are stealing, drug offences, culpable homicide, fraud and assault.

A community service order is always made with the involvement of a probation officer whose task is to encourage, counsel and supervise.

Nicro's function is co-ordinating: matching the offender to the "placement agency" where the service is performed and making sure it is performed efficiently and honestly.

Most of the "placement agencies" where offenders perform their service are welfare organisations which need voluntary workers.

Institutions and clubs for the physically or mentally handicapped, hospitals, municipal cleansing departments and children's homes are among the organisations which provide opportunities.

Amendments to charges against terror accused

BISHO — Mr Justice Benjamin Pickard yesterday granted an application by the state to amend the main count in the terrorism trial being held in the Bisho Supreme Court.

The amendment had been requested by the prosecutor, Mr W. F. Jurgens, after the state had closed its case.

The application followed a request made by the defence, Mr W. M. Freedman, for the discharge of four accused on the main count of terrorism and the alternative count of taking part in activities of an unlawful organisation.

The defence submitted in its application there had been no evidence suggesting conspiracy among the accused.

Mr Freedman objected to the amendment requested by the state on the main count on the indictment, arguing that it would prejudice the accused.

After a lengthy address by Mr Justice Pickard the amendment was granted by the court for sections of the Nat-

ional Security Act.

The court found it was satisfied the accused knew "all along" of the allegations against them.

The amendment was made in the trial of Reverend Arnold Stofile, Mr Nelson Ndela, Mr Michael Stofile, Mr Gladwell Gqibitole and Miss Nomvuyiso Stofile.

They have all pleaded not guilty.

The trial will continue on Monday.

Miss Stofile's R500 bail was extended, while the others were remanded. — Sapa

Cap & Tm
2/15/87
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ABC-TV men freed on R500 bail each

Staff Reporter

TWO American Broadcasting Corporation (ABC) journalists arrested at the University of the Western Cape (UWC) on Thursday were released on R500 bail each yesterday while charges against them under the emergency regulations are investigated.

The two men, cameraman Mr Henry Bautista, 33, of Johannesburg, and soundman Mr Willem Pretorius, 36, of Gardens, appeared before Bellville magistrate Mr D H Cronje yesterday on an urgent bail application.

The application was not opposed by prosecutor Mr B R Buys.

Mr Gordon Rushton, who represented the two men, said charges under regulation 2 (1) (relating to being present at the scene of unrest or security action) and regulation 4 (1) (relating to taking photographs of unrest or security action) were being investigated.

The men also face a charge of attending an illegal gathering.

The newsmen were arrested at UWC following a May Day rally.

The docket will be sent to the Attorney-General, who will decide whether to prosecute.

Mr Bautista and Mr Pretorius are to appear in court on Monday.

Their release after spending a night in the Bellville police cells followed a protest by ABC president Mr Roone Arledge to US Secretary of State Mr George Shultz.

□ Six UWC students who were arrested on campus on Thursday also appeared before Mr Cronje yesterday and were all released on R150 bail each.

The six, Mr Sindile Gocini, 22, Mr Trevor Davids, 19, Mr Gavin Brandt, 20, Mr Thamsanqa Cubungu, 18, Mr Nkosinathi Gulwa, 19, and Mr Mario Cader, were warned to appear on Monday.

Doctor tells of patients of apartheid

By S'BU MNGADI

BEFORE Dr Vejanand Ramlakan was convicted - with eight others - of terrorism in the Maritzburg Supreme Court this week he left no stone unturned in exposing apartheid's effect on the health of South Africans.

Conducting his own evidence in mitigation earlier in the trial, Ramlakan, 29, said while lecturing in anatomy at Natal University's medical school, he had worked part-time at King Edward VIII Hospital, where he had witnessed apartheid in action.

He said that, due to the tremendous shortage of beds, seriously ill patients often lay on, between or even under the available beds.

Ramlakan told the court that the hospital - the second largest in the southern hemisphere - was prevented from expanding because it was a black hospital situated in a white residential area.

"Patients have to stand in a queue for up to 14 hours before they are seen by a doctor. Then all they are offered is treatment for their most immediate physical problems. I found myself having to ignore people in need of help because there were others who were about to die. Sometimes I even had to choose who should be allowed to die because of inadequate staff," he said.

He added that the root cause of all this misery was apartheid and the institutionalised violence of apartheid.

Ramlakan told the court he believed violence was morally justifiable: "We are fighting for our lives, for a better quality of life and the right to be treated as decent human beings," he said.

He said that he had come to realise apartheid and good health could not exist side by side. While whites in this country suffered from diseases caused by affluence -

such as heart disease - blacks died of malnutrition and other socio-political diseases related to inadequate housing, lack of basic sanitation and water.

An average of 282 out of every 1 000 black babies born never saw their first birthday, while only between six and 22 white babies in 1 000 died before they turned one.

Ramlakan and another ANC insurgent, Sibusiso Ndlanzi, 30, were sentenced to 12 years' imprisonment.

Dr Sibongiseni Maxwell Dhlomo, 27, and Vusimuzi Mahlobo, 28, were sentenced to 10 years; Ordway Msomi, 21, and Mapirkie Aaron Dlomo, 33, were sentenced to nine years; Mafo Nguxu, 30 and Malusi Majola, 21, were sentenced to eight years and Jude Francis, 23, to six years' imprisonment.

CP Correspondent

A STATE witness in the arms and terrorism trial of UDF official, Rev Arnold Stofile, this week found herself charged with perjury, released on bail, immediately re-detained and then released.

The witness, who may not be named in terms of a court order, appeared in a Zwelitsha court after denying the contents of a statement she had made earlier to the police.

According to the charge sheet on Stofile and his four co-accused, she was alleged to have been trained in the handling of an AK 47, a Makarov pistol and limpet mines by one of the accused, Mzwakhe Nelson Ndlela. Stofile allegedly introduced her to Ndlela so that she might be trained.

When she was called to the stand last Friday she refused to give evidence, but was given the weekend to think about her position.

On Monday she told the court she was ready to proceed with her evidence, but

A week of confusion for witness

denied she had ever seen or handled the weapons.

She conceded that this evidence contradicted a statement she had made to police implicating the accused, but said the statement was false and that she had only made it after being assaulted by police.

She then described in detail how policemen had held her down and assaulted and tortured her.

"All the time they shouted allegations that I met two - as they said - terrorists at Rev Stofile's place. I could not sustain the assaults and was forced to acknowledge some of the allegations because I knew

they would only stop if I admitted them," she said.

The following day, she appeared in a Zwelitsha court on charges of perjury - for making two conflicting statements under oath - and was granted R1 200 bail.

But, on paying bail, Ciskei Security Policemen re-detained her. Then, that afternoon while lawyers were preparing a court application for her release, she was released.

Meanwhile, the state closed its case against Stofile, and the defence announced it would apply for a number of charges to be withdrawn. - Elnews.

Court hears Mandela testimony

By SIBU MNCADI

JAILLED ANC leader Nelson Mandela retold the events leading up to the ANC's adoption of armed struggle in 1961 during an interview with Allan Magid SC, defence counsel for nine Durban men convicted of terrorism.

Initially an application to subpoena the jailed leader to testify in mitigation of the sentence was launched.

The application was made by self-confessed ANC Umkhonto we Sizwe commander Sibusiso Ndlanzi, who said Mandela's evidence was necessary and material to the determination of a proper sentence.

However, the application was dropped and Magid was given permission to visit Mandela instead.

Magid told the Maritzburg Supreme Court of his interview with Mandela following his weekend visit to Polismoor Prison.

He told how Mandela said he had helped draft two letters in 1952 - on behalf of the ANC and the SA Indian Council - which were sent to then Prime Minister DF Malan in which they requested a round table conference to discuss major problems.

Their request was refused.

In 1957, Mandela claimed that a letter from ANC leader Chief Albert Lutulu requesting a meeting with

DPSC welcomes court's decision

By SANDILE MEMELA

THE Detainees' Parents' Support Committee has welcomed the news that the Durban Supreme Court has upheld its application to declare the April 10 regulations banning calls and actions for the release of detainees invalid.

The challenge to emergency provisions - which

prohibited campaigns for the release of detainees - came in the form of an urgent application brought by the Durban DPSC, the Release Mandela Campaign and the Black Sash.

In a statement to *City Press*, the DPSC said: "We are naturally pleased."

"However, we are under no illusions about the utility

Prime Minister JG Strydom to discuss the deteriorating situation in the country was ignored.

It was then resolved at a conference in Maritzburg on May 25, 1961, that a three-day stay-at-home protest would be staged unless the government held a national convention to draw up a democratic constitution.

A letter to this effect was sent to the government, but

mate intentions of the government to suppress all forms of protest against its policies."

The statement continued that the case had been just "one round in the struggle to keep the voice of protest alive and we cannot rest until all the repressive measures of security and

banishment. The DPSC also repeated its demand for the release of all the government's opponents and critics from detention, and the lifting of bannings, restrictions and

was again ignored.

"Mandela said the African people were warned not to congregate and form crowds but to remain peacefully in their homes," said Magid.

The day before the stay-at-home was to begin on May 29, members of the SADF moved into the townships in

force. The following day members of the SAP followed suit. They entered people's homes and in many cases assaulted the African men and "carried them off to work".

That night Mandela called off the stay-at-home because he did not wish to expose the people to more violence. Following this, in June 1961, Mandela suggested at a meeting of the national executives of the ANC, SAIC, Congress of Democrats and the SA Congress of Trade Unions that the policy of non-violence be abandoned.

The defence counsel said Mandela told him he also mentioned that loyal members of the ANC were disenchanted with the policy of non-violence. Many of these were inexperienced and the ANC would be better able to control them and discipline them than if they were left to their own devices.

Mandela's suggestion was not accepted, but he was granted leave as an individual to form a separate group which was permitted to use violence as a form of opposition to the government.

He and other ANC members then formed what is now the ANC's military wing, Umkhonto we Sizwe.

Later that year, in November 1961, the ANC adopted Umkhonto we Sizwe as its own offshoot.

TV crew, students in court again

Tygerberg Bureau

TWO ABC television newsmen and six students from the University of the Western Cape have appeared briefly again in the Bellville Magistrate's Court in connection with charges of taking photographs of and taking part in an illegal gathering.

The newsmen, Mr Henry Peter Bautista, 37, of 2 Hollywood Drive, Northcliff, Johannesburg, a British citizen, and Mr Willem Jacobus Roeland Pretorius, 33, of 39 Glynn Street, Cape Town, were told today to appear on June 22 pending further investigations. Their R100 bail was extended.

They face charges of unlawfully photographing an illegal gathering and police action.

The six UWC students, who face charges of attending an illegal gathering, are Mr Trevor Davids, 21, of 11 Koeberg Street, Belhar; Mr Gavin Brand, 22, of Mangold Street, Uitsig; Mr Sindili Gocini, 20, of NY 69, Room 21, Guguletu; Mr Thamsenga Lubungu, 20, NY 83, No 36, Guguletu; Mr Nkosinath Guka, 20, of Zone 5, Number 32, Langa; and Mr Mario Cadir, 20, of 8 Hercules Street, Bellville South.

They were not asked to plead and the hearing was postponed to June 8 pending further investigation. Bail of R150 each was extended.

Residents 'betrayed'

A DELMAS treason trial-ist told the court that he called councillors "sell-outs" because they betrayed the residents.

Mr Gcina Malindi was giving evidence in his defence and the judge wanted to know in what context he used the word "sell-outs".

Mr Gcina, who is under cross-examination, said he called the councillors "sell-outs" because they betrayed the residents for money and other rewards.

He said these men knew that the councils were not effective but they got into the system for gain. They were being paid and also in a position to get businesses of their choice and received bribes.

Mr Malindi (26) is one of the 19 men appearing before Mr Justice K van Dijkhosrt and an assessor on charges of high treason, alternatively terrorism, subversion and murder.

Offences

The State alleges that they committed the offences during the outbreak of unrest in Vaal Triangle townships on September 1984. They have all pleaded not guilty.

Cross-examined by the prosecutor, Mr P. Jacobs, Mr Malindi said he proposed at a meeting on August 26 1984 that the resolutions made at a previous meeting should be adopted. The resolutions were

that the councillors should resign and that their businesses should be boycotted if they did not resign; that the rent increases should not be paid and that there should be a stayaway on September 3 and residents should attend protest rallies.

(Proceeding)

331

Shaw
4/5/87

IN COURT THIS WEEK

ANC trialist 'assaulted in back of police van'

By BUYISWA HENENGA

ONE of the 15 alleged ANC guerillas facing terrorism charges told the Supreme Court this week he had been assaulted three times on the day of his arrest.

Mr Thembinkosi Mzukwa, 26, of Langa, was giving evidence in a trial-within-a-trial to determine the admissibility of a statement he made to a magistrate a day after his arrest in May last year.

Appearing with Mzukwa were Mr Lizo Ngqungwana, 26, Mr Malusi Ngoma, 26, Mr Temba Tshibika, 38, Mr Sazi Veldtman, 32, Mr Mthetho Myamya, 35, Mr Susele Mkhuhlwa, 30, Mr Zingesele Ncivata, 27, Zwelethu Macomoza, 28, Quenton Michels, 24, Mr Cecil Esau, 32, Mr Neville van der Rhee, 26, Mr Gladwin Mabengeza, 30, Mr Moyisi Ntabeni, 30, and Mr Siseko Macanda, 29.

All have not pleaded not guilty to charges of terrorism and furthering the aims of the ANC.

Asked by the prosecutor, Mr C Viljoen, why he had agreed to make the statement if the police had treated him so badly, Mr Mzukwa said: "Police can do anything to a person when they want something from the person."

He denied he had wanted to be a state witness.

"I was assaulted by more than one policeman when I was still at home. I could not see them because they were behind me.

He claimed he was also assaulted in the back of a police van when a Warrant Officer Nel hit him with an open hand.

Earlier Mr Mzukwa claimed he was shown a tyre and told he would be taken to Crossroads where he would be killed.

In earlier evidence, W/O H Nel denied that he had threatened or assaulted any of the accused.

Mandela submission heard

MARITZBURG. — Submissions by imprisoned Nelson Mandela on the ANC and violence were heard in a terrorism trial in the Supreme Court here before nine ANC men were jailed for up to 12 years.

The trial of Dr Vejayanad Ramlakan, Dr Sibongesini Dhlomo, and seven others has raised the moral issue of whether the struggle against apartheid justifies the use of force.

In sentencing the men to a total of 84 years in prison, Mr Justice Thirion remained unconvinced.

At first an application to subpoena Mr Mandela was made for one of the trialists, Sibusiso Ndlanzi, of Kwamashu.

Following discussions with Mandela at Pollsmoor Prison, however, it was decided that his submissions would be presented to the court by the defence counsel.

The court heard that Mandela had only turned to violence after repeated attempts to engage the government in negotiation were ignored.

Professor Du Toit of the University of Cape Town said violence by the ANC could be justified if it were politically motivated and all other options had failed.

Mr Justice Thirion felt the sentence should "express society's outrage at the spiralling political

violence in this country".

Ramlakan, 29, with Ndlanzi, 30, who the judge found had trained ANC recruits at the University of Natal's Allen Taylor residence, received the heaviest sentence of 12 years.

Durban doctor Sibongesini Dhlomo, 27, and factory worker Vuzumuzi Mahloho, 28, were jailed for 10 years.

Ordway Msomi, 21, arrested while he was still in his matric year in school, and Mapiki Dhlomo were sentenced to nine years for possessing and handling arms.

For receiving training in the use of explosives Bafo Nguqu, 30, and Malusi Majola, 21, were jailed for eight years.

University student Jude Francis, 23, received the lightest sentence of six years. — Press Trust

Doctors 'chose who would die'

MARITZBURG. — Doctors at a Durban hospital chose which patients would live or die, terror trialist Dr Vejay Ramlakan said in mitigation in Supreme Court here.

He said this was because of a severe shortage of staff and beds at the King Edward VIII Hospital in Durban where he worked.

Seriously ill patients were accommodated between and even under beds.

The hospital was prevented from expanding because it was a black hospital

in a white residential area and "facilities there have been regarded as temporary for the past 25 years".

"Patients have to stand in a queue for up to 14 hours before they are seen by a doctor. I found myself ignoring men, women and children in need of help because there were others about to die.

"Sometimes I even had to choose who should be allowed to die because of inadequate staff."

He did not believe his membership of the ANC conflicted with the Hippocratic oath he had taken. — Press Trust.

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Sent 29/4-5/82

CMT TUNIS 5/5/87
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Secrecy as major appears in court

PRETORIA. — Major Andre Etienne Pienaar, 32, of the SA Defence Force, yesterday appeared for the second time in the Supreme Court here on charges under the Protection of Information and Defence Acts.

The case was adjourned to today.

The court was cleared of public and press before Maj Pienaar entered. The judge ruled last month that it would be held in camera.

Maj Pienaar faces charges of contravening sections of the acts.

Sections in the Protection of Information Act prevent the disclosure of any document, model, article or information obtained without authorization by virtue of position as a person who holds government office.

Maj Pienaar faces an alternative charge under the Defence Act which states that no one may disclose confidential information relating to the defence of SA learned by reason of membership of the SADF or public service without the permission of the minister. — Sapa

MARTIN

North America

NEW YORK
New York

West



Stages in John Martin's tactics" after the start, from final leg of the BOC round fell back badly after taking trailing the French leaders fleet till at the weekend, in

Six UWC students granted bail

Cap Times SK/87 Court Reporter (331) ~~23~~

SIX University of the Western Cape students appeared in Bellville Magistrate's Court yesterday in connection with attending an illegal gathering.

They were granted R150 bail each.

They are Mr Trevor Davids, 21, of Belhar; Mr Gavin Brand, 22, of Uitsig; Mr Sindile Gocini, 20, and Mr Thamsenga Tubungu, 20, both of Guguletu; Mr Nkosinaphia Guka, 20, of Langa; and Mr Mario Cader, 20, of Bellville South.

The six were arrested on campus on Thursday.

The hearing was adjourned to June 8.

Mr A G du Plessis was the magistrate. Miss A Coetze prosecuted. Mr J van den Berg appeared for the six.

Editor guilty of 'untrue' article

Court Reporter

THE editor of an Oudtshoorn community newspaper was yesterday convicted in Mitchells Plain Regional Court of contravening the Police Act by publishing untrue statements concerning an incident in which two 11-year-old boys were shot dead by police.

Humphrey Joseph, 30, of New Extension, Bridgeton, Oudtshoorn, the editor of Saamstaan, was fined R100 (or 25 days) suspended for three years.

The court heard that Joseph had written an article, headlined "Children Cruelly Shot", based on the account of Mr Norman Mooi, who had been a co-accused in the matter but was discharged at the end of the State's case.

The story had incorrectly stat-

ed that three — instead of two — youths had been shot dead by police guarding a house in Bongolethu Township, Oudtshoorn.

Mr Mooi said he had seen two children approach the house empty-handed and they were shot by the police. He had seen a policeman emerge from the house with a container of petrol and later saw the container next to the body of one child.

Mr Mooi went to the newspaper office and told Joseph what he had seen.

The State did not dispute evidence that before the shooting the house of Warrant Officer Richard Mngoma, a security policeman, was petrol-bombed.

Constable Barend Cilliers said the police were moving W/O Mngoma's possessions when some children had stoned the house.

Two boys approached the front

door and one sprinkled petrol on the carpet and while the other was about to strike a match, the police shot him. The other boy was shot running away.

The police denied that they placed a container of petrol next to one of the bodies. They also denied swearing and boasting about their shooting abilities.

The magistrate, Mr J D Beyers, said there was no doubt that there were untruths about police action published in the story.

Joseph must have been aware that more people had witnessed the incident and that he could have received information from them, Mr Beyers said.

Mr Denzil Potgieter, for Joseph, said his client had no ulterior motives and had been working under pressure.

Mr S C O'Brien prosecuted. Mr Potgieter was instructed by E Moosa and Associates.

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Zanu axes Tekere for 'misconduct'



Mr Tekere

HARARE. — A former guerilla chieftain and longtime trusted aide of Prime Minister Mr Robert Mugabe has been fired for misconduct from his key post as ruling party chairman in one of Zimbabwe's eight provinces, newspapers reported yesterday.

Mr Edgar Tekere, 50, was the second veteran nationalist politician recently to be axed as a provincial chairman of Zanu (PF).

The party politiburo on December 20 dismissed Masvingo provincial chairman Mr Eddison Zvobgo for misconduct.

Zanu administrative secretary Mr Maurice Nyagumbo said the party had gone out of its way to help Mr Tekere "mend his ways", but now concluded he could not reform. — Sapa-AP

ARGUS 5/5/87

COURTS

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Editor contravened Police Act — R100 fine suspended

Staff Reporter

THE editor of the Oudtshoorn community newspaper Saamstaan was negligent in relying solely on the version of a single eyewitness for his story about an incident in June 1985 when police shot and killed two youths in Bongoletu township.

Humphrey Joseph, 30, was yesterday fined R100 (or 25 days), conditionally suspended for three years, by a Mitchell's Plain Regional Court magistrate after being convicted of contravening the Police Act by publishing untrue statements about police action.

It was established as common cause that Joseph wrote a report based on the account of Mr Norman Mooi, who was originally a co-accused.

The report, under the headline, "Children cruelly shot

dead", incorrectly said three — instead of two — youths were shot dead by policemen guarding a house.

Further allegations, based on Mr Mooi's account and denied by the police, were that police bragged about their marksmanship and placed a container of petrol near the dead boys.

Magistrate Mr J D Beyers said there was no doubt there were untruths about police action in the story.

"The accused says he didn't check the story with the police because they would have denied it," he added.

"The question then arises as to whether there were reasonable grounds to believe that Mr Mooi's story was true.

"The accused's action was

contrary to what could have been expected of a reasonable man in that position.

"There was a very serious accusation levelled at the police in this newspaper."

PRESSURE

Mr Beyers said Joseph must have been aware that more people saw the incident and that he could have got information from them.

"It is expected that he should have done more to convince himself that the accusations were correct. There were not enough grounds to have believed Mr Mooi."

Mr Denzil Potgieter, for Joseph, said in mitigation that Joseph was working under pressure of time.

Mr S C O'Brien prosecuted.

SOWETAN, Tuesday, May 5, 1987

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DELMAS treason trialist Mr. Geina Malindi yesterday told the court he was one of the Cosas members who were arrested for stoning buses in Sebokeng township in 1981.

By MANDLA
NDLAZI

He said this was the eve of the June 16 commemoration. He did not attend any commemoration documents.

bars. He said police searched his home but he did not remember whether they took any documents.

Mr Malindi is one of the 19 men appearing before Mr Justice K van Dijkhorst and an assessor on high treason charges, alternatively terrorism, subversion and murder.

The State alleges they committed the offences during the outbreak of unrest in Vaal Triangle townships in September 1984.

Protest

They have all pleaded not guilty. Mr Malindi who is being cross examined by the prosecutor Mr P Jacobs, said his home was searched several times by the police. He was then chairman of Cosas.

At a meeting on August 26, 1984, he said, he told residents that there was nothing illegal with the protest march planned for September 3. He said one of the accused told residents at a meeting not to be cowards.

The aim of the march, he said, was to demonstrate the resident's anger over the rents increase. (Proceeding)

'TRIALISTS STONED BUSES'

Lucille comes home

By ANTON FISHER

FORMER University of the Western Cape student Lucille Meyer said she had made a false statement implicating a UDF official after being assaulted by Ciskei police.

Ms Meyer is a state witness in the terrorism trial of the Rev Makhenkesi Arnold Stofile in the Bisho Supreme Court.

She was released on R1 200 bail this week and flew to Cape Town with her mother where she was welcomed by friends and family at her parents' home in Mitchells Plain.

"It's a relief to be back. I never thought I'd get here," she said. Meyer was redetained for two hours after her release on Tuesday morning, but was freed again after her family instructed lawyers to prepare for a court interdict.

She had been in detention since January 27.

Meyer told **SOUTH** she would appear in court again on June 18 to face a charge of perjury for making two conflicting statements under oath.

Meyer left Cape Town in October 1984 to work at the Afesis Advice Office in East London. Before she left she was secretary of the Westridge Action Committee and active in the United Democratic Front's Mitchells Plain area committee.

In East London she was elected administrative secretary of the Border region of the UDF.

Meyer told the court she could not testify against people whose ideals she shared.

"Their dreams are my dreams, their aspirations are my aspirations."

She had suffered in detention and believed the accused had also suffered.

She "could not in good conscience answer any questions which might impose additional hardship on the accused".



Lucille Meyer with her mother, Mrs Joyce Meyer, at D F Malan Airport this week

CML 7/1/65 6/5/1/331

Wits student sentenced

JOHANNESBURG. — A University of the Witwatersrand student was sentenced yesterday to 18 months' imprisonment, conditionally suspended for four years, for being in possession of a South African Communist Party publication. Mr Alfred Kwele, 26, of Soweto, was arrested on January 9 after the publication "Umsebenzi — The Voice of the South African Communist Party" was found by police at his home. He is a senior Bachelor of Science student.

Delmas trial told of song

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Soweto
4/9/87

THE Delmas treason trial was yesterday told of the song *We Shall Overcome* which was used in demonstrations led by Martin Luther King in America during the civil rights movement of the 1960s.

The judge, Mr Justice K van Dijkhorst, had asked Mr Gcina Malindi about the meaning of the Zulu song *Siyophinda singobe*.

Mr Malindi said it meant "we shall overcome" and that the tunes were slightly different.

Questioned by Mr George Bizos, SC, Mr Malindi said he knew the origins of the English version of the song *We Shall Overcome*.

He said it was sung during demonstrations

By **MANDLA**
NDLAZI

led by Martin Luther King.

Re-examined by Mr Bizos, he said he knew some meetings in the Vaal townships were banned but a magistrate later said the meeting could be held.

Mr Malindi is one of the 19 men appearing before Mr Justice van Dijkhorst and an assessor on charges of high treason, alternatively terrorism, subversion and murder.

The State alleges they committed the offences during the outbreak of unrest in the Vaal Triangle in September 1984.

They have all pleaded not guilty.

Cross-examined by the assessor, Mr Malindi said he read in papers that councillor's properties in Tumahole were attacked, but not about their houses.

Mr Malindi said he did not organise meetings or a protest march that was held in September 1984.

He denied that secret meetings were held. In criticising the councils, he mentioned the Van der Walt report.

The report supported his views, he said.

Mr Malindi said the aim of the action committee was to form an organisation to run residents' affairs. He said he supported the United

Democratic Front but was not a member of any organisation affiliated to it.

He said he distributed a UDF pamphlet which said: "UDF Unites, Apartheid Divides", because he wanted residents to be united.

Mr Malindi said the Congress of South African Students wanted equal education for all.

He said Cosas rejected Bantu Education.

He said he read in the *Star* newspaper that people should not vote for a racist referendum, and that voters should spoil their papers.

Mr Malindi said the community rejected black local authorities.

(Proceeding)



THE scene in a Rockville, Soweto, street early yesterday morning at the start of the two-day stayaway in protest against the whites-only elections. The barricade, erected to enforce the stayaway, proved unnecessary as workers stayed at home anyway.

FIG: MBUZENI ZULU

McBride's father 'helped spring ANC man'

DURBAN
CORRESPONDENT

JUDGMENT in the trial of Wentworth father Mr Derrick McBride, 53, accused of springing a wounded ANC guerilla from the Edendale Hospital in Maritzburg last May, is expected in the Supreme Court this week.

His trial follows shortly on that of his son, Robert McBride, 23, who was sentenced to death three times for the bombing of a beachfront bar in Durban. Three women were killed and 98 people injured in the blast.

Mr McBride Sen and Mr Antonio Du Preez, 23, faced charges of freeing ANC guerilla Gordon Webster from police guard at the hospital, killing a bystander, wounding four others and of concealing and harbouring Webster.

In legal argument this week in

McBride's trial, counsel for the state contended that it was not important to prove who personally had fired the gunshots resulting in death and injury.

This was irrelevant as the accused had created the situation in which people could be killed. The defence submitted that the shots could have been fired by Webster himself.

The evidence of Webster given to a commission in London was a key element in both trials. According to Webster, Robert McBride handed him an AK47 when he ran into his hospital ward. He fired into the busy corridor to get the people to move out of the way and saw two people fall to the floor "with blood on them".

"The main purpose was to get out of the hospital. Whether there was harm or injury to anyone did not matter so much



Robert McBride's mother, Mrs Doris McBride, with his son Robert-Derrick, and McBride's two sisters, Bronwyn, left, and Gwyneth at their home in Wentworth, Durban

to me, Robert could have killed them."

In his trial Robert McBride testified that he had pulled the drip from Webster and wheeled him down several flights of stairs on a hospital trolley. He said that as they made they made their escape "the nurses in the nurses' home were singing freedom songs".

Webster was driven on the back of a bakkie to Durban and subsequently taken to Botswana.

An unnamed state witness said he saw Robert and his father emerge from the hospital shortly after hearing bursts of gunfire. They were pushing a trolley on which Webster was lying naked with an AK47 rifle in his hands.

As they neared a hole cut in the fence, Robert McBride shouted "support, support".

The State's evidence is that McBride, armed with a

Makarov pistol, and his son, armed with an AK47, entered the hospital while Du Preez, armed with an AK47, remained outside.

McBride and his son allegedly fired several shots "at random" inside the hospital causing the death of Mr Mlungisi Buthezi and injuring four others.

State witness Mr Siphwe Shange told the court he was shot four times during the breakout.

Du Preez faced a further charge of bombing the Wentworth home of a school principal, Mr Yui Klein, while McBride allegedly maintained an arms cache at a Wentworth factory. Both men have pleaded not guilty to all charges.

Earlier last month charges under the Internal Security Act and Prisons Act were withdrawn against Webster's brother Victor and Trevor.

Stofile discharge 7/5/87 (331)

BISHO — The Border branch executive of the UDF and a former Fort Hare University lecturer, the Rev Arnold Stofile, 42, was yesterday discharged in the Supreme Court here on two counts — possession of four limpet mines and of an AK-47 assault rifle.

YH:10

(53) DD 7/5/87
TO ADVERTISE ON THIS

Stofile discharged of 2 counts in terrorism trial

Dispatch Reporter

BISHO — An executive member of the Border branch of the United Democratic Front, the Reverend Makhenkesi Stofile, was discharged of two counts in the terrorism trial at the Supreme Court here, yesterday.

The acting Chief Justice of Ciskei, Mr Justice Pickard, acquitted Mr Stofile of a charge of possessing four limpet mines and a charge of possessing an AK-47.

Mr Stofile, Mr Mzwakhe Ndledla, Mr Linda Stofile, Mr Gladwell Gqibitole, and Miss Nomvuwiso Stofile, have all pleaded not guilty to 13 charges of terrorism, harbouring a terrorist and possession of arms.

Last week the defence counsel, Mr W. M. Friedman, applied for the acquittal of four of the accused of the main charge of terrorism and of the charge of taking part in the activities of an unlawful organisation.

The defence also applied for the discharge of Miss Stofile on a charge of harbouring or failing to report a suspected terrorist.

Mr Justice Pickard ruled that Mr Makhenkesi Stofile, Mr Ndledla, Mr Linda Stofile and Mr Gqibitole would not be discharged of the main count of terrorism.

He discharged Mr Makhenkesi Stofile on the count of possession of mines but did not discharge Mr Ndledla.

He also discharged Mr Makhenkesi Stofile on the charge of possession of AK 47 rifles but did not exempt Mr Ndledla.

Mr Gqibitole was not exempted on the charge of possession of firearms. Mr Makhenkesi Stofile and Mr Ndledla were also not discharged for possession of Makarov pistols.

Mr Ndledla was discharged from possession of a CZ pistol.

Mr Ndledla and Mr Makhenkesi Stofile were not discharged from possession of ammunition.

Mr Justice Pickard said there was evidence that Mr Ndledla was a terrorist trained in Angola.

Mr Justice Pickard said that a witness, whose identity has been

ruled in camera, had asked to be trained as a terrorist by Mr Ndledla.

The trial took a new turn when the defence produced a letter to the court purportedly written by one of the state witnesses who had testified against Mr Makhenkesi Stofile and addressed to his wife, Mrs Nambita Stofile.

The witness, who can only be identified as Mr W, had two weeks ago given evidence against Mr Stofile and Mr Mzwakhe Ndledla.

The defence applied that the witness be recalled for further cross-examination.

Mr Friedman told the court during his application for the recall of Mr W that the letter had a bearing on the case although he was not prepared to divulge the contents of the letter.

Mr W. F. Jurgens for the state opposed the application on the grounds that it might be irrelevant.

Mr Justice Pickard told the defence that the court was entitled to investigate the authenticity of the letter.

Mr Friedman then said that the defence was prepared to give copies of the letter to the state and the court.

After reading the letter, Mr Jurgens conceded that the letter was of relevance to the case.

Mr Justice Pickard ruled that Mr W be recalled on Monday when the case resumed.

During the morning session, the defence asked for a short adjournment since Mr Makhenkesi Stofile had taken ill.

The case was postponed to Monday.

Denial of bail challenged

1589
331
FOUR men facing charges of sedition, subversion and treason have asked the Rand Supreme Court to review and set aside orders by the Attorney-General (AG) that they not be allowed bail.

The orders were issued in terms of section 30 of the Internal Security Act.

Section 30 allows the AG to make such an order if he considers it would not be in the interests of state security and the maintenance of law and order to allow bail to people charged with security-related offences.

SUSAN RUSSELL

Moses Jongisiswe, Obed Bapela, Richard Mzameni Mdakane and Paul Tshabalala brought the application on the grounds that before making the orders the AG of the Witwatersrand Local Division had not complied with the *audi alteram partem* (hear the other side) rule, as was his duty.

The AG asked that the application be dismissed with costs. Mr Justice Strydom reserved judgment.

LIES, ADVOCATE TELLS POLICEMAN

10/5/87 C/P/rev 331

By MARTIN NTSOELENGOE

A FORMER security policeman was told that he has an impaired memory and told the court a tissue of lies.

This was said by Advocate JN Devos, defence council in the case of eight members of the Azanian Student Movement (Azasm) when W/O Mataboge told the court that he could not remember whether he was present when some of the accused were arrested.

He also could not remember how many of the accused he took to a magistrate to make confessions.

The defence wanted to know why Mataboge didn't tell the prosecutor that he was present when Moliki, Sosibo and Stephen Menoe were arrested.

He told the court that, as the case started in 1985, he could not remember what had happened.

The trial-within-a trial comes after Moliki, Sosibo and Menoe alleged that they were punched and threatened with death if they did not make statements or tell the truth.

On the way to the magistrate, Mataboge is alleged to have told Moliki and Menoe that if they did not tell the truth, Captain Kleinhans would shoot them both.

This he denied, saying that he never talked to detainees as he had no right to do so.

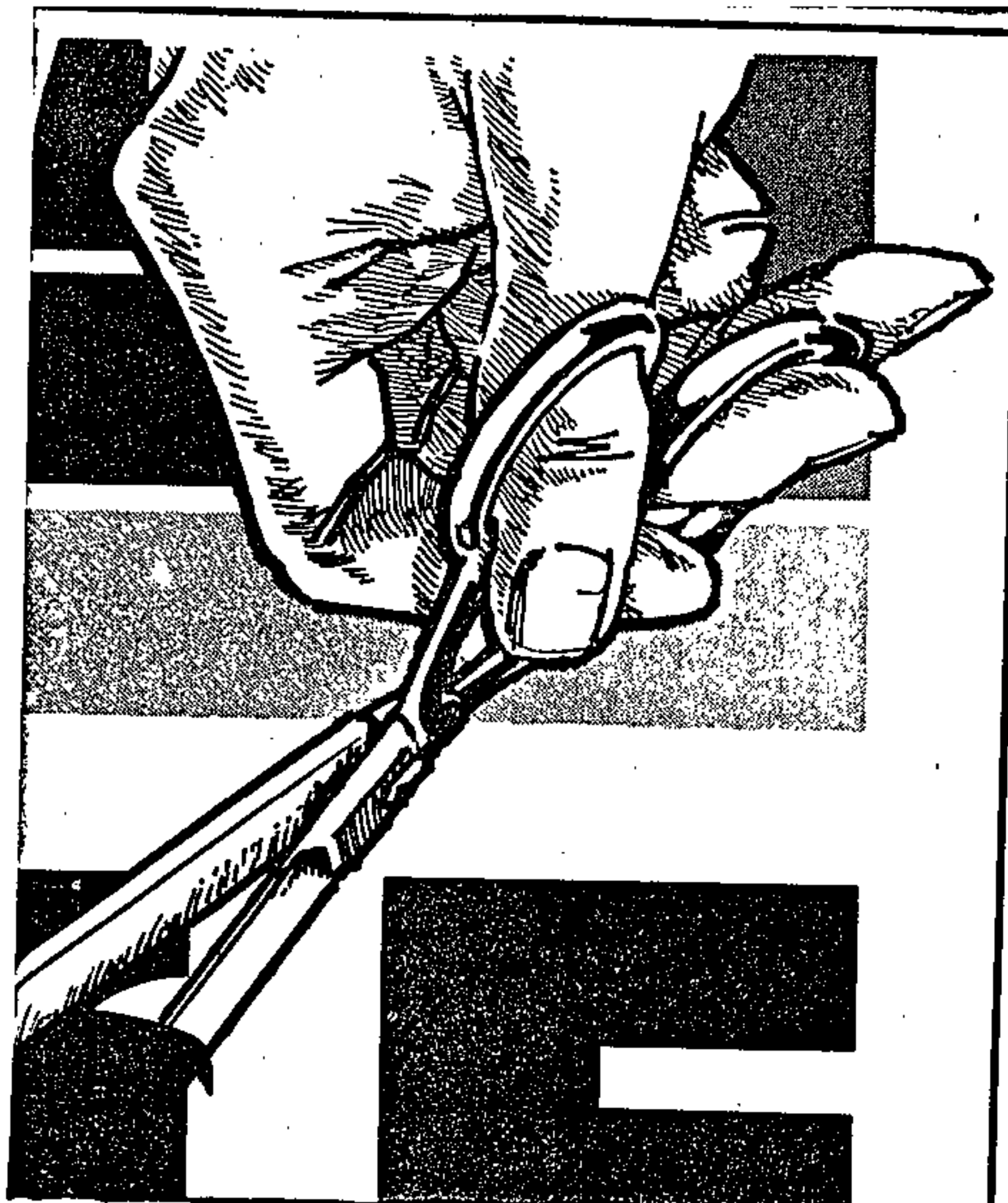
Mataboge also said he could not remember how many people he had taken to the magistrate to make confessions on July 23.

Devos told Mataboge that he would cause a lot of trouble because many witnesses will be recalled.

Mataboge answered that it was not his business. He also denied ever acting as an interpreter for Captain Kleinhans.

After Mataboge's evidence, the magistrate wanted to know whether he had any difficulty with his memory or had suffered with his memory in the past. He denied this.

The case continues.



Stofile found not guilty

10/18/87
33

THE Ciskei terrorism trial took a dramatic turn late on Wednesday when the defence produced a letter and asked the court to recall a 'Mr W' who had already given evidence.

The defence submitted in the Bisho Supreme Court that it had a letter from 'Mr W', whose contents were in conflict with the evidence he gave earlier in the trial.

WM Friedman for the defence, said the letter was found by the Reverend Arnold Stofile's wife at Fort Hare University.

After the State had objected to the request by the defence, saying 'Mr W's' evidence would be irrelevant, later agreed the court could subpoena the witness.

Earlier during the day, the judge discharged Stofile, 42, on two counts in the terrorism trial. The counts were that Stofile had been in possession of four limpet mines and an AK 47 rifle.

The court found Ndlela had been "unhappy" with 'Mr W' who wanted to be trained as a terrorist. Ndlela was discharged for possessing a pistol.

Application for the discharge of Linda Stofile and Gladwell Gqibitole were also refused by the court. The court said the evidence before it was that Gqibitole pointed out a cache of arms near Fort Hare.

The case continues on Monday. - Sapa

Delmas trial told of Freedom Charter

Savetaw 11/5/87 331

By MANDLA NDLAZI

THE principles of democracy are to be found in the Freedom Charter, the Delmas treason trial was told on Friday.

This was said by Mr John Mokoena, who was giving evidence in his defence. He is one of the 19 men appearing before Mr Justice K van Dijkhorst and an assessor on charges of high treason, alternatively terrorism, subversion and murder.

The State alleges that they committed the offences during unrest in the Vaal Triangle in September, 1984. They have all pleaded not guilty.

Led by Advocate K Tip, Mr Mokoena said he was arrested on September 24 in 1984 and was assaulted by the police. He said his Boipatong Committee was not linked to the Vaal Civic Association and he was not a member of the United Democratic Front.

Mr Mokoena said he discovered in October, 1983 that the majority of youths in his area were not employed and their behaviour was not "pleasing".

He said they were drunkards and turned to crime. This made him think of forming an organisation that would help them.

Cross-examined by the prosecutor, Mr W Hanekom, Mr Mokoena said he attended a conference at Wilgespruit on January 14, 1984.

He said one of the speakers spoke about the "direction of youth groups". He said he understood the speaker to say this was to "transform the youth into a democratic youth, and popularise the Freedom Charter".

Mr Mokoena said the speaker told the meeting that the principles of democracy would be found in the Freedom Charter.

(Proceeding)

Cape Times 12/5/87
(331)

'Passion' over mosque incident — four guilty

By SHAUNA WESTCOTT
Supreme Court Reporter

RELIGIOUS passion about the desecration of a mosque diminished the moral blameworthiness of four young Muslims found guilty of murder, the Supreme Court ruled yesterday.

The four are two pairs of brothers — Nazir and Sayed Bhawoodien of Athlone, and Moegamat and Nazeem Abrahams of Bonteheuwel. A fifth accused, Mr Rushdien Abrahams of Mitchells Plain, escaped from a prison van last month and is still at large.

The four originally pleaded not guilty to charges of murder, attempted murder and robbery but changed their pleas at the end of the State case.

Nazir Bhawoodien admitted organizing a "mission of justice" whose aim was to obtain guns with which to defend mosques from violation after becoming "terribly upset" at a report in the Cape Times describing how police desecrated the Park Road mosque by entering it with their boots on.

The other three admitted joining him in this mission which the defence described as "ill-conceived and bungled".

The victims of the mission were two security guards on duty outside the Lincoln Tavern in Belgravia Road, Athlone, on November 30, 1985 — the day the report appeared in the Cape Times.

One of them, Mr Frank Joseph, died. Another, Mr Roslin MacDonald, was wounded, as were two of the accused who "shot each other in the heat of the moment and in all probability shot themselves", as the defence put it.

Finding that there were extenuating circumstances to the murder of Mr Joseph, Mr Justice M R de Kock said the accused proceeded on "this ill-advised mission of justice" with their passions inflamed by the newspaper report.

They acted as a direct result of their strong religious feelings about the desecration of the mosque — and partly under the influence of others. These factors diminished their moral blameworthiness, "especially with regard to the fact that it was not a planned murder".

The four will be sentenced tomorrow.

Mr W S O'Brien and Mr R Lewin were assessors. Mr A de V la Grange prosecuted. Mr D de la Hunt and Mr S Desai, instructed by E Moosa and Associates and Y Ebrahim and Co, appeared for the four.

Supreme Court Reporter

"Whether it's a wing or a leg it remains part of the same bird," Mr Justice A J Lategan remarked as Mr A M Omar was attempting to put this point on behalf of 27-year-old Ntozelizwe Thomas Talakumeni of Guguletu, jailed for three years last June for "harbouring a terrorist".

Talakumeni was convicted under the Internal Security Act in terms of which a person "who has reason to suspect" another of committing or planning terror-

ism, subversion or sabotage is obliged to refuse him/her shelter and help, and to report him/her to the police.

The magistrate who sentenced Talakumeni to five years, with two suspended, relied on circumstantial evidence to convict him.

This included a meeting in Lesotho with his brother China, who disappeared some years earlier, and the "terrorist", one Joseph Mayoli, also known as Themba Hechtor or Tsepo or Sipho.

At this meeting, in a house where the furniture was scarred by bullets, Talakumeni was invited and declined to become a member of the ANC.

The magistrate noted in passing sentence that Mayoli threw a

hand-grenade at police and fired at them with a Makarov pistol when he was arrested. He noted further that this happened after Talakumeni gave him shelter.

Mr Justice Lategan and Mr Justice H A van Heerden dismissed the appeal against conviction and sentence yesterday, finding that Talakumeni not only had reasons but "very good reasons" for suspecting Mayoli.

Mr Justice Lategan added that the magistrate had approached sentencing of Talakumeni "with great compassion" because "it's obvious a terrorist must rely heavily on the assistance of other people in carrying out his evil intentions".

Mr J van Heerden appeared for the State.
Mr Omar was instructed by R Vassen and Co.

Terror trial³ man missing²

SUSAN RUSSELL 12/19/81

A WARRANT of arrest was issued yesterday for a 21-year-old Tembisa man, Edward Vuyisile Majola — charged with terrorism and attempted murder — after he failed to appear to stand trial in the Rand Supreme Court.

The charges against Majola arise from his alleged involvement in an incident in Kempton Park on June 7 last year — a Saturday morning — when several shops were set alight.

Alternative to the terrorism charge are charges of arson, attempted arson and attempted murder.

According to the indictment, people named as targets of attempted murder were all either working in the shops at the time, or were customers.

The alternative charges include causing an explosion in which lives and property were placed in danger, unlawfully pointing a firearm and the unlawful possession of ammunition and teargas.

Lecturer in court over ANC literature

Court Reporter *AC645 12/5/87*

AN economics lecturer at the University of the Western Cape, Dr Jack Lewis, has pleaded not guilty in the Cape Town Regional Court to possessing literature which furthers the aims of the ANC.

Dr Lewis, 31, of Long Street, Cape Town, is alleged to have possessed a publication entitled *Build a mass ANC on a socialist programme*.

Dr Lewis's attorney, Mr Rameesh Vassen said his client was not prepared to disclose the basis of his defence and the hearing was postponed to July 20 for trial.

Witness refuses to give evidence

12/3/82
Sowetan

THE Duduza murder trial took a dramatic turn yesterday when a witness who earlier gave evidence for the State, refused to testify in the Pretoria Supreme Court saying she feared for her life.

Miss Bongiwe Phyllis Dladla, a lip reader and teacher at the Sizwile School for deaf and dumb children in Dobsonville, Soweto, told the court she wanted to "withdraw" from the case for fear that she might be harmed.

This fear, she added, was instilled into her after her name appeared in the *Sowetan* last

By MONK
NKOMO

Friday after she testified for the State on Thursday.

Mr B J Bredenkamp, the prosecutor, conceded that Miss Dladla's life could be in danger and submitted that two of the witnesses who earlier testified for the State, had their homes petrol-bombed by unknown persons recently.

He did not mention their names. Although the law stipulates that she could be sentenced to up to five years imprisonment for failing to testify, Mr Bredenkamp asked the court to caution and

discharge her if found guilty.

Mr Justice Hartzenberg, sitting with two assessors, said he understood Miss Dladla's predicament but found her guilty of having contravened a section under the Criminal Procedure Act. He warned and discharged her.

The judge ruled that her evidence be ignored. Mr Bredenkamp then closed the State's case.

Mr David Soggot, for the defence, then made an application for the discharge of two of the eleven accused — Mr Jacob Tshabalala (22), and Miss Lydia Mokoena (24) — arguing that the State had provided no evidence implicating them in the murder of Miss Rosaline Maki Sikhosana.

Mr Soggot submitted that there was conflicting evidence by two State witnesses, one of whom identified Miss Mokoena as one of Miss Sikhosana's attackers on the video film shown in court.

The woman, Mr Soggot, was not Miss Mokoena. The accused (Mokoena) had also denied having been at the scene of the alleged crime, according to evidence led by the police, Mr Soggot added.

(Proceeding)

Alleged terrorist fails to appear for hearing

An alleged terrorist failed to appear before a Rand Supreme Court judge yesterday at the first day of his trial, after being granted bail of R2 000.

Mr Justice Irving Steyn ordered that a warrant be issued for the arrest of Mr Edward Vuyisile Majola (21) of Inxwini Section, Tembisa, and that his bail be provisionally estreated.

Mr Majola is facing charges of terrorism, alternatively three counts of arson, four of attempted arson and one each of intentional damage to property, intention to cause an explosion, assault, illegal possession of a firearm and ammunition and illegal possession of teargas.

He is also facing a charge of attempted murder.

According to the indictment, Mr Majola was part of a group which invaded a busy business area in Pretoria Road, Kempton Park, on June 7 last year.

They allegedly petrol-bombed a pharmacy and a clothing shop and attempted to set alight a furniture store and a delivery vehicle.

A pedestrian, Mr Pierre Kotze, chased Mr Majola, who allegedly pointed a firearm at him and pulled the trigger, but no shot was fired. This accounted for the attempted murder charge.

Gordon was not represented.

CATG 1/15 13/5/7 (231)
Secret info: Major guilty

PRETORIA. — Major Andre Pienaar of the South African Defence Force has been convicted by the Supreme Court here on a charge of contravening the Protection of Information Act and two alternative charges under the same Act.

Sections of the Act prohibit the obtaining of secret information or documents relating to defence with the purpose of disclosing information to a foreign state or agent.

Major Pienaar, 32, pleaded guilty to one of the charges and two alternative charges.

The trial is being held in camera.

He was found guilty of contraventions under Article 3 of the Act, which prohibits the obtaining, preparing or compiling of secret information or documents with the purpose of disclosing the information to a foreign state or agent.

He was also convicted on an alternative charge of contraventions under Articles 4 and 5, which prohibit a person from possessing any document, model or information obtained by virtue of his position.

The hearing continues. — Sapa

Homicide accused fails the tooth test, court hears

By SHAUNA WESTCOTT
Supreme Court Reporter

PEOPLE under 18 do not have wisdom teeth, the Oudtshoorn district surgeon told the Supreme Court yesterday, while giving evidence in the trial of three Bongoletu residents accused of an unrest-related killing.

Two of the accused claim to be under age and the district surgeon, a Dr Barnard, told the court about an "investigation" into the age of accused No 2 he had conducted at the attorney-general's request.

This investigation had been conducted by examining the development of the accused's teeth, the district surgeon said, and his conclusion was that the accused was 19 or 20 years old.

"How trustworthy is this tooth test?" defence counsel asked the doctor.

"Pretty trustworthy. The dentist agreed with me," he replied.

Mr Justice D M Williamson asked the district surgeon how many wisdom teeth the accused had, but the district surgeon did not remember and could not refer to notes because he had not made any.

"On what authority do you say he could not have wisdom teeth at the age of 17?" the Bench asked.

"We just accept that at 18 you get wisdom teeth. It's an average," the district surgeon said.

The accused with a wisdom tooth/teeth has pleaded guilty to culpable homicide, admitting he fired the shot that killed a bus company inspector in April last year. However, he did not think the gun was "genuine" and it went off while he was distracted, he said.

Activity at a bus into which a bottle of petrol was thrown by 26-year-old Mr Jerome Myo had distracted him. Both Mr Myo and the accused with a wisdom tooth/teeth have pleaded guilty to malicious damage to property.

According to the State, the petrol never caught fire. Mr Myo said the bottle had no fuse and he had no matches.

The third accused has pleaded not guilty to both charges, although he admitted having the bottle of petrol in his possession till Mr Myo took it.

The trial continues.
Mr G Titterton and Mr C H van Gend were assessors. Mr A de V la Grange prosecuted. Mr M Donen, instructed by E Mohamed, appeared for the accused.

CAM Trials 13/5/87

CAPE TIMES 13/5/87

Stofile denies ANC, conspiracy roles 331

BISHO. — The Rev Arnold Stofile yesterday denied evidence that he took part in the activities of an unlawful organization, the ANC.

He also denied in the terrorism trial in the Supreme Court here that he had conspired with four other alleged members of the ANC and Umkhonto we Sizwe to overthrow the Ciskei government.

Standing trial with Mr Stofile are Mr Nelson Ndlela, Mr Linda Stofile, Mr Gladwell Gquidigole and Ms Nomvuyiso Stofile who have all pleaded not guilty to charges against them in terms of the Ciskei National Security Act.

Under cross-examination by the State, Mr Stofile said he had various accounts with the Standard and First National in Alice. He said money in his deed box was his and did not belong to the UDF. It was to be used to buy a house for his family at Alice.

Earlier the court heard that Mr W, the State witness who gave evidence in camera, had been detained by the Ciskei security police.

Mr W said he had not been assaulted by the Ciskei police and did not have the opportunity to tell the police the contents of his statement were lies. The State submitted that Mr W was hostile to the case, and the court granted the application.

The cross-examination of Mr Stofile continues tomorrow. — Sapa

Two Azasm men jailed *CHC TML 13/5/87* *331*

JOHANNESBURG. — Two Azanian Students Movement (Azasm) members were jailed yesterday after being found guilty of public violence. Gogo Sosibo, 20, and Stephen Menoe, 20, were sentenced to three years' imprisonment. Half of their sentences were suspended for five years. Co-accused Ruben Moliki, 22, was sentenced to three years' imprisonment, suspended for five years.

Driver tells of shot, bid to set bus alight

Supreme Court Reporter

AN Oudtshoorn bus driver told the Supreme Court that a young man jumped on to his bus, shouted to the passengers who fled in panic, and then sprinkled petrol in the bus.

Mr Philip Strydom testified yesterday in the trial of Mr Jerome Myo, 26, and two 17-year-old youths charged with murdering a bus inspector and of attempted malicious damage to property.

Mr Myo pleaded not guilty to murder but guilty to attempted damage to property.

One youth pleaded not guilty to both charges and the other guilty to culpable homicide and attempted damage to property.

Bottle of petrol

The State alleged that on April 15 last year the three went to a bus stop in Bongulethu to set a South Cape Bus Service Company bus alight.

It is alleged that one of the youths carried a bottle of petrol.

Two inspectors in a bakkie were following the bus to ensure that loading of passengers went smoothly.

It is alleged that one of the youths shot Mr Willem Blaauw, one of the inspectors. He was dead on arrival at Oudtshoorn Hospital.

It is also alleged that Mr Myo took the bottle of petrol from one of the youths and emptied it in the bus.

In a statement explaining his plea, the youth who is alleged to have shot Mr Blaauw admitted he had intended to set the bus alight.

He said he was trying to keep Mr Blaauw away from the bus.

Firearm went off

He did not think the firearm in his possession was "genuine" and did not intend shooting.

He was distracted by what was going on around the bus when the firearm went off.

Mr Strydom said there were about eight people waiting at the bus stop when he drove up.

Mr Strydom was aware that the inspectors' bakkie had been following the bus and had stopped alongside.

This happened routinely in "times of unrest", he said.

"Heard a shot"

"I heard a shot and saw the bakkie drive off at high speed.

"A young Bantu man entered the bus, carrying a container inside a plastic bag. He was wearing an LTA overall and a balaclava."

He shouted to the passengers, who ran out in a panic.

He then sprinkled petrol in the bus, Mr Strydom said.

"After I smelt petrol I put the bus in gear and drove off.

"He jumped out while it (the bus) was in first gear," he said.

(Proceeding)

Mr Justice Williamson is on the Bench with Mr G Titterton and Mr CH van Gend as assessors. Mr A de V la Grange appears for the State, Mr M Donen, instructed by E Moosa and Associates, appears for the three.

Cap 6 Times 14/5/82
331
**Terror-trial accused
convicted of murder**

MARITZBURG. — The two accused in the terrorism trial here, Derek McBride and Antonio du Preez of Durban, have been convicted of murder and four counts of attempted murder in connection with the freeing of ANC member Mr Gordon Webster from Edendale Hospital near here last May.

In his judgment Mr Justice Kriek, sitting with two assessors, said he was satisfied the accused must have foreseen the armed policemen would resist any attempt to liberate Mr Webster, that arms would have been used to overcome the resistance and in the process it was possible people would be killed.

Mr Justice Kriek found that McBride's son Robert had shot and killed Mr Mlungisi Buthelezi and that it was fortuitous that Constable Edward Ngcobo and Constable J H Visagie, who were wounded in the incident, had not been killed.

Evidence in extenuation was heard yesterday afternoon.

At his trial last month, Robert McBride was acquitted of murder and attempted murder in connection with the Edendale incident. — Sapa

14-19/87 SOUTH 331

Makarov 'unopened' present

THE secretary of the Border UDF, the Rev Makhenkesi Arnold Stofile, told a Bisho Supreme Court this week a gift-wrapped Makarov pistol found in a safety-deposit box had been an unopened Christmas present.

The Makarov and R25 000 were found in the safety-box after he had smuggled a letter out of prison to his wife, Mrs Nambitha Stofile.

He said he smuggled a letter out of prison because prison authorities had refused to allow

him to send or receive letters.

The letter was taken out by a prison warder and given to Mrs Stofile.

Stofile, Mzwakhe Nelson Ndlela, Linda Michael Stofile and Mveleli Gladwell Gqibitole are facing charges of terrorism and illegal possession of arms.

A fifth accused, Nomvuyiso Stofile, is facing charges of harbouring a suspected guerilla.

The letter, dated January 1, asks Mrs Stofile to raise

R2 000. It also reminds her to keep the keys to the safety-deposit box "very safe".

Stofile said the parcel had been given to him by a Mziwonyana Jacobs in June 1986 for his tenth wedding anniversary. He said Jacobs had given him presents on two other occasions and told him not to open the presents until Christmas.

Stofile said he put the parcel in the safety-deposit box and did not know its contents until it was

opened by the police.

The Attorney General for Ciskei, Mr Willem Jurgens, SC, said it was obvious that the letter was smuggled out of prison because Stofile did not want the police to read it.

However, Stofile said that although they were awaiting trial prisoners they were not allowed to write or receive letters. In January they brought an application to have these rights restored. — ELNEWS



Mr Ismail Abrahams, father of Yusuf and Nazeem Abrahams, with his wife Gaironesa, right, and daughter Farieda outside the Supreme Court. On their left is Moulana Faried Essack, national co-ordinator of the Call of Islam.

'Bungled holdup' at Lincoln Tavern

FOUR men who planned to rob security guards at the Lincoln Tavern, Athlone, of their guns to defend a mosque "violated" by police, were this week jailed for an effective 16 years for killing one guard and injuring the other.

The fifth accused, Rushdien Abrahams, is still on the run after escaping from a prison van last month.

They were sentenced to 12 years imprisonment for murder, nine years for attempted murder and eight years for robbery. Mr Justice De Kock ordered that the sentences run concurrently.

The court was told of a newspaper article in November 1985 describing the "violation" of a Wynberg mosque. Police allegedly entered the mosque with their boots on.

This prompted Nazir Bhawoodien, 29, to organise a "mission of justice" to get arms to defend the mosque from any future violations.

He was convinced by Hanief Sayed, a businessman, that it was his duty as a Muslim to ensure that future violations did not occur.

With the help of his brother, Said

Ahmed Bhawoodien, 23, Rushdien Abrahams, and two other brothers Yusuf Abrahams and Nazeem Abrahams an attempt was made to rob two guards at the Lincoln Tavern of their arms.

Mr D Delahunt, for the Bhawoodiens, described the robbery as "an ill-conceived and bungled holdup" which left the one guard dead and the other seriously injured.

Rushdien Abrahams and Nazeem Abrahams, 27, were also wounded. Mr S Desai said "in all probability, the accused not only shot each other but themselves".

The revolver and gun which were stolen from the guards were then deposited with Hanief Sayed.

The five were charged with murder, attempted murder and robbery with aggravating circumstances and the unlawful possession of firearms and ammunition.

Attorneys argued that the Bhawoodien brothers were "caught up in a wave of religious fanaticism" and were influenced by Hanief Sayed and the upheaval in the Muslim community.

NEWS 14/5/87

Constable describes shooting 'terrorist'

Court Reporter

A POLICE constable told Cape Town Regional Court that during action against suspected terrorists he jumped from a decoy vehicle and as soon as his feet hit the ground he fired at a man he assumed was pulling a pistol from his belt.

Constable Thapelo Johannes Mbelo was giving evidence yesterday in the trial of Cape Times journalist Tony Weaver, who has pleaded not guilty to a charge of making false statements to the BBC about police action against alleged terrorists in Guguletu on March 3 last year.

Under cross-examination by Mr J Gauntlett, for Mr Weaver, Constable Mbelo said he did not see the man pull the weapon from his belt.

He said: "As I jumped from the combi I saw a man looking at me and reaching for his belt. I fired a volley of five shots and as I reached the back wheel he fell to the ground."

Mr Gauntlett: You began shooting immediately your feet hit the ground?

SIGNAL

Constable Mbelo: That is so.

Mr Gauntlett: At no stage had the man succeeded in getting the weapon from his belt?

Constable Mbelo: Correct.

Mr Gauntlett: There is evidence a man was trying to signal surrender by raising his hands in the air.

Constable Mbelo: I did not see this.

Mr Gauntlett: The incident happened very quickly, not so? A person can make a mistake and misinterpret a movement?

Constable Mbelo: Yes.

The constable denied he started shooting instinctively and that the man was trying to surrender.

Mr Gauntlett asked him why he said in a signed statement to the investigating officer, Major Fanie Brits, soon after the incident that the man pulled a weapon from his belt.

Constable Mbelo replied that his Afrikaans was not very good and when he read the statement over he missed that mistake.

The hearing continues.

CAC Times
14/5/82

16 years' jail for Muslim brothers

Staff Reporter

TWO pairs of Muslim brothers, the Bhawoodiens of Athlone and the Abrahamses of Bonteheuvel, were all sentenced yesterday to 16 years' imprisonment.

Nazir and Said Bhawoodien, aged 29 and 22, and Moegamat and Nazeem Abrahams, aged 22 and 26, were found guilty in the Supreme Court on Monday of murder with extenuating circumstances, attempted murder and robbery.

Originally there was another accused in the trial, Mr Rushdien Abrahams, 29, of Mitchells Plain, but he escaped from a prison truck on the way to court.

Nazir Bhawoodien admitted organizing a "mission of justice" to get guns from security guards on November 30, 1985. They intended to use the guns to defend mosques from "desecration".

'Shoot-out'

As a result of the mission to get guns, a security guard who was on duty outside the Lincoln Tavern in Belgravia Road, Mr Frank Joseph, died in a shoot-out, and another guard, Mr Roslin MacDonald, was wounded.

Mr Justice M R de Kock emphasized that the robbery had not been committed for personal gain, and that religious fervour had played some part.

Each of the accused was sentenced to eight years' imprisonment for robbery, 12 years for murder, and nine for attempted murder.

Two of the eight years and seven of the twelve would run concurrently, he ruled. Nazir Bhawoodien and the Abrahams brothers were also sentenced to 18 months' imprisonment for illegal possession of arms and ammunition, but this too will run concurrently with the other terms of imprisonment.

The assessors were Mr W S O'Brien and Mr R Lewin. Mr A de V la Grange appeared for the State. Mr D Delahunt and Mr S Desai, instructed by E. Moosa and Associates and Y. Ebrahim and Co, appeared for the Bhawoodiens and Abrahams respectively.

Mutilated girl: People's court 'official' tells of 'trial'

Supreme Court Reporter

A PEOPLE'S court "official" has told the Supreme Court of the discovery of the mutilated body of a nine-year-old girl and the subsequent "trial" of her cousin and her uncle.

Mr Makhele Tono testified yesterday in the trial of Mr Simon Sikhunana, 19, and his uncle, Mr Morgan Sikhunana, 42, who have pleaded not guilty to murdering Siphokazi Alicia Goniwe in Nyanga East on April 19 last year.

Previous evidence was that both accused were arrested during people's court hearings.

The State alleges Siphokazi left her parents' home with Mr Simon Sikhunana, her cousin.

Later, it is alleged, both ac-

cused were seen washing their hands and a knife at a tap.

Five days later, Siphokazi's partly-decomposed body was found about 500m from the tap.

She had been stabbed and parts of her body were missing.

A district surgeon testified that the girl's lips and right ear and parts of her nose and right cheek were missing, as well as part of her thigh.

Mr Tono said he was one of the leaders of the Nyanga Youth Brigade and sometimes acted as chairman of a people's court, held at Zolani Youth Centre.

On April 24, a youth brigade member reported finding a body.

Mr Tono said he fetched Mr

Simon Sikhunana and showed him the body.

Mr Simon Sikhunana said he and Mr Morgan Sikhunana had killed Siphokazi, said Mr Tono.

Mr Morgan Sikhunana was brought to Zolani Youth Centre by relatives.

A people's court "trial" of the two accused began on April 25 and was interrupted by police, who arrested Mr Morgan Sikhunana.

The next day, police again intervened and arrested Mr Simon Sikhunana, said Mr Tono.

(Proceeding)

Mr Justice van Heerden is on the Bench. Mr L E Buyskes and Mr H J Luttig are assessors. Mr G Visser appears for the State. Miss R Williams and Miss L G Troskie appear pro Deo for the accused.

PEOPLE'S

Major: Witness said he saw man surrender

Cape Times 14/5/87
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331

Court Reporter

A POLICEMAN told the Regional Court yesterday that a witness who said he had seen one of seven alleged ANC guerillas being gunned down by police, had told him the man had raised his hands in surrender shortly before being shot.

The investigating officer in the matter, Major Stephanus Brits, of the murder and robbery squad was giving evidence in the trial of the Cape Times deputy news editor, Mr Tony Weaver, who is charged under Section 27 (b) of the Police Act.

The charge arises from an interview he had with the BBC Africa Service on March 4 last year concerning the shootout in Guguletu the day before. The State alleges Mr Weaver unlawfully published untrue matter by allegedly claiming that the men had been shot in cold blood.

Bodies lying in road

Maj Brits said yesterday that he arrived at the scene at 8.03am and had seen bodies lying in the road.

He entered the Dairybelle building and inquired at all the rooms overlooking the scene. A Dairybelle employee, Mr General Sibaca, who was "a bit shocked", told him that he had seen a man raise his hands and that the police then shot the man.

Under cross-examination by Mr J Gauntlett, counsel for Mr Weaver, Maj Brits said: "I thought this story strange because it was not what I would expect from police. I would regard such behaviour as abnormal and it would shock me."

Constable Thapelo Mbelo, who was driving a police minibus at the scene of the shootout, said he saw five men "either holding their clothes in front of them or walking with their hands in their pockets" at the intersection of NY1 and NY111.

He drove around the block and then saw one of the men running and firing an AK-47.

He stopped the minibus and climbed out. A man stepped in front of him, lifted his lumberjacket and attempted to pull out a weapon. Const Mbelo then fired five times, killing the man.

Cross-examined by Mr Gauntlett, Const Mbelo said the man had not pulled out a weapon "at any stage". He denied seeing the man lift his hands.

He also denied seeing other police shooting the man after he was on the ground. Const Mbelo admitted overlooking the wording in his statement to Maj Brits, which recorded him saying the man had "pulled the weapon out of his pants".

The hearing continues today.

Mr J M Lemmer was the magistrate. Mr S Shrock prosecuted. Mr Gauntlett was instructed by Findlay and Tait.

UDF opposed to violence — Stofile

BISHO — The United Democratic Front (UDF) did not advocate violence and was opposed to acts of violence, the Rev Arnold Stofile, the secretary-general of the Border branch of the UDF, told the Bisho Supreme Court yesterday.

He was giving evidence in the terrorism trial in which he, Mr Mzwakhe Ndlela, Mr Linda Stofile, Mr Mveleli Gqibitole and Miss Nomvuyiso Stofile are charged with terrorism, harbouring a terrorist, and possession of arms.

They have all pleaded not guilty to the charges.

Mr Stofile said the UDF did not intend to overthrow the Government by force but rather wanted the present system of government changed by democratic means.

He said the methods used by the UDF to achieve this had been utterances, statements and letters to the "powers that be".

He said it was not the aim of

the UDF to fight the police to achieve a change of government.

He said South Africa was one country and the UDF did not see itself overthrowing Ciskei, as all the homelands were part of South Africa.

Asked by Mr W F Jurgens, for the State, what he thought would be done to the independence of Ciskei, if South Africa changed its present system of government, he replied that the South African people would democratically decide about it.

FLAGS AT FUNERAL

Mr Stofile said the UDF did not sympathise with communists and the African National Congress (ANC).

He said he had never heard Mr Oliver Tambo, ANC president, speak nor had he read literature written by him nor read his speeches.

He agreed when asked by Mr

Jurgens that there were flags of the ANC and Soviet Union at a Cradock funeral.

There was laughter when Mr Stofile said it was not the policy of the UDF to "chase away" any flag, even if it was that of the National Party.

Earlier Mr Stofile told the court it was out of character for a Mr Mziwonyana Jacobs to give him a gift of a Makarov pistol.

He said he did not expect a present of that nature. He said he had no dealings with Mr Jacobs except that he helped get him a bursary from their Zingisa Bursary Scheme of which he was a committee member.

When it was pointed out to Mr Stofile that Makarov pistols and AK-47 rifles were used by terrorists, he replied that he did not believe so.

He had read of these weapons used in faction fights in Natal. The members of the AWB had

also been arrested in Pretoria in possession of those types of weapons, he added.

Referring to a letter Mr Stofile is said to have written to his wife and smuggled out of prison, Mr Jurgens put it to him that when he wrote in the letter that his wife should keep the keys of a box safely, there was something "clandestine" in that message.

Mr Stofile said if the keys of a deed box were lost, he would need a Supreme Court order to open it again. He had been told this by the bank management.

Mr Jurgens then asked Mr Stofile why he did not go through normal prison channels to deliver his letter to his wife if there was nothing secret in it.

Mr Stofile said it was a way of communicating when one had been put away incommunicado which was in itself "inhuman".

The trial was postponed until tomorrow. — Sapa.



331 SMD
14/5/87

Treason trial: 'Cosatu, UDF are conspirators'

By Jo-Anne Collings

The Congress of South African Trade Unions (Cosatu) and the United Democratic Front (UDF) are named as conspirators in a bulky treason trial indictment served this week on lawyers representing eight young residents of Alexandra township.

The trialists, detained in the middle of last year, were originally accused of sedition and have been refused bail. One of the group is a 17-year-old youth, while the oldest accused is 28.

Lawyers say that when their clients appear in the Rand Supreme Court on Monday they will now face a main charge of high treason and alternative charges of sedition and subversion.

UNGOVERNABLE

The indictment states that the accused conspired:

- To render Alexandra ungovernable and to govern the area themselves or in association with others.
- To establish "organs of people's power" and to exercise control over the structures of authority — on a national or local basis — as well as over the army, the police, the courts, the media, the economy and educational institutions.
- To mobilise Alexandra residents

to achieve the above and to group residents into street and block committees.

- To cause the "organs of people's power" to conduct the business of official structures "as in communist Cuba".

The trialists conspired that these "organs" would provide basic foodstuffs and medicines in times of "heightened confrontation" as well as first aid and similar services, the charge sheet said.

NO-GO AREAS

They would also undertake the "so-called defence of communities against the forces of the Republic of South Africa ... and create no-go areas for such forces".

The accused conspired to set up people's courts and to expand trade unions and youth groups to achieve the above aims, the document adds.

Between January and July last year the accused conspired with the African National Congress and/or Cosatu and/or the UDF and/or the Alexandra Youth Congress to conspire various acts which constituted high treason, the indictment says.

The accused are: Ashwell Mxolise Zwane (20), Vusi Andries Ngwenya (20), Andrew Mafutha (22), David Mafutha (19), Arthur Selby Vilakazi (24), Albert Ali Sebola (21), Piet Moganano (28) and a 17-year-old youth, who may not be named.

Evans Simasiku, was this week sentenced Emergency regulations for almost a year. magistrate's court on May 27.

Hospital gunmen sentenced

W/Mail 15-21/87

331

TWO men involved in springing injured African National Congress member Gordon Webster from Edendale Hospital last year, have been convicted and sentenced for murder and attempted murder.

Derrick McBride, 54, father of convicted Magoo's Bar bomber Robert McBride, and Antonio du Preez, 22, were found guilty of murdering Mlungisi Buthelezi.

Buthelezi, a visitor to the hospital, died during the "rescue" of Webster, and four others were hurt. The two were convicted on four counts of attempted murder in connection with the injured visitors.

McBride is to serve an effective 12

By CARMEL RICKARD

years and Du Preez 15 years, six months. The judge said under normal circumstances McBride's crimes would not result in a lesser sentence than that passed on his accomplice. However, McBride's illnesses and his special relationship with his son, under whose influence the rescue operation was carried out, made him deserve compassion.

Summing up, the judge said he had no hesitation in finding McBride junior had done the shootings at the hospital. (During the younger McBride's trial, however, both he and his co-accused, Greta Aplegren, were found not guilty of murder in connection

with the Edendale Hospital raid.)

In this week's trial of Du Preez and McBride, extenuating circumstances were found by the court, including the fact that McBride junior was the principal actor in the incident and that he had great influence over his father and Du Preez.

Botswana blast man gets bail

By Thami Mkhwanazi

CONDITIONAL bail has been granted to the Botswana national charged with stealing the explosives-laden microbus which blew up in Gaborone on April 9.

I enclose a cheque/postal order for a... Home deliveries: Please give

W/Phil (2) (33) Picture: STEVE HILTON-BARBER
15-2/88
Ex-troop-tells of beating

● From PAGE 1

into providing them with liquor.

- Breaking up fences for firewood.
- Driving at a congregation as they left a Sunday church service and then teargassing them.
- Hiding among township houses while a Buffel was driven about in a manner which it was hoped would provoke action.
- Conducting high-speed trips



Conscientious objector Phillip Wilkinson is hugged by an admirer outside

through the townships in order to give residents locked in the "bin" (the back of the truck) a "joy ride".

● Assaulting residents using sticks cut from trees because troops were not issued with sjamboks.

The information secretary of the Namibian Students Organisation, also giving evidence in mitigation, told how he and 15 fellow pupils fled Namibia after the SADF established a camp close to their school. The SADF had started placing "devices" around the school and behaving in a manner which made him fear for his life, he said.

On May 4 1978, he was at a camp called "Vietnam" 60km into Angola when the SADF attacked.

He described a 30-minute jet bombing attack, followed by a troop attack. He said about 100 civilians died. The camp had been protected by about 20 Swapo soldiers.

He was then detained for six years in Mariental Camp, south of Namibia. At the camp, he was once forced to dig a hole that was 10m by 1m for daring to voice complaints about conditions.

When he became thirsty, an SADF soldier had poured water into the ground in front of him. Later, 15 soldiers had kicked him about, "like a football", and he was unable to move for two days.

After his release, SADF soldiers drove over the fence around his family home in Ovamboland.

Court Reporter

CAPE TIMES reporter Mr Chris Bateman yesterday said that police would have committed murder if it were true that they had shot dead an alleged ANC guerilla who had his hands raised, and "finished off" another who was wounded on the ground.

Mr Bateman was giving evidence in the Regional Court in the trial of a colleague, Mr Tony Weaver, deputy news editor at the Cape Times, who is charged under Section 27 (b) of the Police Act.

Mr Weaver previously had three charges withdrawn against him arising from a report in the Cape Times following the killing of seven alleged ANC guerillas, who died in a gun battle with police in Guguletu on March 3 last year.

The remaining charge arises from an interview he had with the BBC Africa Service on March 4 last year concerning the shootout.

The State alleges that Mr Weaver unlawfully published untrue matter by claiming that some of the men had been shot in cold blood and that the police had then "planted" weapons on the deceased, claiming that they were guerillas to justify the fact that they had been shot.

Earlier the court heard that, after receiving information that a certain vehicle which regularly drove past a certain corner in Guguletu was to be attacked, the police had put some men in the vehicle.

Police had also been told to hide in



Mr Chris Bateman



Mr Tony Weaver

strategic positions surrounding the area where the expected attack would take place and were told that the suspects would be travelling in a stolen minibus.

Yesterday Mr Bateman agreed with the prosecutor, Mr S Shrock, that if three eyewitnesses' accounts that police had shot the men in cold blood were true, then the police had committed murder.

Mr Bateman said he had gone to the scene of the shooting and after police had finished their investigations and lifted the cordon surrounding the area, he had entered the Dairybelle boarding hostel which housed rooms overlooking the scene.

He had found a Mr Vumozonke Bow-ers, who took him to a ground-floor room and said that from there he had seen police shooting a man in the head as he lay on the ground.

He had gone upstairs and found a bullet hole in a window and a bullet

mark in the wall.

Mr Bateman then interviewed Mr Cecil Msuthu, who said he had seen a man with his hands raised in the air whom the police had shot once in the head and other shots at his legs.

He had then spoken to Mr General Sibaca, who said police had grabbed a man, taken a pistol from his belt and then kneed him in the stomach before hitting him to the ground.

Mr Sibaca told Mr Bateman that police in the distance had shouted "shoot him" and then three shots were fired at the man.

Mr Bateman had gone to the Bishop Lavis police station where he spoke to policemen involved in the shootout and then phoned the police liaison officer, Lt Attie Laubscher, who denied the allegations.

The report appeared on the front page of the Cape Times on March 4 on the same day that Mr Bateman re-turned to the scene with PFP MP Mr Tian van der Merwe and an attorney,

Mr B Manca, to obtain statements from the witnesses.

Mr Bateman said he had no reason to believe that the three were unreliable witnesses. He assumed that Mr Sibaca and Mr Msuthu were referring to the same incident, but conceded that another person "could have raised his hands".

Both Mr Sibaca and Mr Msuthu said a man had raised his hands and police had removed a gun from his person.

Mr Weaver told the court that he was nominated for the Louis Lyons award for Consciousness and Integrity in Journalism and had been offered a position as a visiting fellow at the Journalism Exchange Programme at Oxford University.

He said Mr Julian Borgers of the BBC had telephoned him on March 3 for details of the shootout. He had given Mr Borgers the police version.

Mr Weaver explained that he had not relayed Mr Bateman's report to Mr Borgers as the report had not been cleared for publication. The following day Mr Weaver had been assigned to interview families of the deceased.

After a "township contact" had informed him that he could speak to the families of two of the dead men he and a colleague, Mr Andre Koopman, had gone to Guguletu and done so.

He said he believed that the families were genuinely bereaved. They told him the dead men were not interested in politics and were not ANC members.

One of the mothers said the first she heard of her son's death was when she saw him dead on television.

On his return to the office Mr Borgers contacted him for an update and later he was interviewed live on the BBC. He had related the feelings of the family members to Mr Borgers and the versions of the witnesses.

He said his personal beliefs formed no part of the interview or any of his news reports. He said it was the opinion of one of the mothers that the police had planted the weapon on her son.

She believed her son was not an ANC guerilla and the gun "could only have been planted on him".

He said he had stressed the emotional state of the family in the interview and said there was no proof that what they said was true.

He said he had found that when ANC members were killed the parents were proud and did not try to hide the fact that their sons were ANC members.

The hearing continues today.

Mr J M Lemmer was the magistrate. Mr J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

ARH 13/5/87

Newsman quizzed over report on police action

Court Reporter

WITNESSES' accounts of police action against alleged terrorists published by the Cape Times in March last year were extremely serious and, if believed, would amount to murder, the Cape Town Regional Court heard.

Mr Selwyn Shrock, for the State, was cross-examining Cape Times journalist Mr Chris Bateman about three witnesses' accounts of police action in Guguletu in which seven alleged terrorists were shot dead.

Mr Bateman's report published on March 4 was the basis for a report by colleague Mr Tony Weaver to the BBC.

Mr Weaver has pleaded not guilty to a charge of making false statements about police action to the BBC.

Cordoned off

Mr Bateman said police cordoned off the intersection of NY1 and NY111 and reporters and photographers were kept away.

He went to a hostel and met three men who saw the incident.

Two of them said they had seen police shoot a man with his hands in the air.

The third said he saw police grab another man and take a pistol from his belt. An order to shoot was given and the man was shot.

Mr Shrock said that these allegations against the police were very serious and if they were to be believed they constituted murder.

Mr Bateman agreed and said that was for the court to decide.

Mr Shrock: This report was published on the front page of the Cape Times and enjoyed enormous prominence. You are obviously aware that there are people in the townships who would like to place South Africa and the police in a poor light and would make false allegations against police.

Mr Bateman: I suppose there are people who would do that.

Mr Shrock: Did you question these witnesses about their attitude in that regard?

Mr Bateman: No, your worship.

Mr Shrock: Don't you think you should have?

Mr Bateman: Perhaps, your worship.

Mr Bateman, who speaks Zulu and understands Xhosa, said he had made careful inquiries and felt he had reasonable grounds to believe that the three witnesses' accounts were unbiased.

Police version

Earlier, Mr Weaver testified that on the day of the shooting he gave BBC News only the police version of the action because although Mr Bateman's report had arrived, it had not yet been verified.

After the witnesses' story appeared in the Cape Times he added the details for which he was being charged.

He went to Guguletu with a colleague and interviewed the mothers of three of the dead men.

They said their sons were not freedom fighters or members of the ANC and they felt weapons were placed on their bodies to "set them up".

He gave this story to the BBC with the warning that "obviously there is no proof of this".

(Proceeding)

ARhas 13/5/87 (413) 226

Newsman quizzed over report on police action

331

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(Proceeding)

Raid on hospital: Two men jailed

MARITZBURG. — Derrick McBride, 54, was yesterday jailed for an effective 12 years for the killing of a civilian and the attempted murder of four other people during the raid which freed ANC guerilla Gordon Webster from Edendale Hospital in May last year.

And the Supreme Court here jailed McBride's co-accused, Antonio du Preez, 23, for an effective 15½ years on the same charges, as well as five additional counts of terrorism.

McBride, whose son Robert, 23, was sentenced to death last month for the Parade Hotel car-bombing, raised his fist in a clenched salute and shouted "Amandla" as he was taken downstairs after Mr Justice Kriek, sitting with two assessors, refused leave to appeal.

The judge gave no reasons for refusing leave to appeal. After the trial, lawyers acting for the defence said they would petition the Chief Justice for leave to appeal both against judgment involving murder and attempted murder and also against sentence.

During a brief adjournment after sentence was passed, Derrick McBride turned to the public gallery and made a bitter attack on whites and the white press.

He shouted to his wife, Mrs Doris McBride: "Don't talk to those men (white journalists). They are upholders of this sickly regime."

Later he and his family exchanged jokes about his fate in prison, including whether he would be given "a double-breasted green suit" to wear. "I have demanded it," McBride replied laughing.

Du Preez said: "I've no relatives in court. If my father had attended my trial he would have been fired from his place of employment. I can see no purpose in giving you his business address."

In sentencing the two men, Mr Justice Kriek said the defence had submitted that courts should act with

more than usual empathy in political cases. But this was not relevant to the Edendale incident, he said.

The judge said Du Preez had participated in Webster's rescue because he sincerely believed he was helping Robert McBride to free a friend. Du Preez had not known Webster was an ANC terrorist.

In the case of Derrick McBride, the judge said his participation did not stem from any particular political desire or a desire to free Gordon Webster, but rather out of a desire to help his son.

Referring to the terrorism charges on which Du Preez was found guilty, the judge said he had already found that Du Preez had not deliberately thrown a grenade into the bedroom of the home of Mr Y P Klein and his wife (who were injured) and neither had he expected his companion, "Mr C", to do so.

In fact Du Preez was most upset when he realized a handgrenade thrown by "Mr C" had landed in the Kleins' bedroom, causing considerable damage and injuries to Mrs Klein who was hospitalized.

On the other counts, which related to contravening the Terrorism Act and included the planting of limpet mines at industrial oil processors and pipelines leading to the Mobil Oil Company (all in the Durban area), the judge said Du Preez had played a minor role. — Sapa

Bus driver describes shooting

371/1000/1000
Court Reporter

AT THE scene where seven alleged ANC guerrillas were shot dead by police, a man wearing what appeared to be a police uniform shot another in the head "at point-blank range in front of the very eyes" of a busload of disabled school children, the Regional Court heard yesterday.

The bus driver, Mr Ronald Benting, was giving evidence in the trial of Mr Tony Weaver, deputy news editor of the Cape Times, who is charged under Section 27 (b) of the Police Act with making false statements to the BBC in connection with the shootout in Guguletu on March 3.

Mr Benting, who is a bus driver for the Astra school in Wittebome, said he had approached the intersection on his rounds and saw a number of "policemen standing around" and a stationary minibus in the road.

A man was lying in the road and Mr Benting stopped the bus. A "white man wearing something like that (pointing at the court orderly's uniform) approached the man on the ground and shot him at point blank range."

"He put the gun close to his head and shot twice. I saw blood come out of his head and run onto his cheek. I saw no movement from the man."

"The man who shot then came up to the bus and asked me what I was doing there with a busload of children. I did not answer him; the man had a gun in his hand. I just turned around and left."



Mr Tony Weaver

He said he had told the principal of the school of the incident and had later spoken to Mr Tian van der Merwe, MP for Green Point, and an attorney, Mr Gordon Rush-ton.

Mr Benting said he had not been keen to give evidence and had no reason to say untrue things about the police.

A 15-year-old pupil with a "learning disability" at the Astra school gave evidence.

He said he was in the bus and, as it stopped, he saw a "black man lift his hands in the air and then they shot him. He fell."



Mr Tian van der Merwe

He indicated on a photograph that the man had been shot on the corner of NY1 and NY11. A policeman had then come to tell Mr Benting that he must "turn around", he said.

Under cross-examination by the prosecutor Mr S Shrock, he said he did not know the difference between the truth and lies. He said he had not seen a man on the ground in front of the bus.

The 15-year-old said he could not read a newspaper and no one had told him a man had been shot.

Mrs Patricia Smith, a house-mother at the school who had also



Mr Chris Bateman

Mr Chris Bateman, said that as they approached the intersection she had "seen some activity and heard shooting".

The bus had come to a halt on a bridge just before the intersection and she had seen a man lying in the road. She said a "white man had fired downwards at the man with a short gun."

Mrs Smith said she had only been concerned about the children, but that about 10 minutes later she had been in a "terrible state" of shock.

"One of the children was also very upset by the incident," she said. Mr Van der Merwe, who had

practised as an advocate, said he had gone to the Dairbelle hostel overlooking the scene to collect information from witnesses of the shootout. Mr Rushon and Mr Chris Bateman, a Cape Times reporter, had accompanied him.

He had gone as a member of the Progressive Federal Party's unrest monitoring committee group and to act as a commissioner of oaths.

He said there was a "question of a person lying on the ground who was shot at and also that a man with hands raised in the air had been shot".

Mr Van der Merwe said he had no reason to disbelieve the witnesses they had spoken to. He had later spoken to Mrs Smith and Mr Benting, he said.

Earlier Mr Bateman said he had gone to the scene of the shooting and interviewed Mr Vunozonke Bowers who said he had seen police shooting a man in the head as he lay on the ground.

Mr Bateman then interviewed Mr Cecil Msutu, who said he had seen a man with his hands raised in the air. The police had shot this man once in the head and had fired other shots at his legs.

He had then spoken to Mr General Sibaca, who said police had grabbed a man, taken a pistol from his belt and kned him in the stomach before hitting him to the ground. Three shots were then fired at the man. Mr Bateman had spoken to all the men in Zulu.

The hearing was adjourned to June 22.

Mr J M Lemmer, was the magistrate. Mr J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

Can Trib 16/5/81

Army spy gets 7 years

PRETORIA. Defence Force Major Andre Pienaar was yesterday sentenced in the Pretoria Supreme Court to an effective seven years' imprisonment after being convicted of contravening the Protection of Information Act.

Major Pienaar, 32, contravened various sections of the Act which prohibit the obtaining of secret information or documents relating to the defence of the Republic or any other security matter with the purpose of disclosing the information to a foreign state or agent.

Mr Justice de Villiers sentenced Major Pienaar to 12 years' imprisonment, five conditionally suspended for five years, after he pleaded guilty to contravening parts of Section 3 of the Protection of Information Act.

A four-year sentence on two alternative charges will be served concurrently with his sentence on the main charge.

He was also convicted on an alternative charge of contraventions in terms of certain parts of Section 5 of the Protection of Information Act.

Major Pienaar was acquitted on five charges and nine alternative charges of contravening various sections of the Protection of Information and the Defence Acts.

□ Major Pienaar was arrested in December last year and held in Pretoria under Section 29 of the Internal Security Act.

It was reported that Major Pienaar was arrested at Jan Smuts Airport.

□ Three years ago the German-born former commander of the Simon's Town naval base, Dieter Gerhardt, and his wife, Ruth, were convicted of spying for the KGB. He was sentenced to life imprisonment for high treason and his wife to 10 years' jail for the same offence.

— Sapa and Staff Reporter

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ONE TIME 16/5/82
**Death sentences 331
for 3 NUM
stewards**

KLERKSDORP. — Three of the seven National Union of Mineworkers (NUM) shaft stewards on trial here this week have each been sentenced to death four times over. Mr Justice Strydom, sitting with two assessors, sentenced to death Tjeluvuyo Mgedezi, 28, Solomon Mangaliso Nongwati, 38, and Paulos Tsietsi Tsehlana 38, on four charges, of murder. He also sentenced them to an effective 15 years' imprisonment each for attempted murder. Of their co-accused, Siphile Mngondo Mbalumdaka, 28, was sentenced to 50 years on four charges of murder and one of attempted murder. The sentences will run concurrently, meaning he will serve an effective 10-year jail term.

Sentenced

Frans Stone Makhanya, 36, and Edwin Nkatutu Masike, 39, were each sentenced to seven years' imprisonment on each of the five charges. The sentences will run concurrently and they will each serve an effective seven years' imprisonment. Mr Monwabisi Sketi, 27, was acquitted on all charges. The State earlier withdrew charges against Mr Joseph Thoo, who died of natural causes a day before the trial. The judge found that the accused murdered team leaders Mr Edward Masiane, Mr Philemon Mota, Mr Daniel Sekwati and Mr Joseph Rantlatsi on February 18 last year at the Vaal Reefs mine near Orkney. He also found that they had attempted to murder Mr Fernando Nyoni the same night. No NUM officials attended. The accused's wives and relatives were also not in court. — Sapa

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W/E ARGUS 16/5/87 (22) (331)

Crippled boy 'saw' police shoot man'

by GILL TURNBULL
Court Reporter

A HANDICAPPED youth told Cape Town Regional Court that while travelling to school by bus he saw a policeman shoot a man who had his hands in the air.

The youth, 15, was giving evidence for the defence in the trial of Cape Times journalist Tony Weaver, who has pleaded not guilty to a charge under the Police Act of making false statements to the BBC regarding police actions in Guguletu on March 3 in which seven alleged terrorists were killed.

The youth said he was sitting in the front seat of a school bus which was carrying 29 other handicapped children when the bus stopped near the intersection of NY 1 and NY 111.

Saw man shot

He was looking out of the righthand-side window and saw a man with his arms "in the air" standing near a telegraph pole. The man was shot and fell to the ground.

The youth, who gave evidence from a wheelchair, said he could not remember the race of the man who fired the weapon.

Earlier bus driver Mr Ronald Abraham Benting said he was returning from St Joseph's School for the handicapped about 7.25am.

He reached an intersection and stopped because there was a black man in a blue tracksuit lying face downward in the road.

Nearby was a white combi and many policemen.

He saw a white policeman issue an order. The others then ran towards the bushes and the policeman approached the man lying in the road and shot him twice in the head.

Miss Pat Smith, house-mother to handicapped children, said she was in the bus and saw a white man shoot a black man lying in the road.

Mr J M Lemmer was on the Bench, Mr Selwyn Shrock appeared for the State and Mr Weaver is represented by Mr J Gauntlett, instructed by Findlay and Tait.

Ferry for sale

THE HAGUE. — The Herald of Free Enterprise, which capsized in March, killing more than 180 people, is on sale for repair or scrap. — Sapa-Reuter.

UDF is anti-violence - Stofile testimony

THE United Democratic Front did not advocate violence and was opposed to acts of violence, the Rev Arnold Stofile, secretary-general of the UDF's Border branch, told the Bishop Supreme Court this week.

Stofile was giving evidence in the terrorism trial in which he, Mzwakhe Ntshela, Linda Stofile, Myeli Gqibole and Nonobuyiso Stofile are charged with terrorism, harbouring a terrorist and possession of arms. All have pleaded not guilty.

He said that the UDF had been formed to oppose forced removals, the tribal system of parliament and influx control measures introduced by the then Minister of Co-operation and Development, Piet Koornhof.

The UDF did not intend to overthrow the govern-

ment by force but rather wanted the present system of government changed by democratic means, he said.

Asked by WF Jurgens, for the State, what he thought would be done to the independence of Ciskei if South Africa changed its present system of government, he replied that the South African people would democratically decide the issue.

Stofile said the UDF did not sympathise with communists and the ANC.

He agreed with Jurgens that there were flags of the ANC and Soviet Union at a Cradock funeral.

The court burst into laughter when Stofile said he officiated at that funeral and it was not the policy of the UDF to "chase away" any flag, even if it was that of the National Party.

Earlier, Stofile had told the court under cross-examination that it was out of character for a Mziqonyana Jacobs to give him a Makarov pistol.

He said he had had no dealings with Jacobs other than helping him to get a bursary from the Zingisa bursary scheme, of which he was a committee member.

Stofile said if he had opened the present on his wedding anniversary he would have been very surprised and disappointed to find the gift was a Makarov pistol. He would be faced with the problem of what to do with the pistol as it was illegal to keep it.

When it was pointed out to Stofile that Makarov pistols and AK 47 rifles were used by terrorists, he replied he did not believe so.

He had read of these weapons being used in faction fights in Natal and that the police would confiscate them. Members of the AWB had also been arrested.

ed in Pretoria while in possession of such types of weapons, he added.

Jurgens then put it to Stofile that when Stofile wrote in the letter he had smuggled out of prison to his wife that she should keep the keys of "the box" safely, there was something "clandestine" in the message.

Stofile replied that that was "active imagination" on the part of the State.

He said he had two boxes, one at home and a safety deposit box in the bank. He said he put inverted commas around the word "box" in a letter to

his wife, when referring to the cash box he kept at home.

He said the problem was that in Xhosa the two types of boxes had two different names - the cash box would be called "Inkonkxa" and the deed box "Ibhokisi".

If he lost the keys to the deed box he would need a Supreme Court order to open it again.

Jurgens then asked Stofile why he did not go through the normal prison channels to deliver his letter to his wife if there was nothing secret in the letter.

Stofile replied that writing letters in prison did not necessarily mean there was something secret in a similar manner, but was the only way of communicating when one had been put away incommunicado.

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Spell blamed for attack

17/5/87 C/P res

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ONE OF 11 East Rand people accused of beating and burning Rosaline Maki Skhosana to death in Duduza on July 20, 1985, told a judge: "I am sorry I kicked Maki Skhosana before she died. It was not my intention to do that. I was overcome by an evil spell."

Elizabeth Matlakala Motaung, 27, said during cross-examination by BJ Bredenkamp in the Pretoria Supreme Court this week that she kicked Skhosana on the spur of the moment.

"I was not aware of what I was doing," she told the court. "It only came to my realisation that I had done a wrong thing by kicking Maki when I went to sleep that night."

Motaung, who submitted that violence was not a good thing and was against her religious beliefs, said she could not sleep that night when she thought of the day's events.

"A flurry of thoughts came to me. I was very frightened, especially when I

realised that I had kicked her and that the police would come and arrest me.

"I did not think she would die when I kicked her and I had no intention of kicking her or killing her."

Motaung admitted it was wrong to have kicked Skhosana, although she was a police informer.

She said that on the day Skhosana was killed, she had gone to attend the funeral of one Matanzima who was buried with three other people.

All of them had been killed by the police and were given a mass funeral at Duduza Cemetery.

She only knew Matanzima and it was her intention to stay at the cemetery until her burial was completed.

But curiosity drove her to join a mob of people at the far end of the cemetery before the service could be completed.

"The people were shouting and seemed to be chasing someone."

She found they were chasing a woman whom she later discovered to be Maki — the alleged police informer who had caused the deaths of many people.

Maki was hurled to the ground by the enraged mob and was severely beaten.

Motaung said an evil spell overcame her as she started kicking the deceased.

Thereafter she went home not knowing whether she was dead or not.

"I did not care whether she was dead or not. I was overcome by a funny, different feeling."

According to earlier evidence, Skhosana, who was a UDF member, died of a fractured skull, subdural haemorrhage and cerebral contusion which resulted from severe beating.

All the accused, including two minors, have pleaded not guilty to the charge.

The case is proceeding. — Sapa.

Grief and joy for Azasm

By MARTIN NTSOELENGOE

THERE were tears of joy and tears of grief in the corridors of the Johannesburg Regional Court this week as some members of the Azanian Student Movement were acquitted and some jailed.

Tears of joy came when Azasm's national organiser, Stanley Siqotyane, 21, Vusi Ben Nko and Kenneth Moshe Mampondo were found not guilty of sedition and public violence and discharged.

Azapo member Nicodimus Phake was also acquitted but won't enjoy his freedom as he is in detention.

Grief came after the magistrate sentenced Rubin Moliki, 21, Gugu Sosibo, 19 and Stephen Menoe, 21, to three years.

Moliki will effectively serve one year in jail. Sosibo and Menoe will each serve 18 months.

The three incriminated themselves after making statements to security police in July, 1985. Later they alleged that they were assaulted by police to make the statements.

The magistrate said public violence was a serious crime and punishment had to be meted out accordingly.

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NUM men get death sentence four times over

CP Press 17/5/87

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THERE was silence in the packed Klerksdorp Circuit Court this week when three of the seven National Union of Mineworkers shaft stewards were each sentenced to death four times over.

Judge JJ Strydom, sitting with two assessors, found no extenuating circumstances after convicting Tjeluvuyo Mgedezi, 28, Solomon Mangaliso Nongwati, 38, and Paulos Tsietsi Tsehlana 38, on four charges of murder.

He sentenced them to death, as well as an effective 15 years' imprisonment each for attempted murder.

Their co-accused, Si-phiwe Mngondo Mbalumdaka, 28, Frans Stone Makhanya, 36, and Edwin Nkatutu Masike, 39, were also found guilty on four murder charges and an attempted murder charge.

However, the judge found that, in their cases, there were extenuating circumstances.

Mbalumdaka, Makhanya and Masike were sentenced to a total of 120 years' imprisonment, but the sentences were to run concurrently.

Mbalumdaka was sentenced to 50 years on four charges of murder and one attempted murder.

The sentences will run concurrently, meaning that he will serve an effective 10-year jail term.



DAN DHLAMINI

tive 10-year jail term.

Makhanya and Masike were each sentenced to seven years' imprisonment on each of the five charges.

The sentences will also run concurrently and they will serve an effective seven years' imprisonment each.

Monwabisi Sketi, 27, was acquitted on all charges and the State earlier withdrew charges against Joseph Thoo, who died of natural causes a day before the trial.

Judge Strydom found that the accused - mostly shop stewards of NUM - murdered team leaders Edward Masiane, Philemon Mota, Daniel Sekwati and Joseph Rantlatsi on February 18 last year at the Vaal Reefs mine near Orkney in the Western Transvaal.

The court also found that they had attempted to murder Fernando Nyoni on the same night.

The judge said Mgedezi was the instigator of the mob and had intended that the team leaders, who had personal vendettas against him, should be murdered.

Earlier in the trial State witnesses said Mgedezi threatened the lives of

team leaders whom he called "impimpis" or sell-outs.

The judge said there was evidence that Mgedezi was brought before a disciplinary committee in 1985 which found him guilty of threatening the lives of team leaders.

He said that Mgedezi had appealed against the disciplinary committee's findings and was discharged.

The judge found that Mgedezi led the group of about 200 to 300 men who attacked Room 12 in which the four team leaders were murdered.

Strydom said Mgedezi had been seen opening the window of Room 12 and hurling a burning chair inside.

He said Nongwati was seen chasing and hacking Edward Masiane, who had escaped from the burning room.

Paulos Tsehlana ordered the group to stop hurling stones at Room 12 so that he could smear the door of the room with an inflammable glue before setting it alight.

Tsehlana also hurled a burning tyre into the room.

Strydom also found that Mbalumdaka was armed with a spear and stick while stoning Room 12 in February last year.

However, he said his part in the killings was minimal as he had only sang and danced while the others attacked the inmates of the room.

Masike had only broken tree branches and given them to the members of the group to use as kieres to assault the inmates of the room.

The court was packed with team leaders, mine officials and onlookers.

No NUM officials attended and the accuseds wives and relatives were also not at the court.

When the judge pronounced the death sentences, the condemned men just stared at him.

After the interpreter told them that they were to hang, they looked at each other in disbelief.

Earlier in the trial, Advocate D Smith for the accused argued that the Vaal Reefs mine management's refusal to search team leaders for weapons - as requested by Mgedezi a day before the murders - frustrated him and led him to take the law into his own hands.

When asked if he wanted to appeal, Smith said he would get instructions from NUM first.

1986-18/5/87 (31)

Sparg's bid for appeal is rejected

BLOEMFONTEIN. — Marion Monica Sparg, a former Johannesburg journalist, has been refused leave by the Appeal Court, Bloemfontein, to appeal against her sentence for treason.

Sparg was sentenced by Mr Justice van der Walt in the Rand Supreme Court last year after pleading guilty to two counts of arson, one of attempted arson and the treason charge.

She was sentenced to five years on each of the counts of arson — at buildings housing the Progressive Federal Party's offices in Norwood and Illovo — and three years for at-

tempted arson at a building housing the PFP offices in Parkwood.

These offences were committed on May 31 1981. The sentences were ordered to run concurrently.

She was sentenced to 20 years' imprisonment on the treason charge which related to explosions at the Cambridge police station, East London, on February 19 1986, and at John Vorster Square and Hillbrow police station, Johannesburg, on March 4 1986.

It was against the latter sentence that she sought leave to appeal. — Sapa.

...the ship will need crankshaft re-
pairs.

CAT Times 19/5/87
Leave to appeal granted *331*

BLOEMFONTEIN. — The Appeal Court here has granted four men and a 17-year-old youth of Bongoletu township, Oudtshoorn, leave to appeal against their sentences for public violence at Oudtshoorn in November 1985 when a truck was set alight. Joseph Hoko, Dickson Mdadi Kane, Ernest Solomons, David Ketshem and the youth were convicted in the George Regional Court on February 21, 1986.

331 19/5/87

Eighth defendant testifies in Delmas

Azapo man denies 'grand conspiracy'

By Adele Baleta

DELMAS — The former Vaal chairman of the Azanian People's Organisation (Azapo) has denied that a meeting in Evaton in 1984 was part of a grand conspiracy by anti-apartheid organisations to overthrow the State.

Mr Oupa John Hlomuka (33) is in the dock in the Delmas treason trial.

Yesterday he was the eighth of the remaining 19 accused to testify.

All have pleaded not guilty to the main charge of high treason and alternative charges of terror-

ism, subversion and murder arising from the Vaal Triangle unrest of September 1984.

Mr Hlomuka, an insurance salesman before his detention in December 1984, said the meeting on August 26 discussed the rent issue.

He denied it was called by Azapo, the United Democratic Front (UDF) the African National Congress (ANC) and South African Communist party to bring about bloody revolution.

He spoke at the meeting on a resolution urging a boycott of town councillors' businesses.

Co-accused, the Rev Tebogo Geoffrey Mose-lane, had told the meeting the youth should not involve themselves in the rent protest.

Nemzer case: mother gets custody of boys

By Don Holliday

Sarah Nemzer yesterday won day action in the Rand Supreme Court to regain custody of two young sons from her ex-husband, the boys' father.

The father, Mr Terry Rendel, ordered to pay the costs of parties.

Mrs Nemzer tearfully hugged her new husband as judgment was pronounced in her favour. Mr Rendel fainted in the courtroom minutes after Mr Justice J P Roux turned.

DIVORCED

Mrs Nemzer and her husband, Victor Nemzer, travelled from Britain for the case.

Mr Rendel had brought the children, one aged seven, the other to South Africa in 1985 from Israel, promising his ex-wife he would return them. He did not.

The couple were divorced in a civil court in Israel, where they had stayed on a kibbutz. Mrs Nemzer married her present husband and they moved to England.

Mr Justice Roux said he believed the interests of the children would best be served by their being placed in the custody of their mother and granted an order to this effect.

Lengthy affidavits were filed by both parties. In one, Mr Rendel alleged Mrs Nemzer and her husband had a dagga habit and that she was not a fit mother. This affidavit was described by the court as "a muck-raking endeavour".

Mrs Nemzer had impressed the court as a frank, mature and honest witness. She had admitted smoking dagga once as a student, which the court accepted as a single youthful experience.

Mr Nemzer was described by Mr Justice Roux as honest, truthful and "an impressive figure".

Mr Rendel's performance showed he was prepared to go to almost any lengths to gain custody.

His dishonouring his promise to return the children to their mother showed he had acted in his own interest without regard for the children, the court found.

Mr Hlomuka said Mr Mose-lane urged that a petition be drawn up calling on Lekoa Town councillors to resign.

He also spoke of applying for a court interdict to block threatened rent rises.

Mr Hlomuka denied the meeting resolved to hold a stayaway and a march to the council offices in Houtkop, Sebokeng.

Pamphlets were not distributed at the meeting and there were no stickers, Mr Hlomuka said.

He said he had not believed a stayaway would be effective.

Such a protest would have affected his wife and mother, who both had jobs, and his two children.

Mr Hlomuka said the first he knew of the stayaway was the morning of September 3 when he went to a shop near his Sebokeng home and realised a stayaway was in force.

The trial started in June 1985 and most accused have been in detention since 1984.

Last year three of the original "Delmas 22" — Mr Simon Vilakazi, Mr Mohapi More and Mr Mkhambi Malindi — were discharged after the judge, Mr Justice van Dijkhorst, delivered judgment on an application for the release of all accused.

(Proceeding).

'I am Western Cape commander of Umkhonto we Sizwe'

ANC confession

Meas 20/5/87 331

By MICHAEL DOMAN, Staff Reporter

A CROSSROADS man admitted in the Supreme Court today that he was the Western Cape commander of the African National Congress's military wing, Umkhonto we Sizwe.

Mr Lizo Bright Ncungwana, 27, and five others altered their pleas to guilty when the trial of 15 men accused of terrorism resumed this morning.

When counsel for the defence submitted the new pleas, Mr Justice Nel acquitted two, Arcadia High School mathematics teacher Mr Neville van der Rheede, 32, of Mitchell's Plain, and Mr Temba Lucas Tshibika, 33, of KTC.

Military matters

The judge told them that the Attorney General had stopped prosecution against them.

"You are accordingly found not guilty and discharged," Mr Justice Nel said.

In admissions handed to the court Mr Ncungwana said he trained a few people in political and military matters in Lesotho between 1983 and 1985.

"In about January 1986 I came to the Western Cape as commander of the Western Cape division of Umkhonto we Sizwe.

Explosives caches

His functions included recruiting members, organising cells or units. He had to train them politically and militarily, that is, expanding the structures of the ANC.

He selected "safe addresses" (hide-outs) for other ANC terrorists and caches for storage of arms and explosives.

He also organised the importation of arms and explosives from Botswana.

Mr Denis Kuny SC said that six of the accused, Mr Ncungwana, Mr Thembinkosi Theophilus Mzukwa, 26, Mr Joseph Malusi Ngoma, 28, Mr Sazi Livingston Veldtman, 29, Mr Quentin Deon Michaels, 27, and Mr Cecil Esau, 31, were changing their pleas to guilty on the terrorism charge.

The others, Mr Mthetho Douglas Myanya, 37, Mr Joseph Susele Mkhulwa, 31, Mr Anderson Zingisele Ncivita, 34, Mr Reed Zwelethu Macozoma, 27, Mr Gladwin Mthethehihi Mabengeza, 35, Mr Cyril Moyisi Ntabeni, 31, and Mr Norman Siseko Macanda, 29, were pleading guilty to a lesser charge under the Internal Security Act.

Singing

Mr Kuny said: "This charge is not on the charge sheet at the moment, but they can be found guilty of it in a competent judgment."

Mr W C Viljoen, for the State, said he was prepared to accept the pleas, which were handed in to the court.

There was spontaneous singing in the court when Mr van der Rheede and Mr Tshibika were acquitted.

Outside the court, Mrs Carol van der Rheede said she was "relieved" that her husband, who was detained at their home on May 2 last year, was free.

Daughter

The couple's daughter, Jody, nearly 10 months old, has never seen her father.

It was not yet clear whether the men would be released at the Supreme Court or at Pollsmoor Prison.

Mr van der Rheede's mother, Mrs Charlotte van der Rheede, said her happiness was tinged with sadness for the other 13 accused who still faced charges.

Picture — page 3.

Terror trial defence closes case

BISHOP — The defence closed its case in the Bisho Supreme Court yesterday in the terrorism trial in which the chairman of the Border branch of the United Democratic Front, the Rev Arnold Stofile, and four co-accused are standing trial.

Mr Stofile (42), a former lecturer at the University of Fort Hare, is facing charges in terms of the Ciskei National Security Act, together with Mr Nelson Ndelela (38), Mr Michael Stofile (28), Mr Gladwell Gqiditole (28), and Miss Nomvuyiso Stofile (30). They have all pleaded not guilty.

At the start of the trial, two State witnesses were jailed for four years for refusing to give evidence. They are a French national, Pierre-Andre Albertini, and a State witness.

The case continues. — Sapa.

Argus 20/5/87
**Gathering: 40
students in court**

The Argus Correspondent

DURBAN. — The trial of 40 students from the University of Natal, including 18 women, was adjourned after they appeared in the Regional Court here to-day.

The students are alleged to have contravened the Internal Security Act by taking part in a gathering in Berea Road on May 6.

Terror trial: Verdict soon as 13 change pleas to guilty

Staff Reporter

THE trial in which six men have pleaded guilty to terrorism and seven others to harbouring or assisting terrorists has been postponed in the Supreme Court until tomorrow.

Yesterday, after statements setting out the changed pleas of the 13 men were read into the record and confirmed by the accused, Mr W Viljoen, for the State, closed his case.

Mr D Kuny SC, for the defence team, also closed his case and judgment is expected on Friday.

One of the accused, Mr Lizo Bright Ncungwana, has admitted that he was the Western Cape commander of the ANC's military wing, Umkhonto we Sizwe.

He and five others, Mr Thembinkosi Theophilus Mzukwa, 26, Mr Joseph Malusi Ngoma, 28, Mr Sazi Livingston Veldtman, 29, Mr Quentin Deon Michaels, 27, and Mr Cecil Esau, 31, changed their pleas to guilty of terrorism.

POLITICAL CHANGE

They admitted that in performing certain acts they had intended to promote, bring about or achieve political or constitutional change in South Africa.

Seven other men have pleaded guilty to another section of the Internal Security Act.

This section deems it illegal to harbour, assist or fail to report to the police a person one has reason to suspect intends to commit or has committed an act of terrorism.

They are Mr Mthetho Douglas Myama, 37, Mr Joseph Susele Mkhulwa, 31, Mr Anderson Zingisele Ncivita, 34, Mr Reed Zwelethu Macozoma, 27, Mr Gladwin Mthethehihi Mabengeza, 35, Mr Cyril Moyisi Ntabeni, 31, and Mr Norman Siseko Macanda, 29. They have pleaded guilty to a lesser charge under the Internal Security Act.

Two other men, Mr Neville van der Rheede, 32, of Mitchell's Plain, and Mr Temba Lucas Tshibika, 33, of KTC, were acquitted and discharged.

CAPC Trials
21/5/87
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Admissions on arms, training by Umkhonto regional chief

Supreme Court Reporter

THE trial of 15 alleged ANC guerillas resumed dramatically yesterday with the discharge of two accused — Arcadia High School teacher Mr Neville van der Rhee and Mr Themba Tshibika — and changes of plea from the others.

The trial has been adjourned for about a week while the defence team consulted with the accused. Statements of admission by the remaining 13 accused were yesterday read into the court record by the leader of the defence team, Mr D Kuny SC.

The most dramatic came from Mr Lizo Bright Ngqungwana, who admitted to being the Western Cape commander of Umkhonto we Sizwe. He admitted being responsible for the importing and distribution of arms in the region and to training some of his fellow-accused.

He and five others — Mr Thembinkosi Mzukwa, Mr Joseph Ngoma, Mr Sazi Veldtman, Mr Quentin Michels and Mr Cecil Esau — pleaded guilty to the main charge of terrorism as defined by the Internal Security Act.

The others — Mr Mthetho Myanya, Mr Joseph Mkhulwa, Mr Anderson Ncivata, Mr Reed Macozoma, Mr Gladwin Mthethehihi, Mr Cyril Ntabeni and Mr Norman Macanda — pleaded guilty to a lesser charge under the same Act — harbouring or assisting a person they had reason to suspect had committed or was planning terrorism, subversion or sabotage.

Among other admissions made were:

□ Mr Mzukwa, 22, said he threw a hand-grenade at the Langa police station charge office on June 12, 1985. He planted a limpet mine on the police station verandah but it was deactivated by police before it exploded. He also threw a grenade at a police Caspir on September 11 that year. It missed.

□ Mr Ngoma, 28, a community worker, said he planted a limpet mine in a toilet at Mowbray station on April 29 last year. Before doing so he checked the train timetable and the waiting room to make sure no trains would be passing and no people would be around when the bomb went off. He chose the target "not to harm any person but to put psychological pressure on the government and to celebrate May Day".

The trial continues tomorrow.

Mr Justice H.C. Nel presided with Mr L.P. Francis and Mr W.B. Vivier as assessors. Mr W.C. Viljoen appeared for the State with Mr M. Stowe. Mr Kuny appeared with Mr J.R. Whitehead, Mr A.M. Omar and Mr S. Desai and was instructed by E. Moosa and Associates and R. Vassen and Co.

CMG Tins 21/5/87

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Joy as 2 are freed at terror trial

By SHAUNA WESTCOTT
Supreme Court Reporter

JOY triumphed briefly over "mixed feelings" outside the Supreme Court yesterday as Arcadia High schoolteacher Mr Neville van der Rheede and Nyanga East resident Mr Themba Tshibika tasted relative freedom for the first time in over a year.

Discharged from trial for terrorism, the men were greeted outside the court by family and friends of all the accused, including Mr Van der Rheede's 27-year-old wife Carol and his mother.

"It's still unreal," Mr Van der Rheede said as he walked out of court. He and Mr Tshibika expressed mixed feelings at their release. "Hey, there's only one thing I can say," Mr Tshibika

said, "it's bad to leave my comrades inside."

Mr Van der Rheede said: "I hope my comrades will be released soon. We demand their release, not just they, but all political prisoners."

Mrs Van der Rheede said she was "relieved". Mother-in-law Mrs Charlotte van der Rheede said: "I'm thanking God."

Friends and family of the accused have faced police action in a number of incidents which took place in and around the court during the trial.

Yesterday three relatives of the accused were "banned" from court by policemen, who took exception to their expressions of delight at the discharge of Mr Van der Rheede and Mr Tshibika.

After the court adjourned, two

policemen told a group of people waiting to cheer the remaining 13 accused as they were driven to prison: "You are not allowed to sing in a business area."

Miss Lolly Ngungwana, sister of Umkhonto commander Lizo, and Miss Gladys Veldman, mother of Sazi, were arrested in court on Tuesday for "greeting Lizo and Sazi" and subsequently paid R30 admission-of-guilt fines at Caledon Square.

A police liaison officer said yesterday that the two women were arrested "under municipal regulations for disturbing the peace".

Asked about the other incidents, he said anyone with complaints against the police should register them at the nearest police station.



"IT'S STILL UNREAL"... Arcadia High schoolteacher Mr Neville van der Rheede hugs his wife Carol for the first time in over a year after being discharged by the Supreme Court yesterday.

Terror trial resumes today after break

Dispatch Reporter

BISHO — The Stofile trial was postponed in the Supreme Court here until today to allow counsels for the state and defence to prepare their legal arguments after the defence closed its case.

The case involves the former Fort Hare lecturer and former secretary-general of the United Democratic Front, the Reverend Makhenkesi Stofile, Mr Mzwakhe Ndelela, who is accused of being a trained African National Congress terrorist, the younger brother of Mr Makhenkesi Stofile, Mr Linda Stofile, a former teacher, Mr Mveleli Gqibitole, and a former teacher at Healdtown, Miss Nomvuyiso Stofile.

The five have pleaded not guilty to charges of terrorism, the possession of arms and harbouring a terrorist.

The trial, which has been in process since March 16, had been adjourned between March 31 and April 21.

During the six weeks of the trial, two state witnesses were been

jailed for failing to testify. One was a French national, Mr Pierre Andre Albertini, and the other cannot be identified in terms of a court ruling.

Three others have been charged with perjury.

When the defence applied for the discharge of all the accused on some of the charges after the state case closed three weeks ago, Mr Makhenkesi Stofile was acquitted of two counts of possession of arms.

Mr Ndelela was also acquitted of a charge of possessing a CZ pistol.

The five accused face a total of 13 counts, which have been amended during the trial.

One of the state witnesses, who has been charged with perjury, Mr W, who cannot be named in terms of a court ruling, was declared a hostile witness by the court and refused bail in the perjury trial he faces.

The other two had been given bail of R800 and R1 200 each respectively.

The trial has not been without incident.

The public gallery, the accused, members of the defence team and the press have been warned by the court of irregularities during the proceedings.

Nine state witnesses had been scheduled to give evidence in camera. Eight were identified in court but the court ruled that one, identified only as Mr X and who gave evidence first, could not be identified at all.

This resulted in the defence declining to cross-examine Mr X on the grounds that the ruling would hamper the cross-examination of Mr X.

Of the other eight state witnesses who were to testify in camera, only four were called by the state to give evidence.

The trial has drawn great interest in the country and abroad and has been attended by many personalities, including a French Senator.

People from as far as Cape Town, Port Elizabeth and France have attended the trial.

PD
2/5/87
(331)

I put mine in station — accused

Own Correspondent

CAPE TOWN — A community organiser told the Supreme Court he placed a limpet mine in a railway station toilet to "commemorate May Day" after checking the timetable to see no train would be passing when the mine exploded.

Mr Joseph Malusi Ngoma (28) was among six accused who changed their pleas to guilty when the trial of 15 men accused of terrorism resumed yesterday.

One of the six, Mr Lizo Bright Ncungwana (27) of Crossroads, admitted he was the Western Cape commander of the African National Congress's military wing, Umkhonto we Sizwe.

Five others pleaded guilty to a lesser charge under the Internal Security Act; and two, Mr Neville van der Rheede, of Mitchell's Plain, and Mr Temba Lucas Tshibika, of KTC, were acquitted.

In admissions handed into court, Mr Ngoma said he got two limpet mines from Mr Ncungwana in April 1986.

"I went to the (Mowbray) station on April 29 and selected the toilet as a suitable target in which to place a limpet mine.

"Prior to doing so, I had checked the railway timetable to establish that there would be no train passing through the station at the time when the mine was set to go off.

"I checked to see that there were no persons sleeping or waiting in nearby waiting rooms and set the mine to explode two hours later."

Mr Ngoma said his reason for choosing the station as a target was not to harm anyone, but to put psychological pressure on the Government, and to celebrate May Day.

His act was calculated to bring about constitutional and political change in South Africa, he added.

Court is told of 'people's soldiers'

A "SOLDIER of the people" is a person who fights for the rights of the members of his community, the Delmas treason trial heard yesterday.

This was said under cross-examination by Mr Oupa John Hlomuka, former chairman of the Azanian Peoples' Organisation in the Vaal.

The prosecutor, Mr P. H. Fick, had asked him why the person whose funeral was being arranged was called a "soldier of the people". The dead person was an Azapo member.

Asked by the judge if all members Azapo were soldiers of the people, Mr Hlomuka said they were,

but not soldiers in "war". He said they were revolutionaries fighting for a socialist government.

They called one another comrades, he said. Comrades, said Mr Hlomuka, was a term commonly used by members of other organisations too, but not church bodies.

Mr Hlomuka (33), is one of the 19 men appearing before Mr K van Dijkhorst and an assessor on charges of high treason, alternatively terrorism, subversion and murder.

The State alleges they

committed the offences during the outbreak of unrest in Vaal Triangle townships in September, 1984. They have all pleaded not guilty.

Mr Hlomuka said Azapo helped to arrange funerals for their members in the Vaal.

They assisted the families of the dead soldiers. Mr Khehla Mthembu, former president of Azapo, was made master of ceremonies because he had experience in running such funerals.

Mr Hlomuka had earlier said blacks knew that organisations that used violence were banned. Azapo operated legally because it did not use violence.

By MANDLA
NDLAZI

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PRACTICAL COIDEE IN

Eight Alexandra treason trialists plead not guilty

By Don Holliday

Seven men and a 17-year-old youth pleaded not guilty in the Rand Supreme Court yesterday to a charge of treason relating to unrest in Alexandra last year.

Mr Ashwell Zwane (20), Mr Vusi Ngwenya (20), Mr Andrew Mafutha (22), Mr David Mafutha (19), Mr Arthur Vilakazi (24), Mr Albert Sebola (21), Mr Piet Mōgano (28) and the youth also pleaded not guilty to alternative charges of sedition and subversion.

Mr E du Toit, for the State, said the fatal shooting in 1985 of a suspected burglar near Alexandra was used by the accused to stir more trouble in the township.

UNGOVERNABLE

This, in turn, was part of a higher strategy which fitted in with plans of the African National Congress (ANC) and other organisations to make Alexandra and other areas in South Africa ungovernable.

He said evidence would be led to show that during the first half of 1986 attacks were made on members of the police, municipal policemen and local authority figures labelled as "collaborators with the system".

Residents were told not to co-oper-

ate with the police, but to report crimes to the "comrades" to be dealt with by their people's courts.

Yard committees, street committees and section committees were established. These were in turn answerable to the Alexandra Action Committee.

The accused operated in a section between 14th and 16th avenues, named Vincent Tshabalala Section.

A people's court was established in a tin shanty in 15th Avenue.

Comrades acted as a police force. They stopped people in the streets, searched them and, if they found them to have committed a "crime", brought them before the alternative court.

The accused in these trials had no rights of a proper court. There was no right to appeal. Comrades in the audience were allowed to ask questions. Summary judgment followed.

Notes and minutes of meetings were sometimes taken.

According to Mr du Toit, the eight accused were arrested at the court while it was in session.

Yesterday, an application was made by the State for the trial to be heard in camera. The application was also heard in camera.

Judgment on the application is expected today.

34
2/5/87

ARGUS 22/5/87

13 found guilty of terror charges 331

By ANTHONY DOMAN
Supreme Court Reporter

RED carnations rained down from the Supreme Court public gallery today after six men were convicted of terrorism and seven of harbouring or assisting suspected terrorists.

Lizo Bright Ncungwana, the self-confessed leader of the Western Cape division of the African National Congress's military wing Umkhonto we Sizwe, and five others were found guilty of terrorism.

Mr Justice Nel said: "The court is satisfied on the evidence led by the State and the amended pleas handed in by the accused, that they are guilty of the offences to which they have pleaded guilty."

The case was postponed to June 2 for evidence in mitigation of sentence.

After Mr Justice Nel adjourned the court, the convicted men faced the upstairs gallery and with clenched fists, led the singing of *Nkosi Sikelel' iAfrika*.

PUSHED DOWN

Red carnations were tossed down to the men from the gallery.

When they began to sing another song, they were pushed down to the cells below the court by Lieutenant William Liebenberg who had earlier given evidence for the State.

Ncungwana, 27, Thembin-kosi Theophilus Mzukwa, 26, Joseph Malusi Ngoma, 28, Sazi Livingston Veldtman, 29, Quentin Deon Michaels, 27, and Cecil Esau, 31, were found to have committed various acts of terrorism between since 1978.

Ncungwana was convicted of undergoing military training under the ANC.

He was also found to have trained others politically and militarily, commanded all the activities of the Umkhonto we Sizwe in Western Cape, controlled the importation of arms into the area and distributing them among ANC members with the intention that they be used in acts of terrorism. He was also found to have been in possession of arms when arrested.

CASSPIR

Mzukwa was found to have placed a limpet mine at the Langa police station in June 1985, and to have thrown a hand-grenade at the charge office.

He also threw a hand grenade at a patrolling Casspir in Langa in April 1985.

Mr Justice Nel found that Ngoma had activated two limpet mines at the Mowbray railway station on April 29, 1986.

The court found that Veldtman assisted Ncungwana by offloading certain arms for concealment and persuaded a person to go to Botswana, knowing that the trip would be to fetch arms.

He also retained possession of eight limpet mine detonators and a pistol and ammunition.

Michaels and Esau participated in the activities of the ANC by receiving and securing caches for limpet mines or other arms in 1986.

Mthetho Douglas Myanya, 37, Joseph Susele Mkhulwa, 31, Anderson Zingisele Ncivita, 34, Reed Zwelethu Macozoma, 27, Gladwin Mthethehihi Mabengeza, 35, Cyril Moyisi Ntabeni, 31, and Norman Siseko Macanda, 29 — were found guilty under Section 54(4) of the Internal Security Act.

Mr Justice Nel said these men, having had reason to suspect that certain people had committed or intended to commit acts of terrorism, had failed to report them to the police, or provided them with transport, or stored limpet mines or retained an AK 47 rifle, or found safe places for such storage.

Mr Neville van der Rheede and Mr Temba Tshibika were acquitted on Wednesday.

ALL S.A.B. DU
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**Stofile's 331
explanation
unlikely,
court hears**

Cape Times 22/SPJ
BISHO. — The Rev Ar-
nold Stofile's explana-
tion of how he acquired
a pistol and ammunition
was "riddled with im-
probabilities", the
Supreme Court here
heard yesterday.

Mr Stofile, of the Bor-
der UDF, is charged
with terrorism and il-
legal possession of a
Makharov pistol and 16
rounds of ammunition.

State counsel Mr W F
Jurgens said it was com-
mon cause that a Mak-
harov pistol and two
magazines were found in
Mr Stofile's personal
deed box at a bank.

Mr Jurgens said Mr
Stofile's explanation
that having cash locked
up in the box "on call"
would better suit his
purpose than to have the
money in a savings
account was improb-
able.

Mr Jurgens said Mr
Stofile's explanation of
how he came by the pis-
tol and why he stored it
in the box were "riddled
with improbabilities".

Also charged in terms
of the Ciskei Security
Act are Mr Nelson
Ndlela, Mr Linda
Michael Stofile, Mr
Gladwell Gqibitole and
Miss Nomvuyiso Stofile.

They all pleaded not
guilty to the charges. —
Sapa

Mammoth 'Kei terror trial 33 draws to close

By LOUISE FLANAGAN

THE Ciskei terrorism trial of senior United Democratic Front official Reverend Makhenkesi Arnold Stofile and his four fellow accused, seems finally to be drawing to an end this week following the closing of the defence's case.

On trial with Rev Stofile are Mzwakhe Nelson Ndlela, Linda Michael Stofile and Mveleli Gladwell Gqibitole — who are facing charges of terrorism and 11 arms charges — and Nomvuyiso Stofile, who is charged with harbouring a suspected terrorist. They have pleaded not guilty to the charges.

The defence closed its case earlier this week after calling only the first three accused as witnesses.

Linda Stofile, told the court he had no knowledge of arms found in the borrowed car he was driving when he was stopped at a roadblock near Alice in October last year.

The state alleges that a bag containing an AK47 assault rifle, ammunition and notes on "guerrilla war tactics" was found in the car.

Earlier this week Ndlela also denied knowledge of the bag. He told the court he had hitched a lift from Stofile, whom he had never met before. He said he had found a Makarov pistol on the floor of the car, and put it in his belt as he intended to steal it.

Though the car belonged to the UDF, all the witnesses denied that the car was being used on official UDF business when it was stopped.

Rev Stofile also denied knowledge of a wrapped Makarov pistol found in his safe-deposit box. He said it was an unopened gift from a friend.

The state has argued for a conviction on all counts. Evidence given by two state witnesses, Mr W and Mr X, should be accepted, they said, even though Mr W returned to court to say he had lied in his original testimony. They also said Ndlela's explanation for finding the Makarov and the bag of arms was "improbable to the extent of being ridiculous."

The defence argued that they had been unable to cross-examine Mr X properly — who claimed he had undergone military training in Angola with Ndlela — as they were not allowed to ask any questions which might have revealed his identity.

W/Mail 22-28/87

Yes, reveals accused, I'm an MK chief

By GAYE DAVIS

DRAMATIC plea changes marked the resumption this week of the trial in the Cape Town Supreme Court in which 15 alleged ANC guerrillas were charged with terrorism.

Six of the accused altered their pleas to guilty of the main charge of terrorism in terms of the Internal Security Act and seven to guilty of the lesser charge under the same act of harbouring or assisting a person they had reason to suspect was planning, or had committed, terrorism, sabotage or subversion.

The trial's resumption followed a week's adjournment for consultation between the defence team and the accused.

When defence counsel Denis Kuny SC submitted the new pleas, Justice HC Nel acquitted the remaining two accused, Bonteheuwel Mathematics teacher Neville van der Rhee, 32, and Nyanga East resident Themba Tshibika, who walked from the court as a free man after more than a year in jail.

As statements of admission were read into the record, the court head that Lizo Bright Ngqungwana admitted being the Western Cape commander of Umkhonto weSizwe and that he had imported and distributed arms in the region and trained some of his fellow accused.

He pleaded guilty to the main charge, along with Thembinkosi Mzukwa, Joseph Ngoma, Sazi Veldtman, Quentin Michels and Cecil Esau.

Pleading guilty to the lesser charge were Mthetho Myanya, Joseph Mkhulwa, Anderson Ncivata, Reed Macozoma, Gladwin Mthethchihi, Cyril Ntabeni and Norman Macanda. The trial continues today.

Judgement in Stofile terrorism trial may be delivered today

Dispatch Reporter

BISHO — Judgment in the Stofile terrorism trial may be handed down today, Mr Justice Pickard announced at the end of state and defence argument yesterday.

Appearing before Mr Justice Pickard are the secretary-general of the Border branch of the United Democratic Front (UDF), the Reverend Makhenkesi Stofile, Mr Mzwakhe Ndllela, Mr Linda Stofile, Mr Mveleli Gqibitole and Miss Nomvuyiso Stofile.

The five have pleaded not guilty to charges of terrorism, harbouring a terrorist and possession of arms.

All except Miss Stofile are facing allegations of terrorism and possession of arms. She has been charged with harbouring a terrorist.

Mr M. W. Friedman, for the defence, argued yesterday that all the accused should be acquitted on the main counts of terrorism and possession of arms.

He said the state had not proved that the accused had committed a terrorism offence.

He said there had been no evidence of conspiracy among the four men to commit acts of terrorism.

There was also no evi-

dence of threats, incitement or assisting an organisation and individuals to commit acts of terrorism.

The state had failed to prove that the possession of arms was meant to commit acts of violence, he argued.

Mr Friedman argued that the actions of Mr Ndllela at the roadblock at Kwezana fail to prove that Mr Ndllela was a trained terrorist. He was merely in possession of arms and had no intentions of using them for terrorist actions.

Turning to the evidence of Mr W, who testified against Mr Makhenkesi Stofile and Mr

Ndllela and later retracted his testimony, Mr Friedman said there had been no evidence that Mr W had been threatened to change his mind concerning the evidence he first gave. His first evidence should thus be rejected.

He said the court should reject the evidence of Mr X who testified against Mr Ndllela because Mr X's evidence had not been tested since Mr X was never cross-examined.

He said the state could have called other witnesses to corroborate what Mr X said, namely that Mr Ndllela had been to Angola to receive military training under the auspices of the ANC.

Regarding Mr Gqibitole, Mr Friedman said pointing out an arms cache was not possession of arms.

Mr W. F. Jurgens, for the state, argued that Mr Makhenkesi Stofile be convicted of terrorism as charged. He should also be convicted of possession of a Makarov pistol and 16 rounds of ammunition.

He said the Makarov

pistol and the ammunition were found in Mr Stofile's deed box.

He said Mr Ndllela should be convicted of terrorism and possession of arms.

Mr Jurgens said the evidence of both Mr X and Mr W should be accepted by the court.

He also called for the conviction of Mr Linda Stofile for terrorism and possession of arms.

Mr Jurgens said Mr Linda Stofile was the driver of a car that conveyed a trained terrorist and arms.

He asked the court to reject Mr Linda Stofile's account of how he met Mr Ndllela, the alleged trained terrorist.

Mr Jurgens submitted that Mr Gqibitole also be convicted of terrorism and possession of arms.

He also called for the conviction of Miss Stofile on the charge of harbouring and assisting a person whom she had reason to suspect to be a terrorist.

Mr Justice Pickard is expected to hand down judgement this morning.

Alex was ready to explode, witness tells treason hearing

By Don Holliday

A history of social upheaval turned Alexandra township into a powderkeg ready to blow sky high, the Rand Supreme Court heard yesterday during the treason trial of seven men and a youth.

The accused, all from Alexandra, plead not guilty before Mr Justice FH Grosskopf to treason, as well as a charge of sedition and subversion.

The trial relates to unrest incidents in Alexandra between January and July last year.

Cross-examined on the second day of the trial, the adviser to the township's security services, Mr Pieter Botha, agreed that a long history of residents' frustration and helplessness existed in the face of an unpopular Government policy of forced removals.

In 1974, until which time most residents had held freehold rights on their homes, the township administration attempted

Forced removals led to residents' frustration

to introduce a plan to convert Alexandra from a family housing area into a large complex of single-sex hostels.

Houses were bought up and rent was charged. Resettlement programmes were introduced against the residents' wishes.

People felt their property was being stolen from them.

The Alexandra Liaison Committee, in which the Rev Sam Buti played a leading role, was set up to try to retain Alexandra's family housing status.

The committee's functions included mediating in disputes between residents and the authorities, and negotiating for better lighting, sanitation, water services and schools.

Support for the committee was widespread in the community. It was not regarded as "soft" and showed its teeth in opposing the resettlement scheme.

The 1976 unrest caused much damage in the township. At this stage, the local community police had virtually no role in combating unrest.

The following year, the implementation of the resettlement scheme and conversion of the township was temporarily suspended. Lack of finance was cited as the reason for the suspension.

Dr Piet Koornhof announced in May 1979 that the resettlement plan was to be stopped altogether.

Ambitious plans for the redevelopment of Alexandra as a family housing area were introduced.

In the same year, the Alexandra Action Committee was given official recognition. The committee comprised various groups, including the Save Alex Party, under the leadership of Mr Buti.

He was in favour of the new redevelopment scheme and urged the authorities to buy up residents' houses, a move which was essential in implementing the redevelopment.

In pilot programmes, whole blocks of houses were bought up. Temporary tent accommodation was provided and houses were demolished.

The new houses which were erected were offered to the displaced residents at a price which was sometimes 500 times more expensive than their old homes. This was beyond the reach of the inhabitants.

Resistance grew as the scheme continued.

Municipal police were engaged to forcibly remove residents. Families were evicted and their belongings placed in the streets.

The policemen were also used to enforce the unpopular permit system, whereby residents were required to register the people staying on different properties.

Raids or "klopjagte" were carried out and unregistered people found on the properties were arrested.

In 1983, local elections were held in Alexandra and Mr Buti was elected mayor in the first town council, although elements of the community boycotted the elections.

Some people began to see Mr Buti's movement as having no real power and his popularity began to wane.

In his evidence-in-chief, Mr Botha said an administrator was appointed in May 1986 to fill the vacuum caused by the resignation by the entire town council.

Violence erupts

In February that year, violence erupted after a night vigil was held to commemorate the death of a suspected burglar shot dead by a store security guard.

Councillors' homes were fire-bombed, and municipal policemen and their families had to be evacuated from the township.

Water, electricity, sanitation services, and food deliveries were disrupted. Clashes between roaming groups of youths and security forces became an almost daily occurrence. School attendance was minimal.

The South African Defence Force was brought in in May.

"No-go zones" emerged where security force movement was prevented by the placing of barricades and digging of trenches across streets.

The situation began to stabilise in August.

The hearing continues.

'Blacks denied their full rights'

By MANDLA
NDLAZI

IN a campaign against the election of councilors in the Vaal, Azapo distributed stickers stating "Don't Vote for Apartheid" and "Don't Vote For Oppression," the Delmas treason trial heard yesterday.

The people who stood for such elections were termed "sellouts, collaborators" and "oppressors," said Mr. Oupa John Hlomuka, former chairman of Azapo in the Vaal. He was being cross-examined by the prosecutor, Mr P H Fick.

Vote

He said when Azapo campaigned against the elections its members were told to discourage residents from voting. Several meetings were where residents were told not to vote he said.

Mr Hlomuka said he did not instil hatred in the hearts of residents when he used the term "sellouts" at the meeting.

Mr Hlomuka (33) is one of the 19 men appearing before Mr Justice K van Dijkhorst and an assessor on high treason charges, terrorism, subversion and murder.

Meetings

The State alleges they committed the offences during the outbreak of unrest in the Vaal complex in September 1984. They have all pleaded not guilty.

Mr Hlomuka said Azapo was opposed to the Black Local Authorities Act because blacks were denied their full rights.

He said one meeting was held in Boipatong and another in Sharpeville.

At both meetings, he said, speakers denounced people who stood in the elections and discouraged residents from voting. These meetings were addressed by people from Soweto who were also Azapo members.

(Proceeding)

Book probes young bomber's soul

By Marika Shoros

South Africa's children had born the burden of our "unfreedom" ever since the 1976 uprisings, said sociology Professor Fatima Meer. Professor Meer was in Johannesburg for the launch this week of her latest book, "The Trial Of Andrew Zondo" (Skotaville Press R16,95).

Professor Meer wrote the book "to make sense of what happened to (Zondo)", she said.

IN MITIGATION

She gave evidence in mitigation at the trial last year of the teenage ANC bomber who freely admitted to placing a bomb which killed five people in the Amanzimtoti shopping centre two days before Christmas 1985.

Zondo was executed in September last year.

Professor Meer was only allowed four hours with Zondo, whom she had not met before, to prepare her evidence.

Her deep understanding of the



FATIMA MEER: wrote a book "to make sense of what happened" to a teenage bomber.

Picture: KEVIN CARTER

"Incisions that living in a township like Kwamashu" had made on the young man's psyche and social perceptions, leading to a violent act, motivated her to write the book.

Professor Meer said she was

"shocked" at the trial, and remained "agonised about the content of our justice". "I want us as lay people to look at our legal system critically, and take away the mystique in which the judiciary is draped."

She took a month to write the book, in between continuing her work as a university academic and director of the Institute of Black Affairs, and spent hours with Zondo's family, tracing his life path which was steered

into uncharted and violent waters by, among other events, the killing of black children since 1976. She had still not recovered from a deep feeling of depression over Zondo, she said.

HIGHLY SENSITIVE

In the book, Professor Meer describes Zondo as a compassionate, highly sensitive young man of integrity, with an "unusual capacity for self-analysis".

She does not gloss over the graphic and horrifying accounts given by survivors, or the suffering of the relatives of those killed in the blast.

The book poses the soul-searching question of who ultimately bears responsibility for the five deaths — a young man who reacted violently to the brutality and savagery he saw being perpetrated against his people around him, or those who have created a brutal and savagely racist society?

Carnations greet 13 ANC convicts

appe trials 23/5/87 121 800/331

By SHAUNA WESTCOTT
Supreme Court Reporter

RED carnations showered down to the dock from the public gallery yesterday morning after the 13 accused in the ANC trial were convicted in terms of the Internal Security Act.

Relatives and friends of the accused, who have remained seated throughout the trial for the entry and exit of the Bench but stand up for the accused, then joined the 13 in singing Nkosi Sikelele Afrika.

"The whole world is crying for you!" they sang next as security police Lieutenant William Liebenberg tried to hasten the pace of the 13 down to the cells by pushing them in the back.

The Western Cape commander of Umkhonto we Sizwe, Lizo Ngqungwana, and five others — Thembinkosi Mzukwa, Joseph Ngoma, Sazi Veldtman, Quentin Michels and Cecil Esau — were convicted of terrorism in terms of Section 54(1) of the Act.

The Act specifies the same penalties for this as for treason, which can carry the death sentence.

The other seven — Mthetho Myamya, Joseph Mkhulhwa, Anderson Ncivata, Reed Macozoma, Gladwin Mabengeza, Cyril Ntabeni and Norman Macanda —

were convicted of a lesser charge under Section 54(4) of the same Act.

This section makes it an offence to harbour or help or fail to report to the police any person there is reason to suspect may be planning or may have committed terrorism, subversion or sabotage as defined by the Act.

Mr Justice H C Nel convicted the 13 on the basis of a list compiled by agreement between the State and the defence, condensing admissions made by the 13 in individual statements handed in earlier when they changed their pleas.

Limpet mine

Lizo Ngqungwana, 26, was convicted on the basis that he underwent military training, recruited and trained others, commanded Umkhonto we Sizwe in the Western Cape, secured hiding-places for arms and safe houses for guerillas, organized the importing and distributing of arms in the region and was found in possession of an automatic rifle, hand-grenade, limpet-mine, detonators and TNT.

Thembinkosi Mzukwa, 26, a former Langa High pupil, underwent military training in Lesotho in 1983. He planted a limpet mine and threw a hand-grenade at the

Langa police station on June 12, 1985, threw a grenade at a police Casspir three months later and was found in possession of two limpet mines.

Joseph Ngoma, a 28-year-old community worker, underwent military training in 1985 and planted two limpet-mines at the Mowbray railway station in April last year.

Post office worker Sazi Veldtman, 32, helped Lizo Ngqungwana import arms and was found in possession of eight detonators, a pistol and ammunition for an automatic rifle.

Silverstream High school-teacher Quentin Michels helped find places to cache arms, learnt how to operate a limpet mine and in April last year received "two bags containing a variety of arms" which he passed on for storage.

Cecil Esau, a 35-year-old UWC law student, received two limpet mines and later two bags of arms from Quentin Michels which he passed on for storage.

The trial was adjourned to June 2 when evidence in mitigation of sentence will be led. "This may take several days," defence team leader Mr Denis Kuny SC told the court.

Mr L P Francis and Mr W R Vivier were assessors. Mr W C Viljoen appeared for the State with Mr M Stowe. Mr Kuny appeared with Mr J R Whitehead, Mr A M Omar and Mr S Desai and was instructed by E Moosa and Associates and R Vassen and Co.

Cyrt Times 23/5/87

Court finds four guilty of terrorism

331

BISHO. — Sentence will be passed in the Supreme Court here on Monday on four men — one of them described by the court as a trained terrorist — found guilty yesterday on a charge of terrorism.

Mr Justice Benjamin Pickard found guilty on the main count the Border secretary of the United Democratic Front (UDF) and a former lecturer at the University of Fort Hare, Arnold Stofile, 42.

The three others found guilty are: A former Fort Hare law student, Nelson Ndlela, 32; the former field manager of the university's agriculture faculty, Linda Michael Stofile, 28; and Mveleli Gladwell Gqiditole, 28.

The court acquitted their co-accused, Miss Nomvuyiso Stofile, 30, who faced a charge of harbouring, assisting and failing to report a suspected terrorist.

Three weeks ago Mr Arnold Stofile was discharged on two counts of possessing four limpet mines and an AK-47 rifle.

Mr Ndlela was acquitted on a charge of possessing a CZ pistol.

In his five-hour judgment Mr Justice Pickard said Stofile sen was a senior UDF member, an organization with views favouring the liberation of Southern Africa.

Stofile sen had been involved in political organizations working towards the SA liberation struggle.

The judge said Stofile had admitted that a Makarov pistol was found in his deed box.

His explanation was far-fetched about R25 000 in the deed box and therefore Stofile sen's defence could not be accepted.

He said Stofile sen held master's degrees from West Germany and the US and other degrees. He was a lecturer, priest and leader of the people, but had been evasive in answering questions.

Mr Justice Pickard said the court found that Stofile sen and jun and Ndlela had co-operated with each other and conspired with each other to further the aims and objectives of the ANC in Ciskei.

The judge said Stofile sen knew that Ndlela was a trained terrorist.

He said the accused had understated violence as the AK-47 and limpet mines were not toys. They were to endanger the Ciskei government.

He said they had conspired to commit acts of violence and threats to bring about the overthrow of the Ciskei government.

The arms were hidden for the purpose of promoting such acts.

Mr Justice Pickard said the court found the four men guilty on the main charge of terrorism.

Sentence will be passed on Monday. — Sapa

Cape 6 convicted of terrorism

331 00.23/5/87.

CAPE TOWN — Red carnations rained down from the Cape Town Supreme Court public gallery yesterday after six men were convicted of terrorism and seven of harbouring or assisting suspected terrorists.

Lizo Bright Ncungwana, the self-confessed leader of the Western Cape division of the African National Congress's military wing, Umkhonto we Sizwe, and five others were found guilty of terrorism.

Mr Justice H. C. Nel said: "The court is satisfied on the evidence led by the state and the amended pleas handed in by the accused, that they are guilty of the offences to which they have pleaded guilty."

The case was postponed to June 2 when evidence in mitigation

of sentence will begin.

After the court was adjourned, the convicted men faced the upstairs gallery and with clenched fists, led the singing of 'Nkosi Sikelel' iAfrika'.

When they began to sing another song, they were pushed down to the cells below the court.

Ncungwana, 27, Theophilus Mzukwa, 26, Joseph Malusi Ngoma, 28, Sazi Livingston Veldtman, 29, Quentin Deon Michaels, 27, and Cecil Esau, 31, were found to have committed various acts of terrorism since 1978.

Ncungwana was convicted of undergoing ANC military training.

He was also found to have trained others politically and militarily, commanded all the ac-

tivities of Umkhonto we Sizwe in Western Cape, controlled the importation of arms into the area and distributing them among ANC members with the intention that they be used in acts of terrorism.

He was also found to have been in possession of arms when arrested.

Mzukwa was found to have placed a limpet mine at the Langa police station in June 1985, and to have thrown a hand grenade at the charge office.

He also threw a hand grenade at a patrolling Casspir in Langa in April 1985.

Mr Justice Nel found that Ngoma had activated two limpet mines at the Mowbray railway station on April 29, 1986.

The court found that Veldtman assisted Nc-

qungwana by offloading certain arms for concealment and persuaded a person to go to Botswana, knowing that the trip would be to fetch arms.

He also retained possession of eight limpet mine detonators and a pistol and ammunition.

Michaels and Esau participated in the activities of the ANC by receiving and securing caches for limpet mines or other arms in 1986.

Mthetho Douglas Myanya, 37, Joseph Susele Mkhulwa, 31, Anderson Zingisele Ncivita, 34, Reed Zwelethu Macozoma, 27, Gladwin Mthethehihi Mabengeza, 35, Cyril Moyisi Ntabeni, 31, and Norman Siseko Macanda, 29, were found guilty under Section 54(4) of the Internal Security Act. — Sapa

CP 24/5/87

CP Correspondent

IZO Bright Ngqungwana has admitted in the Cape Town Supreme Court that he is the Western Cape commander of Umkhonto we Sizwe.

In admissions handed to the court, Ngqungwana said he trained a few people in political and military matters in Lesotho between 1983 and 1985.

"In about January 1986 I came to the Western Cape as commander of the Western Cape division of Umkhonto we Sizwe," said Ngqungwana.

He also admitted to the State's allegation that he had made contact with several other members of the ANC in the Peninsula.

Ngqungwana, 27, is one of 15 Cape Town men charged with terrorism.

Five of his co-accused changed their pleas to guilty when the trial resumed this week.

After counsel for the defence submitted the new pleas, Judge Nel acquitted Arcadia High School teacher Nelille van der Rheede, 32, of Mitchell's Plain and Tembha Lucas Tshibika, 33, of KTC.

Nel told them that the Attorney-General had stopped prosecution against them.

Ngqungwana's duties were to recruit members and to organise cells. He had to train them politically and militarily, expanding the structures of the ANC.

He selected "safe addresses" (hide-outs) for other ANC members and caches for arms and explosives and organ-

Terror trial man is ANC commander

used the importation of arms and explosives from Botswana.

Ngqungwana gave political instruction and military training to some of the accused and gave some of them limpet mines, but did not always recommend specific targets to be attacked.

"I admit instructing Sazi Veldman to form an ANC cell and twice asked Mthetho Myanya and Cyril Ntabeni to take letters to Botswana for me," he said.

Ngqungwana said he had twice stored arms and explosives in Myanya's garage in his absence.

He admitted to the State's allegation that he had made contact with several other members of the ANC in the Peninsula.

"I admit that in my capacity as commander of the Western Cape military machinery, the importation and distribution of the organisation's arms and explosives in the Peninsula would have fallen under my direction and control and that I supplied various members of the

organisation with arms.

"I admit that by performing the above acts I had intended to promote, bring about or achieve political or constitutional change in the Republic of South Africa."

When the trial resumed, Denis Kuny SC said Ngqungwana, Theminkosi Theophilus Mzukwa, 26, Joseph Malusi Ngoma, 28, Sazi Livingston Veldman, 29, Quentin Deon Michaels, 27, and Cecil Essau, 31, were changing their pleas to guilty on the terrorism charge.

The others, Mthetho Douglas Myanya, 37, Joseph Susele Mkhulwa, 31, Anderson Zingisele Ncivita, 34, Reed Zwelethu Macozoma, 27, Gladwin Mthetheni Mabengeza, 35, Cyril Moyisi Ntabeni, 31, and Norman Siseko Macanda, 29, were pleading guilty to a lesser charge under the Internal Security Act.

Kuny said: "This charge is not on the charge sheet at the moment, but they can be found guilty of it in a competent judgment."

WC Viljoen, for the State, said he was prepared to accept the pleas, which were handed to the court.

Community organiser Ngoma admitted receiving two limpet mines from Ngqungwana in April 1986 and agreeing "to use them in a manner left to my own discretion to commemorate May Day".

"I went to Mowbray Station on April 29 and selected the toilet as a suitable target in which to place a limpet mine."

"Before doing so, I had checked the railway timetable to establish that there would be no train passing through the station at the time when the mine was set to go off."

"I checked to see that there were no persons sleeping or waiting in nearby waiting rooms and set the mine to explode two hours later."

Ngoma said his reason for choosing the station as a target was not to harm anyone, but to put psychological pressure on the government and to celebrate May Day.

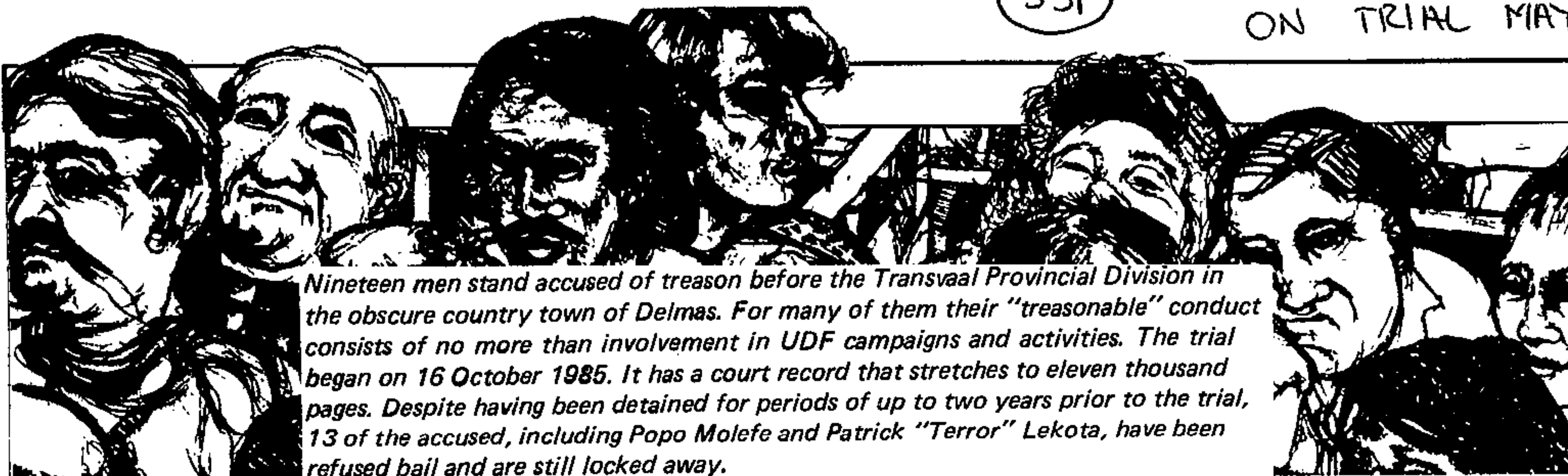
He said his act was calculated to bring about or promote constitutional and political change in South Africa.

Mzukwa said he was recruited as an ANC member in 1983, later formed a three-member cell of the organisation and had trained in Lesotho.

Mzukwa admitted the allegation that he activated a limpet mine at Langa Police Station and threw a hand grenade into the charge office. The mine was de-activated before it could explode.

He also admitted throwing a handgrenade at a passing Casspir in Langa, in September 1985.

There was spontaneous singing in the court when Van der Rheede and Tshibika were acquitted.



Nineteen men stand accused of treason before the Transvaal Provincial Division in the obscure country town of Delmas. For many of them their "treasonable" conduct consists of no more than involvement in UDF campaigns and activities. The trial began on 16 October 1985. It has a court record that stretches to eleven thousand pages. Despite having been detained for periods of up to two years prior to the trial, 13 of the accused, including Popo Molefe and Patrick "Terror" Lekota, have been refused bail and are still locked away.

Delmas - The Case Against The Court

The Delmas Treason Trial hit the headlines last month when the judge took the highly unusual step of dismissing one of his assessors. An application was immediately brought to have the trial quashed. When the judge ruled that his statement on the circumstances of the dismissal could not be contradicted, the application was withdrawn.

Mr Justice van Dijkhorst recently gave reasons for continuing to hear the case. ON TRIAL investigates.

A court weighs up the case against itself," is how the Weekly Mail described Van Dijkhorst's deliberations. Although not asked to review or revise the judge's decision to dismiss an assessor, the court had to establish whether in the light of the dismissal the trial could go on.

The application was made on three grounds. Firstly, that the dismissal of the assessor was done without a legal power to do so. Secondly, that the action was so irregular that the court could no longer provide the accused a fair trial. And, thirdly, that the failure of the judge to give either Joubert or any of the parties a hearing prior to his decision, prevented the trial from properly being continued.

Section 147 of the Criminal Procedure Act gives a judge the power to dismiss an assessor if he or she "dies or in the opinion of the presiding judge, becomes unable to act as assessor at any time during the trial."

Defence counsel argued that the common law provides adequate means for gaining the recusal of an assessor — following an application by any party to the trial. Furthermore, the judge always retains power to quash any proceedings before him or her. Hence Section 147 should be limited to situations where an assessor is struck by a physical or mental disability.

The judge rejected the argument and held that Section 147 gives judges a blanket power to dismiss their assessors where in their opinion they become unable to act (for whatever reason).

The second argument by defence counsel was that the section applies only where the assessor becomes unable to act during the course of the trial. In this case, the disability on which Van Dijkhorst based his decision was Joubert's participation in the UDF Million Signature Campaign long before commencement of the trial. However, the judge ruled that since he had not been aware of this prior to appointing Joubert, when he subsequently discovered it, Joubert did, in his opinion, become "unable to act".

In reply to the argument that the power under Section 147 should have been exercised only after both Joubert and the parties to the trial had been given a hearing, Van Dijkhorst having ruled inadmissible a statement by Joubert alleging the contrary, found on his own statement of the facts that ample oppor-

tunity for a hearing had in fact been granted Joubert. Van Dijkhorst furthermore found that the Act did not require him to give the parties a hearing but nevertheless assumed it impossible that any of the accused having been through a trial lasting some seventeen months would have preferred the judge to quash the proceedings — requiring the case to start from scratch.

Having thus replied to the application, Van Dijkhorst continues: "Not only was the action taken by myself in terms of Section 147 unprecedented, but the reaction of Dr Joubert and the conduct of the defence team in the ensuing days was, to say the least, unusual."

He refers to the reports made by Joubert as "a clear attempt to interfere with the administration of justice disguised in a

With treason trials in vogue it is becoming increasingly difficult for our courts to maintain their cloak of so-called positivist neutrality. In Delmas it is the State's case that the UDF's mobilisation of people against the constitution and black local authorities amounts to treason. Hence the dismissal of Joubert for having supported the UDF in its Million Signature Campaign.

The court felt that this political allegiance of his could not be reconciled with his task as assessor, in fact when Joubert told Van Dijkhorst that he had supported the campaign, the judge admits to having found it so amazing that he states: "My other assessor and I were dumbfounded, and just looked at each other."

On the other hand, the court finds nothing irregular in the fact that the other assessor remains a member of the Afrikaner Broederbond — since this organisation is no more than an Afrikaner cultural body and has at no stage in any way attempted to influence the administration of justice.

As to his own political views Van Dijkhorst states to the court: "The insinuation that my view of the case is, or will be politically tainted, I reject with

contempt. The attempt to portray my political views as strong or right-wing is rejected. I have no political credentials. I have never been a member of any political party or organisation. I attended a public meeting of a political party once in my life and that was approximately thirty years ago."

It was however clear that even prior to Joubert's dismissal, there had been a fair amount of tension between himself and the judge stemming from the differences in their political perceptions.

Van Dijkhorst admits that: "As far as matters touching on politics were concerned, I found him to be opinionated and not open to reason. In fact, I gained the impression that he totally associated himself with the defence case. On an occasion, I admonished him by stating that he was going further than being merely devil's advocate."

Joubert, on the other hand, declares in his report "I believed then as I believe now that my presence as a member of the court and the contribution I was making in the debates, acted as an important countervailing influence to balance the orientation of the judge towards various issues of great importance."

(331)

EP

9

24/8/87

Ronnie Watson hiding

Post Reporter

RONALD Watson, who claimed that a man tried to shoot him in Botswana at the weekend, was now in hiding in that country, his brother Gavin said today.

"Ronnie's okay. He's gone into hiding."

"He telephoned me on Saturday evening, saying certain business documents were missing from his luggage when he arrived in Gaborone on Saturday morning."

"Later in the day he heard a knock on the door of his room in the President Hotel. He was suspicious because his luggage had been tampered with."

Gavin said Ronnie opened the door. A man pulled out a pistol and ordered him to lie face down on the floor.

"Ronnie refused and demanded to know who the man was. The man would not identify himself but said he intended searching the room."

There was a struggle and Mr Watson disarmed the man.

The manager of the hotel, Mr Gordon Wilson, said in an interview today he knew of "an incident" in which a shot was fired.

"But the government has instructed me to say nothing about it."

Fort Hare lecturer guilty of terrorism, arms possession

Dispatch Reporter

BISHO — The former Fort Hare lecturer and secretary-general of the United Democratic Front, the Reverend Makhenkesi Stofile and three others were found guilty in Supreme Court here yesterday of terrorism and possession of arms.

The fifth accused, Miss Nomvuyiso Stofile was acquitted of the sole charge she faced, harbouring a terrorist.

The three others found guilty are Mr Mzwakhe Ndlela, Mr Linda Stofile and Mr Mveleli Gqibitole.

The five had pleaded not guilty to charges of terrorism, possession of arms and harbouring a terrorist.

In his judgment, Mr Justice Pickard remarked that the trial had been a difficult one.

He said the basis of the state case was the

evidence given by the police and the first version of the evidence given by Mr W.

He said he accepted Mr W's first evidence which incriminated Mr Ndlela and Mr Makhenkesi Stofile.

Mr Justice Pickard said Mr W had told the truth in his first evidence, to a limited extent.

He said Mr W came back to court to retract his earlier evidence. This could be because when Mr W was released from custody, he had read in newspapers or had been informed that other state witnesses had refused to testify.

Dealing with the evidence of all the accused, Mr Justice Pickard said Mr Makhenkesi Stofile and Mr Ndlela had been implicated by Mr W's evidence.

He said Mr Makhenkesi Stofile had made an

unusual story by saying that a man who owed him great gratitude and who had given him Christmas presents in 1984 and 1985, could all of a sudden in 1986 give him a Makarov pistol as a gift for his wedding anniversary.

He said Mr Stofile could have felt that the wrapped parcel was a firearm even if he had not opened it.

Mr Stofile's explanation of the letter he smuggled out of prison was improbable and contradictory, he said.

He dismissed Mr Stofile's evidence as unacceptable. He said Mr Stofile was evasive and argumentative during cross-examination.

When the court adjourned, Mr W. F. Jurgens for the State, handed in a notice of disposal of exhibits.

Mr M. W. Friedman and Mr J. M. N. Poswa appeared for the defence.

DD 29/5/87
331

Students: No prosecution

Cape Times 26/5/87 (288) 331
THE Attorney-General has declined to prosecute three University of Cape Town students who were charged with contravening the Public Safety Act, the Magistrate's Court heard yesterday.

The State alleged that Mr Cassiem Parker, 21, Mr Essa Parker, 25, both of 11th Street, Kensington, and Mr Ghalieb Harnaker, 20, of Louisvale Road, Athlone, had wrongfully displayed subversive statements in a public place by fixing placards to a wall in Kensington on June 15 last year.

The placards allegedly contained the words "June 16 Martyrs' Day", "We Support the Stayaway", "All Oppressed Welcome", and a venue and date. They were alternatively charged with possessing subversive statements, being placards and pamphlets.

CAT 7/12/87 26/5/87 (347) 331

Terrorism accused freed

MR Zakuthini Ndletyana, 23, of the Strand, who has been in detention since June last year, was found not guilty by a Parrow regional magistrate yesterday of terrorism.

The magistrate, Mr J P Vermaak, found the State had failed to prove that two confessions made by Mr Ndletyana were made "freely and without undue influence".

Mr Ndletyana had alleged that he had been assaulted while in detention.

Mr L S Moffitt prosecuted. Mr Les Rose-Innes, instructed by E Moosa and associates, appeared for Mr Ndletyana.

APC Took 26/8/87
331
Top UDF man jailed

BISHOP — The Rev Arnold Stofile, secretary of the Border branch of the UDF, was yesterday sentenced to an effective 11 years' imprisonment by the Supreme Court after being found guilty of terrorism and the possession of Soviet arms.

Stofile was given 11 years on the main count of promoting the activities of the ANC and another one year to run concurrently for another two counts of possessing a Soviet-made pistol and ammunition.

His co-accused Nelson Ndelela was jailed for 15 years on a charge of terrorism and another three years to run concurrently for three counts of possessing Soviet arms and ammunition.

Linda Michael Stofile, the brother of Arnold Stofile, was sentenced to eight years for the main count and Gladwell Gqibitole received eight years for terrorism and another four years to run concurrently for charges of possessing arms. All had pleaded not guilty. — Sapa

CAR Times 26/5/87

Woman provisionally cleared

Court Reporter *331*

TWENTY-EIGHT counts of distributing and possessing undesirable publications were yesterday provisionally withdrawn against a Mowbray woman in the Magistrate's Court till a second accused, Mr Andrew Boraine, was found.

Ms Enid Rosseau, of Belmore Road, Mowbray, may still be charged with 21 counts of distributing undesirable publications and seven counts of possessing prohibited publications on February 19 at Open Books, an Observatory bookshop.

Earlier the court heard that police had been unable to serve a summons on Mr Boraine and a warrant for his arrest would be issued.

Mr G Rossouw was the magistrate. Mr J McEwan prosecuted. Mr R Vassen appeared for Ms Rosseau.

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CAPE TIMES 26/5/87

Woman provisionally cleared

Court Reporter ~~227~~ (331)

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1K643 25/5/82

Bombing bid at city shops: Man on terror charges

Staff Reporter

35/

A MAN alleged to be the commander of a unit of Umkhonto we Siswe, the military wing of the African National Congress, appeared in Cape Town Regional Court today charged under the Internal Security Act.

Mr Mxolisi Edward Petane, 26, was not asked to plead. The case was postponed until September 1 for trial in the Supreme Court and Mr Petane was remanded.

Among the charges against him are an allegation that he placed a bomb in a car at a shopping centre in Parow last year. The bomb did not go off.

The indictment alleges that between January 1978 and December last year Mr Petane intended to overthrow or endanger State authority, induce the Government to act or to abstain from acting or to adopt or abandon a particular standpoint and to put fear into or demoralise the public.

It is further alleged that he did this by committing acts of violence or threatening or attempting to do so.

RECRUITING

The indictment says Mr Petane left South Africa in 1978, joined the ANC in Botswana and received military training in Angola and the Soviet Union.

Between 1983 and 1984 he is said to have served the ANC in Zambia and Botswana as a member of the exiled South African Congress of Trade Unions, recruiting people to assist him.

It is alleged that in October 1985 Mr Petane was reassigned to Umkhonto we Siswe as commander of an independent unit which was to infiltrate South Africa.

At the end of May or the beginning of June last year he is alleged to have travelled from Botswana to Crossroads with the intention of committing acts of terrorism in the Western Cape.

That month he is alleged to have shot and seriously wounded a police officer who tried to search a house in NY21. Explosives and ammunition were allegedly found in the house.

LANDMINE

It is also said that last year Mr Petane recruited people in the Western Cape for the ANC.

He is alleged to have contacted a member of Umkhonto we Siswe known as Agrippa who gave him a landmine.

He is said to have used it to make a bomb which was placed in a vehicle parked at the entrance to Dions shopping centre in Parow on November 27 last year. The bomb was timed to explode during peak shopping hours.

It is further alleged that on or about November 27 last year, at or near the KTC squatter camp, Mr Petane, with a Makarov pistol and a hand grenade, attempted to evade the police. It is alleged he threw the grenade, injuring policemen.

News in Brief

Cape Times 26/5/87
2 refused leave to appeal *331*

BLOEMFONTEIN. — Mandala Bagani and Khaya Gcitifshane, of Langa, have been refused leave by the Appeal Court to appeal against their convictions and sentences for public violence at Langa on January 27, 1986. In the incident stones and other objects were thrown at the police and a police vehicle. The two men were convicted in Wynberg Magistrate's Court on April 18, 1986 and sentenced to imprisonment of eight years. On appeal to the Cape Supreme Court on February 23, 1987 the convictions were confirmed but the sentences reduced to six years. — Sapa

UDF man, 3 others jailed for terrorism

The Argus Correspondent

EAST LONDON. — If the United Democratic Front management started supporting violence, it was only a matter of time before the organisation itself started increasing the level of violence at its gatherings, said the Chief Justice of the Ciskei, Mr Justice Pickard, in the Bisho Supreme Court.

The judge, sentencing theology lecturer and secretary of the Border region of the UDF Arnold Stofile to an effective 11 years' imprisonment for terrorism and illegal possession of arms, said his leadership role constituted an aggravating factor.

Three of his co-accused were also found guilty of terrorism and illegal possession of arms. A fifth accused, Miss Nomvuysio Stofile, was acquitted last week of the only charge against her, that of harbouring a suspected terrorist.

Military training

Heavily-armed Ciskei troops surrounded the court building and the public gallery was packed yesterday to hear Mr Justice Pickard sentence the four remaining accused to a total of 49 years' jail.

Mzwakhe Nelson Ndlela, who was found guilty of undergoing military training in Angola, was sentenced to 15 years' jail with a further three years for possessing arms, to be served concurrently.

The other three accused were found guilty of as-

sisting him in various ways. Linda Michael Stofile, Arnold Stofile's brother, was found guilty of driving a car conveying Mr Ndlela and some weapons.

He was sentenced to eight years for terrorism. The fourth accused, Mveleli Gladwell Gqibitole, was sentenced to eight years in jail on the main count of terrorism, with a further four years on arms charges, to be served concurrently.

He was found guilty of possessing a large arms cache.

Inner conviction

Arnold Stofile was found to have arranged accommodation for Mr Ndlela and to have had a Makarov pistol that was found in a safety deposit box.

In mitigation, Mr Mockie Friedman SC, who appears for the accused, said no acts of violence had been perpetrated or even attempted.

The accused had not acted for personal gain but from "an inner conviction that they wanted to improve matters for all people in a unitary society".

Citing the examples of Boer heroes such as Japie Fourie and Gideon Scheepers, who had been executed by the British, Mr Friedman said some judgments had soured relations in South Africa for generations.

Passing sentence, Mr Justice Pickard said he accepted that no violence had been perpetrated. However, when people were found in possession of weapons like limpet mines they were "hard put to say they did not intend violence".

The judge said he had difficulty in understanding how "terrorism in the Ciskei can serve the aims of the ANC, which are ostensibly the liberation of the black people of South Africa, the abolition of apartheid, equal social rights and opportunities and political rights".

DUNDEE BUTCHERY

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Specials



331 SPM 26/5/87

UDF's Stofile gets 11 years for terrorism

BISHO — The Rev Arnold Stofile, secretary of the Border branch of the United Democratic Front (UDF), was yesterday sentenced to an effective 11 years' imprisonment by the Bisho Supreme Court after being found guilty of terrorism and the possession of Soviet arms.

Rev Stofile was given 11 years on the main count of promoting the activities of the ANC and another year to run concurrently on two counts of possessing a Soviet-made Makharov pistol and ammunition.

His co-accused, Nelson Ndlela, was jailed for 15 years on the main charge of terrorism, and received another three years to run concurrently on three other counts of possessing Soviet arms and ammunition.

Linda Michael Stofile, the younger brother of

Arnold Stofile, was sentenced to eight years on the main count and Gladwell Gqibitole received eight years for terrorism and another four years to run concurrently on charges of possessing arms.

The State alleged that the accused committed the offences between July and October last year. They pleaded not guilty to all charges.

Mr W M Friedman, for the defence, submitted the court should take into consideration the personal circumstances of the accused.

None of the accused used the weapons in their possession and had no intent to use them, Mr Friedman said.

He said the case had attracted international attention and the court should therefore take public interest into account and not impose severe sentences.

The Acting Chief Justice of Ciskei, Mr Justice Benjamin Pickard, said in judgment that Stofile

senior had co-operated with Ndlela, a trained terrorist, even though he was an influential minister of religion with many followers.

Although there were no arms in Stofile junior's possession, he had knowingly smuggled Ndlela through a road block.

The judge said the court had to apply the law. He accepted no violence had been committed, but said the arms were not intended for peaceful purposes.

The court will today consider the disposal of the exhibits, which include arms and R25 000 found in Stofile senior's deed box. — Sapa.

Note told of security cop

331 9/10/84
A COUNCILLOR who tried to help in the funeral arrangements of a "people's soldier" was rejected, the Delmas Treason Trial heard yesterday.

The "people's soldier", Mr Jabu Tshabalala, was a member of Azapo who was stabbed to death in Sebokeng township. This was said by Mr Oupa John Hlomuka, former chairman of Azapo in the Vaal. He was being cross-examined by the prosecutor, Mr P H Fick.

'Soldier'

He said councillor Sonnyboy Mofokeng tried to help in the funeral arrangements of the dead "soldier" but his offer was turned down under the pretext that the arrangements had been completed.

Mr Hlomuka said Azapo did not discuss the rent increase in the Vaal townships with the local council. The organisations did not, he said, even attend the council meetings where reasons for the increase were given.

Mr Hlomuka said he had never attended the council's monthly meetings. He said it was the duty of the councillors to inform residents why rents were increased. He said he attended an anti-rent increase meeting on August 19, 1984. One of the speakers, Mr Tom Manthata, who is accused number 10 in the

trial, he said, told residents to unite against the payment of the increases.

By then, he said, a resolution taken at a previous meeting that the increase should not be paid, had been read.

Mr Hlomuka said he wrote a note and took it to the Reverend Tebogo Moselane, accused number three in the trial,

when he spotted a security policeman, Mr Kaoho. He said Mr Moselane passed the note to Mr Manthata.

Mr Hlomuka said he wanted to make Mr Manthata and Mr Moselane aware of the policeman because he had read in newspapers that the police secretly recorded proceedings of such meetings.

Stofile sentenced to 11 years for terrorism

Dispatch Reporter

BISHO — A former Fort Hare lecturer and secretary-general of the United Democratic Front (UDF), the Reverend Makhenkesi Stofile, was sentenced in the Supreme Court here yesterday to an effective 11 years imprisonment for terrorism and possession of arms.

Stofile was sentenced to 11 years imprisonment on the terrorism charge and one year for being in possession of a Makarov pistol and 16 rounds of ammunition. The two sentences will run concurrently.

His three co-accused — Mzwakhe Ndlela, Linda Stofile and Mveliki Gqibitole — received sentences of 18, eight, and 12 years' imprisonment respectively.

A fifth accused, Miss Nomvuyiso Stofile, was discharged on Friday.

Mr Justice Pickard sentenced Ndlela to 15 years for terrorism and three years for possession of arms. The two sentences will run concurrently.

Linda Stofile received an effective eight years and Gqibitole was given eight years for terrorism and four years for possession of arms, which will also run concurrently.

In his judgement, Mr Justice Pickard said terrorism was a serious offence.

He said the country was living in difficult times where terrorism had become the order of the day.

Makhenkesi Stofile had assisted a trained terrorist whom he knew to be a terrorist.

Mr Justice Pickard said that if the United

Democratic Front (UDF) disapproved of violence, its leadership should express the non-violent stance of the organisation so its followers would know.

If this was not done violence would escalate.

He said Ndlela was a trained terrorist and was also capable of training other people.

The arms found in Ndlela's possession last year were meant to kill.

Ndlela had committed a serious offence and should thus be removed from society "for a long time", Mr Justice Pickard said.

He said Linda Stofile had assisted Ndlela, whom he fully knew was a terrorist.

However, Mr Justice Pickard said, Linda Stofile had played a lesser role.

Gqibitole's role might also have been limited.

Mr M. W. Friedman, for the defence, said in mitigation of sentence that there had been no evidence of acts or attempts of violence.

He said there had been no injuries or damage to property.

The weapons had not been used.

Makhenkesi Stofile had kept the Makarov pistol and the ammunition in a deed box where he could not have easy access to it, Mr Friedman said.

The court should take into consideration that the accused had acted in accordance with a conviction to improve society, he added.

There was discrimination in South Africa and the four men were fighting a political struggle without the use of violence.

They saw South Africa

as one state, Mr Friedman argued.

He said the fact that the weapons had been found in their possession did not mean they were intended for violence. The men had fore-sworn violence.

The furtherance of the aims of the African National Congress did not mean that everybody wanted violence.

Mr Friedman said the men had committed "technical terrorism" and not actual terrorism and had acted in accordance with their consciences and convictions.

He said the world had focussed its eyes on South Africa and everything that happened in the country received international coverage.

The impact of whatever happened remained indelible in the memories of people for generations. He cited the killing of the Xhosa chief, Hintsa, whose death still left a psychological impression on the Xhosa people.

The court should consider the public attitude and perception when giving sentence, he added.

Award for Repentance

MOSCOW — Repentance, a film about tyranny with oblique references to the dictatorship of the late Joseph Stalin, won the first prize at the Soviet film festival in Tbilisi.

The film, by Georgian director Tengiz Abuladze, was released last year under Soviet leader Mikhail Gorbachev's drive for openness. — Sapa-RNS

Silent witness may face terror charges

11/6/85 7/5/87
The Argus Correspondent (331)

EAST LONDON. — A State witness jailed for refusing to testify at the trial of a senior United Democratic Front official may be charged with terrorism.

Ciskei's Attorney-General, Mr Willem Jurgens, SC, yesterday confirmed he was investigating charges of terrorism and illegal possession of arms against Frenchman Pierre-André Albertini.

Albertini was recently jailed for four years for refusing to testify against the general secretary of the Border region of the UDF, Makhenkesi Arnold Stofile, who was sentenced this week to 11 years for terrorism.

Mr Jurgens said the charges had been laid against Mr Albertini but dropped when he was called as a witness.

Mr Jurgens, prosecuting in Bisho Supreme Court, asked that Albertini's Mercedes-Benz and his expired French passport be surrendered to the police.

However, the court ruled that the car should be returned to Albertini. The passport is to remain part of the court record.

During the trial it was alleged Albertini smuggled arms into Ciskei in the car.

21/5-2/6/87

Stofile - jailed in 'fight for justice'

THE REV Arnold Stofile said he went to jail "with a clean and satisfied conscience" after being sentenced to 11 years' imprisonment in the Bisho Supreme Court this week.

In the statement written on the corner of a newspaper and handed to journalists after he had been sentenced, Stofile said there could be no justice without peace.

Stofile, former UDF general-secretary in the Border, was found guilty of terrorism and two counts of illegal possession of arms.

The Ciskei Supreme Court was packed earlier this week when Ciskei's Chief Justice, Mr Justice Pickard, sentenced Stofile and his three co-accused to a total of 50 years in jail.

The fifth accused, Miss Nomvuyiso Stofile, was found not guilty of involvement in the military activities of the African National Congress.

'Honest'

In the statement, Stofile said he had at all times "been honest to my people, my faith and my maker".

"I have been honest in my quest for justice for all. This is precisely what sends me to prison."

Stofile and three co-accused were found guilty of terrorism last week, as well as various charges of illegal possession of arms.

On Monday, Stofile was sentenced to 11 years on the main count of terrorism, with another year for possession of arms.

Real terms

The second accused, Mzwakhe Nelson Ndlela, was given 15 years on the main count, and three years on the three arms charges. Stofile's brother, Linda Michael, and the fourth accused, Mveleli Gladwell Gqibithole, were each sentenced to eight years for terrorism.

Gqibithole was given a further four years for possession of arms. All the sentences for the arms charges are to run concurrently with the main sentences.

In his statement Stofile addressed "my fellow Christians," and told them "there can be no peace without justice. Justice crystalises what love mo-



The Rev Stofile

tivates. The end result is peace".

He told his students he had never lied to them, and urged them to convert what he had taught them into real terms in their communities.

"To my family, friends and all comrades I say, the struggle must continue. The best they can do in remembering us (and all the others) is by exerting more effort for an end to all domination and exploitation.

"We shall come back and participate in a unitary, democratic and non-racial South Africa where the people shall govern. Forward to freedom," the

statement concluded.

In a separate statement issued on behalf of all of the accused, they said: "The judgment and the sentences do not worry us. Our people must carry on the struggle. We will come back and continue where we left off. Victory is certain."

Pleading in mitigation, defence advocate Mr Mockie Friedman, SC, said no acts of violence had been perpetrated or attempted, and that the accused had acted from "an inner conviction that they wanted to improve matters for all people in a unitary society".

Twists

Passing sentence on the Rev Stofile, the judge said when people were found in possession of arms and mines, they were "hard put to say they did not intend violence".

The trial, which began on March 16, was marked by a series of unusual twists. Two state witnesses, including a French citizen, Mr Pierre Andre Albertini, were sentenced to four years jail each for refusing to testify against the accused.

This week the State indicated the case might be reopened against Albertini.

The Ciskei Attorney-General, Mr Willem Jurgens, said he was investigating the possibility of reopening charges of terrorism and illegal possession of arms against the Frenchman.

Perjury

In the Stofile trial, two other witnesses were charged with perjury after reneging on their evidence. Both took the stand but said they did not know anything about the illegal acts alleged to have been committed by the accused, despite having made statements to the police earlier.

The prosecutor had to admit that three further State witnesses could not be found, while one witness, identified only as Mr W, did give evidence against the accused but later returned to say he had lied.

However, the judge ruled that his evidence should be accepted, and that he had lied when he testified the second time.

— Elnews

Doris McBride finds no tears

DEVAN MAISTRY

DORIS MCBRIDE is a woman who doesn't cry.

She bears the double blow she has been dealt recently with remarkable attitude — a son sent to the gallows and a husband jailed for 12 years for African National Congress (ANC) activities.

Robert McBride, a 23-year-old ANC guerrilla, was sentenced to death the Matibung Supreme Court last month for placing a bomb outside a urban beachfront nightclub, killing three women and injuring about a hundred revellers on the city's "olden mile".

Husband Derrick McBride, 56, was led for 12 years earlier this month partnering his son in the springing ANC guerrilla Gordon Webster, who was being held under police guard in the Edenville Hospital in Durban. A man was killed during the break-out.

Mrs McBride, portly with a pale complexion, has been a teacher for 31 years and met her husband, Derrick, while teaching in Clairwood.

Interviewed at her home, 29A Quality Street, Wentworth, rundown and depressed "coloured" township outside Durban, Mrs McBride spoke about herself, her first years of married life, Robert, her two daughters, Gwynneth and Bronwyn, and their growing up in a racist society.

"My father was white but he cut himself off from his community. Two of his sisters, my white aunts, were nice and they would visit. But we felt so confined, entertaining our cousins, while our hearts were at the river where our black friends were playing."

She lived in Sydenham during the first years of her married life, she said.

Turning to the effect the trials have had on her youngest daughter she

said: "Gwynneth is at boarding school. They don't want a McBride at school in Wentworth. The death sentence imposed on Robert affected her terribly and she thought her father would go the same way."

"We try to protect Gwynneth. I never cry in front of her or people. I wouldn't like the police to think they've got one over us. But she's missing her father and brother," said Mrs McBride.

Older sister Bronwyn is the mother of a four-month-old baby boy, Robert-Derrick, named after his uncle and grandfather.

Tracing Robert's childhood, she said, like so many thousands, he experienced apartheid early in life.

"Mothers have to explain to toddlers they cannot play on the swings because they are for white children only."

"Then you send them to dilapidated schools where they have to sit on ap-

ple boxes and have to beg for desks, books and equipment, while white schools on the Bluff have swimming pools. This creates resentment that is difficult to diffuse in later life," she said.

"I remember, we sent Robert to a school in Kimberley to improve his Afrikaans which is so important in this country. There he had a child's experience of real apartheid."

"He told us how he and some schoolfriends got up at dawn, when it must have been freezing, to get the autographs of the touring All Black rugby team."

"The police chased them away and only let through the white children," she said.

Robert, she said, tried to keep her spirits up when she visited him in prison.

"Small talk seems to be the only sensible thing on my visits to him," she said.

She was pinning her hopes on a successful campaign for clemency to save him from the hangman.

"One of the assessors found extenuating circumstances and I think the evidence given for the State by detainees should have been treated cautiously, especially since there was allegations of torture."

She said she was proud about the way Robert handled a conversation with a warder who waved a noose in his face in the cells below the Supreme Court on the day he was sentenced.

"Robert just smiled at them. He told them that when he hangs, a lot of whites will go with him. I heard they were worried and asked people to explain what Robert had meant," she said.

She also told of the close relationship between Robert and his father, their passion for books and their stormy political arguments.

She said the people of Wentworth had been supportive.

"I get dirty calls in the middle of the night, but I take heart from the fact that Wentworth, in spite of the squalor, is coming alive."

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

She said blacks did not "look for white company, honestly we don't."

"The whites just fear that, given the opportunity, we will appreciate us so much more and do so much better. We really don't want anything from them."

"We don't want freedom to take their girlfriends or daughters. God knows, we have enough chances for that. We just want freedom to live our own lives," she said.

Concluding the interview, Mrs McBride remarked: "There'll be hundreds more mothers in my position."

—PTI

Detainee tells court of 'vicious police assaults'

AN EXECUTIVE member of the Duncan Village Residents Association (DVRA), in emergency detention since June last year, has described in court how he was assaulted and tortured by police after his arrest in 1985.

In a sequel to the unrest in Duncan Village in September, 1985, Mr Thethinene "Joe" Jordaan appeared with seven others in the East London regional court this week.

They have pleaded not guilty to charges of public violence, arson and throwing stones at the police.

The accused were arrested on September 2, 1985. After a court appearance two days later they were all released on bail.

Jordaan was re-arrested in June last year and detained under the emergency regulations. He applied for an interdict restraining the police from assaulting him.

During a court appearance this week, Jordaan dismissed as a "bunch of lies" accusations that he was the leader of the group of people who were chanting and throwing stones at the police when he was arrested.

Waiting for taxi

He said he was arrested while he and a neighbour, Vuyisile Mabeka, who also testified, were on the Douglas Smit highway waiting for a taxi.

"While we were waiting for a taxi to town we were approached by heavily armed police. They dragged me by my jersey and I fell.

"As I was trying to get up I was hit on my back with a gun. I tried to ask them what I had done, but no one answered my question.

"Vuyisile was told to go home and I was forced to go to the hippos standing 6 or 8 metres from the spot where we were standing.

"When I reached the hippos there were already people lying on their stomachs and I was also told to do the same," Jordaan said.

He said they were subsequently taken to a police van and were taken to the Duncan Village police station.

Witnessed assaults

Jordaan said on the following day he witnessed other people being assaulted in his presence. He said two security police came to the police station and ordered the police not to assault him as they (security police) were the only people to deal with him.

"After the others were assaulted we were taken to the cells. At night we were called in one by one. I was called by a black security police to a certain office where there were two white police.

"In the office I was told to undress myself and told to lie on the bench on my stomach.

"Thereafter I was asked whether I knew Steve Tshwete. I said I knew him. They asked me whether I could take them to the place where he was. I told them I did not know where he was.

"After I denied any knowledge of Tshwete's whereabouts they said they were giving the last chance to communicate fairly with them and give them the information needed.

Time to recover

"Then they started assaulting me. A tube was pulled over my face and an electric shock was put on my spinal cord. I lost my consciousness for a long time.

"I was given time to recover. After I had regained my consciousness a certain big white security policeman bumped on my back repeatedly saying I was going to tell the truth," he said.

Jordaan said as a result of the assaults he was taken to hospital and at the time of their first appearance in court he had to be carried because he could not walk.

"I cannot even stand for more than 30 minutes," he said.

Appearing with Jordaan were Ben Xebe, Allen Manyema, Daniel Nyenge, Solomon Mali, Mbuyiselo Woni, Mzwandile Gweya, Nyanisile Mgithi.

All of them, except Jordaan who is still in emergency detention, are out on bail.

The case continues.

Appeal notice filed by Stofile counsel

Dispatch Reporter

BISHO — The defence counsel in the Stofile trial yesterday filed a notice of appeal against the sentences in the Supreme Court here yesterday.

The application will be heard on Thursday next week.

Makhenkesi Stofile, Mzwakhe Ndlela, Linda Stofile and Mveleli Gqibitole were all convicted of terrorism and possession of arms.

They had been given prison sentences of 11, 15, eight and eight years respectively.

Yesterday, Mr W. F. Jurgens for the state applied for the forfeiture of the exhibits to the state.

The exhibits are the R25 000 in cash found in the safety deposit box of Makhenkesi Stofile, two cars, one belonging to Pierre Andre Albertini and one to the United Democratic Front (UDF), arms and ammunition, the deed box, the keys to Miss Nomvuyiso

Stofile's house, a CZ pistol found at another in camera state witness's house and Albertini's passport.

He also applied for the prosecution of five in camera state witnesses.

He said the R25 000 found in Makhenkesi Stofile's deed box be forfeited to the state since the probabilities were that the money was for the African National Congress (ANC) or the United Democratic Front (UDF).

Mr Jurgens said Stofile's evidence concerning the money had been rejected by the court.

Mr M. W. Friedman for the defence opposed the application on the grounds that the money legally belonged to Mr Stofile and had nothing to do with the case.

He said the money should be handed back to Mr Stofile since it was needed by his family. Mr Justice Pickard ruled that the money be retained as an exhibit in

the appeal proceedings and be returned to Mr Stofile at the end of the appeal proceedings pending the outcome of the appeal.

Mr Justice Pickard ruled that the car belonging to Albertini be returned to him or his representative.

He ordered that the deed box and its keys be returned to First National Bank in Alice.

The arms and ammunition would be seized by the state and the CZ pistol would be returned to the police.

Mr Justice Pickard declared the UDF car forfeited pending the appeal court decision. The car would remain as an exhibit, he added.

The defence filed a notice that it would appeal against the seizure of the UDF car.

Mr Justice Pickard made no ruling concerning Albertini's passport.

He also made no ruling in regard to the prosecution of the five in camera state witnesses.

Man shows scars at treason trial

JENNY BOBERG

A WITNESS for the State, formerly an ANC member trained in arms and grenades, stripped to the waist yesterday in the Rand Supreme Court to show the burn scars on his back that he said were caused by a petrol bomb.

This was during the trial of eight Alexandra youths charged with treason, alternatively sedition and subversion.

The witness, whose identity may not be revealed for fear of reprisals, told the court that on February 15 last year a crowd of about 250 "Comrades" — armed with sjamboks and petrol bombs — arrived at his home.

Three petrol bombs were thrown at him. Only the third exploded, but it caused burns so serious he had to spend five months in hospital.

The witness said he used to be consulted by the Alexandra Youth Committee on matters regarding "the struggle", but later fell into disrepute when 13 committee members were arrested on his premises. He was suspected of causing the arrests.

In January 1986, discussions regarding the establishment of "people's courts" had taken place. It was decided police work should be done by "we who were in the struggle".

Residents of Alexandra were afraid of "Comrades", the witness said.

The trial continues.

Hart supports Stofile

The Argus Foreign Service

Argus 29/5/87 331
AUCKLAND. — The Kiwi anti-apartheid organisation, Hart, is launching a fund-raising campaign for the family of the Presbyterian minister Arnold Stofile who has been jailed in the Ciskei.

Stofile was brought to New Zealand by Hart (Halt All Racist Tours) in 1985 to give evidence against the NZ Rugby Union in the case of the intended tour by the All Blacks to South Africa. He faced charges of terrorism and was jailed for 11 years.

The R25 000 assets of the Stofile family have been frozen and his wife Nambita and three young children could be in want, Hart said.

"We must make sure we do not let him down in his time of want," a spokesman said.

Most of the 11 accused 'lost moral judgment'

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MANY of the 11 accused on trial in the Pretoria Supreme Court for Maki Sikhosana's death in Duduza nearly two years ago seemed to be compelled by situational forces to lose moral judgment and commit actions out of character, an expert witness said yesterday.

Edward Diener, associate professor of psychology at Illinois University, was flown from the US by the defence counsel to appear in the three-month-old trial as an expert witness on the mechanisms of crowd psychology.

Diener said several of the accused he

DIANNA GAMES

had interviewed told him they did not think about what they were doing, they had not realised their actions would kill the woman nor were worried about being arrested despite the presence of cameramen.

But they had all realised, in retrospect, that their actions were wrong and out of character and some could not believe they had taken part in the action. Sikhosana was burnt and beaten to

death during a funeral in Duduza in July, 1985. Her death was filmed by TV cameramen — who presented their evidence in camera — which led to the arrest of the 11.

Diener said some of the accused were in a state of "deindividuation" at the time. That occurs when a person in a group or crowd cannot properly regulate their own behaviour and thus cannot foresee consequences of actions or make rational moral decisions about them at that time.

Diener said one accused, Daniel

Mbokwane, 21, had said he felt energetic and excited and was not even calmed by the graveside songs.

He had felt no pity for Sikhosana but had not thought she would die.

Diener said Elizabeth Moutaung, 27, was excited at the time of the attack, her heart was beating fast and she was angry. But she had described a switch of emotions after a large rock was dropped on the body.

Moutaung told Diener she had not once thought whether what she was doing was good or bad.

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Watson on move in bid 'to dodge killers'

Post Reporter

ONE of the well-known Watson brothers of Port Elizabeth, Mr Ronald Watson, is being "moved around from place to place" in Gaborone to "protect him from agents who are trying to kill him", his brother, Mr Gavin Watson, said in PE today.

"Ronnie phoned again. He's okay, but he'll have to stay in Botswana to give evidence," he said.

He was referring to a trial on a charge of attempted murder of a man who, Mr Ronald Watson alleges, pulled a gun on him in his hotel room in Gaborone last Saturday.

The man, identified as Mr Steve Burnett, was refused bail on Tuesday by the Acting Chief Magistrate of Botswana, Mr Gabriel Rwelengera.

A Johannesburg newspaper reported yesterday that Mr Burnett claimed in court to be a member of the British intelligence service, MI6 and said he had been sent by the South African authorities to kill Mr Watson.

However, a spokesman for the British High Commission in Botswana said no reference was made to the SA Security Police or MI6 in court.

7 convicted of public violence

Court Reporter

POLICE rounded up residents of an entire township, assembled them in age and sex groups at the local sportsfield and then charged 15 people with public violence, the Worcester Regional Court heard this week.

Charges were withdrawn against eight of them and the other seven received cuts or were given suspended sentences after being convicted of public violence at Nkqubela, the black residential area of Robertson, in November 1985.

A 16-year-old schoolboy was sentenced to seven cuts with a light cane. An 18-year-old woman, Liesbet Jeyi, was sentenced to three years' imprisonment suspended for five years.

Seven cuts

Muntu Mobweni, 20, Freddie Mafilika, 20, and Edward Mafilika, 19, were sentenced to seven cuts with a light cane and three years' imprisonment suspended for five years.

Michael Mzola, 22, and Shakespeare Stuurman, 24, were sentenced to seven cuts with a heavy cane and three years suspended for five years.

The State alleged that the Administration Board in Robertson had launched an unemployment scheme whereby interested residents were employed to clean the area at a rate of

R3 a day.

Nine people participated, including four of the accused. The participants protested at the low rate of pay, some of them refusing to accept their pay.

After going on strike, some of them went to receive their pay on November 1, 1985. That night the Administration Board offices were attacked and a burning barricade was set up in the road.

Freedom songs

When the police arrived, the group sang freedom songs and stoned the police vehicles. No damage was caused and no one was injured.

The accused told the court that on November 5, five days after the incident, police assisted by army reservists surrounded the small township at 6am and shepherded every resident to the rugby field.

There they were divided into groups of older women, older men, teenage boys and young men, teenage girls and young women, and children. After this, 15 people were charged with public violence.

The trial was disrupted by the detention of some of the accused under the emergency regulations and was resumed again in November 1986, and completed this week.

Mr D du P Myburgh was the magistrate. Mr A G du Plessis prosecuted. Mr F Bunting, instructed by Mr T de Bruyn, appeared for all the accused.

Cape Times 30/5/87.

Appeal petition turned down

Staff Reporter

EIGHT Wynberg teenagers are to be jailed on sentences of public violence after their petition for leave to appeal against sentence was rejected by the Chief Justice in Bloemfontein on Wednesday.

The seven are or were pupils at the time of their conviction.

They are Venecia de Klerk, 19, Showqie Enous, 18, Julian Stubbs, 18, Naasir Masoet, 18, Dee Dicks, 18, and a 17-year-old boy, who were all sentenced to three years' imprisonment, of which two were suspended; and Wayne Jordaan, 19, who was sentenced to five years, of which two were suspended.

Sentence on a 14-year-old girl was postponed for five years.

An appeal to the Cape Supreme Court was dismissed on February 16 this year and leave to appeal was refused.

A petition was then sent to the Chief Justice. Signed by 30 000 people, it included Archbishops Desmond Tutu and Stephen Naidoo, Dr Allan Boesak, Muslim Judicial Council president Sheikh Nazeem Mohammed, UCT principal Dr Stuart Saunders and UWC rector Prof Jakes Gerwel among its signatories.

An attorney, Mr Enver Daniels, explained yesterday that the decision by the Appeal Court meant that the Chief Justice had turned down the petition.

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Murder trial postponed: defence recalls witness

**Dispatch Correspondent
PORT ELIZABETH** — The Saunders murder trial came to an abrupt halt in the Supreme Court here yesterday when the defence applied for a surprise adjournment to consider recalling an expert witness.

The application — which was not contested by the state — was granted by Mr Justice Solomon "in fairness to the defence case". The hearing was postponed until June 10.

In complex psychiatric evidence yesterday, comparisons were drawn between the circumstances of the case and that of the recent Stratford murder trial.

Both Mr P.J. de Bruyn, for the defence, and the judge, questioned the state forensic psychiatrist, Dr Tubiah Zabow, on the degree of control Mrs Saunders and Mrs Diane Stratford could exercise over their actions when they killed their husbands.

On May 14, Stratford was convicted of shooting Mr Alan Stratford to death and sentenced to five years jail, suspended for three years. The court rejected she had acted in a state of automatism or under irresistible impulse after

being sexually assaulted with a can of hair mousse.

In a similar plea of not guilty, Mrs Saunders, 34, admits to beating her sleeping husband to death with a pickaxe handle at their Heugh Road home on October 10 last year, but claims due to a combination of severe mental and emotional stress, increased irritability, liquor and provocation she was unable to appreciate the wrongfulness of her action or control the impulse.

Alternatively, she claims to have lost control and did not have the intention to kill or injure her husband.

Both the state and defence psychiatric experts in the case also gave evidence in the Stratford hearing, which was also presided over by Mr Justice Solomon.

Asked in cross examination by the defence whether he considered Mrs Saunders had been more severely influenced by events on the night of the killing than Stratford had, Dr Zabow replied there were added factors to consider in the current case.

Stratford had fired a single shot whereas Mrs Saunders had delivered

repeated blows which could indicate some "movement along the spectrum" of uncontrollability.

The amount of alcohol Mrs Saunders had imbibed and how it had affected her ability to comprehend and control her actions, was also a factor to take into consideration.

Dr Zabow accepted there must have been some degree of incapability to comprehend which diminished responsibility but he was unable to determine the extent.

Mr Justice Solomon said Stratford had no intention to harm her husband when she returned to the bedroom for car keys, but had seen the gun when she removed items of jewellery on a bedside table.

Dr Zabow agreed that was the difference in the two cases. Mrs Saunders already had the pickaxe handle in her hand when she returned to the bedroom where her husband was sleeping.

The defence psychiatric expert, Dr Serge Porten, concluded that when Mrs Saunders delivered the blows she could "probably distinguish between right and wrong but her ability to act in accordance with

such appreciation was at least grossly diminished".

Dr Zabow contended that while there was some loss of control due to her highly emotional state, he did not believe she had acted in state of automatism or due to irresistible impulse.

Her actions were "goal directed" and too complex for automatism. She also had a good recall of the events whereas some amnesia could be expected in such a state.

A person in such a state of automatism or irresistible impulse should also have a disintegration of all other psychological functions which did not occur with Mrs Saunders.

She also appeared to have recovered rapidly after the incident — she had washed herself and the weapon, gone to hide the pickaxe and then staked a fake burglary — without being "dazed" for a period as normally occurred in a state of automatism.

When the court resumed, Mr De Bruyn, asked for a postponement as specific psychiatric evidence had been raised by Dr Zabow without being been put to the defence expert, Dr Porten.

Stofile: We'll return

REV Arnold Stofile said he went to jail "with a clean and satisfied conscience" after being sentenced to 11 years' imprisonment in the Bisho Supreme Court this week.

Stofile, former UDF general-secretary in the Border region, had been found guilty of terrorism and two counts of illegal possession of arms.

The Ciskei Supreme Court was packed on Monday when Ciskei's Chief Justice, Benjamin De Villiers Pickard, sentenced Stofile and his three co-accused to a total of 50

years in jail.

The second accused, Mzwakhe Nelson Ndlela, was given 15 years on the main count of terrorism, and three years on three arms charges.

Stofile's brother, Linda Michael, and the fourth accused, Mveleli Gladwell Gqibithole, were each sentenced to eight years for terrorism.

Gqibithole was given a further four years for possession of arms. All the sentences for arms charges are to run concurrently with the main sentences.

Fifth accused Nom-

vuyiso Stofile was found not guilty.

In a Press statement Stofile said he had, at all times, "been honest to his people, faith and Maker".

"To my family, friends and all comrades I say, the struggle must continue.

"The best they can do in remembering us (and all the other captured cadres of our struggle) is to exert more effort for total liberation of all from domination and exploitation," the statement read.

"We shall come back and participate in a unitary, democratic and non-

racial South Africa where the people shall govern. Forward to freedom," his statement concluded.

In a separate statement issued on behalf of all of the accused, they said the judgment and sentence did not worry them.

"Our people must carry on the struggle. We will come back and continue where we left off. Victory is certain," it said.

Pleading in mitigation, defence advocate Mockie Friedman SC said no acts of violence had been perpetrated or attempted, and that the accused had acted

from an inner conviction that they wanted to improve matters for all people in a unitary society.

Friedman urged the judge to consider the effect on the community. Citing Boer heroes like Jopie Fourie and Gideon Scheepers, Friedman said some sentences had soured relations in South Africa for generations.

Passing sentence, the judge said that, when people were found in possession of arms and mines, they were "hard put to say they didn't intend violence". - Elnews.

By MARTIN
NTSOELENGOE

Court told of grisly death

A HIDEOUS tale of how a scantily dressed woman was transformed into a "human torch" unfolded in the Rand Supreme Court this week in the case of seven Alexandra township men and a woman charged with treason.

The men and the youth have pleaded not guilty to high treason, conducting people's courts, making the township ungovernable and murder.

The accused are: Ashwell Mxolisi Zwane, 22, Vusi Andries Ngwenya, 20, Andrew Mafutha, 22, David Mafutha, 19, Albert Vilakazi, 24, Albert Sebola, 21, Piet Magano, 28, and the youth.

Testifying before Judge P Grosskopf, Constable Hans Oosthuizen said he and other policemen were patrolling 18th Avenue in Alexandra when they were attracted by noise in 17th Avenue on April 12 last year.

Oosthuizen said that as they turned into 17th Avenue they saw a large group of people, and as they came nearer they saw a woman sitting on the ground surrounded by youths, her

body engulfed in flames. Theresa Maseko died at Thembisa Hospital from third-degree burns and deep gashes on her head on April 12 last year.

When the youths saw the police, they ran in all directions. After the youths had escaped, the woman tried to stand up but fell to the ground again.

Near her there was a car tyre, she had deep gash wounds on her head and she was only dressed in a doek around her waist.

A Miss X, friend of Theresa, told the court that a week after they had both attended the funeral of Tiny Richard Mpadi, who was

allegedly shot by a municipal policeman, she saw her friend had a swollen face. Theresa later told her that she was assaulted by comrades who accused her of being a police spy.

Miss X said that on the morning of April 12, a man came and asked Theresa to use their phone. After the man had phoned, he said to Theresa: "Yes, you mpimpi (sellout)."

"A few moments later we heard my friend scream. When we looked outside we saw a man with a Rastafarian hairdo armed with a sjambok and followed by a large number of youths who shouted: 'Come out with your firearm. We are not afraid of you.'"

"My friend ran out of the house and some of the youths gave chase while the others milled in and around the house.

"Before some youths chased Theresa, some cut off the telephone line and smashed the inside door."

After Theresa had been caught those in the house were called.

They stopped a yellow bakkie and put her in the back of the bakkie.

Delmas trial

THE Rev Jeff (Tebogo) Moselane yesterday told the Delmas treason trial he felt he was oppressed and the congregation at his St Cyprian's Anglican Church in Sharpeville shared that feeling.

He said that prayers for freedom were said at his church. Led by Mr George Bizos, SC, Mr Moselane said an anti-rent meeting was held at his church August 19, 1984. Banners with the word "Asinamali" were hung on the pulpit.

Moviemaker tells court of meeting

A PROFESSIONAL film-maker who attended a residents' meeting in St Cyprian Anglican Church in Sharpeville on August 26, 1984, was called to give evidence in the Delmas treason trial yesterday.

Mr Kevin Arthur Robert Harris, former

SOWETAN
Reporter 3/10/84

SABC English documentary producer, covered the meeting for the South African Council of Churches (SACC).

Mr Harris said he filmed key figures at the meeting. These included

one of the 19 accused, the Reverend Jeff Moselane, who was in charge of the church.

Film

Mr Harris submitted to court a negative of the film he took on that day and a sound cassette of the film.

The court heard that after the meeting Mr Harris held an informal chat with the Rev Moselane and Mr Peter

Hlope. "I wanted to make sure I had crystallised the emotions. It was research material I was doing" he said.

Earlier, Mr Oupa Hlomuka, under cross-examination, denied that the Azanian People's organisation (Azapo) had conspired with the Vaal Civic Association (VCA) and UDF affiliates to overthrow the government by violent means.

(Proceeding)

Video tape played at treason hearing

By Adele Baleta

A videotape of a meeting at St Cyprian's Anglican Church in Sharpeville on August 26 1984 made by award-winning documentary director Kevin Harris was played at the Delmas treason trial yesterday.

The State has alleged the meeting, addressed by two of the 19 accused, Mr Oupa John Hlomuka and the Reverend Geoffrey Moselane, had been held to promote violence against Lekoa Town Councillors and their property.

It is also alleged that a call had been made for the march and stayaway on September 3 1984, sparking unrest.

Mr Hlomuka denies the accusations, saying the meeting was held to discuss grievances over proposed rent rises.

Stood down

Mr P B Jacobs SC, for the State, objected to calling Mr Harris as a witness and to the submission of the video.

All 19 men, who have been on trial for almost two years, pleaded not guilty to the main charge of treason and alternative charges of murder, subversion and terrorism.

Mr Hlomuka, former chairman of Azapo in the Vaal, stood down after more than two weeks in the box.

Mr Harris, an electrical engineer, said he had been commissioned in 1984 by the SA Council of Churches to make a film "to give an overview of the social and political situation and look at the church's response".

He had attended at the suggestion of Mr Thomas Manthatha, an SACC field worker who had acted as his contact with the community.

The beginning of the video showed people singing a hymn. The church, which seats about 800, was not full.

A wide-angle shot showed empty walls except for a banner behind the altar which said in Sotho, Tswana and Zulu "We have no money".

Asked by Mr George Bizos SC, for the defence, if there were banners or posters on the walls, Mr Harris said "If there were, I would have filmed them".

Mr Bizos noted the lifting of the left hand and the shouting of the "customary Amandla" by members of the audience after a speaker had made a point.

A transcript of an interview held with Father Moselane and another speaker, Mr Peter Hlube, held after the meeting was read out.

Mr Harris said he had asked what resolutions had been passed. Father Motselane said it had been decided:

- Residents should not pay the proposed rent increases.
- An attorney should be consulted on whether or not the Lekoa Town Council could be taken to court.
- The people should petition for the councillors in their wards to resign.
- Garages and other facilities owned by councillors should be boycotted.

The hearing continues.

CML Tints 3/6/87

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ANC gives hope, convict tells court

Supreme Court Reporter

THE ANC is "the only organization which seems to be giving hope to the general populace", the Supreme Court was told yesterday by a social worker convicted with 12 others in terms of the Internal Security Act 10 days ago.

Mthetho Douglas Myamya was giving evidence in mitigation.

He and six others pleaded guilty to and were convicted of harbouring, helping or failing to report to police a person there was reason to suspect was planning or had committed terrorism, subversion or sabotage as defined by the Act.

The other six pleaded and were found guilty of a more serious charge, defined as terrorism by the same Act.

Myamya said under cross-examination that he was still sympathetic to the ANC cause. Defence counsel Mr John Whitehead asked him during re-examination to explain why.

"Um," said the prisoner, "from the perspective of a social worker, especially one operating in a community where for a long time things are not becoming normal and there seems to be no solution in sight — I mean no internal solution — the only organization which seems to be giving hope to the general populace is the ANC."

In a statement of admissions handed in earlier, Myamya said he was asked by a friend and fellow-accused, Sazi Veldtman, to "perform minor tasks for an ANC group" in March last year.

He was asked to deliver a letter to "someone in Botswana" where he and his wife were going for the Easter holiday. He could not contact the person and returned with the letter.

He was then asked to return to Botswana with another letter and was finally persuaded to do so. The woman he contacted there removed his car and returned it to him the following

day, telling him where "certain things" had been hidden in the car.

He suspected these things were "not lawful" but did not know they were arms till he helped Sazi Veldtman extract them from the car when he returned.

Among a number of things Mr Justice H C Nel said he did not understand or did not follow was why Myamya handed over his "private vehicle" to "an unknown person who could have disappeared with it".

Another was the prisoners' assertion that the situation in Crossroads, where police and the SADF are believed to have played a role, was a "great example" of "the constant war between the State and the people who want to free themselves".

'Witdoeke helped by police'

"I don't follow that," said the Bench. "According to the newspapers, the war started before the police moved in. Witdoeke and comrades were murdering each other."

"That's not the way the community understands it," the prisoner replied. "The way the community understands it is that the witdoeke were helped by police who gave them guns to use against the comrades."

The trial continues. Defence team leader Mr Denis Kuny SC told the court some of the other accused would give evidence under oath and others would hand in statements.

He said the defence mitigation case would be completed by expert evidence on the ANC and on conditions in the Western Cape, home to most of the accused and the area to which the facts of the case relate.

Mr L P Francis and Mr W R Vivier were assessors. Mr W C Viljoen appeared for the State with Mr M Stowe. Mr Kuny appeared with Mr Whitehead, Mr A M Omar and Mr S Desai and was instructed by E Moosa and Associates and R Vassen and Co.

Proud of actions, says ANC trialist

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UMKHONTO weSizwe, the ANC's military wing, would continue to fight for the end of apartheid, a convicted ANC guerilla said this week.

Joseph Malusi Ngoma of Langa told the Supreme Court, Cape Town, he was proud of what he had done and that the ANC's military wing would continue its acts until the country's

problems were solved. Ngoma was giving evidence in mitigation. He and Lizo Ngqungwana, 27, Themba Mzukwa, 26, Sazi Veldtman, 32, Cecil Esau, 32, and Quentin Michels, 24, were earlier found guilty of terrorism created to serve the white voters. The ANC said: "Apartheid was created for equal rights. It expresses the views of the majority in the country."

"The trouble was created by the government in 1948 and the military wing was formed in 1961 in response to the government."

Ngoma said he placed the bomb at Mowbray station to shake up the government, not to harm anyone.

The former Langa high pupil said 1976 had had an impact on him.

"In 1976 I was detained and tortured for eight hours. We fought against Bantu Education which is rotten to the core and designed to prevent blacks from developing economically. The following year I was told there was no space for me at school."

Ngoma studied at the SA Committee for Higher Education (SACHED) after which he tried to register at UCT but was refused admission because it was a white university.

Unisa for a computer science degree but could not afford to buy a computer.

In 1980 Ngoma went to work at OK for five years after which he left because conditions for African workers were bad.

"I then became a secretary for the Commercial Allied Workers Union of South Africa, where I noticed that unemployment and discrimination caused problems for the blacks."

Ngoma admitted he was a member of Umkhonto weSizwe whose policy was to "attack government installations until change takes place in the country".

Hunger

Ngoma blamed the government structures such as the homelands and community council for perpetuating apartheid and hunger.

"The homeland policy is created to keep blacks in certain areas where there are no jobs. It also keeps blacks away from the white government places."

"I also want President Botha to release Nelson Mandela and all political prisoners and unban the ANC. This will end the violence in our townships. And after that the people shall govern."

South 4-91618

Free: The six accused of digging 'Buffel traps'

SIX Eastern Cape township residents — accused of digging trenches to trap Buffels by night and assisting security forces to fill them in by day — have been acquitted of subversion and malicious damage to government property.

A regional court in East London heard last week that residents dug trenches across streets in Mlungisi township, Stutterheim, to hinder security force patrols.

Details of the practice, apparently widespread in Eastern Cape townships at the time of the unrest last year, emerged in the trial of Nolele Blom, 35, Thembile Bevu, 25, Christopher Nyweba, 33, Mkanile Njovu, 20, Nondeloza Menkana, 23, and Mari Klaas, 23.

They were found not guilty after the court heard that two key state witnesses had consulted the prosecutor together.

The state alleged the six were guilty of digging the trenches in an effort to subvert authority, or to hinder the maintenance of law and order or the provision of services in Mlungisi.

In evidence, the court heard that trenches had been dug at night as fast as the security forces could fill them during the day. There had been eight to 10 trenches at various points in Mlungisi, each knee-deep and about half-a-metre across.

A member of the Citizen Force, Rifleman MJ Fry, who serviced in Mlungisi at the time, testified that the security forces had been unable to use their Buffels because of the trenches.

Fry said the security forces, assisted by township residents, had filled in the trenches during the day. Buffels had driven over them to compact the ground, but at night they had always been dug open again.

Constable AK Schoeman testified that the trenches had posed a danger to the police and described ambushes.

"It happened to me a few times that

I was caught in a road. I would go down and find a trench where a few hours before there had not been one," he said.

"I could not go through the trench and a group of blacks came from behind to try and pin me down. I had to reverse through the group with my vehicle."

An ambulance driver, TM Hatching, described how his ambulance had on one occasion fallen into a ditch that had been filled in. It had rained and the ground had turned to mud.

"When we drove over it, the ambulance stood on its head."

By FRANZ KRÜGER, East London

the township manager, HHW Pärer, testified. The practice had seriously hindered administrative work.

Describing the unrest, Pärer told the court it "took the form of stone throwing, burning of schools and private homes, extensive damage to the beer hall which was at that time in operation, digging trenches in many of the streets and the boycott of service charges."

"There were also threats to my personal life as well as my property and my staff. As a result it was almost impossible to gain entry to the township."

It had cost the administration R2 276 to repair the trenches, Pärer said.

Fry told the court the security forces had organised a patrol on the evening of March 21 last year to check whether the trenches filled in earlier that day had been dug open again.

Patrol members had been dressed in civilian clothes and had worn black stockings over their heads and arms to disguise themselves.

Fry said he had come across a group of about 30 people singing and dancing in the street, while others were digging up a trench.

A flare had been lit and six people had been arrested. A pick and shovel

had been found there.

Fry later identified one of the six as a man who had earlier that day helped the security forces fill in one of the ditches.

A pamphlet headed "Umkhonto we-Sizwe — born of the people" was handed in as an exhibit.

"We are in the midst of death-defying deeds where our combat troops, supported by the people, are erecting barricades and digging defence trenches," the pamphlet said.

Another document handed in was *Unsebenzi*, "the voice of the South African Communist Party", which contained a cartoon strip depicting people digging trenches into which a Casspir later fell. — Elnews.



As part of their "War is not compulsory" campaign, the ECC held a Peace Picnic in Observatory. This toddler plays with a "peace jigsaw", but will he ever know it?

The plea-change 13 go to jail amid singing

RELATIVES and friends sang *The Whole World is Crying With You* as the terrorism trial in the Cape Town Supreme Court adjourned last Friday following the conviction of 13 of the accused.

Justice HC Nel found six of the men guilty of terrorism under section 54.1 of the Internal Security Act and seven guilty of a lesser charge under the same Act — that of harbouring or assisting a person they had reason to suspect was planning or had committed terrorism, sabotage or subversion.

His judgement was based on a summary of admissions the 13 made when, in a dramatic turn last week, they changed their pleas to guilty. Two other accused, who continued to plead not guilty, were acquitted.

Those convicted of terrorism were:

Lizo Bright Ngqungwana, 26, who admitted being the Western Cape commander of Umkhonto we Sizwe, having undergone military training, recruiting and training others, securing caches for arms and safe houses for guerrillas, organising the import and distribution of arms. He was found in possession of an automatic rifle, hand-grenade, limpet mines, detonators and TNT.

Theminkosi Mzukwa, 26, who said he was trained in Lesotho in 1983 and admitted planting a limpet mine and throwing a hand-grenade at

BY GAYE DAVIS

Langa police station in June 1985, throwing a grenade at a Casspir three months later and was found in possession of two limpet mines.

Joseph Ngoma, 28, a community worker who said he was trained in 1985 and admitted planting two limpet mines at Mowbray railway station in April last year.

Sazi Veldman, 32, a post office worker who said he helped Ngqungwana transport arms and was found in possession of eight detonators, a pistol and ammunition for an automatic rifle.

Quentin Michels, 27, who admitted helping find hiding places for arms, learning to operate a limpet mine and receiving, in April 1986, two bags of arms which he passed on for storage.

Cecil Esau, 35, a third year law student at the University of the Western Cape, who admitted receiving two limpet mines and later two bags of arms from Michels which he passed on for storage.

The trial resumes on June 2 when defence counsel Denis Kuny, SC, will lead evidence in mitigation of sentence.

Meanwhile, police have detained two University of the Western Cape students named in papers before the Cape Town Supreme Court as having been recruited for the ANC by Quentin Michels.

The police public relations division

in Pretoria confirmed that Peter Jacobs, 21, an education student, and Ashley Forbes, 22, a second-year Bachelor of Arts student, were detained on May 16 in terms of section 29 of the Internal Security Act. Section 29 allows for indefinite detention for interrogation purposes.

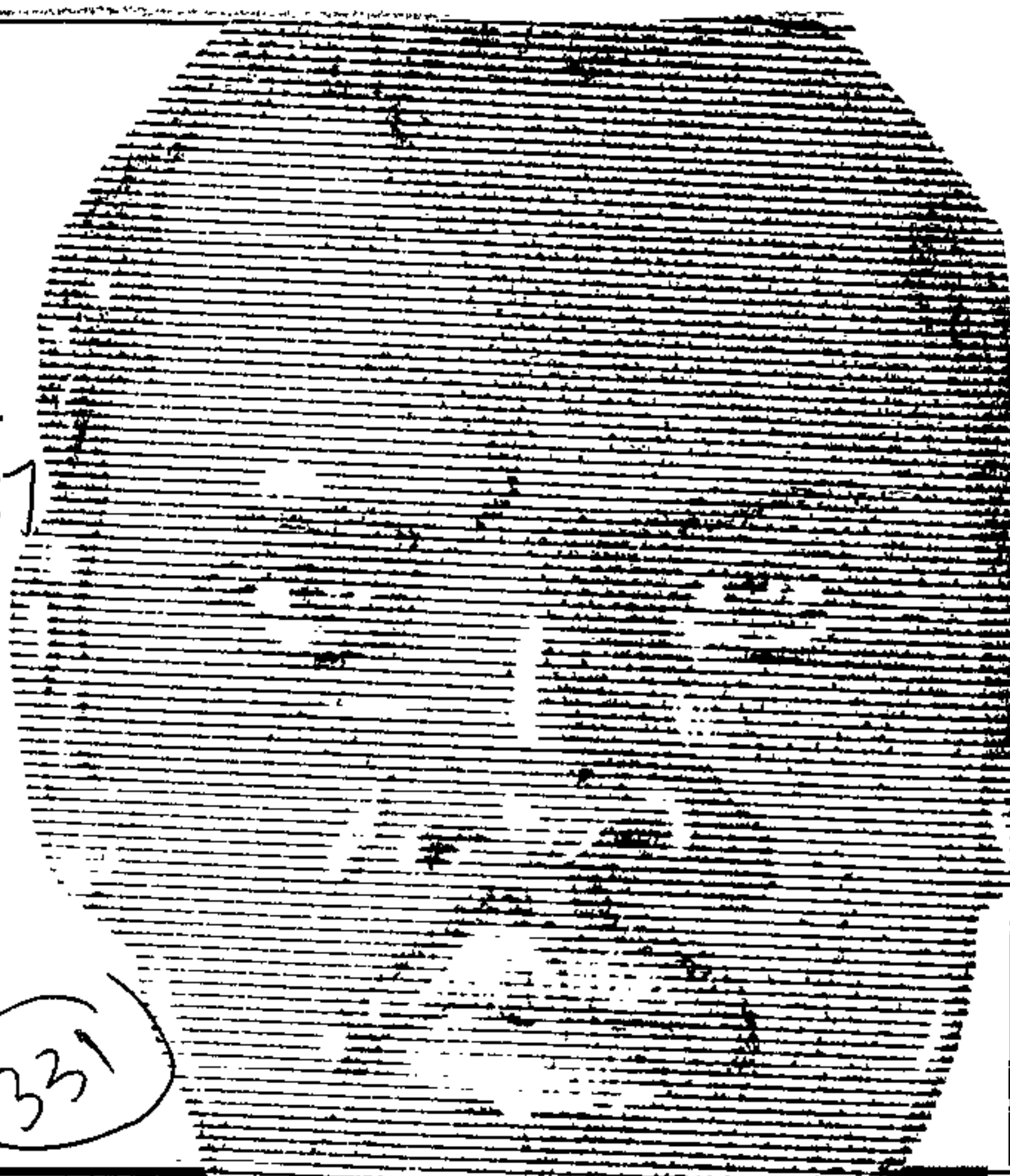
The state alleged in its 45-page charge sheet that Michels recruited Forbes and Jacobs and "conspired with them to operate a cell of the ANC under his command" and "more particularly, to take part in the activities of its military wing, Umkhonto we Sizwe".

The state further alleged that Michels took two bags of limpet mines and hand-grenades to the home of Cecil Esau and instructed him to hand it to Forbes.

The astonishing trial of Reverend Arnold Stofile

W/ Mail 29/5-4/6/87

Two state witnesses jailed four years for refusing to testify. Another three on perjury charges. A lawyer is put in the witness box. The state changes the charge sheet a day after closing its case. ... As the judge put it, 'the strangest things occurred' in the terrorism trial of Rev Arnold Stofile, jailed this week for 11 years



FROM the moment Ciskei's Chief Justice Benjamin de Villiers Pickard personally cocked AK47 rifles and Makarov pistols to check they were safe, it was clear that Reverend Arnold Stofile's trial was not going to be an ordinary one.

Rev Stofile, a member of the United Democratic Front's national executive, was on Monday sentenced to an effective 11 years in jail for terrorism.

His co-accused, Mzwakhe Ndelela, was sentenced to an effective 15 years while Linda Stofile and Mveleli Gqibithole each received eight-year sentences. They were found guilty of terrorism and on several charges of illegal possession of arms.

The fifth accused, Nomyuyiso Stofile, was acquitted on the single charge against her, that of harbouring a suspected terrorist.

It is the first time the state has managed to prove direct involvement by a senior UDF official in African National Congress military activity.

Rev Stofile was found guilty of assisting Ndelela by arranging a "safe house" for him. The court found that Ndelela had left the country for training under the auspices of the ANC. The other accused were also found to have assisted Ndelela in his mission.

Not only is Rev Stofile the general secretary for the Border region of the UDF, but at least two of the co-accused belong to organisations affiliated to the UDF.

From first to last, it was a dramatic case. As Justice Pickard himself put it: "The strangest things occurred." Even the press and a lawyer found themselves in the witness box.

The state's case, originally intended to be supported by the evidence of several alleged accomplices, finally rested almost purely on police and formal witnesses.

Referring to the state witnesses, who one after the other had either refused to testify or reneged on their evidence, the judge said: "The pat-

By
FRANZ KRÜGER and LOUISE FLANAGAN
in EAST LONDON

terns were to obstruct the prosecution in every aspect of this case." He stopped just short of accusing the defence of having been responsible for this.

Two of the state witnesses refused to give evidence and were jailed for four years each. Another three are facing charges of perjury. Yet another two could not be called by the state as they had disappeared. Even possible defence witnesses, who may have been able to corroborate what Justice Pickard called the "improbable" accounts of the accused, had fled the country or disappeared.

Two state witnesses did give evidence, but its admissibility was strongly contested by the defence. Mr X, an alleged ANC defector, testified he had undergone ANC military training in Pango camp in Angola together with Ndelela.

His identity was not disclosed even in court, despite strenuous attempts by the defence to have him named. Defence advocate Mockie Friedman, SC, then declined to cross-examine him without his identity being known.

Another witness, known as Mr W, testified when he was first called. However, two weeks later he sent a letter to Nambitha Stofile and on this basis was recalled. He returned to court to say that he had lied in his earlier evidence.

Referring to Mr W's subsequent evidence, Justice Pickard said: "He destroys all the vital links in the case. And the non-vital links he left alone." Justice Pickard ruled Mr W's original evidence acceptable, and the second a lie.

During the judgement, Justice Pickard said that shortly before the letter from Mr W was received by the defence, he had the impression that the defence was "stalling for time". He

also called it a "remarkable coincidence" that Mr W had returned to court on the day he was subpoenaed to appear, but claimed to know nothing of the subpoena.

In an unusual attempt to discover whether or not Mr W had been pressured into returning to court, the judge called his attorney, TM Mdla-lane, into the witness box.

Mr W was one of eight witnesses the court had ruled may not be named. One of the others refused to be examined by a district surgeon when questioned about his health.

In a dramatic courtroom scene, a visibly angry Justice Pickard swept from the court while the witness was still explaining that he refused to be seen by a state doctor.

Nevertheless, the witness was forcibly removed from the witness box by security police and taken to see the doctor. His refusal was later accepted, and he went on to refuse to testify. He was jailed for four years for his refusal, the second state witness to get this sentence.

The first had been French citizen Pierre André Albertini, whose case attracted much international attention.

Albertini was a French lecturer at Fort Hare and Rev Stofile's colleague. The state alleged he had smuggled arms into the country on Rev Stofile's instructions. It has since been announced that a case of terrorism against him may yet be reopened.

Several times while state witnesses were testifying, Justice Pickard warned the accused not to influence the witnesses by smiling and laughing at them. A member of the defence counsel was also warned not to shake his head in reaction to some of the proceedings.

Even the press took their turn in the witness box, such as when a SA Press Association reporter misquoted a senior security police officer as saying 90 percent of Ciskeians rejected independence.

Perhaps the most astonishing legal move came after the state had closed its case. After the defence brought an application for the discharge of the accused on the main count of terror-

Reverend
Arnold Stofile
... 11 years in
Ciskei

ism and several other charges, the prosecutor announced that a mistake had been made in the charge sheet.

The prosecutor, Ciskei attorney-general Willem Jurgens, SC, told the court that due to a typographical error the charges against the accused were not what they should have been. The court granted an amendment to the charge sheet, saying it was a genuine mistake as it could not believe that the attorney-general would knowingly quote a non-existent piece of legislation.

The amended charges were broader, covering not only actual acts of violence, but also acts intended to bring about acts of violence.

Legal argument in the two month-long case took a day. Judgement was delivered the following day.

Of the defence case, the judge rejected the evidence of all three accused who testified. Dismissing their versions as "improbable" and "incredible", and referring to Ndelela as acting like a "cowboy hero", Justice Pickard found that Ndelela was on an ANC mission, helped by the other accused.

Passing sentence, Justice Pickard said he did not understand why ANC operatives were in the Ciskei, as it was "independent" from South Africa.

"We live in a country that has no oppressive laws, has no socially discriminatory laws against black people, white people or others, has no social bondage based on colour or creed and where black people have full and equal rights," he said. "As far as this court is concerned, I cannot appreciate anyone's right to transfer a war that they have with another country to us."

Justice Pickard called Rev Stofile's leadership position in the UDF an aggravating factor. "If the management of the UDF start supporting violence, it is only a matter of time before the UDF will increase the measure of violence already adopted at its meetings," he said.

An application for leave to appeal will be heard next Thursday. —
Elnews

(331) sm 4/6/87

Treason trial told how black theology adapts to struggle

By Adele Baleta

Black theologians must engage meaningfully in the people's struggle, a cassock-clad and bespectacled Anglican priest told the Delmas treason trial judge yesterday.

The Reverend Geoffrey Moselane (40), married with three children, is the ninth accused to testify in the trial which began about two years ago.

All 19 men pleaded not guilty to the main charge of treason and alternate charges of murder, subversion and terrorism. The charges arise from the 1984 unrest in the Vaal.

Explaining the concept of black theology to Mr Justice van Dijkhorst, the priest said: "Black theology, based on the interpretation of the scriptures, is a reflection of our faith in God. We theologians must engage meaningfully in the struggle of our people.

By engaging in the struggle, he meant that "people in the country do not have the right to speak as God's creatures. If this is the position, then they are oppressed. We have to look at what God says about a position where we have no say".

BLACK CONCEPT OF GOD

Black theology, which is not referred to in the Anglican Church's articles of faith, deals with the concept of God and how it can be interpreted in South Africa, he said.

"In our early history the Afrikaners used the scriptures to rid themselves of British domination. That awareness was part of theology and cannot be exclusively reserved for a particular group of people," he said.

Father Moselane was ordained as a priest in 1972 after completing a diploma at the Feder-

al Theological College of South Africa in Alice in the Eastern Cape.

In his student days he met the father of the black consciousness philosophy, Mr Steve Biko.

"At the time I understood that black consciousness referred to the black people's position in South Africa, that they should not feel inferior within themselves and should express their feelings about their living conditions and their treatment," he said.

CLERICAL COMMITMENTS

Father Moselane said although he was an adherent of the philosophies of black consciousness and of black theology, he had never joined an organisation because of his clerical commitments.

When he was the vice-chairman of the seminary branch of the South African Student Organisation he met Mr Jerry Modisane, who later became a leading figure in the Azanian People's Organisation (Azapo).

In 1976 he went to St John's parish in Orlando East, Soweto, before the June 16 uprising.

He served on the Thusanang committee, set up to help the families of detainees, at the request of Dr Nthatho Motlana, the president of the Soweto Committee of 10.

In 1980 he joined the parish of St Cyprian's Anglican Church in Sharpeville.

He said his co-accused, Mr Oupa John Hlomuka, had requested the use of the parish on several occasions for services commemorating the June 16 uprisings, the Sharpeville deaths in 1960 and the death of Steve Biko in 1977.

The hearing continues.

CAA Timis 4/6/87 331

Bombing civilians 'not ANC policy'

By SHAUNA WESTCOTT
Supreme Court Reporter

PLANTING bombs that could hurt innocent civilians is not the policy of Umkhonto we Sizwe, the Supreme Court was told yesterday by a young man who said he was proud to be a member of the ANC's military wing.

Joseph Malusi Ngoma, a 28-year-old community organizer convicted of terrorism as defined by the Internal Security Act, was giving evidence in mitigation.

Asked by prosecutor Mr W C Viljoen if it was the policy of Umkhonto we Sizwe "to start or further a people's war", Ngoma said: "This country has been at war ever since the white man came in. Umkhonto we Sizwe was formed only in 1961 in response to government violence."

He said Umkhonto policy was "to keep on launching attacks on government installations until the political set-up is changed".

"I take it," said Mr Viljoen, "that in the process the planting of bombs at shopping centres, for example, would be condoned."

"No," the prisoner replied. "It is not the policy of Umkhonto we Sizwe to place bombs whereby innocent civilians are hurt. The placing of such a bomb would mean that particular person had exceeded the limits of the authority given by Umkhonto we Sizwe."

Earlier, Ngoma was led by defence counsel Mr Dullah Omar in telling the "long story" of why he joined the ANC.

It began with the poverty of his parents — so poor that their children often went to school "without even a slice of bread".

"I've never eaten a buttered bread until I was 15," he said. "The basic diet at home was sweet water, bread and stamp mielies."

"Did your father support you?" the Bench inquired and Ngoma explained that he did, but "was earning little money".

He was 17 and a Std 9 pupil at Langa High in 1976 when some fellow students were arrested.

"We made a peaceful march to the Langa police station asking for their release but what happened was a colleague of mine was shot dead in front of me and some other students were wounded."

"Also during that time I saw a police van running down a child in Nyanga East and it never stopped and that child was killed."

Ten years later he said he witnessed police and SADF collusion in the destruction of large parts of Crossroads — the core allegation in a Supreme Court application for an interdict that the State chose not to oppose last year.

"I saw with my own eyes a certain Warrant Officer Barnard

issuing arms to the so-called witdoeke. I also witnessed soldiers moving along with the so-called witdoeke burning the shacks of the people of Crossroads."

Ngoma said he activated a limpet mine which exploded at Mowbray railway station in April last year to express his "disillusionment". This was not violence, but a method of protest.

He said he condemned violence in general but supported acts which countered the violence of the State.

A similar view was expressed by 35-year-old scooter driver Mr Gladwin Mabengeza, who asked Mr Justice H C Nel: "I wonder what you would do, my lord, if you were in my position in our country?"

Mr Mabengeza was speaking in mitigation of sentence yesterday.

He has been convicted of helping members of the ANC.

Mr Mabengeza spoke of the plight of parents whose children disappeared to be heard of again "only when they are called terrorists in a trial in Cape Town" and appealed to the State President to "stop the killing in our country by releasing Nelson Mandela and all political prisoners and by letting the exiles come home".

The trial continues.

Mr L P Francis and Mr W R Vivier were assessors. Mr Viljoen appeared with Mr M Stowe. Mr D A Kuny SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E Moosa and Associates and R Vassen and Co, appeared for the defence.

Toilet bomb a protest, not violence, accused tells ANC trial

Staff Reporter

A RED Cross community organiser told the Supreme Court his bombing of a toilet at Mowbray railway station last year was justified as a way of countering violence by the State.

Convicted terrorist Joseph Malusi Ngoma, 28, said in mitigation of sentence yesterday that placing a limpet mine which exploded was not an act of violence, but a method of protest.

"It was to express that we (blacks) are sick and tired of the Government's policy."

Ngoma said earlier he condemned violence in general.

Mr W C Viljoen, for the State: What violence of the State were you countering?

BLOOD RIVER

Ngoma: All the violence of the State — the 1960 massacre, the 1906 rebellion, the Blood River battle in 1838, the 1976 massacre and the 1986 Crossroads massacre.

"The onus is on the Government to solve the problems in this country," said Ngoma.

"It must be clear that the root of all the problems was created by the Government in 1948 — apartheid.

Mr Viljoen: Is it the policy of Umkhonto we Sizwe to start or further a "people's war" in this country?

Ngoma: This country has been at war ever since the white man came here and Umkhonto we Sizwe was formed only in 1961 in response to Government violence.

Ngoma said he was recruited to the ANC by a fellow-accused, Lizo Ncungwana, in Lesotho in 1985.

He said Umkhonto we Sizwe policy was to continue launching attacks on Government installations until the whole political system was changed, from central government down.

He said that if someone placed a bomb at a shopping centre which might injure innocent civilians, that person would have exceeded the limits of authority of Umkhonto we Sizwe.

Mr Viljoen: Do you regard a non-European toilet at a railway station as a Government installation?

Ngoma: The mere fact that there are two types of toilet ... (laughter). I would not term a toilet a Government installation.

Earlier, Ngoma told the court he had been brought up by his grandmother in a very poor household where the basic diet was sugar water, samp and dry bread.

He was a pupil at Langa High School in 1976 and said that year had left a great impression on him.

"On August 28 1976 a colleague of mine was shot dead in front of me after we had made a peaceful march to Langa police station to ask for the release of arrested fellow-pupils.

"In 1976 I also witnessed a police vehicle killing a child in a hit-and-run incident in Nyanga East."

These events were part of the reason for his joining the ANC, Ngoma said.

Mr Dullah Omar, for the defence: How did you see the tricameral Parliament?

NO POLITICAL RIGHTS

Ngoma: The Government was totally excluding blacks from constitutional development and most of us realised we had no political rights at all.

"It is my perception that almost everybody in my community supports the ANC and its non-racialism.

Ngoma, Lizo Bright Ncungwana, 27, Theminkosi Theophilus Mzukwa, 26, of Langa, Sazi Livingston Veldtman, 29, of Nyanga, Quentin Deon Michaels, 27, of Mandalay and Cecil Esau, 31, of Wynberg, have been convicted of terrorism.

Mthetho Douglas Myanya, 37, and Gladwin Mthethehi Mabengeza, 35, of Guguletu, Cyril Moyisi Ntabeni, 31, of Khayelitsha, Joseph Susele Mkhulwa, 31, Anderson Zingisele Ncivita, 34, Reed Zwelethu Macozoma, 27, and Norman Siseko Macanda, 29, all of Langa have been convicted of harbouring or assisting terrorists.

The hearing continues.

UCT students in court ^{4/6/87}

TWENTY-FOUR UCT students who were arrested after confrontations with the police on the campus at the end of April, appeared in Wynberg Magistrate's Court yesterday. Five appeared separately from the other 19 and the hearing was adjourned to July 29 for the Attorney-General's decision and further investigation. None of the students was asked to plead and no charges were put to them. Mr N Jones was the magistrate. Mr R Totemeyer prosecuted. Miss A Durbach appeared for 22 of the students and Mr N R Cohen and Mr A Adams appeared for two.

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Defence closes case

331
Soweto

ONE of the accused in the Duduza murder trial, Miss Lydia Mokoena (24), could not have been at the murder scene as she was vomiting and sleeping at a friend's home at the time the crime was committed, the Pretoria Supreme Court heard yesterday.

Miss Caroline Mathibela, giving evidence for the defence, said Miss Mokoena came to her home in Duduza, Nigel, at about 12 noon that day — July 20, 1985.

By MONK NKOMO

Miss Mokoena was asleep when a large number of people went past her home to bury four young men who were allegedly shot by the police.

Shocked

Examined by Mr David Soggo for the defence, the witness said she heard later that day from people who had

attended the funeral that Miss Maki Sikhosana had been burnt to death.

She heard a group of girls walking near her home from the cemetery saying: "If Maki can live it will mean God exists".

She said that Miss Mokoena was told the news of Maki's death when she woke up about 6pm that day. "She was shocked", said Miss Mathibela.

Asked about a woman wearing a red cap on the video film showing the attack on the deceased, Miss Mathibela told the court: "I don't know that woman. It is not Lydia. The woman on the film also has big buttocks and curves."

Asleep

Miss Mokoena has also denied involvement in the crime saying she was sick and asleep the day Maki was murdered.

Miss Mathibela was giving evidence in the trial of 11 people, including two youths, who have pleaded not guilty before Mr Justice Hartzenberg and two assessors to a charge of murder. The State alleges they assaulted and burnt Miss Sikhosana to death near a cemetery in Duduza on July 20, 1985. The defence closed its

case immediately after Miss Mathibela's evidence was heard. The case was postponed to next Tuesday for argument.

PRIEST REFUSES TO TAKE OATH

Called to the witness stand in Vaal treason trial

THE Reverend Jeff Moselane, one of the 19 accused in the Delmas treason trial, refused to take the oath when he took the witness stand yesterday.

Mr Moselane, who was clad in a black cassock, said he refused to take the oath because of his religious convictions.

In his evidence-in-chief he told the court that he was not a member of the Azanian People's Organisation (Azapo) and had come across black consciousness and black theology while he was studying for the priesthood.

The court heard that between November 1977 and April 1978 he was a

By ALI MPHAKI

member of the Soweto Action Committee.

Mr Moselane said a meeting was held between the Soweto Civic Association and the SAC where it was resolved that the SAC should disband. He did not belong to any other organisation.

He told the court that in 1982 he was approached by co-accused Mr Oupa Hlomuka who had come to ask for the use of his church in order that Azapo can hold a commemoration service for Steve Biko.

He gave his permission because it was a normal thing for churches to be used for commemoration services throughout the country. But the service was not held.

He told the court that in September 1983 he personally attended a service to commemorate the death of Steve Biko which was held at his church — Azapo had organised the service.

He denied an allegation that he said Steve Biko had been murdered by the whites. He denied an allegation in the indictment that he allowed the use of his church to further the conspiracy of the ANC, SACP, UDF and its affiliates and various organisations, including Azapo.

Mr Moselane has pleaded not guilty together with 18 other men on the main charge of treason alternatively subversion, terrorism and murder before Mr Justice van Dijkhorst and an assessor.

(Proceeding)

ANC accused tells of *widoeke* in Crossroads

By GAYE DAVIS, Cape Town

THE story of how a young man came to join the African National Congress unfolded in the Cape Town Supreme Court this week as Joseph Ngoma, convicted of terrorism under the Internal Security Act, gave evidence in mitigation of sentence.

Ngoma, a 28-year-old community worker and father of three, was one of six men convicted of terrorism here on May 22. Seven other men were also found guilty of assisting ANC members.

Ngoma's story began with his parents' extreme poverty. The family's staple diet was "sweet water, bread and stamp mielies" and he was 15 years old before he ate his first piece

of buttered bread, he said.

In 1976, when he was 17 and a Std 9 pupil at Langa High School, near Cape Town, he saw his friend shot dead by police after about 1 000 students marched on the Langa police station to ask for the release of fellow students. They were carrying placards reading: "We are not fighting. Release our fellow students. Please don't shoot".

Describing the march under cross-examination by prosecutor Willie Viljoen, Ngoma said, "We were marching arm-in-arm, seven or eight abreast, singing a hymn with our heads down. We were marching very slowly."

Two youths, who went to negotiate with police, were told the students would be released and that the marchers should return home.

"As we turned our backs the police started shooting. My friend was killed and other students injured. I picked up a bullet as big as my finger as a memo of that day."

Events at Crossroads squatter complex last year when thousands of shack dwellers were raised was a further spur.

"I saw with my own eyes a certain warrant officer Barnard issuing arms

to the so-called *widoeke* I also witnessed soldiers moving along with the so-called *widoeke* burning the shacks of the people of Crossroads."

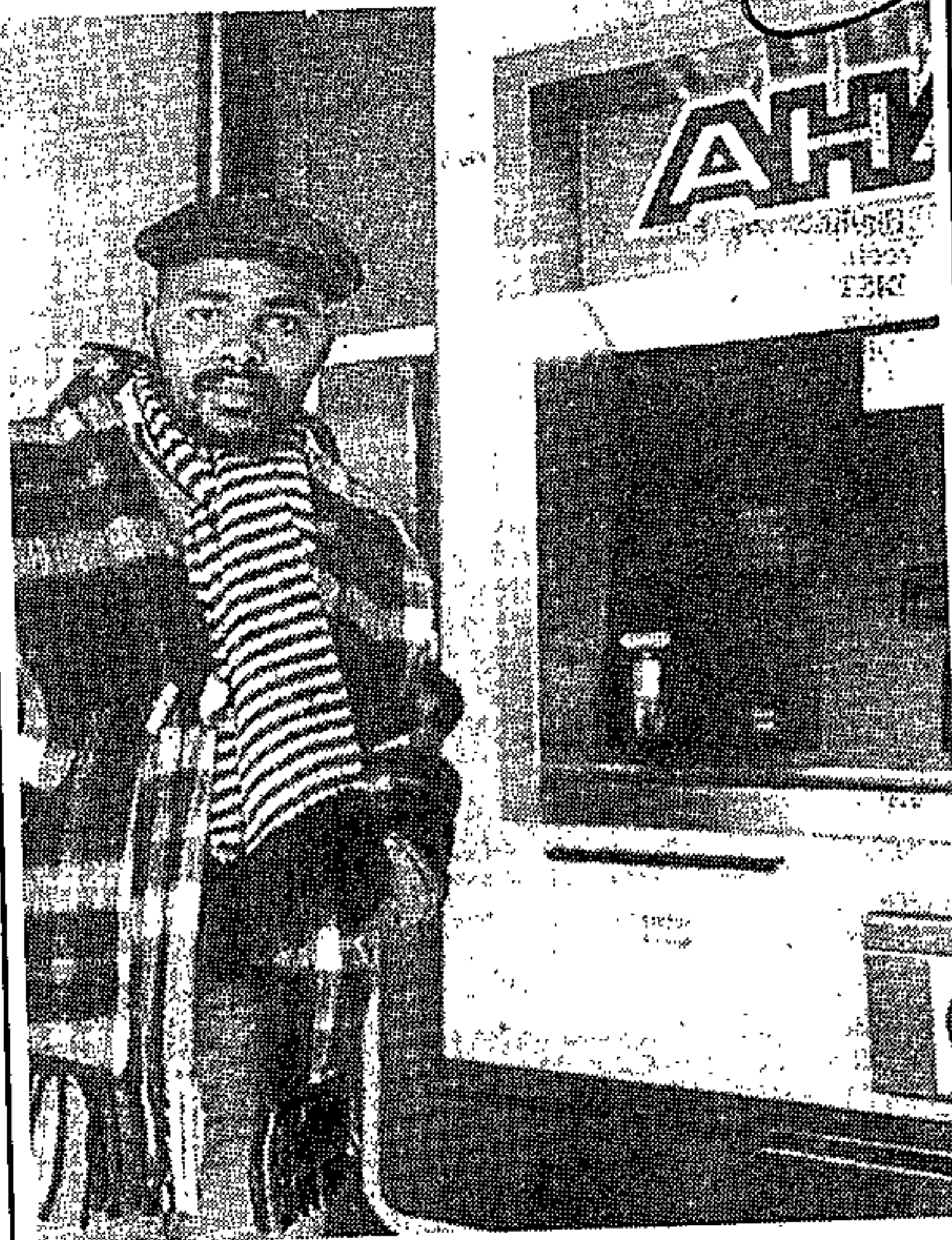
Police and South African Defence Force support for the *widoeke* vigilantes was the focus of a supreme court interdict application last year, which was not opposed by the Minister of Law and Order.

Ngoma said he planted a limpet mine at Mowbray railway station in April last year in protest at his "disillusionment". He said it was not the policy of the ANC's military wing to plant bombs so that innocent civilians would be injured. "If it does happen it means the person has ex-

ceeded the limits of authority determined by Umkhonto weSizwe".

Gladwin Mabengeza, a 35-year-old scooter driver and father of six who was earning R95 a week at the time of his arrest, ended his plea in mitigation by asking the bench: "I wonder what you would do, my lord, if you were in my position in our country?"

Mabengeza, convicted of helping ANC members, said he supported the organisation because it advocated a democratic society as envisaged by the Freedom Charter, which believed "that the colour of a person doesn't count and believes in an equal society for everybody without discrimination". The trial continues.



C. Times

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FREED ... Mr Christopher Tyawana who was detained after his automatic teller machine card malfunctioned in August last year, pays his first visit to the building society after walking out of the Worcester Regional Court a free man yesterday. Picture: MIKE HUTCHINGS

Tyawana fined for bullets, freed on ANC charges

By CLARE HARPER

MR CHRISTOPHER TYAWANA, 25, who was detained after trying to draw money from a city Allied Building Society autoteller, walked out of the Worcester Regional Court after paying a R500 fine yesterday.

The Zwelethemba Youth Congress member had spent almost 10 months in detention under Section 29 of the Internal Security Act.

The magistrate, Mr J C van Wyk, found Mr Tyawana guilty of being in possession of three bullets and an electronic detonator, and of being in possession of ANC publications for which he was fined R500, or six months, together with a further six months conditionally suspended for five years.

For possessing the publications he received a sentence of 18 months suspended for five years.

Mr Tyawana was found not guilty on charges of terrorism, of being a member of the African National Congress or of furthering the aims of the ANC.

Mr Anton Beldhuizen instructed by Essa Moosa and Associates represented Mr Tyawana and the prosecutor was Mr B Rorich.

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□ AFTER leaving court, Mr Tyawana and his mother, Mrs Edith Vanga went into the local Allied Building Society, and asked them to pay the R500 fine.

The manager of the Worcester branch, Mr V Ellis, said yesterday that he was not in a position to help Mr Tyawana, but the matter had been referred to head office.

Allied spokesman Mr David Waugh said last night that the building society would not be paying the fine and they "were not prepared to discuss the matter further".

Allied have been paying Mrs Vanga R350 a month, after her son, employed by the South African Allied Workers Union, was kept talking in the building society on August 27 last year when his card malfunctioned until security policemen arrived.

Allied apologized to Mr Tyawana and called on the government to release or charge him in a series of newspaper advertisements.

Four terrorists are granted leave to appeal

Defence: sentences excessive

Dispatch Reporter

BISHO — Four men convicted in the Supreme Court here of terrorism, including a former executive member of the United Democratic Front in the Border region, Arnold Stofile, were granted leave to appeal against both their convictions and sentences yesterday.

The leave to appeal was granted by the acting Chief Justice of Ciskei, Mr Justice Benjamin Pickard.

Defence counsel argued that the sentences were excessive and that another court might have come to another conclusion, and also that the trial court had erred in accepting the evidence of Mr W, whose identity was protected by a court ruling, as he was a single state witness.

The State had opposed the application.

Arnold Stofile, 42, was sentenced to 11 years on the terrorism charge and one year for possessing arms, the sen-

tences to run concurrently.

Nelson Mdlela, 32, was jailed for 15 years on the terrorism charge and three years for possessing arms, to run concurrently.

Linda Stofile, 28, was sentenced to eight years on the main count and Gladwell Gqibitole, 28, was sentenced to eight years and a further four years for possessing arms, with both sentences to run concurrently.

A fifth accused, Miss Nomvuyiso Stofile, 30, was acquitted on charges of harbouring, assisting and failing to report a suspected terrorist.

CMT Times 5/6/87

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Informers should die, court hears

Supreme Court Reporter

"HOW do you portray Judas Iscariot after he has sold out Jesus Christ?" prosecutor Mr W C Viljoen was asked in the Supreme Court yesterday by Umkhonto we Sizwe member Joseph Ngoma.

Ngoma, convicted of terrorism as defined by the Internal Security Act, had been asked whether he thought the execution of informers was justifiable.

"Do you take Iscariot's action as justifiable?" he asked Mr Viljoen before saying the actions of informers endangered and cost the lives of others and their own lives were therefore forfeit.

Moments earlier the public gallery enjoyed a rare moment of amusement when the prisoner pointed out after a series of questions about "comrades" that marathon runners were among those who employed the term.

"Are you aware of allegations in the press that comrades, whatever that might mean, are responsible for necklacings?" Mr Viljoen asked.

"As far as I am concerned," Ngoma replied, "the information that appears in the press is censored by the government to give the picture the government wants."

He was similarly unimpressed with Mr Viljoen's assertion that Warrant Officer Barnard denied issuing arms to so-called witdoeke before large parts of Crossroads went up in smoke last year.

Ngoma, who has told the court he saw this with his own eyes, said: "It is part of the police to



FLASHBACK ... Langa High pupils march in 1976. A similar photograph was shown yesterday to Joseph Ngoma, who saw a friend shot dead by police at the end of the march — an incident he cited in the "long story" of why he joined the ANC.

flatly deny those of their actions which are illegal."

"But," said Mr Viljoen, "witdoeke were arrested for possible illegal possession of arms. The police would never have arrested them if they had collaborated with them from the beginning."

"To pull the wool over the eyes of the public — that can be done," Ngoma replied.

Questioned on what Mr Viljoen described as "major reforms" in the country, Ngoma said: "I, for one, have seen no change. It is very easy and simple to utter words but the government actions don't correspond with the words. The cornerstones of apartheid are still there."

He said the fact that soldiers patrolled in black communities, "even in schoolyards", gave the

community the impression that war was being waged on them and that the government did not view them as civilians.

The trial continues. Others of the 13 accused wish to make statements from the dock, something they have a right to do, defence team leader Mr Denis Kuny SC argued yesterday.

However, Mr Justice H C Nel has said he would "prefer" it if Mr Kuny read the "valueless" statements into the record. The trial was adjourned early yesterday to allow the defence and the State time to negotiate an appropriate procedure.

Mr L P Francis and Mr W R Vivier were assessors. Mr Viljoen appeared with Mr M Stowe. Mr Kuny appeared with Mr J R Whitehead, Mr A M Omar and Mr S Desai and was instructed by E Moosa and Associates and R Vassen and Co.

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CITY/NA

Reform: Govt must act, says ANC man in court

Supreme Court Reporter

IT was simple for the Government to utter words about reform, but it would have to match words with action, convicted terrorist Joseph Malusi Ngoma told the Supreme Court.

Ngoma, 28, a community organiser, was being cross-examined yesterday on his evidence in mitigation of sentence.

Lizo Bright Ncungwana, 27, Thembinkosi Theophilus Mzukwa, 26, Sazi Livingston Veldtman, 29, Quentin Deon Michaels, 27, Cecil Esau, 31, and Ngoma have been convicted of terrorism.

Mthetho Douglas Myanya, 37, and Gladwin Mthethihi Mabengeza, 35, Cyril Moyisi Ntabeni, 31, Joseph Susele Mkhulwa, 31, Anderson Zingisele Ncivita, 34, Reed Zwelethu Macozoma, 27, and Norman Siseko Macanda, 29, have been convicted of harbouring or assisting terrorists.

Cornerstones remain

Mr W Viljoen, for the State: Would you agree that the Government has made reforms in trade union laws and black education and declared apartheid outmoded?

Ngoma: I haven't seen any changes — the cornerstones of apartheid remain.

In reply to a question by Mr A Omar for the defence, Ngoma said he had no political rights in the land of his birth.

"I'm referred to as an alien in terms of the homelands policy."

He said police had fired on a peaceful group of about 1 000 high school pupils, of which he was one, at Langa police station in 1976.

His friend died in front of him and others were injured.

He identified a photograph of the group from the August 1976 edition of Outlook.

It showed people holding placards worded: "We aren't fighting — don't shoot, just release our fellow-students."

Ngoma said: "The police fired teargas at us after we had negotiated for the release of the students and, when we turned our backs, they fired on us."

Comrades, Witdoeke

He referred to the troubles in Crossroads last year as having been between the "so-called Comrades" and the "so-called Witdoeke".

Mr Viljoen: Whatever meaning you give the word "Comrades", they were said to be responsible for necklace deaths.

Ngoma: What appears in the Press has been censored by the Government so as to give a certain picture of events.

Mr Viljoen: Is the killing or severely injuring of *impimpis* or collaborators with the Government justified?

Ngoma: By collaborating, collaborators put the lives of others at stake. Therefore action against them is justified. How do you see Judas Iscariot's betrayal of Jesus Christ? Was his action justified?

Ngoma said he and the other accused did not agree with their acts being termed acts of terrorism.

"I'm guided by what pressure needs to be exerted on the Government for the freedom of all people, black and white, and for a democratic government and peace."

Running a farm

In reply to a question by Mr Omar, Ngoma said there were different departments in the ANC.

"One has the opportunity of getting further education, technikon training, of running a farm or of becoming a member of Umkhonto we Sizwe," he said.

"One can join the ANC without getting involved in military activities."

Mr Denis Kuny, SC, for the defence, said 10 of the accused intended to make statements in mitigation from the dock.

The court was adjourned until today to enable counsel to discuss the question of statements, after the State indicated there might be objections to some of the contents.

Apartheid must go — court told

W/6 ARG 331
6/6/87

by MICHAEL DOMAN
Weekend Argus Reporter

FUTURE happiness and well-being in South Africa could not be attained without the overthrow of the Government, the destruction of the apartheid state and the establishment of a truly non-racial, democratic, undivided country.

This statement was made by Cecil Esau in the Supreme Court yesterday as the 13 men who have been convicted of terrorism and harbouring terrorists continued their pleas in mitigation.

Esau, 31, is a former University

of the Western Cape SRC president who has been held in detention three times.

He said it had become clear to him that the ruling class could maintain the status quo only because it had the "monopoly of fire-power".

"The people's patience is not endless. There comes a time in the life of every nation when there remain only two choices: submit or fight."

One of the most detailed descriptions of the hardships encountered by an ordinary township child was given by Theophilus Thembinkosi Mzukwa, a petrol attendant convicted of placing a limpet mine at

Langa police station and throwing hand-grenades at it and a Casspir.

His domestic servant mother, sole supporter of five children after his father's death, had to live away from her children, taking more care of the children of her employers.

"Those are the children who she reared and I think they are the kids who grew up to shoot my mother's own children in the townships."

He said: "Maybe I sound bitter. I am bitter and angry."

"I joined the ANC because it was the only way way to achieve a better life for my suffering family."

The hearing continues.

Six pupils under 18 in court no bail

CHC Times 8/6/87
BY CLARE HARPER

SEVEN high school pupils ranging in age from 13 to 21 years have appeared in Wynberg Magistrate's Court following an incident in Guguletu on Wednesday last week.

The seven, who are pupils at Sizamile, I D Mkize and New Crossroads X3 high schools, were not asked to plead.

Mr Essa Moosa, attorney for the six teenage pupils, said they faced possible charges of intimidation, assault and arson.

The pupils, who were arrested on Monday this week, include Mr Walter Mlandeli, 21, two 17-year-olds, a 16-year-old, two 15-year-olds and a 13-year-old.

Bail applications for the seven were opposed and they were remanded in custody at Guguletu police station.

The hearing was adjourned to June 8.

Mr Mlandeli was represented by Mr D Franks. Mr N Groenewald was on the Bench. Miss A Mugjenkar prosecuted.

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Cape Times, Saturday

Terror trialist tells his story

By SHAUNA WESTCOTT
Supreme Court Reporter

POVERTY, humiliation, exposure to brutality and an idealistic longing for peace and justice for all people were the twin themes in statements read from the Supreme Court dock by seven of the accused in the ANC trial yesterday.

Tears glittered in the eyes of mothers in the public gallery as 26-year-old Theophilus Mzukwa — former Langa High pupil, OK Bazaars labourer and TB victim of the dust at the Athlone power station — told the story of his life.

"Will the court understand me as I am?" he asked. "Will the court understand why an ordinary simple man like myself who has suffered all his life eventually turned to violence? Will this court understand that it is my love for people that drove me to do what I did?"

His father came from Stutterheim to Cape Town in the 1940s to look for work. "This has been the story of the black people — wandering throughout South Africa looking for work to avoid starvation."

He made a living by selling second-hand clothes because he did not have a pass and so could not get work and often had to hide from police. His father died when his son was 13 "so the responsibility for looking after the five kids fell upon my suffering mother".

She was earning R60 a month as a domestic worker.

"She would be absent from home from dawn to dawn. She never saw her house during daytime. She would only see her children over weekends. But she was the one who took care of the children of her

white employer. Those are the children whom she reared and I think they are the kids who grew up to shoot my mother's own children in the township.

"In 1976 I got another bitter taste of oppression and brutality. The Department of Bantu Affairs (which for us was a slave department) tried to force Afrikaans medium into our classes in the system of indoctrination which was called Bantu Education.

"All over our scholars protested against this. The only answer which they could get was teargas, bullets, detention and imprisonment. I must say that this was the first time that I heard the sound of a gun so near me.

"It was the first time that I saw a dead person who had been killed by a gun. I thought I was dreaming then. I became so frustrated because it was clear that something insane or weird was happening in our country.

Schools boycott

"I must say that when these things happened and I saw the white man in the forefront of this brutality, I started to hate the white man."

The school boycott in 1980 was another chapter in his life.

"Conditions in our schools were so bad that we were forced to do something about it. Everybody was ignoring us. All complaints fell on deaf ears. The answer was again harassment, detention and imprisonment.

"Do not think that we boycotted schools because we did not want to go to school. We were hungry for education. We were thirsty for knowledge. How much we wanted schools! But conditions were so bad it made education impossible."

About this time he "heard of the history of the ANC — how our leaders begged the government

ever since 1912 when the ANC was formed, how all our pleas and peaceful protests fell on deaf ears and how eventually instead of listening the government banned the ANC and PAC in 1960."

He left school to help his mother who could not manage on her own any more, he thought. "I watched my mother and in my heart I was crying all the time for her."

Work at OK Bazaars was another experience of injustice and humiliation. "Who likes to be called 'kafir' or 'baboon' 20 or 30 times a day?" he asked. He "boiled inside" to hear men 60 years old called "boy" by white youngsters who had to be called "baas" or "sir".

He was sacked after being absent and got a job at the Athlone power station cleaning dirty boilers.

"When you got out of the boiler nobody could recognize you because you were full of dust from head to toe. Thick dust. There would be dust in your nose, in your mouth, in your eyes and everywhere. It made you sick. But what could I do?"

He got TB, was advised to rest by the doctor, was refused a lighter job and eventually sacked after being off sick. He received no compensation, no wages and no leave pay.

He walked to the utility headquarters in the city centre and back to the power station about 20 times trying to get his money.

"On the last day I became so furious that I refused to leave the place without my money. The whites looked at me as if I was a criminal. They were scared that I could do anything. They were right because I was in a mood to do anything to get my money. My whole life was one big robbery and now they were robbing me again."

He got his wages and a portion of leave pay but no notice pay and no compensation.

"After all these experiences I came to the conclu-

sion that it is better for me to fight to change South Africa and to die in the process rather than to continue living like a slave.

"I was in this kind of mood when the raid by the SADF took place in Maseru. One of my dearest friends was killed by the South African soldiers. For me this was the last straw. Something had to be done. I joined the ANC."

His few years in the ANC were "the happiest days" of his life. "Because we had committed ourselves to work for freedom. We already felt better. We were no longer slaves. We were now freedom fighters fighting for our people.

"And those who were with me respected me and loved me. And I loved them. I experienced love and human feelings for each other inside the ANC like I experienced nowhere else in my entire life. Except of course my mother.

Enemy is apartheid

"My joining the ANC did not mean joining violence. Violence, I thought, was forced upon us. I wanted love and freedom. I wanted the Freedom Charter to be put into life. I wanted all of us to live like brothers and sisters in one peaceful land."

Saying that the ANC had played an important role in showing him that his enemy "is not the white man but the apartheid system", he added that he had been taught in Umkhonto we Sizwe to always respect life and to strive to avoid causing harm to civilians.

The trial continues on Tuesday.

Mr Justice H C Nel presided with Mr L P Francis and Mr W R Vivier as assessors. Mr W C Viljoen appeared for the State with Mr M Stowe, Mr D A Kany SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E Moosa and Associates and R Vassen and Co, appeared for the defence.

Parents escort Wynberg seven to jail

By CLARE HARPER

AFTER losing a year-long battle to keep their teenager children out of jail, the parents of seven of the "Wynberg eight", convicted of public violence in 1985, will escort their children to Pollsmoor Prison today.

The petition for leave to appeal against their sentences of between one and three years was rejected by the Chief Justice in Bloemfontein on Wednesday.

The seven, who will be escorted to prison by parents, teachers and pupils students from their schools and colleges are: Wayne Jordaan, 19, Venetia de Klerk, 19, Dee Dicks, 19, Julian Stubbs, 19, Shoukie Enous, 18, Naasir Masoet, 18, and Igshaan Amley, 18.

The sentence of a 16-year-old girl has been postponed for five years.

A psychologist, Mr Andy Dawes, who has been counselling the teenagers and their parents, said they had expressed fears about the effects of the prison environment on their children "who have never been exposed to anything like it in their lives".

He said he had discussed the concerns and worries of the teenagers about the conditions they could expect in prison, and the Wynberg Crisis Centre had arranged



WYNBERG SEVEN... Six of the seven Wynberg teenagers who will go to prison today (from left) Venetia de Klerk, Dee Dicks, Igshaan Amley, Naasir Masoet, Shoukie Enous and Julian Stubbs. Wayne Jordaan did not attend. On the far right is Venetia de Klerk's father, Mr William de Klerk.

for them to meet former prisoners. Mr Dawes said they had been advised to maintain their dignity and to "refuse to participate in morally unacceptable acts and attempt to hold on as long as possible". Ms Dee Dicks and Ms Venetia de Klerk,

the first women pupils to be jailed for public violence in Cape Town, said they had been advised to "be obedient to the prison wardens, but remain strong". Ms Dicks said they were told not to take expensive things to prison that could

arouse jealousy and must be humble and share what they had. "They said we should be friendly, but not too friendly and not show that we are scared... and that we should explain to the other prisoners why we are there (in

Pollsmoor)," she added.

Mr William de Klerk said yesterday that he felt his child was being made an example of and that "a sentence of 12 months — even if my child did throw a stone — was very harsh".

"We are not going to take this lying down, we as a community are not satisfied by what has happened," he said.

Wayne Jordaan, 19, who was sentenced to five years, of which two were suspended, said he believed he received a longer sentence "because they said I had the qualities of a leader".

"I'm going in with an open mind. We just have to be strong. But as a human being I can say I still think we should continue to fight for what is right," he said.

An attorney acting on behalf of the seven, Mr Enver Daniels, said the co-ordinators of the campaign for their release intended to intensify the campaign nationally and internationally.

He said they were regarded as political prisoners abroad and their incarceration was seen as an attempt to "try to deter people from embarking on 'any kind of struggle'".

Seven go to jail with 'struggle's good wishes' — Page 3.

7 'go to jail with struggle's good wishes'

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Staff Reporter

THE seven Wynberg pupils who have to go to jail today were told at a mass meeting yesterday by advocate Mr Dullah Omar that they "go with the good wishes of the entire liberation struggle".

"We are here to register our protest that our flowers, our children, are required to go to prison for no reason other than that they are caught up in a civil war and find themselves the victims of that titanic struggle," Mr Omar said.

"Senzenina?" (What have we done?) the crowd of about 600 which packed the Wittebome Civic Centre sang after giving the seven a standing ovation when they were called up to the platform by Mr Omar.

"It is very easy for us to talk about the struggle," Mr Omar said, "but we've learned that struggle also means sacrifice. And when you are called on to make that sacrifice it is very painful and very unjust."

He told the seven that they were not alone. "All over our land young people, children as young as 11, are being shot down and imprisoned, young people who aspire to nothing other than that you and I should be free."

Mr Omar said that even if yesterday's meeting had no result other than the exchange of thoughts and news — one item of which was the detention on Saturday of Call of Islam member Mr Ebrahim Rassool — it would have been worthwhile.

"We live under the strictest censorship this land has ever known," he said. "You and I do not know one-tenth of what is going on."

He spoke with anger about the fact that when police harass families and friends of the 13 young ANC members and sympathizers on trial in the Supreme Court — regularly arresting people who shout greetings for "disturbing the peace, forbidding people to sing, arbitrarily refusing entrance to the public gallery — newspapers dare not report it".

"That is why it is necessary to meet. Large meetings might not be possible but we shall meet in our twos, in our threes and fives and tens, so that the struggle for freedom shall continue."

Later the father of Venetia de Klerk told the gathering that when his daughter was arrested he was "very disturbed and truly mad, because she was disobedient to my warnings".

He cut himself off from her situation and told her that she

should get herself out of the mess she had created.

However, when he heard that she had been sentenced to imprisonment, he was shocked into becoming "a father who has come back to his senses".

He paid tribute to the Wynberg Crisis and Relief Centre as the "people who stepped into my place when my daughter needed me, because I was blinded". He made a passionate plea to other parents "who perhaps have the same attitude I had".

"Don't leave it a day or an hour longer," he said. "Get yourselves involved — and I've never used these words before — with any liberation struggle."

Among other speakers at the meeting, which focused also on life after a year under emergency rule, was a Call of Islam member who told the meeting about the detention of Mr Rassool, who was due to speak.

He said a number of "giants" had been born in the very teeth of emergency rule — the SA Youth Congress, which organized yesterday's meeting, the UDF's United Women's Congress and the National Education Crisis Committee.

"You can't crush a whole nation. You can't detain a whole country," he said.

Moselane to continue evidence

THE Reverend Jeff Tebogo Moselane of the Anglican Church will continue his evidence in the Delmas treason trial.

Mr Moselane was called to the witness box last Wednesday where he refused to take an oath because of his religious convictions. However, he was given leave to testify.

Together with 18 other men, including key leaders of the United Democratic Front, he is facing charges of treason, alternatively subversion, terrorism and murder. They have all pleaded not guilty before a judge sitting with an assessor.

On Friday he told the court that at a rent meeting on September 19, 1984, held at his St Cyprian Church in Sharpeville, he said:

"Scholars must give parents a chance to see whether they can take the

Lekoa Town Council to court."

He said he told the meeting that although he had knowledge of the law, there was a possibility of doing something — for instance when people were evicted from their houses for rent default, a court interdict could be applied for.

"Every black person who resides in the eight townships in the Vaal would benefit if the rent increase were withdrawn," he told the meeting.

The possibility of a court interdict drew shouts of "amandla" from the audience, he said.

Rev Moselane denied that a call for a stayaway on September 3, 1984, and a march to Houtkop, was raised at that meeting.

(Proceeding)

NR645 8/6/87 (331)

Campaign fails, Wynberg seven begin sentences

Staff Reporter

SEVEN Wynberg teenagers begin prison sentences for public violence today after losing an 18-month campaign by their parents and community organisation to keep them out of jail.

The seven, Wayne Jordaan, 19, Dee Dicks, 19, Julian Stubbs, 19, Venetia de Klerk, 19, Showkie Enous, 18, Igshaan Amlay, 18, and Naasir Masoet, 18, were given an ovation at a meeting of the Wynberg branch of the Cape Youth Congress yesterday.

The chairman, Mr Dullah Omar, said the people of Wynberg had learned the hard way that sacrifice went hand-in-hand with struggle.

"You have experienced this when your youth are called to make this totally unnecessary sacrifice. We know that when they report to Pollsmoor tomorrow they are not alone," Mr Omar said.

"We are gathered here today to protest against the fact that our children are required to go to prison for no reason other than that they are caught up in a civil war."

"VERY DISTURBED"

Venetia de Klerk's father, Mr William de Klerk, told the meeting he had initially disassociated himself from his daughter's ordeal and left her to sort out her own problems.

"On October 15 1985, when my daughter and nine other students were arrested in Wynberg, I was very disturbed and truly mad because she had not heeded my warnings.

"But I decided that as a father I had to come back to my senses. There was no time to decide what was right or wrong."

Mr de Klerk paid tribute to the Wynberg Crisis and Relief Centre for assisting with the campaign to keep the students out of jail.

"They stepped into my place when my daughter needed me most. They showed me that there are two sides to every story."

Mr Omar told the students: "You go with our love, our solidarity, but more than that, you go with the ideals which inspire our struggle," he said.

"We know that when you come back you will be better participants in the struggle in this country."

Police fired teargas into churchyard

Own Correspondent

PORT ELIZABETH. — A Cradock police officer yesterday described events which led to the firing of teargas into the grounds of a church in Lingelihle township on February 3, 1985.

Captain Hans Jurgens Gouws, the district officer for Cradock, who held the rank of lieutenant and who was in command of unrest-related matters at the time, gave evidence in the Regional Court yesterday at the trial of three journalists appearing on a charge under the Police Act.

The editor-in-chief of the EP Herald, Evening Post and Weekend Post, Mr J C Viviers, and reporters Miss Jo-Ann Bekker and Miss Debbie March confirmed their pleas of not guilty.

The trial, which began in Cradock Magistrate's Court in March, resumed here yesterday before the president of the Regional Court, Mr G Steyn.

Capt Gouws said that on the weekend at issue a police constable had been found murdered.

He had received information which resulted in a search for Mr Madola Jacobs, an 18-year-old youth.

On the way he had met the chairman of the Cradock Residents' Association, Mr Matthew Goniwe, near the church and had asked them if they knew where Mr Jacobs was.

Mr Goniwe had left and about five minutes later brought Mr Jacobs to him, Capt Gouws said.

He had arrested Mr Jacobs.

A crowd had begun forming opposite the church and had started jeering and throwing stones.

He had fired three shots from a teargas rifle into the air to fall into the crowd. He had not fired at the crowd because he did not want the teargas canisters to hit anyone, Capt Gouws.

"I could see where they fell and unfortunately they fell inside the church premises," Capt Gouws said.

Later at the police station he received news that large-scale rioting had broken out and returned to the township to assist the police, who were now out in full force.

Before he returned to the station with Mr Jacobs no policemen, in his presence, had thrown stones at houses. He also had not heard of anyone laying a charge to this effect against the police that day, he said.

On the Monday he was surprised to read in the newspaper that teargas had been fired into the church.

He said he then visited the minister, the Rev R M Obose, who showed him where the teargas canisters had ignited. He said no one had alleged to him that teargas had been fired into the door.

In response to a question by Mr W Trengove for the defence, Capt Gouws denied that he had simply fired the teargas "vir kwaadgeld" (mischievously) and said he always tried to act reasonably — "to which many blacks could testify".

An elder of the NG Kerk in Africa, Mr Richard Rasmeni, gave evidence that parishioners attending a communion service had fled from the building when they began smelling teargas.

Mr Rasmeni said he and others saw a teargas canister that had fallen near a vehicle standing behind the church and they went out to try to remove it, fearing that it would set the vehicle on fire.

The next canister fell below the steps leading to the manse's kitchen door.

That evening he was telephoned by a woman from the Eastern Province Herald. She had asked about events at the church that day and he had told her that people had rushed from a communion service after teargas canisters had been fired and teargas had begun entering the church, Mr Rasmeni said.

(331) sma 9/6/87

Witness claims Comrades doused him with petrol

By Don Holliday

A man accused of lying to a group of Comrades was threatened with death and doused with petrol — some of which he was forced to drink — the Rand Supreme Court heard yesterday.

The evidence was heard in the trial of seven men and a youth, all from Alexandra, who have pleaded not guilty to a charge of high treason, alternatively sedition or subversion.

The witness, who may not be identified, said he and his wife were ordered by the Comrades to attend a "people's court" on July 7 last year after a man had been murdered at her home during a stokvel party two days earlier.

He said if he had not been aware of the "bad things" the Comrades had been doing in the township he would have refused to go.

STRUCK WITH SJAMBOKS

Outside the "court" he was told that a man had been arrested in connection with the murder. A picture of a man was produced and the witness was asked to identify him, which he could not.

The Comrades said he was lying, because his father had told them that he knew the man in the picture.

They hit him with sjamboks and poured petrol over his head. A piece of wire was bound round his neck and he was forced to drink a little petrol. They threatened to set him alight.

He was beaten again and told to tell the truth. He continued to deny that he knew the man in the picture.

He was taken inside the "court", which was in a shack on a property in 15th Avenue. His wife was sitting there crying. Her jaw was swollen.

There were a lot of Comrades inside the building. People were being tried. One of the eight accused, Mr Ashwell Zwane, was acting as chairman of the "court".

The hearing continues.

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TEARFUL . . . Miss J M A Abrahams, a guidance teacher at South Peninsula High, comforts Rudi and Crystal Dicks, brother and sister of Dee Dicks, one of the Wynberg Seven who began their sentences in Pollsmoor Prison yesterday. Rudi is in Std 7 and Crystal in Std 8.

Picture: GLENN SHERRATT

Crowd's farewell to Wynberg Seven

By PETER DENNEHY

HUNDREDS of relatives, friends and well-wishers of the Wynberg Seven gathered yesterday to see them enter Pollsmoor Prison to start their jail terms.

Wayne Jordaan, 19, Venetia de Klerk, 19, Dee Dicks, 19, Julian Stubbs, 19, Shoukie Enous, 18, Naasir Masoet, 18, and Igshaan Amlay, 18, were convicted of public violence arising from a stone-throwing incident in Wynberg in 1985.

Jordaan was sentenced to an effective three years' imprisonment, while the others were sentenced to one year in jail.

The seven were due to report at 9am, but entered the prison gates about 2½ hours late.

A police helicopter circled overhead.

Minutes after all seven had gone into the prison, police announced that those outside the gates had three minutes to disperse. The gathering complied.

Justice motivated ANC sympathizers



By SHAUNA
WESTCOTT

IF ONE word had to be found to express the motivation of the 13 young men on trial in the Supreme Court for being members of, or sympathizers with, the ANC, it would be justice — justice as a goal and as a standard of behaviour.

This is apparent from statements in mitigation handed in last week by those of the 13 who did not give evidence under oath — perhaps most dramatically from the words of Silverstream High School teacher Quentin Michels.

Michels, 27, comes from a family of 10. His father, a City Council clerk, died in 1975. His mother brought up the children on a cleaner's salary.

Like all his fellow-accused, Michels witnessed the atrocities of 1976. He was one of several who saw friends shot dead before their eyes. In 1980 he saw again how "the government chose to repress the legitimate grievances of our people with violence".

He helped found the Bonteheuwel Youth Movement and Bonteheuwel Civic Association and later was involved in the UDF campaign against the elections for the tricameral Parliament in 1984.

In 1985, as a teacher, he watched helplessly as police stormed into his school repeatedly.

He was "absolutely dismayed". He felt no alternative remained.

"From my knowledge of the history of the ANC I was aware of its 50-year tradition of peaceful protest action. Circumstances like my own made the ANC decide to suspend its policy of peacefulness. It was not an easy decision and not one of its own choosing."

PAUSING to observe that it was a cruel irony that Afrikaners condemned the violence of the ANC while they themselves had a rich history of armed struggle, Michels said he had another hurdle to cross before committing himself.

"Before I could make the final choice for the option of violence, I had to wrestle with how I could reconcile violence with being a Christian. I had to ask myself whether there were moral grounds for supporting an organization which used violence."

"Scriptural research revealed to me that where a government is beyond doubt found to be oppressing its citizens in a tyrannical way, it forfeits its moral right to rule."

"A people then have the right to oppose such a regime — even if it means with violence — to protect their interests against oppression and exploitation. This does not mean that hate takes the place of love. On the contrary, the person is not hated but rather what he does."

"It was a choice between the lesser of two evils. For me the moment of truth dawned. A disciple of Christ must love unconditionally and make sacrifices, even to the point of laying down your life for your neighbour."

SIMILAR principles were expressed in the statement of Umkhonto we Sizwe (MK) commander Lizo Ngqungwana, 27-year-old son of a priest and a nurse, who spoke of how the ideals of peace and justice en-

shrined in the Freedom Charter had sustained his resolve to sacrifice his life for the struggle.

He condemned the state "which itself daily injures and kills unarmed and defenceless black civilians" for its "orchestrated campaign to depict the ANC and MK as warmongers and murderers".

"It is not so," he said. "The ANC regards violence as spearheaded by MK not as an end in itself but as a means to end the present state of affairs in our country. It is not the policy of the ANC to hit at civilians."

"Since its formation MK has conducted its armed struggle with immense restraint, bound by a morality in the struggle. It has been selective in its targets. This restraint has controlled and prevented us in the ANC from doing greater things."

The statement made by 31-year-old Joseph Mkhuhlu, SATS labourer and former "migrant" miner, is perhaps best described as an understatement.

"My father struggled to bring us up. He did not earn enough to clothe, feed and maintain us at school. As a result I stopped going to school in 1972 and started working at Carletonville."

"My wages were only R14 a month and this made it impossible for me to further my studies. I noticed that Africans were generally paid far less than other racial groups."

"In 1976 I suffered the nasty experience of seeing many Africans shot, injured and even killed by the police. I must state though that I was not personally involved."

"In 1982 I stayed with my father at the Langa Bachelors' Quarters. I could not get a job and the place was constantly raided by the police for passes."

"At times they would arrest 300 people or more and charge each of them R70. We struggled so much that at times we would sleep out in the cold and the rain to avoid arrests. I observed that the government was earning a lot of money through pass prosecutions."

"This is generally how African people suffer in the land of their birth."

"I started asking myself in 1985 what Africans have done to deserve being underpaid and allowed to starve and then constantly being harassed and even shot at."

"It was a disturbing sight to me to see how teargas was thrown among children by the soldiers, who would thereafter laugh."

"The killing of the young and old continued into 1986. I noticed that people who wanted their rights and to live in peace were correct. In these circumstances I sympathized with Accused No 1 (Lizo Ngqungwana) and assisted him in looking for a place to keep the limpet mine."

Duduza trial on

ARGUMENT in the Maki Sikhosana murder trial will start in the Pretoria Supreme Court this morning.

Eleven people, including two youths aged 15 and 17 years, have pleaded not guilty before Mr Justice Hartzenberg and two assessors to a charge of murder.

The accused are Miss Matlakala Motaung (28), Miss Sanna Twala (23), Mr Solomon Motsogae (28), Mr Linda Hlophe (26), Miss Zanele Sobuzi (33), Mr Jacob Tshabalala (22), Miss Lydia Mokoena (24), Mr Phineas Maseko (32), Mr Daniel Mbokwane (22) and the two youths.

The State alleges they assaulted and burnt Miss Sikhosana to death near a cemetery in Duduza, Nigel, on July 20, 1985.

Most of the accused told the court that they heard rumours in Duduza, even on the day of Miss Sikhosana's death, that she was a police informer and in love with a policeman.

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Two tell of being refused jobs in Cape

Supreme Court Reporter

THE coloured labour preference policy was pertinent in the cases of two men convicted under the Internal Security Act who were refused jobs reserved for coloured people, the Supreme Court was told.

Professor Francis Wilson, of the University of Cape Town economics department and director of the Second Carnegie Inquiry into Poverty and Development, was giving evidence in mitigation yesterday in the trial of 13 men convicted of terrorism or harbouring or assisting terrorists.

He said the declaration of the Western Cape as a coloured labour preference area in 1955 had direct application in statements to the court by Moyisi Cyril Ntabeni, 31, and Sazi Livingston Veldtman, 29.

Ntabeni said: "While working in 1979 as a greaser/driver for Suiderhof Motors, earning R35 a week, I applied to train as a motor mechanic but I was told blacks were not allowed to work here in the Western Cape."

He said he had a similar experience in 1985 when he was earning R62 a week as a driver at Brian Porter's in Rondebosch and applied to be a parts counter salesman. "I was refused and told that such jobs here were for coloureds."

Veldtman, a clerk in the Department of Posts and Telecommunications, said he was told in 1979 he needed a permit to study computer science at the University of Cape Town.

"When I applied I was told the University of the North offered the same subjects and therefore there was no permit for me."

Veldtman said the lecturers at the university were racist and students were not allowed to meet freely to discuss grievances without police being called.

Lived in fear

After sending a petition against the "Bantu education system" to the Minister of Education and boycotting lectures after requesting a qualified computer science lecturer in place of a second-year Unisa student doing the job, students were teargassed, baton-charged and shot at by police on the University of the North campus, he said.

His expulsion for taking part in peaceful protests signalled the end of his education. He looked for work in Cape Town factories, but was refused employment because he did not have a pass.

After the declaration of the state of emergency in 1985, people in the townships lived in fear of the defence force and the police, he said. Children had died and "almost every African family knows these tragic events to their cost from their own family experiences. How can we sit back and do nothing?"

Joseph Malusi Ngoma, 28, Lizo Bright Ncungwana, 27, Theminkosi Theophilus Mzukwa, 26, Veldtman, 29, Quentin Deon Michaels, 27, and Cecil Esau, 31, have been convicted of terrorism.

Mthetho Douglas Myamya, 37, Gladwin Mthethehihi Mabengeza, 35, Cyril Moyisi Ntabeni, 31, Joseph Susele Mkhulwa, 31, Anderson Zingisele Ncivita, 34, Reed Zwelethu Macozoma, 27, and Norman Siseko Macanda, 29, have been convicted of harbouring or assisting terrorists.

(Proceeding)

Mr Justice Nel is sitting with Mr L P Francis and Mr W R Vivier, as assessors. Mr W C Viljoen, assisted by Mr M Stowe, appears for the State and Mr D Kuny SC, Mr A Omar, Mr S Desai and Mr J Whitehead appear for the defence.

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Aged forced to join Alex protest march — treason witness

By Don Holliday

Old men and women were among Alexandra residents forced by the Comrades out of their houses to join a protest march to Wynberg police station last year, the Rand Supreme Court heard yesterday.

The evidence was given in the trial of seven men and a youth charged with high treason, alternatively sedition or subversion. All have pleaded not guilty.

An Alexandra resident, who may not be identified, said that, on his way to work one day last year, he was accosted by a group of men who said he should accompany them to the Alexandra stadium to attend a meeting.

FORCED TO ATTEND

People from all over the township, young and old, men and women, had been forced to attend the meeting, where it had been decided the crowd would march to the Wynberg police station to protest against the detention of a number of Comrades.

Asked by Mr Etienne du Toit, for the State, why he did not "tell them to go to blazes", he replied he feared he would be assaulted or killed by the Comrades.

Before the crowd reached the station, they were stopped by the police and a confrontation ensued.

Earlier yesterday, the witness said the Comrades had forced him to attend a people's court in a tin shanty to give evidence about a fatal stabbing which had occurred at his wife's house during a "stokvel" party.

Mr Ashwell Zwane, one of the accused in the treason trial, had acted as chairman in the court.

Two men were brought before the court and asked whether or not they had had anything to do with the stabbing.

One replied that he had intervened in the fight and had taken the knifeman away.

Some Comrades, including Mr Zwane, then left the shanty.

The witness had heard them talking outside and had heard the word "petrol" used.

They returned, at which point the police arrived and arrested everyone present in the shanty.

In the police vehicle which transported them to the police station, Mr Zwane told them not to tell the police who among the crowd were Comrades.

The hearing continues.

More news on page 14

Commander denies he rebuked cop

PORT ELIZABETH. — The commander of the Cradock police station denied in the Regional Court here yesterday that he reprimanded policemen about throwing stones at people in the township.

Lt Gerhard Johannes Goosen was testifying in the trial of Mr J C Viviers, editor-in-chief of the Eastern Province Herald, Evening Post and Weekend Post; Miss Jo-Ann Bekker, a former reporter for the Herald; and Miss Debbie March, a Herald reporter.

The three are alleged to have been involved in publishing statements without reasonable grounds for believing them to be true. The case follows a report in the Herald on February 4, 1985, concerning actions by the SA Police in a Cradock township.

In his evidence, Lt Goosen told the court how the discovery of the body of a Const Bonali had led to the arrest of Mr Madola Jacobs near the Ned Geref Kerk van Afrika in Sikulu Street, Lingelihle, on Sunday, February 3, 1985.

'Riotous crowd'

Mr Jacobs had been brought there by the chairman of Cradora, Mr Mathew Goniwe. When the crowd that began gathering became riotous, shouting and stoning the police and their vehicles, Capt Hans Gouws fired three 37mm teargas canisters.

Mr Goniwe, a Mr Makaula and a third person later arrived at the charge office wanting to see Mr Jacobs. Lt Goosen said he could not grant the request as Mr Jacobs had been arrested.

The minister of the church where the teargas incident happened, Mr R Obose, and members of his congregation then arrived.

Mr Obose carried the remains of the teargas canisters. He told Lt Goosen the church service had been disrupted and the congregation had to leave the church when teargas started coming through the windows. Two canisters had fallen outside the church and one outside the manse.

'Clearly understood'

Lt Goosen said he explained that the police action had been necessary to disperse a riotous crowd. He also said the police had been unaware that a church service was in progress and they had not meant to disrupt it. Mr Obose clearly understood and, saying he did not want to lay a charge, left.

Under cross-examination, Lt Goosen said he had spoken to the minister who had been carrying the teargas canisters that morning and not an elder, Mr Richard Rasmeni, who told the court that he had carried and handed over the canisters. At no stage was he told teargas had been fired into the church.

Lt Goosen also said Mr Makaula had not complained of stones being thrown at people in the township. It was also contrary to departmental regulations for him to admonish a member of the force publicly (as the newspaper report claimed had happened) and only on the grounds of an allegation.

When he read of the allegations of stone-throwing by police in the newspaper the next day, he was surprised — firstly, because this was not what had happened at the charge office, and secondly, because he had spoken to Mr Goniwe and Mr Obose and not a Lt Gouws, as the report stated.

The case is proceeding. Sapa

'Freedom fighter' tells of killing of children

By SHAUNA WESTCOTT
Supreme Court Reporter

"IF EVER the cup of bitterness ran over for me, it was in 1985," Umkhonto we Sizwe (MK) member Sazi Veldtman told the Supreme Court yesterday.

In a statement from the dock in mitigation, he said this was the year of many people "dying of bullets" after the state of emergency, the year of living in fear of police and soldiers "responsible for the death of many children", the year he found he "could not keep quiet and think only of myself".

"I can quote a number of events, My Lord," he said. "I talk of a few. In 1985 through the action of the police a three-month-old infant was killed after inhaling teargas. At Nyanga a 14-year-old schoolboy was shot by the army and it was claimed he was caught by a stray bullet. A small boy was found at the mortuary with many bullet wounds.

"Almost every African family knows these tragic events to their cost from their own family experience."

Hide

Veldtman, a 29-year-old post office clerk who lived in Nyanga with his wife and two children before his arrest in May last year, spoke earlier of how the pass laws hindered his life, even as a child.

His mother died when

he was two years old and his grandfather died when he was nine. His "dear aunt" then brought him to Cape Town where for two years he was refused entry to schools because he was "not legal in Cape Town".

When pass law inspectors came to his aunt's house he had to hide.

When he was 14 he was arrested for not having a pass. When he was 16 and applied for a pass he was ordered out of the Western Cape by a Mr Fourie. "I explained to him the death of my mother and family. He told me he was not interested in my stories, he had heard enough lies from us bantu."

Atrocities

He continued: "About pass laws I have witnessed and suffered. The fear of a loud rude bang on doors in the middle of the night, the bitter humiliation of an undignified search, the shame of husband and wife being huddled out of bed in front of their children by the police and taken off to jail."

Earlier in the trial prosecutor Mr W C Viljoen put it to Veldtman's fellow MK cadre Joseph Ngoma that the pass laws were abolished in July last year. Ngoma's reply was that the

government indeed said so but he had yet to see any change.

Veldtman, like all his fellow accused, spoke also of the atrocities of 1976 which "made all of us very sore and very angry".

He said he was "very lucky for an African" in getting matric. "Not one of my friends who started school with me ever got to matric."

His attempts at a university education were foiled by laws requiring permits and quotas at "white" universities and by his expulsion from the University of the North after taking part in peaceful protests.

Finally, Veldtman "respectfully" told the court that he was a freedom fighter, not a terrorist.

"According to the law of this country, which was made against me and my people, I am now called a terrorist. White men will call me a terrorist. But that is not true, not according to my people."

The trial continues.

Mr Justice H C Nel presided with Mr L P Francis and Mr W R Vivier as assessors. Mr Viljoen appeared with Mr M Stowe. Mr D A Kuny SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E Moosa and Associates and R Vassen and Co, appeared for the defence.



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'Confession' of bomb threat inadmissible, says magistrate

Court Reporter

A WYNBERG Regional Court magistrate has ruled as inadmissible a confession allegedly made after a man accused of threatening to blow up police flats was assaulted at Wynberg police station.

The accused, Mr Darryl William Ackerman, 29, of Lenteguur, has pleaded not guilty to a charge of making a bomb threat by way of an anonymous telephone call to Detective-Constable L. Aspeling at Servamus Flats, Wynberg, last July or, alternatively, making a false statement regarding an explosion.

In a test on the validity of an alleged confession Mr Ackerman said he was arrested at his home and taken to Wynberg police cells.

The following morning he was taken to Lieutenant Abraham van der Westhuizen's office and was told in Afrikaans to make a statement.

He replied in English that he was not prepared to make a statement. Lieutenant van der Westhuizen pushed him around and used abusive language.

His hands were handcuffed tightly behind his back and Lieutenant van der Westhuizen kneed him in the stomach and back and hit and punched his face.

Mr Ackerman said something wet was tied over his head and he felt suffocated. He was thrown to the ground and assaulted until he lost consciousness.

"NOT IN FIT STATE"

Later a Constable Nolan released him, asking him to sign a "fingerprint form".

"I was not in a fit state to read the form," Mr Ackerman said.

Mr M A Albertus, for Mr Ackerman, asked him if he was made to sign the statement under false pretences.

Mr Ackerman replied: "Yes".

He said his hands were so swollen he could not move his fingers and Constable Nolan massaged them.

He said he did not at any time make a confession.

District surgeon Dr S W Stoch said he saw Mr Ackerman on July 5 and noted on an official form that he had minor injuries to his wrists consistent with handcuff injuries.

Had Mr Ackerman complained of having been assaulted he would have entered that on the form, he said.

Under cross-examination by Mr Albertus, Dr Stoch said he could not recall why the form he filled in was dated July 9 when he saw Mr Ackerman on July 5.

The magistrate postponed the hearing to July 21.

Herald reporter acquitted

PORT ELIZABETH — Eastern Province Herald reporter Debbie March, charged with her editor and a former colleague under the Police Act, was acquitted by the Port Elizabeth Regional Court yesterday.

March and former Herald reporter Jo-Ann Bekker were charged in their personal capacity and as servants or agents of SA Associated Newspapers.

The editor-in-chief of the Herald, Evening Post and Weekend Post, J C Viviers, was charged as a representative of the company.

The three were charged with contravening the Police Act after a Herald report on Monday, February 4, 1985, relating to actions by police in the Cradock township of Lingelihle.

All three have pleaded not guilty.

They are alleged to have published statements without reasonable grounds for believing them to be true. — Sapa.

Umkhonto 'means to an end' — commander

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What made SATS settle?

THE agreement last week by South African Transport Services (SATS) to reinstate 1 800 railway workers dismissed after the marathon strike on the Witwatersrand has come as a surprise.

The question now being asked is why SATS performed such a remarkable turnabout. It has granted workers their jobs back and conceded their right to elect representatives to negotiate for them after adopting a hardline refusal to deal with Gosatu's South African Railway and Harbour Workers Union (SARHWU).

The answer can be found in a combination of legal leverage exercised by SARHWU's lawyers, pressure from big business and the Department of Manpower to settle, and divisions within SATS management on labour reform.

When mass firings took place late in April, lawyers immediately launched an application in the Johannesburg Supreme Court by three strikers for their dismissals to be declared illegal.

The union's hand was strengthened when the State Attorney agreed the outcome of the test case would apply to all the dismissed workers.

"This was the real sword hanging over SATS's head. They knew we had a strong case and would have been severely embarrassed had they lost the case," said a union spokesperson.

But if legal pressure was the union's most decisive weapon, there were other pressures that made SATS vulnerable. Soon after the workers were dismissed, the Department of Manpower issued a statement pointing out that most strikes in the private sector were settled through negotiation within a day. The rap over SATS's knuckles was barely disguised.

At the same time businessmen in the private sector began urging SATS to prevent the dispute spilling over into other sectors. — Agenda Press Services

By VUYO BAVUMA

THE African National Congress and its military wing, Umkhonto weSizwe, are not warmongers, a convicted ANC guerilla has said.

Lizo Bright Ngqungwana, 27, of Alice, told the Supreme Court the ANC used violence to bring about change in the country.

The self-confessed regional commander of Umkhonto weSizwe was giving evidence in mitigation.

He and Themba Mzuku, 26, Sazi Veldtman, 32, Cecil Esau, 32, and Quentin Michels, 24, have been found guilty of terrorism.

Seven others, Douglas Myanya, 32, Joseph Mkhuhlwana, 31, Zingisa Ncivata, 34, Zwelethu Macomoza, 27, Mthetheli Mabengeza, 30, Norman Macanda, 29, and Moyisi Ntabeni, 30, were convicted for harbouring or assisting "terrorists".

Civilians

"The ANC regards violence as spearheaded by Umkhonto weSizwe not as an end in itself, but as a means to end the present state of affairs in the country. It is, however, not intended to hit at civilians," Ngqungwana said.

"I do not believe this should be made an issue by the State which itself daily injures and kills unarmed defenceless black civilians.

"Since its formation MK has been selective concentrating on targets like the army, police and auxiliary forces. This restraint has controlled and prevented us in the ANC from doing even greater things," he said.

Ngqungwana, born in Natal 27 years ago, said he saw how his father had struggled.

He said he was horrified at how police dealt with peaceful protests in 1976.

In 1977 he was expelled from school after the high school he attended joined the rebellion against Bantu Education.

"I participated in the demonstration in 1977 which shook Port Eliza-

beth against Bantu Education. I witnessed with my own eyes the brutal manner in which the demonstrations were suppressed.

Ngqungwana then joined the ANC.

Macomoza said he sympathised with organisations striving for betterment of the living conditions of the poor.

"When I was young, the elderly told us stories about police brutality. These stories left a deep mark on my mind," he said.

"I was employed at Athlone. I earned R2,50 a week. They deducted R1 for being absent a day. Sometimes my employer assaulted me," Macomoza said.

Macomoza in 1984 was employed at Murray and Roberts but was sacked for participating in a strike.

"I then decided to be sympathetic to the organisations working for the betterment of the poor though I did not belong to them personally," he said.

Veldtman of Zwelitsha spoke of problems he had experienced under pass laws harassment.

He said his aunt brought him to Cape Town in 1967 after his mother and grandfather had died.

I was eager to study. My aunt took me to school but the principal refused to admit me because I was not legal in Cape Town.

"She then took me to other schools but I was also refused."

In 1969 he was allowed to register at Hlengisa.

Pass laws

Sazi, a father of two, said inspectors used to check for illegal people at their house.

"When I saw the van stopping at the door, I would run out of the back door. Sometimes I would be too late and hide under the bed or in the cupboard. I was always afraid but my aunt knew how to talk to these people," he said.

He was arrested in 1972 under pass laws.

Sazi said the events of 1976 made him very sore and angry.

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Police Act Reporter is acquitted

PORT ELIZABETH. — Eastern Province Herald reporter Miss Debbie March, charged with her editor and a former colleague under the Police Act, was acquitted by the regional court here yesterday.

Miss March and former Herald reporter Miss Jo-Ann Bekker were charged in their personal capacities and as servants or agents of South African Associated Newspapers, and Mr J C Viviers, editor-in-chief of the Herald, Evening Post and Weekend Post, as representative of the company.

They were charged with contravening the Police Act following the report in the Herald on Monday, February 4, 1965, relating to actions by the police in the Cradock township of Lingelihle.

All three have pleaded not guilty.

They are alleged to have published the following statements without reasonable grounds for believing them to be true:

□ Police had fired a teargas cannister into a church building while a service was in progress.

□ Policemen travelling in a Hippo had thrown stones at a house and/or

□ Such an allegation was reported to a Lieutenant Gouws at the Cradock police station and/or

□ He had told police in the room not to throw stones.

□ The Rev R M Obose had arrived at the police station and said teargas had been fired into his church.

□ Mr Richard Rasmeni had told the Herald chaos had erupted when one teargas cannister was fired into the kitchen door of the manse.

The magistrate, Mr G Steyn, said Miss March had simply been asked to contact the police for their comment.

Where Miss Bekker was concerned, the issue was more complicated and the court could not grant her discharge at this stage, Mr Steyn said.

The case continues today. — Sapa

Govt 'lost legitimacy', professor tells court

Supreme Court Reporter

THE government lost its legitimacy in the eyes of the people, particularly black people, after its violent response to the protests of 1976, the Supreme Court heard yesterday.

This was part of evidence in mitigation in the ANC trial given by Professor Colin Bundy, who occupies the chairs of history at both UCT and UWC and had 16 years in the UK and US of unrestricted access to primary material for research on the ANC and other South African resistance movements.

"By legitimacy," he said, "I mean the power that comes from moral authority."

"The erosion of that legitimacy had implications for the ANC's standing. Expressed very simply, legitimacy withdrawn from one area is going to attach itself somewhere else. After 1976 the ANC has come to enjoy an increasing level of popular allegiance."

Even in the Western Cape, where historically the ANC has been relatively weak, there is "a lot of impressionistic evidence which suggests that Congress or Charterist affiliations are predominant today among all blacks, including so-called coloureds, in the Western Cape."

Professor Bundy said evidence given in court by MK commander Lizo Ngqungwana and MK cadres Joseph Ngoma and Theophilus Mzukwa about MK standing instructions to respect life and strive to avoid harming civilians were confirmed by other sources.

These included the signing of the Geneva Convention by the ANC in 1980, evidence given to the UK House of Commons by the ANC leadership in October 1985 and repeated statements from ANC leaders.

"In August 1984, for instance, after five people were killed by a car bomb in Durban, Oliver Tambo publicly and angrily rebuked those responsible. Equally, in May 1983 after a car bomb in Pretoria caused civilian loss of life, Nelson Mandela was widely quoted in the international press as expressing his regret."

Professor Bundy also gave the court a brief history of the ANC.

The trial continues.

Mr Justice H C Nel presided with Mr L P Francis and Mr W R Vivier as assessors. Mr W C Viljoen appeared for the State with Mr M Stowe. Mr D A Kuny SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E Moosa and Associates and R Vassen and Co, appeared for the defence.

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Wanted to burn bus because it was part of Govt, says youth

Staff Reporter

AN Oudtshoorn youth convicted of murdering a bus inspector told the Supreme Court he intended burning a bus "because I saw it as part of the Government which oppresses us".

The youth, whose age is in dispute, shot Mr Willem Blaauw dead in April last year.

With a 16-year-old and Jerome Myo, 26, he was also convicted of attempting to damage property by sprinkling petrol in a Southern Cape Bus Service (SCBS) bus.

BROKE PROMISE

The youth said in mitigation of sentence that the SCBS, owners of the bus, broke a promise to representatives of the residents of Bongoletu township to resume services and he saw this as "co-operation with the Government".

The youth, who passed Standard 8 in 1985 and intended becoming a motor mechanic, said he was also angered by the "unjust" actions of the police in sjambokking, teargassing and firing birdshot at pupils and township residents.

"In June 1985 police killed three teenagers, including a close friend of mine," he said.

"They didn't ask questions — they just took everybody."

CHURCH

Such police action led him to abandon his formerly peaceful demeanour as the leader of a Roman Catholic Church youth group.

He had read in the Bible that if one was faced with violence, one should be violent in return.

"I was using my violence on my behalf and for all other people who are oppressed.

"I was very dissatisfied with the discrimination in Bongoletu in 1985 and 1986."

In comparison with Bongoletu the nearby coloured township of Bridgeton had tarred roads, running water

and electricity in houses and better sports facilities.

Coloured pupils also did not have to pay for their school books, he said.

The youth said housing and essential services in Bongoletu, where he was brought up by an aunt, were unsatisfactory.

"Two outside taps were shared by 28 houses in our street and we had no electricity."

The youth joined his school students' representative council and the Bongoletu Youth Organisation (Boyo) to fight for his rights.

The youth denied a State allegation that he was 22 and said he would be 18 on October 17.

Dr Alan Morris, a senior lecturer in anatomy at the University of Cape Town, said that after examining X-rays of the youth's hand, pelvis and knee, he concluded that he was probably between 18 and 21.

However, he could not be 100 percent sure.

The hearing continues.

Mr Justice Williamson is on the Bench, with Mr G Titterton and Mr CH van Gend as assessors. Mr A de V la Grange appears for the State and Mr M Donen, instructed by E Moosa and Associates, appears for the defence.

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ANC believed non-violent avenue closed, court told

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Supreme Court Reporter

THE African National Congress had progressed from a moderate organisation to one advocating violent struggle only after the failure of almost half a century of non-violent protest, a historian told the Supreme Court, Cape Town.

Professor Colin Bundy, an expert on contemporary South African history, was giving evidence yesterday in the trial of six men convicted of terrorism and seven of aiding terrorists.

Professor Bundy said the ANC had abjured violence from its formation in 1912 until 1961.

The ANC and the Pan-Africanist Congress were declared unlawful after the Sharpeville and Langa shootings in 1960.

"Then a call to the Government to hold a national convention went unheeded, shortly before the declaration of the Republic of South Africa in 1961," Professor Bundy said.

10 000 arrested

"There were an estimated 10 000 arrests, police and troops were deployed in the townships and legislation was passed to create provision for detention without trial for up to 12 days in response to an ANC call for a three-day stayaway."

A decision was taken by the ANC leadership to embark on a programme of sabotage against symbolic edifices and economic installations.

Professor Bundy said the ANC leadership perceived that non-violent forms of protest had been closed to them by its banning and the show of force which met the stayaway.

"They felt the movement's pacifism had been mistaken for a sign of weakness and that half a century of non-violent protest had incurred violent forms of repression."

Racial war

"An armed wing of the ANC — Umkhonto we Sizwe — was announced simultaneously with the start of the programme of sabotage because the leaders feared that heightened political passions at the time could lead to violence."

"They wanted to avert a possible civil war along racial lines which such violence might precipitate."

In reply to a question by Mr Justice Nel, Professor Bundy said Umkhonto we Sizwe was bound by and subordinate to the older structure.

The ANC had committed itself to international standards since signing the Geneva Convention protocols on guerrilla war.

"Central to that is a commitment not to attack civilians indiscriminately as a strategy."

Mr Denis Kuny, SC, for the defence: "Has that been modified?"

Professor Bundy: "When it has been breached in practice the breaches have evoked repeated public statements in defence of the overall strategy."

"Mr Oliver Tambo angrily rebuked those responsible after five people were killed by a car-bomb in Durban in 1984 and Mr Nelson Mandela expressed his regrets widely in the international Press in 1983 when there was civilian loss of life in the Pretoria car-bomb incident."

Two targets

Mr Kuny: "Can you comment on 'hard' and 'soft' targets?"

Professor Bundy: "I think much of this discussion stems from a conference in Zambia in 1975 where it was reported that the distinction between hard and soft targets had been blurred or erased."

"This was not a policy decision but merely stated as one consequence of intensified conflict."

"There was evidence that Umkhonto we Sizwe instructed members to distinguish between civil and what it construed as military targets."

Professor Bundy said the ANC adopted the Freedom Charter in 1957.

The hearing continues.

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Priest's sixth day in witness stand

THE DELMAS trial continued yesterday with Sharpeville priest the Rev Jeff Moselane spending his sixth day in the witness box.

He was being cross-examined by Prosecutor Mr J B Jacobs about meetings in the township before the outbreak of violence in the Vaal in September, 1984.

Nineteen men are appearing before Mr Justice van Dijkhorst and an assessor on charges of high treason, alternatively terrorism, subversion and murder. They have all pleaded not guilty.

The trial started on January 20 last year.

Some of the accused have been in detention for almost three years.

On Tuesday the Archbishop of Cape Town, Desmond Tutu, visited Delmas and spent the whole day listening to Mr Moselane's evidence.

Other prominent people who have attended the hearing are the Archbishop of Canterbury's special envoy Mr Terry Waite, who has since disappeared in Beirut, Dr Allen Boesak and legal experts from the United Kingdom, Ireland, USA and Belgium as well as politicians from overseas.

The church, particularly the Anglican Church, has kept a constant presence and has had a priest or a representative of the church every day of the trial.

Families of some of the accused have arranged a bus to take them from the Vaal to the trial and others travel the 50 km from Johannesburg by car.

Humiliations drove accused into ANC

TIRED of being kicked around and tired of being humiliated, Theophilus Mzukwa, 26, concluded it was better to fight for freedom and perhaps die in the process than live like a slave.

Mzukwa, one of six men convicted of terrorism in the African National Congress trial in Cape Town this week, was giving evidence in mitigation. Seven others were found guilty of helping ANC members.

Mzukwa was found guilty of planting a limpet mine at Langa police station and throwing hand grenades at the building and at a Casspir.

"I stand in this court knowing that sentence is going to be passed on me. Many things are going through my mind, from my childhood to now when I stand in this dock. What am I being punished for? Will the court understand me as I am? Will this court understand that it is my love for the people that drove me to what I did?" he asked.

Mzukwa described how his mother, who was working for R60 a month as a domestic servant, had "more time for the children of her white employer than she had for us". His father, who sold second-hand clothes because he had no pass for formal employment in Cape Town, died when Mzukwa was 15.

His mother "suffered and sacrificed" to feed, clothe and educate five children, seeing them only at weekends. "But she was the one who took care of the children of her white employer. Those are the children whom she reared and I think they are the kids who grew up to trample on us in the township" as members of the South African Defence Force and SA

By GAYE DAVIS, Cape Town

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His brother left school at 15 and started selling newspapers: "He has been in and out of jail for crimes. I blame the system which has made him the way he is. It is apartheid which denied us mother love. It is apartheid which denied my brother a proper upbringing," Mzukwa said.

In 1976, the only "answer" students got to their demands that Afrikaans not be introduced as a medium of instruction was "teargas, bullets, detention and imprisonment."

"It was the first time that I saw a dead person who had been killed by a gun. Before that it was happening in bioscope films. I must say that when these things happened and I saw the white man at the forefront of this brutality, I started to hate the white man," Mzukwa said.

In 1980 came another school boycott: "Do not think we boycotted because we did not want to go to school. We were hungry for education — but conditions made it impossible." He learned about the ANC then for the first time.

At 19 he left school because there was no money for fees ("We had heard that in white schools they did not have to pay") and he started work to help support the younger children.

He worked at the Athlone power station outside Cape Town, cleaning the boilers. "You breathed in dust all the time." After six months he contracted tuberculosis and a doctor told him to get other work. His employees refused his request for lighter duties. He was often too sick to go to

work and was eventually sacked.

When he went to ask for his wages and leave pay, he was referred to an office in Cape Town. "I walked because I had no money. I was referred back to the power station. When I came there I was told to go back to Cape Town."

This happened "many times" over three weeks. "On the last day, I became so furious I refused to leave without my money. The whites looked at me as if I was a criminal. They were scared that I could do anything. They were right because I was in a mood to do anything to get my money. My whole life was a big robbery and now they were robbing me again."

He got his wages.

"After all these experiences," Mzukwa said, "I came to the conclusion that it is better for me to fight to change South Africa and to die in the process rather than continue living like a slave. I was tired of being kicked around, I was tired of being humiliated, I was tired of being robbed. I could see the same thing happening to my brothers and sisters. Better to fight for freedom than live like a slave."

When a friend was killed in the SADF raid into Maseru in December 1983, it was "the last straw". He joined the ANC.

"I do not know whether I can expect mercy from this court," he said. "But I have spoken the truth. And as I stand here ... I firmly believe that peace in our country will only be possible if all people are given a chance to live decently ... If there is democracy," he said. The trial continues.

THE Lebowa parliament believed Nelson Mandela should be released, the homeland's Minister of Law and Order this week told a Nelspruit court.

Law and Order Minister MJ Duba was giving evidence in the Nelspruit regional court in defence of two of his fellow MPs, Matsikitsane Mashile, 59, and his brother Sekgopelo Mashile, 54, accused of terrorism.

Duba was asked by prosecutor GC Roberts whether he was aware the Mashiles had said in parliament that Mandela should be released.

He replied that the Mashiles had encouraged Chief Minister Cedric Phahudi to get permission to speak to Mandela in prison, because "they feel it is only through discussions and negotiations that violence will be averted."

"All of parliament want Mandela released so that they can tell him not to use violence," he added.

The Mashile brothers are prominent local figures who were previously banished to Transkei and Ciskei respectively. The two returned to Lebowa and stood for parliament seven years ago. They are standing trial with three members of the Mapulaneng Crisis Committee, accused of inciting unrest in the Bushbuckridge district and calling for the killing of witches and police informers.

The trial started last week with 10 accused. By Friday five had been discharged — Emon Mashego, 27, Killers Dibakwane, 35, David Chi-

Free Mandela, says the Cabinet Minister to the magistrate

BY RUTH BECKER

loane, 29, Krisjan Mokoena, 28, and Benson Mashile, 35.

Mashego and Dibakwane had spent a year in custody when their case was dismissed.

Dibakwane, 35, a science subject adviser in the Lebowa education department and regional co-ordinator for the MCC, was granted bail at the start of the case on Tuesday last week. He was discharged four days later, having been mentioned only once in court.

He was co-opted onto the crisis committee, he said, because he was interested in seeing children go back to school.

The discharge of the five left the Mashile brothers on trial with Lawrence Mogakane, 26, Jacks Modipane, 27, and Ferris Mokgope, 37, who have been in custody for over a year.

The state alleges the accused, through the MCC, aimed to mobilise residents in the Bushbuckridge district to do away with chiefs and induna-

nas and to support the MCC rather than existing authorities.

Last week the deputy station commander for Bushbuckridge, Lieutenant Edward Mammashile, told the court that between March and June last year 36 murder cases, 56 cases of arson and 42 public violence cases were reported at his police station.

He denied that the murders may have been committed by people practising witchcraft and attributed the unrest to the MCC.

The defence has argued that the crisis committee was formed to control unrest and violence in the area.

In his evidence, Duba said he had received the fullest co-operation from the Mashile brothers, whom he described as "extremely worried" about unrest in the Bushbuckridge district.

He said their desire was to see that "things came under control" and they had held frequent discussions in his office concerning solutions. They suggested holding a meeting of parents and youths to discuss the problems. He thought this a good idea as it was only through negotiations that

the "radical youth" could be dealt with, he said.

This led to the meeting in March last year at the Shatale town council offices, near Bushbuckridge, at which the MCC was formally launched.

Duba said he had no direct experience of what the MCC did, but was informed by the Mashiles that it was formed to suppress violence and it was helping them do so.

Duba said he had asked the South African Defence Force and SA Police for help in controlling the situation.

Accused number four, Jacks Modipane, a telephone operator at the Acornhoek post office, this week described a meeting which he addressed at Boelang Trust in the Bushbuckridge district in April last year. His evidence described the MCC's approach to the problems in the area.

He said the induna was present at the meeting, which was to discuss the problems which had erupted there. Children were singing at night and telling people that they were going to kill wizards. Most people were sleeping in the field, he said. He had contacted the station commander at Bushbuckridge and spoken to the induna, who feared for his life.

Modipane said he advised the parents to control their children.

The case is proceeding. The accused are represented by Jack Unterhalter, SC, and Essop Patel, instructed by attorneys Bahm, Reid and Hutson.

Reporter tells of 'stress' in unrest

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PORT ELIZABETH. — A former Eastern Province Herald reporter, Miss Jo-Ann Bekker, has told the Regional Court here of the stress in gathering unrest reports properly and various attempts to intimidate her such as having her tyres slashed and receiving "hate mail".

Miss Bekker, 26, is accused with Mr J C Viviers, editor-in-chief of the Herald, Evening Post and Weekend Post, of contravening Section 27 (b) of the Police Act following a report in the Herald in February 1985.

Giving evidence after the State had closed its case, Miss Bekker said she had been prevented from getting police comment on her stories in early 1985.

At the time, reports involving unrest or police action were checked through Colonel Gerrie van Rooyen, police liaison officer in the Eastern Cape.

He had declined to speak to her and had instructed those who stood in for him not to speak to her.

In his evidence, Mr Viviers said the risk of prosecution under Section 27 (b) of the Police Act became particularly pertinent with the situation of endemic unrest during 1984 and 1985.

Special care was taken with articles concerning police action, not only because of the risks under Section 27 (b), but also because of the newspaper's standards of fairness and equitability and the constraints of the Media Council's code of conduct. — Sapa

1976 'like an unhealed scar on SA history

By SHAUNA WESTCOTT
Supreme Court Reporter

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THE judge presiding over the trial of 13 young ANC members and sympathizers wanted to know yesterday why the ANC did not field candidates for elections in Transkei and Ciskei.

Mr Justice H C Nel put the question to Professor Colin Bundy, who occupies the chairs of history at UCT and UWC, and is an expert on the ANC.

Professor Bundy replied that as far as he was aware, the ANC was banned in these areas.

"As a party, yes," the judge replied, "but is it necessary for them to operate as a party?" He asked whether candidates couldn't stand on some kind of undeclared ticket but supporting the Freedom Charter, adding "Why do you need subversive activities?"

Among other questions from the Bench was whether universal suffrage existed in Russia, what "national liberation" meant and "Where does John Harris and the station bomb fit in?"

The witness explained that John Harris (who planted a bomb at Johannesburg station on July 24, 1964) was a member of the African Resistance Movement which consisted largely of disaffected liberals and had no connection at all with the ANC.

Prosecutor Mr W C Viljoen wanted to know why 1976 had been called "a watershed year".

Professor Bundy said it was a year that "runs like an unhealed scar across South African history".

"Over 500 youthful civilians lost their lives, many thousands of others were imprisoned and thousands went into exile. This is civil conflict of a very high order.

"It is common cause in various accounts that the violence which took place initially on June 16 was violence by State employees, by policemen. A non-violent crowd of marching schoolchildren was fired upon," he said.

This and subsequent episodes of violence of the same kind "dramatized and symbolized patterns of power and authority in South Africa that many South Africans came to perceive as brutalizing, highly undesirable and even intolerable".

The trial continues.

Mr L P Francis and Mr W R Vivier were assessors. Mr Viljoen appeared with Mr M Stowe. Mr D A Kuny SC, with Mr J R Whitehead, Mr A M Omar and Mr S Desai and instructed by E Moosa and Associates and R Vassen and Co, appeared for the defence.

Policeman tells court: I know of no press 'deal'

By MIKE LOEWE

THE SA Police press liaison officer for the Eastern Cape denied in court this week any knowledge of an agreement between the Newspaper Press Union and the SAP allowing publication of allegations of police misconduct.

Only after a brief court adjournment so that liaison officer Captain Peet Grobelaar could consult his superiors in Pretoria, did he concede the existence of such an undertaking.

Grobelaar was testifying in the trial of three journalists charged with violating Section 27B of the Police Act, which places the onus on journalists to prove any statement or allegation made about the police is true.

On trial in connection with a 1985 story are JC Viviers, editor of the *Eastern Province Herald*, reporter Debbie March and Jo-Ann Bekker, former *EP Herald* reporter, now a *Weekly Mail* journalist.

At issue during Grobelaar's testimony was the existence of the police/press agreement, described by the prosecutor as a "gentlemen's agreement", which allows publication of information critical of police on condition police are afforded "ample and fair opportunity" to comment.

The court heard from the defence that a working agreement had been struck up over the past three years between the police and the NPU.

Further evidence indicated the agreement originated after a discussion in 1981 with the then-minister of police, Louis le Grange, who agreed not to instigate proceedings under Section 27B against journalists who published critical statements or allegations of police misconduct providing police were allowed to reply.

The trial centres around an article about alleged police violence in Lingelihle township, near Cradock, which was written by Bekker over two years ago.

Bekker, Viviers and March stood accused of publishing a number of statements concerning the police without having reasonable grounds for believing they were true.

The statements, which allegedly appeared in a front page lead report on February 4 1985, related *inter alia* to allegations that police fired a tear-gas canister into a church while a service was on and threw stones at a house, and that a police lieutenant told police not to throw stones.

When Grobelaar denied knowledge

of the police/press agreement on Wednesday, he challenged the defence to present the agreement before the court.

Wim Trengove, for the defence, presented the court with two sets of NPU minutes containing specific reference to the immunity agreement. Grobelaar then conceded that the minutes were correct and that they had been ratified by both groups.

In his evidence, Viviers outlined the history of the agreement, which began in 1981 with the undertaking from Louis le Grange. He said the agreement had featured in subsequent minuted meetings.

He said the minutes of a meeting in February 1985 had led him to understand that the agreement covered publishing allegations, even if the police refused to comment when the allegations were put to them.

In her evidence, Bekker said that early in 1985 the then-police liaison officer for the Eastern Cape, Colonel Gerrie van Rooyen, had suddenly refused to speak to her.

"I phoned him one afternoon ... and he asked if I had not heard that I was not supposed to phone him. He never explained why."

She said the ban extended to obtaining comment from Van Rooyen's subordinates who filled in for him occasionally.

But she said she continued to gather unofficial reports of the unrest while her colleagues had gathered police comment.

The report in dispute had been compiled after the police had replied and it had been checked extensively. The final check had been at 2am when she was phoned at home by the night editor.

Also on Wednesday the president of the Port Elizabeth regional court, Gert Steyn, acquitted March of the charge. He said she merely obtained police response to the allegation which was conveyed to Bekker.

The ruling followed an application by Trengove for the acquittal of March and Bekker. Trengove submitted the state had failed to prove that Bekker's report was untrue.

Opposing the application, prosecutor Hennie van der Walt submitted that Bekker had yet to prove in terms of the Act that she failed to prevent publication of the article.

Bekker's reports on the conflict in Cradock in 1984 and 1985 won her the Stellenbosch Farmers' Winery Award for excellence in journalism in the category of best investigative reporting under pressure of time or circumstances. In court, Viviers described the award as the South African equivalent of the American Pulitzer Prize.— East Cape News Agency

Delmas trial's 2nd anniversary

YESTERDAY marked the second anniversary of the Delmas treason trial.

By ALI MPHAKI

The case was first heard in the Pretoria Supreme Court on June 11, 1985, where a bail application for the original 22 accused was refused.

The trial was transferred to Delmas, who has been since January 20 last year.

One of the accused, Mr

Herbert Vumi Vilakazi (33), addressed the people who attended yesterday's hearing.

Mr Vilakazi cannot be quoted. Fresh from the witness stand, the Reverend Tebogo Moselane said the benediction.

During Mr Moselane's cross-examination earlier, he told the court that

he did not sign a petition court that he, Mr Peter he organised with two other people calling for the resignation of the councillors and the stoppage of the increased rent.

Asked by the prosecutor, Mr P. J. Jacobs why he did not sign the petition, he said by virtue of his position as a priest he was being trusted by the community.

Mr Moselane told the court that he, Mr Peter Hlubi and Miss Mozipho Mayeza were in the forefront of the petition. He said after consultation with a Mrs Buthelezi he got the green light to proceed with the petition as it was legal.

The court heard that on September 3, 1984, Mr Moselane attended the synod of his church and was not in the township.

Court sees minutes of press agreement

CHM - 13/6/87 (331)

Own Correspondent

PORT ELIZABETH. — A police liaison officer in the Eastern Cape, Captain Petrus Grobler, told the Regional Court this week he had been unaware of an undertaking given by the minister, and reiterated by the Commissioner of Police, that newspapers would not be prosecuted under Section 27 (b) of the Police Act provided they followed certain procedures.

The SAP liaison department in Pretoria had told him, when he inquired by telephone that morning, that it could find no mention of such an undertaking in records going back to 1976, he said.

After being shown two sets of minutes covering meetings of the joint liaison committee between the police and the Newspaper Press Union, Captain Grobler agreed with Mr W Trengove, for the defence, that there was on record repeated reference to such an undertaking.

According to the minutes, the undertaking was that newspapers would not be prosecuted under the Police Act for reporting possibly wrong claims against the police provided they also obtained the SAP's response to the allegations and published that at the same time.

Capt Grobler gave evidence at the trial of two

journalists charged under Section 27 (b) which makes it an offence to publish untrue matter concerning the police or police actions.

The charge relates to a report on unrest in Cradock, which appeared in the Eastern Province Herald of Monday, February 4, 1985.

The editor of the Eastern Province Herald, Mr J C Viviers, is charged in his capacity as representative of South African Associated Newspapers (Times Media Limited), owners of the Herald. Former reporter Miss Jo-Anne Bekker is charged in her personal capacity and as a servant of the company.

Capt Grobler was the last State witness. He confirmed the existence of a formal agreement between the Commissioner of Police and the press but said it did not make any stipulations regarding prosecution in terms of Section 27 (b) of the Police Act.

Neither was there on record any undertaking given to the press by the Minister of Police or a general to the effect that members of the press would not be prosecuted if police comment was published along with allegations against the police, he said.

Under cross-examination, Capt Grobler said he had been liaison officer since March 1 this year. If such an agreement existed he would have come across it since he had gone through all relevant

documentation since 1976.

Capt Grobler said he knew of a liaison committee between the police and the Newspaper Press Union (NPU).

He had telephonically contacted the public relations department in Pretoria, with whom he had gone over all minutes of meetings of this committee, specifically looking for an agreement such as referred to.

There was no mention of any agreements. Capt Grobler was then shown copies of two sets of minutes of the committee.

In one, Mr Rex Gibson, as a press representative, said that some years ago the minister had indicated to the NPU that there would be no prosecution of newspapers under Section 27 (b) if they published "both sides of the story" — in other words, not only allegations against the police but also the official reply to them.

The minutes then reflected the chairman of the meeting, a police officer, as saying that the minister's undertaking still stood.

The second set of minutes quoted Mr Gibson mentioning an undertaking by General Zietsmann, who was acting commissioner at the time. In terms of the undertaking newspapers would not be prosecuted under Section 27 (b) provided they approached the

SAP for reaction to allegations before publication and included the response in their report, even if it was the fact that comment had been refused.

Questioned by Mr Trengove, Capt Grobler conceded that there clearly had been an undertaking from the minister which was reiterated in July, 1983.

He agreed with Mr Trengove that the search with the department in Pretoria must have been incomplete. The department there must have been wrong in telling him that there was no reference to such an undertaking.

After cross-examining Captain Grobler, Mr Trengove said he wished to record an objection. He said the prosecutor, Mr H van der Walt, had had a copy of the first set of minutes and he (Mr Trengove) had given Mr Van der Walt a copy of the second set. It was therefore inexplicable, Mr Trengove submitted, that Mr Van der Walt could have led the witness to testify that there was no such undertaking on record.

In reply, Mr Van der Walt said it had not been his intention to mislead the court and said he still had no assurance that the minutes were in fact correct.

The magistrate, Mr G Steyn, said he would not comment on the matter at that stage. The hearing continues on Monday.



JD" ... Miss Patti Chunn, enlargement surgery in a ld in Tennessee, says she

Unsolved crimes in ANC trial

Supreme Court Reporter

THE trial of 13 young ANC members and sympathizers was postponed after a brief sitting yesterday till August 4.

A six-week Supreme Court recess begins on Monday.

The defence has closed its case in mitigation and is studying a long document prepared by a police colonel that the State intends handing in. The colonel will be cross-examined when the trial resumes.

Proceedings were delayed yesterday because, as prosecutor Mr W C Viljoen put it, "We don't have an interpreter available, we have a shortage in another court as well."

Defence team leader Mr Denis Kuny SC said the 13 were prepared to do without an interpreter "for the sake of getting this evidence over with" — evidence given by security policeman Lieutenant William Liebenberg.

The lieutenant handed in a list he had compiled from police dockets of 38 "acts of terrorism" committed in the Western Cape from 1979.

Under cross-examination he admitted that most of these were "unsolved crimes".

Four of the actions on the list — a hand-grenade thrown at a police Casspir, a hand-grenade thrown and a limpet mine planted at the Langa police station charge office and a limpet mine placed at the Mowbray railway station — relate to the current trial of the 13.

A man alleged to have planted a bomb outside a Parow shopping centre, Mr Myolisi Petane, is to appear in the Supreme Court in September.

No one else has been charged or tried.

Two men Lieutenant Liebenberg referred to have died — one, Mr Joseph Mayoli, shot dead with eight others in Lesotho on December 20 1985.

Asked if this was during a SADF raid, Lieutenant Liebenberg said he did not know the circumstances.

The other "tried to attack police with a hand-grenade while he was removing his arms cache on the day after his arrest and was killed", according to Lieutenant Liebenberg.

Mr Justice H C Nel presided with Mr L P Francis and Mr W R Vivier as assessors. Mr Viljoen appeared with Mr M Stowe. Mr Kuny appeared with Mr J R Whitehead, Mr A M Omar and Mr S Desai and was instructed by E Moosa and Associates and R Vassen and Co.

Home defended in

have become. Though they are not say-

June 16: Businesses take more conciliatory line

Municipal Reporter

MANY Western Cape industrialists and businessmen were taking a more conciliatory line on June 16 than that expressed in the dictum "no work, no pay", according to the Cape Town Chamber of Commerce and the Cape Chamber of Industries.

Mr Michael Boyes, president of the Cape Town Chamber of Commerce, said there were several options other than the "no work, no pay" approach.

One of these was to offer workers the option of taking leave on that day, or even granting them an extra day of leave.

"Our 2800 or so members are in

general very sympathetic towards those who are forced, through no fault of their own, to stay at home."

Mr Colin McCarthy, director of the Cape Chamber of Industries, said industrialists were aware of the significance of June 16, and many trade unions knew that what was to happen on that day "is something to be negotiated".

"They should have that maturity," he said.

In the past, June 16 had not been "a big day" in the Western Cape, and in most cases it did not feature at all in discussions between management and unions.

Antiques fetch R98 345

Staff Reporter

A PUBLIC auction which realized R98 345 included the sale of a magnificent 230cm-high Dutch walnut armoire which went under the hammer at R16 500 and a six-piece Edwardian silver tea and coffee service which fetched R9 500.

The auction of 204 lots took place yesterday at the sale rooms of J J Hofmeyr & Son in Loop Street, on the instructions of the heirs in the estate of the late E Major and included part of the former Dennendaal Collection of the late Mr H Buisman.

Amongst the Cape, English and

Dutch antique furniture, glassware and porcelain items sold were two 19th Century Dutch silver tea caddies for R2 300, a George III silver teapot for R1 200 and a four-piece sterling silver coffee service for R2 100.

A handsome crystal decanter, 31cm in height, went for R1 300 and so did a superb set of etched crystal table glass.

A Chinese 19th Century urn fetched R840 and a George IV mahogany, slope front writing bureau sold for R2 900.

A 107-piece collection of Rat-Tail design Dutch silver cutlery went at R3 300. A pair of good George III mahogany armchairs sold at R800 each.

Staff Reporter and
Own Correspondent

'Release detainees,' says priest

Own Correspondent

JOHANNESBURG. — The general secretary of the South African Catholic Bishops' Conference, Father Smangalis Mkhathshwa — released yesterday after a year in detention, has called on the government to release all detainees to create a new climate for solutions in South Africa.

On June 11 last year Father Mkhathshwa was taken by police from his home in Soshanguve, near Pretoria.

On Wednesday this week he appeared in court and was charged with being in unlawful possession of a gun and ammunition. He appeared in court yesterday in connection with the same charge and was released on bail.

"I am very relieved to be free, but the joy is saddened by the many who are still in detention," he told reporters.

NEWS

THE 'WYNBERG SEVEN'

The day the sun went out of their lives

by JEREMY DOWSON, Weekend Argus Reporter

"ALL the life seems to have gone out of our home..."

So lamented one of the distraught parents of seven "ordinary" Wynberg teenagers who this week went to Pollsmoor Prison to begin serving sentences ranging from one to three years.

The "Wynberg Seven", as the youths — all in their late teens — have come to be tagged, were convicted of public violence in 1985 following a stone-throwing incident in Wynberg earlier that year.

Their conviction sparked an outcry among their parents, who fought a year-long battle to have the sentences overturned, all to no avail. At the end of last month they were told their final bid — a petition to the Chief Justice asking for permission to appeal to the Appellate Division — had failed.

Now they are having to come to terms with the fact that their children, most of them still school-going, will be behind bars for the next year or more — as fellow prisoners of ANC leader Nelson Mandela, veteran trade unionist Oscar Mpetha, and others.

"What we have learnt from it all," said Mr Richard Dicks, father of 19-year-old Debbie, "is that this kind of thing can happen to anyone."

Like the other parents, Mr Dicks stressed that Debbie, known to her school friends as "Dee", was "just an ordinary teenager".

Debbie, who hopes to become a teacher, is the eldest of three children.

"Maybe she was a bit more politicised than the rest of us," Mr Dicks said. "But since this happened, we've all been much more aware of what's going on around us politically."

Mrs Zuleiga Amlay, mother of Igshaan, 18, a standard eight pupil at South Peninsula High, echoed Mr Dicks's views: "Our family is not politically orientated."

"But this whole thing has broadened our minds."

She described her son, the fourth eldest of seven children, as "fun-loving — and a bit hyperactive, actually."

"He gives our home its liveliness."

The rest of the family were taking Igshaan's absence very badly.

"He is the apple of his grandma's eye," she added.

Mrs Amlay said her son hoped to study mercantile law when he finished school.

Mr Ronald Stubbs, father of 19-year-old Julian, a first-year student at Hewat Teachers' Training



Picture: HANNES THIART, Weekend Argus.

Feeling shattered — Katie and William de Klerk.

College, said his family had been "having our spells of tears as we think of what the youngsters are doing or eating in prison".

He said he was drawing strength from the fact that all seven sets of parents would be holding regular meetings in order to lend each other support and discuss ways of appealing for the early release of their children.

Mr Stubbs said his immediate problem was to try to arrange for Julian to be allowed to continue his studies in prison.

"Unfortunately I've been told there are lots of practicalities involved. We'll just have to see."

On the effect Julian's sentence was having, Mr Stubbs said the whole affair had rapidly politicised both his family and an "enormous" number of friends.

"Many have performed political somersaults since all this happened," he added.

Mrs Katie de Klerk, mother of Venetia, 19 — the youngest of five children — said the whole thing had been a "terrible experience" for the family.

"The house has been very quiet this week."

She said Venetia planned to study business management when she finished matric, which she hoped to be able to do while in Pollsmoor.

The other teenagers are Wayne Jordaan, 19, who is to serve three years, Shoukie Enous, 18, and aspirant artist Naasir Masoet, 18, who are to serve a year.

Naasir's guardian, Mrs Janie Ebrahim, summed up the attitude of all the parents towards the convictions: "Naasir is not a criminal, and I do not view him as such. His is a noble cause."

"It was just a case of happening to be in the wrong place at the wrong time..."

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14/6/87

S. Times

Why we did it, by guilty men in terror trial

By SYBRAND MOSTERT

THIRTEEN men convicted after a marathon terrorism trial in Cape Town have given the reasons which drove them to join or assist the banned African National Congress.

The reasons — given in mitigation of sentence this week — told of deprivation and anger at the web of apartheid laws which the men claimed dogged their lives.

Six of the accused were convicted of terrorism — an offence which carries the death sentence. The others were convicted on a lesser charge which makes it an offence to harbour or help, or fail to report to the police any person suspected of planning or having committed acts of terrorism, subversion or sabotage.

They now face sentences varying from a minimum of 10 years to a maximum of 25.

Among their tales:

Break-point

● Anderson Zingisele Nelvata, a labourer, claimed the breaking point came after waiting 11 years to live legally with his wife.

He was convicted of helping to find a hiding place for a limpet mine.

Nelvata described to the court how he, his brother and sister had been cared for by other families in a rural area while his mother worked in Cape Town as a domestic servant.

He received only a cursory education because there was no money. He went to look for a job in the city and one employer paid him R7,69 a week.

"In 1975 I decided to get married and applied for a lodger's permit, which was granted. I waited for the next 11 years...

"During this period I could not stay with my family because, whenever my wife came to join me, she got arrested for pass-offences and I had to struggle, borrowing money to bail her out."

Bribed

Nelvata said he bribed officials on several occasions in attempts to find a house, but nothing had come of it.

"Only in 1986 was I granted a house and allowed to stay with my family."

● Joseph Susele Mkhulwa was convicted of receiving a limpet mine from another of the accused and hiding it.

He told the court that his father had struggled to bring up the family, and when he eventually found work, "my wages were only R14 per month and this made it impossible to further my studies."

"In 1982 I stayed with my father at the Langa bachelors' quarters. I could not get a job and the place was

constantly raided by the police for passes.

"At times they would arrest about 300 people and more and charge each of these R70 per head."

"We struggled so much that at times we would sleep out in the cold and in the rain to avoid arrest."

● Sazi Livingston Veldman, 29, a post office clerk with two children, was convicted of terrorism and now faces a possible death penalty.

Orphan

He admitted assisting in the delivery of letters for the ANC in Lesotho and Botswana. He also admitted to assisting in handling and hiding limpet mines, detonators, AK-47 rifles and hand grenades.

He said his mother died in the Transkei when he was two years old. He started primary school in 1963 while in the custody of his grandfather, who died three years later.

"Being like an orphan, I was handed over to my aunt. She brought me to Cape Town."

He was eager to study and at the beginning of 1967 she tried to enrol him in school, but several school principals were forced to refuse him entry.

"She told me my name must be on her rent card and if my name was not on the card, it means that I was not here a legal person. She promised to make things right and went to the pass office in Nyanga. But she was rudely chased away."

Protests

With the assistance of two white doctors from Cape Town he had eventually qualified to go to the University of the North, but was later expelled after taking part in peaceful protests against conditions on campus.

● Quentin Michaels overcame the obstacles of poverty and limited opportunity (he was part of a family of 10 children who crammed into a three-roomed Bonteheuvel home) to go to university and qualify as a teacher.

Strongly community-oriented, Michaels saw himself as "fortunate" to be able to go to university and plough his knowledge back into the community.

He admitted being recruited by the ANC to take charge of a cell, select caches for weapons and find safe houses for people. He also admitted receiving and passing on limpet mines on two occasions.

In a statement, he said that while working for the church he saw attempts to rectify social conditions — such as the shortage of medical care and housing — come to nothing, as the community had no direct representation in Parliament.

Mystery man identifies Alex Comrades

(33) SPAC 16/6/87

A former Comrade yesterday identified five of eight Alexandra men accused in Rand Supreme Court of high treason as Comrades who attended peoples' courts.

The man, who may not be identified, was giving evidence for the State. Seven men and a youth plead not guilty to treason and alternative charges of sedition and subversion.

The witness said he knew Mr Ashwell Zwane (20) as chairman of a peoples' court which he attended on July 7 last year.

He said Mr Vusi Ngwenya (20) had accompanied him on an anti-crime campaign on June 20 last year, in which people were searched for knives and shebeens were inspected to see if minors were admitted. The witness said Mr Ngwenya was also in attendance at the peoples' court.

He said Mr David Mafutha (19) had also engaged in the anti-crime campaigns and been at the peoples' court.

Mr Arthur Vilakazi (25) had been known to the witness for a long time. He was a Rastafarian, had been on the anti-crime drive and was the only accused the witness named in full.

Pamphlets distributed

The witness said the 17-year-old accused had also attended the peoples' court.

The witness said by June 13 last year, three avenues in his area had been renamed as Grenade, AK-47 and Bazooka streets, with signboards erected to this effect.

Pamphlets were distributed by Alexandra Youth Congress. One pamphlet appealed to youths to form area groupings and he was put into the Vincent Tshabalala Section.

At a mass meeting at Alexandra stadium, a speaker called on people not to pay rent. The reason given, the witness said, was that the people wanted to govern themselves.

The hearing continues.

Meyer: 2 165 detainees charged

Political Staff

HOUSE OF ASSEMBLY. — A total of 2 165 people — detained under emergency regulations since June 12 last year — had been charged on 2 703 counts, Mr Roelf Meyer, Deputy Minister of Law and Order, said yesterday in reply to a question tabled by Mrs Helen Suzman (PFP Houghton).

The detainees had been charged with terrorism and subversion, possession of petrol bombs and explosives, and possession, displaying and distributing of prohibited and undermining literature, posters and films.

They had also been charged with sedition, treason, murder, attempted murder, kidnapping, culpable homicide, rape, arson, attempted arson, malicious injury to property, public violence, intimidation, sabotage, possession of alleged stolen property, fraud, theft, housebreaking, perjury, defeating the ends of justice, organizing prohibited gatherings, escaping from custody, attempting to release prisoners from custody, subversive activities and subversive statements. Ninety-five people detained under the Internal Security Act had been charged on 110 counts.

'Apartheid is a sin'

32/1
17/10/82
SHARPEVILLE
A SHARPEVILLE Anglican priest, the Rev Tebogo Moselane, told the Delmas treason trial on Monday that although he was a supporter of black consciousness, he was more in black theology.

Mr Moselane was testifying in the trial at which he and 18 other men are appearing before Mr Justice Van Dijkhorst and an assessor. They have pleaded not guilty to charges of high treason, alternatively terrorism, subversion and murder.

Questioned by Advocate J B Jacobs, for the State, Mr Moselane said black consciousness was not an organisation but an ideology. He sympathised with it as a philosophy, he said.

Black theology, he said, talked about the God of freedom. It also said there is oppression

of blacks through apartheid which, according to Christian beliefs, is a sin.

"Apartheid is an ideology and, if you believe in it you have made it your God — and that is a sin. God has said no one should believe in other Gods, but Him alone," he said.

Mr Moselane also told the court that he was not a member of any organisation subscribing

to black consciousness, nor any organisation affiliated to the United Democratic Front.

• Meanwhile, a third attempt to secure the release on bail of 13 of the 19 accused is to be argued this month before the court adjourns for a one month recess. Mr George Bizos, SC, handed in bail application papers to the court on Monday. Six of the other accused were granted bail earlier.

was a man respected by the community and known to be an organising genius.

The community is all on its own," she says.

she met Mathew Goniwe. He was her teacher and later

Development

This involves committing community role, Goniwe asks me when I'm coming

'Govt lost legitimacy in '76'

23/1
18-23/6/87

WHY doesn't the African National Congress (ANC) field candidates in elections in the Transkei and Ciskei?

This was the startling question asked by Mr Justice J C Nel in the Cape Town Supreme Court during the trial of 13 men found guilty of various ANC activities.

The question followed a short history of the ANC which formed part of evidence in mitigation given by Dr Colin Bundy, professor of history at the University of Western Cape (UWC) and the University of Cape Town (UCT).

Grievances
Founded in January 1912, very much as a response by Africans to the creation of the Union of South Africa two years earlier, the ANC was intended to be a single national political vehicle for the aspirations and grievances of black South Africans, Bundy told the court.

Bundy said an important development of the 1940s was the formation of the ANC Youth League, brainchild of Nelson

Mandela, Oliver Tambo, Walter Sisulu and others of a less patient generation who were critical of what they saw as the overly cautious tactics and leadership of the ANC.

Action

In response to these pressures the ANC adopted in 1949 a programme of action sponsored by the Youth League which included civil disobedience and looked ahead to national liberation.

"The Defiance Campaign of 1952, in which groups of volunteers courted arrest by deliberately transgressing racist laws, was part of this programme, he said.

A working alliance between the ANC, the SA Indian Congress, the SA Coloured People's Organisation and the Congress of Democrats was entered into in the early 1950s and joined by the SA Congress of Trade Unions after it was formed in 1955. On June 26 that year, the Freedom Charter was adopted at the Congress of the People in Kliptown and



TWO of the 13 ANC trialists, Lizo Ngungwana, (right) the Umkhonto weSizwe commander and Joseph Mzuka.

has been the "steering light" of the ANC ever since.

After the Sharpeville massacre on March 21, 1960, both the ANC and the breakaway Pan Africanist Congress (PAC) were banned by the government.

Bundy said the last major effort at non-violent appeal to the government was made in the first half of 1961. At the All In Africa Conference in Maritzburg in March-April, the ANC called for a national convention.

When that call went unheeded, a three-day

stayaway was called to coincide with the declaration of South Africa as a Republic, Bundy said.

He said the government responded with brute force. Troops and police were deployed in the townships. An estimated 10 000 people were arrested and legislation was passed providing for detention without trial for a period of up to 12 days.

In the aftermath, the ANC leadership took the decision to embark on "a policy of armed struggle in a particular form — a programme of sabotage against symbolic edifices

and economic installations", Bundy said.

"The perception of the ANC leadership was that non-violent forms of protest had been closed to them. They felt the movement's pacifism had been mistaken for a sign of weakness and that 50 years of non-violent protest had incurred violent forms of repression.

"The second major motive was an attempt to control, the people, the year when the mantle of moral authority began to fall increasingly on the shoulders of the ANC.

racial lines and this they sought to avert," he said.

In 1963, Nelson Mandela and Walter Sisulu were among ANC leaders arrested at Rivonia, tried and locked away for life.

For a decade after that the ANC operated almost entirely as an exile movement. At the 1969 Morogoro Conference in Tanzania, the ANC accepted criticism that it had not done enough to rebuild internal structures.

Legitimacy

This perception was translated into practice but, said Professor Bundy, "it is extremely difficult to establish or even to estimate how far this process had gone by 1976".

He said 1976 — which "runs like an unhealed scar across South African history" — was the year the government finally lost its legitimacy in the eyes of the people, the year when the mantle of moral authority began to fall increasingly on the shoulders of the ANC.

Editor, reporter face PE court judgment

Own Correspondent

PORT ELIZABETH. — Judgment in the case involving the editor-in-chief of the Eastern Province Herald and a former Herald reporter, arising from the alleged publication of untruths about the South African Police, will be given in the Regional Court here today.

Mr J C Viviers, editor-in-chief of the Eastern Province Herald, Evening Post and Weekend Post, and Miss Jo-Ann Bekker, who worked as a general reporter on the Herald in 1985 when the alleged offence was committed, are charged under Section 27 (b) of the Police Act.

Miss Bekker is alleged to have written the untruthful report.

Mr Viviers is appearing as representative of the publishers and distributors of the Eastern Province Herald in which the report appeared.

The case arose from a report in the Herald of February 4, 1985, concerning alleged police actions in the Cradock township of Lingelihle.

Two days after the trial started on June 8, a third accused, Herald reporter Miss Debbie March, was acquitted. The magistrate, Mr G Steyn, said she had simply been asked to contact the police for their comment. The court could not by any stretch of the imagination see that she had a case to meet.

An application at the same time for Miss Bekker's acquittal was rejected.

On Tuesday, Mr Wim Trengrove, for the defence, asked for the acquittal of both accused, for the following reasons:

□ The report in question contained no untruths, but merely reported claims or allegations made by identified sources, whether or not these were true.

□ The claims and allegations were in fact true or substantially true.

Mr Henning van der Walt, for the State, submitted that Miss Bekker's own evidence proved beyond a reasonable doubt that she intentionally wrote false allegations concerning police action in the report, and had seen her task as reporting the case of the residents of Lingelihle township.

Men under 25 'must join Comrades or be beaten'

By Don Holliday

Men under the age of 25 years were expected to join the Comrades and not spend their time in shebeens, the Rand Supreme Court heard yesterday.

Giving evidence in the treason trial of seven men and a youth, an Alexandra shebeen owner said the Comrades had told him this during a raid on his shebeen.

The men and the youth have pleaded not guilty to the treason charge, as well as alternative charges of sedition and subversion.

The shebeen owner said a group of about 30 people were at his home one Friday night in June last year.

WEAPONS

His wife came to him and said the Comrades had arrived to search the people for dangerous weapons.

Four Comrades searched the guests. A short while later his wife told him his customers were being assaulted outside the house.

He asked three Comrades why they were hitting the people. They replied the people were under 25 years of age and were not meant to be in a shebeen. They were supposed to join the Comrades.

The shebeen owner said he protested and said they were all adults, some of them with families.

They said he should take any complaints to their headquarters at 64 15th Avenue.

He told the court he was in favour

of the Comrades searching his customers for knives, but did not like them assaulting his customers.

The next morning he went to the address in 15th Avenue, where there were many people. A hearing was in progress there at what was known as the people's court. He was told to come back the next Tuesday.

On the Tuesday, he was told to take his complaint to a church building in 14th Avenue, where the senior Comrades sat.

The church building was filled with more than 50 people. An argument was in progress. People were complaining that certain people involved in the anti-crime campaign were doing some house owners favours. They would not search the houses if they were bribed.

The argument continued for about 45 minutes when the shebeen owner went home. His complaint was never followed up.

Later in June, a group of Comrades ordered the seven families staying on his property to hold a meeting to form a yard committee.

The shebeen owner was chosen to head this committee, which was answerable to the street committee and to the block committee.

His functions included cleaning the yard and toilets, settling disputes and collecting money whenever a funeral was held.

The committee was effective only in the collecting of money for the funerals, he said.

CHT Times 10/16/87

Four pupils in court on public violence charges

Staff Reporter

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SEVEN pupils of the Sizamele, I D Mkize and New Crossroads X3 high schools (all in the Greater Guguletu area) appeared before an Athlone magistrate on Monday in connection with charges of intimidation.

No charges were put to them and Mr Walter Mandeli, 21, and six teenagers were warned to appear again on June 26.

The State said it wished to investigate possible charges of arson and assault.

In a separate hearing before the same magistrate, four other pupils, Mr Patrick Mokoune, 21, and Ms Brenda Ginya, 19, both of Fizeka High, Innocent Ndlovu, of Sizamele High, and Mr Schoolboy Peter, 22, of NY3, Guguletu, appeared on public violence charges.

They were remanded in custody till today.

The charge arises from the alleged stoning of a bus and police van at I D Mkize High School last Friday.

In another hearing on Monday, this time before Mr John Riley, Mr Wilberforce Funani, 23, of Guguletu, appeared in connection with charges of malicious injury to property.

He was warned to appear again on July 21.

Verdict today in teargas report case

By MIKE LOEWE,
Port Elizabeth

JUDGEMENT is expected today in the Police Act trial in which *Weekly Mail* journalist Jo-Ann Bekker and the *Eastern Province Herald* are charged with publishing untruths about the police.

Editor-in-chief of the *Herald*, *Evening Post* and *Weekend Post*, JC Viviers and former *Herald* reporter Bekker are charged in the Port Elizabeth Regional Court with a report on unrest in Cradock published in the *Herald* in February 1985. A third accused, reporter Debbie March, who put allegations collected by Bekker to police for comment, was acquitted at the end of the state's case last week.

At issue is the accuracy of part of a front page report.

An important aspect of the defence case hinges on the verbal agreement between the Newspapers' Press Union and the Minister of Police — in terms of which police undertook not to charge newspapers under Section 27B of the Police Act, provided allegations of police misconduct were put to the police and their response was published.

The Regional Court President, G Steyn, said although he did not doubt the undertaking, the court had only hearsay evidence of the terms of the agreement.

The maximum penalty for contravening Section 27B of the Police Act is a fine of R10 000 and 10 years' imprisonment.

Cape Times 20/6/87

Police Act: Reporter, paper fined

PORT ELIZABETH. — A former Eastern Province Herald reporter, Miss Jo-Ann Bekker, was fined R200 (or one month) and the newspaper's owners, South African Associated Newspapers, (now Times Media Ltd) R100 by the PE Regional Court yesterday following their conviction under the Police Act.

Both sentences were suspended: Miss Bekker's for three years and that of the company (which was represented by the Editor-in-Chief of the Eastern Province Herald, Evening Post and Weekend Post, Mr J C Viviers) for a year.

Miss Debbie March, also employed as a reporter on the Herald, was initially charged as well but was acquitted at the end of the State case due to lack of evidence against her.

All three pleaded not guilty at a previous hearing in the Cradock Magistrate's Court on March 31 this year.

The case follows a report in the Herald on February 4, 1985, in relation to action by the SA Police in a Cradock township.

They were alleged to have published statements without reasonable grounds for believing them to be true.

Passing judgment yesterday, the president of the Regional Court, Mr G Steyn, found that some of the statements in the report were untrue.

He said Captain Gouws, the district officer in charge of unrest matters who also testified on events that gave rise to the teargas incident at the church, was an exceedingly convincing witness who appeared to be honest, fair and sincere.

His evidence was corroborated by

the Cradock station commander, Lt Goosen, who also appeared credible.

It was clear from Capt Gouws's evidence that none of the three teargas cannisters fired into the air to disperse the crowd had entered any building. However, teargas had entered the church buildings quite extensively.

After full consideration of the evidence, the court found that the police had not attacked the church, but had acted against a crowd that gathered near the church after the arrest of Mr Madoda Jacobs.

The court therefore found the implication from the report that the church had been the target of a deliberate police attack, had been a complete fabrication, Mr Steyn said.

In mitigation of sentence, Mr Wim Trengove, for the defence, submitted that Miss Bekker had been working under great pressure at the time and that this report which had been found lacking had been one of many she had done on the unrest situation in the Eastern Cape at the time.

In this context, the carelessness the court found she had been guilty of paled into relative insignificance, he said. — Sapa

Cape Times man appears in court again

CAPE TIMES 23/6/87
28/3 *(331)*

Court Reporter

THE deputy news editor of the Cape Times, Mr Tony Weaver, appeared briefly in the Regional Court yesterday and was informed that his trial will continue tomorrow.

Mr Weaver has pleaded not guilty to a charge of making false statements to the BBC in connection with a shootout in Guguletu where seven alleged ANC guerillas were killed on March 3 last year.

The court heard that due to the illness of the prosecutor, Mr S Schrock, the trial would resume tomorrow.

Mr J M Lemmer was the magistrate. Mrs C Alexander prosecuted. Mr J Gauntlett, instructed by Findlay and Tait, appeared for Mr Weaver.

ABC journalists appear in court

Not Tary 23/6/87
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Court Reporter

TWO American Broad-
casting Corporation
(ABC) journalists ap-
peared in the Bellville
Magistrate's Court yes-
terday in connection
with photographing un-
rest and police action at
UWC in May.

Mr Henry Bautista, 33,
of Johannesburg, and Mr
Willem Pretorius, 36, of
Gardens, were not asked
to plead and no formal
charges were put to
them.

Bail of R100 was ex-
tended and the case was
postponed to August 10.

Mr A G du Plessis was the
magistrate. Miss A Coetzee
prosecuted. Mr G I Rushton
appeared for the two.

6.00: Nius
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Man charged with murder after blast

The Argus Correspondent

ARGUS 23/6/87 (331) 100
NELSPRUIT. — A man has appeared in the Nelspruit Regional Court on seven murder and four attempted murder charges.

Mr Nhlanhla Madonsela, 25, of Stand 732, Likazi, kaNyamazane was not asked to plead and no evidence was led.

Mr Madonsela's appearance follows a landmine explosion at Stellenrust farm near Karino on August 17 last year in which Mrs Marietjie Roos and her six-year-old son Jaco were seriously injured.

Mrs Roos died three days later and Jaco died on March 5. Mr Madonsela is also charged with the attempted murder of Cornelia Roos, 6, and Johannes Roos, 14 months.

321 23/6/84

Trial hears of police threat

WHEN police are stoned they should also pick up stones and throw them back to protect themselves, the Delmas treason trial heard yesterday during cross-examination of the Rev Jeff Tebogo Moselane.

State Advocate Mr P D J Jacobs alleged that this was said by Mr Moselane during a talk with Major Steyn of the SAP on August 31, 1984.

Mr Moselane, in reply said what he told the Captain was that the police should not use more strength than those attacking them. He added that he suggested methods of disrupting a group of people like the use of water in Ireland.

Violence

Mr Moselane, who refused to take the oath on his first day in the witness box, denied a suggestion by the State that Major Steyn told him that there was talk of violence at the meeting held on August 19, 1984 at the St Cyprian's Anglican Church in Sharpeville.

I denied saying that I was there and if there was someone who spoke of violence I would have chased him out of my church," Mr Moselane said.

Meeting

The court heard that Major Steyn told Mr Moselane to use his powers to stop a meeting scheduled for September 2, 1984. Mr Moselane told the court that he told Captain Steyn that preparations had been made but he (Moselane) promised to do something about the Captain's request.

Mr Moselane added that Captain Steyn told him that if any violence should occur on September 3, 1984 he would be detained.

Leaders

On trial are 19 men among them key leaders of UDF. They have all pleaded not guilty to a charge of treason alternatively subversion, terrorism and murder.

Mr Moselane further told the court that he invited former President of Azapo Mr Khehla Mthembu to come and address them on the meeting of September 2, 1984. He told the court that the meeting was resolved upon at another meeting he held on August 26, 1984 at the St Cyprian's Church.

(Proceeding)

WITNESS BREAKS DOWN

By MANDLA NDLAZI

A TREASON trial at the Rand Supreme Court yesterday stopped for a while after a schoolgirl giving evidence for the State burst into tears.

The girl, who may not be identified, said the new name of the street where she lives is AK47 Avenue. The new name of her school is Tambo High School, she told the court.

She burst into tears immediately after she had identified two of the seven men and a 17-year-old youth appearing before Mr Justice H Grosskopf on charges of treason, alternatively subversion and sedition.

In camera

The trial relates to the outbreak of unrest in Alexandra township between January and July last year. They have pleaded not guilty and the case is being held in camera.

The court proceedings were resumed after a short adjournment and the girl continued with her evidence.

She had identified brothers, Mr Andrew and David Mafutha as the men who were among the four who approached her and Solly on the night of January 29 last year.

She said she was standing with Solly at the gate near her home when the four men approached and searched Solly. They took a bank card and what they called a "police cassette" from Solly, and left.

The next day, she said, Mr David Mafutha and other men she could not see clearly, took her and Solly to the "People's Court". On arrival, she said they stood in the yard of the "Mkhukhu" and saw about 12 people "busy talking." She did not hear what these people were discussing.

She said the men at the "People's Court" told her and Solly to return the next day. Solly, she said, was finally given back the bank card and cassette on July 2. There was no discussion, she said.

Among the men she saw at the "People's Court", she said, was Mr Ashwell Mxolisa Zwane, accused number one in the trial. She said she knew Mr Zwane as "Mugabe", and saw him on one occasion wearing a T-shirt similar to that of the United Democratic Front.

(Proceeding)

By YVETTE VAN BREDA
Court Reporter

A PENINSULA Technikon student who "wanted to wake up the sleepy (gevrekte) little town" of Bredasdorp and spray-painted anti-government slogans on the wall of the local sportsground, was yesterday jailed for an effective one year.

Peter William Newman, 20, of Rouxton Road, Lansdowne, was sentenced to three years, of which two were suspended for five years, for furthering the aims of the ANC by painting the slogans on the wall in December 1985.

He pleaded not guilty but admitted painting the words "Viva ANC, Botha is a lesbian", "The people shall govern", "Away with apartheid" and "Gammat watch out for petrol bombs" on the sportsground wall.

Newman was acquitted on a second charge of furthering the aims of the ANC by painting anti-government slogans on the wall of a general dealer on the same day.

He was also fined R100 (or one month) and sentenced to four months' imprisonment suspended for five years for malicious damage to property to which he pleaded guilty.

Newman said he had no intention of furthering the aims of the ANC but merely "wanted to wake up the people in the sleepy (gevrekte) little town".

One year's jail for ANC graffiti jaunt

Mr Les Rose-Innes, for Newman, said he had been reared and had attended school in Bredasdorp and the words had been "painted over" the following day.

There was no suggestion that there was any reaction to the words and the damage incurred was R25.

He said this was not an act of public violence and Newman should be given the opportunity to complete his course in computers at the technikon.

Passing sentence, the magistrate, Mr A L Laubscher, said the slogans did not have exceptional influence. "Your actions did not lead to unrest," he said.

Newman was aware of the viewpoints of the ANC. "There are certain communities who will see your actions in a more serious light than others."

"There's nothing wrong with a young man being politically active, but in this country we cannot allow you to get involved in organizations like the ANC."

Mr D J Brand prosecuted. Mr Rose-Innes was instructed by E Moosa and Associates.

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Killers 'lucky not to go to gallows'

Cap Times 25/6/85

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JOHANNESBURG. — A judge yesterday sentenced a woman and two young men to life imprisonment and six others, aged between 16 and 33, to between five and 15 years for the murder by fire two years ago of a woman alleged to be a police informer.

They were convicted of murdering Ms Maki Skosana, 23, after a funeral in Duduza on June 20, 1985. They had accused her of being a police informer.

The three sentenced to life imprisonment are Sanna Twala, 24, Linda Hlophe, 28, and Daniel Mbokwane, 23.

Most of the evidence was based on television film shot by a foreign network. The film, widely screened abroad and in South Africa, showed the young woman being burned to death.

Young men and woman, whose faces were clearly visible on the video tape screened in court, dropped large rocks on her chest as she lay writhing on the ground and screamed for help.

Mr Justice J Hartzenberg said the three sentenced for life were ringleaders and were lucky not to be sent to the gallows.

Four other adults were jailed for terms of 10 and 15 years.

A girl, aged 14 at the time of the murder, was jailed for five years, with half the sentence suspended for five years. A boy who was then 15 was jailed for 12 years.

Ms Skosana was murdered at the height of the unrest and a day before President P W Botha imposed emergency rule for the first time on June 21, 1985. — UPI

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Trial hears of burnt 'courts'

AN ALEXANDRA resident told the Rand Supreme Court yesterday he had taken a case to a "people's court" at two places in the township, only to find they had both burnt down on his return there.

The witness, who may not be identified, was testifying at the treason trial of seven men and a 17-year-old youth.

All eight have pleaded not guilty to treason and alternative charges of subversion and sedition.

The witness said he had taken his case to an address in 7th Avenue in Alexandra. He had given his particulars and had been told to return the next day. On his return he had found the place had

SUSAN RUSSELL

burnt down.

The witness said he had been told there was another place he could go to in 15th Avenue, which he went to.

There had been a large number of young men outside. He told the court he had given them the details of his case, but on returning the next day he had found that place had also been burnt down.

He said he and others had been forced by the "young men" to attend the funeral of 17 people on March 5 last year.

The trial continues today.

2 Cape Times, Friday, June 26, 1987

Death sentence for necklace 6

PORT ALFRED. — Six people were sentenced to death on Wednesday at a special sitting of the Supreme Court here for the "necklace" murder of a 19-year-old woman, Miss Nosipho Zamela, in Queens-town in December 1985.

The six people sentenced to death are: Mzwandile Gqeba, 22, Wantu Salinga, 27, Lundi Wana, 20, Them-binkosi Press Fiti, 30, Mzwandile Roro Mhlinzi, 27, and Monde Trevor Tingwe, 23.

A seventh accused, Thozamile Bacela, about 19, was convicted of murder but sentenced to 20 years.

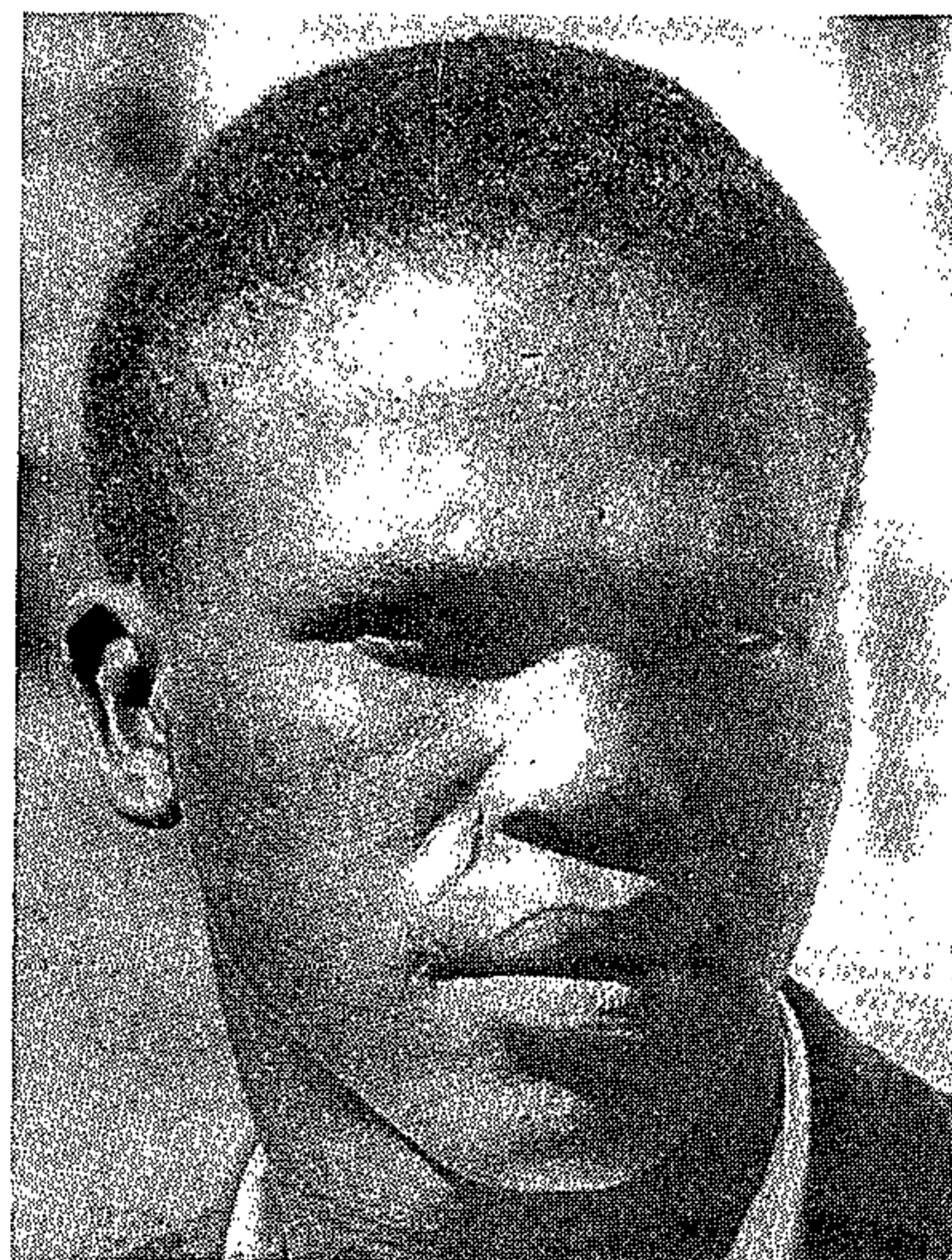
A number of other people were given prison sentences after they were convicted of assault with intent to do grievous bodily harm. — Sapa

28/6/87 11:00 AM 331

A resilient pair



Lydia Mokoena ... relieved that it's over.



Joseph Tshabalala ... he was acquitted.

By SOL MORATHI

IF Lydia Mokoena and Joseph Tshabalala weren't such resilient people the marathon murder trial of Roseline Maki Skhosana, who was beaten and burnt to death in Duduza two years ago, would almost certainly have wilted their resolve to prove their innocence.

Mokoena and Tshabalala have been sullen, gloomy and meditative for the past two years as the State eagerly wanted to establish circumstances and incidents relating to Skhosana's death.

Mokoena, 24, and Tshabalala, 27, - both of Duduza, near Nigel - were among the 11 East Rand people accused of beating, kicking, trampling, stoning and burning Skhosana to death on July 20, 1985.

She was killed for being an alleged police informer.

Both were found not guilty and discharged in the Pretoria Supreme Court last Thursday. Nine of their co-accused were found guilty and received various sentences on Wednesday.

Looking noticeably jovial, and relieved after being exonerated of the brutal murder of Skhosana, Mokoena and Tshabalala thanked God for their acquittal.

The court "proved beyond reasonable doubt" that they were not there when Skhosana was killed.

Both told the court that they were nowhere near the scene of Skhosana's death.

Mokoena said she was sick at her friend's home while Tshabalala pointed out that he was asleep at his home after drinking too much liquor at a shebeen in the township on that day.

The State had argued that they were among a group of people, seen on a video recording, assaulting Skhosana.

The recording, taken by SABC TV on the same day, was brought to court as an exhibit.

It showed a group of dancing, singing and ululating people, beating, kicking, stoning, trampling and burning the deceased to death.

The State said Mokoena was a woman in the video.

The woman on the video used her right hand while Mokoena uses her left hand. Tshabalala was said to be a man wearing a blue and white striped T-shirt, seen kicking and beating Skhosana. He denied ever having owned such a T-shirt.

Judge Hartzenberg, sitting with two assessors, found that they had given satisfactory and non-contradictory evidence.

Mokoena and Tshabalala pointed out that the police were prejudiced against them and that they were framed.

"The police, anxious and over-zealousness to find suspects and solve the case, contributed to our arrest and subsequent appearance in court," said Mokoena.

"Otherwise, I had a clear conscience that I would eventually be freed. I knew I had committed no crime."

Mokoena said the case had affected her so much that she was glad that she had finally been discharged.

Tshabalala said: "I am just glad it's all over. I have had enough of the whole thing. At least I will start to live like a person again. The whole thing had psychologically affected me, though I knew I had not committed any crime."



Simon Hlophe and Rosie Twala after the judgment.

Pic: EVANS MBOWENI

LIFE IMP FOR DUD

28/6/87 (331)

"I WONDER what will happen to me if you can sentence my son to death. I am very old and weak because of ill-health. There is no one to look after me. Though I accept he has committed a heinous crime, may your worship please spare his life."

Simon Hlophe, 53, of Duduza, foresaw the ultimate penalty hanging precariously over his son's head and that of his co-accused when he made this passionate plea in the Pretoria Supreme Court this week.

His son, Linda, as well as Matlakala Elizabeth Motaung, 28, Sannah Twala, 23, Solomon Motswagae, 28, Zanele Sobhuzi, 33, Phineas Maseko, 32, Daniel Mbokwane, 22, and two youths who may not be named, were convicted of the murder of Roseline Maki Skhosana in Duduza on July 20, 1985.

The only possible sentence for them, it seemed to everybody present, was the death penalty.



Linda Hlophe, Simon's son.



SOL MORATHI

Looking sorrowful, Hlophe pleaded with the judge not to commit his son to the gallows.

Linda, Twala and Mbokwane received life imprisonment sentences.

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Durbs dirtmen dumped

The city engineer reported back this week that the council's disposal site disposed of 1 500 tons of refuse every day and the rubbish was brought to the site by over 500 vehicles of

every shape and size.

"Scavenging will lower the standards of operation, create health problems and allow workers into an extremely unsafe work situation. The operating costs will also increase," the city engineer's report said.

"This department is totally opposed to legalising scavenging on the disposal site and will therefore recommend that there be no change from the present policy," the report added.

'Find brutal Ribeiro killers'

By SOL MORATHI

RUMBLES of discontentment were heard outside the Pretoria Magistrates' Court this week as family and friends of murdered Mamelodi doctor Fabian Ribeiro and his wife, Florence, expressed fear that their murderers would never be brought to justice.

This was after Magistrate JM Pretorius had ruled that former Rhodesian Selous Scout Noel James Robey, of Schoemansville, near Brits, was not the man who should stand trial for the murder of the couple in Mamelodi on December 1 last year.

The Ribeiro's eldest son, Chris, broke down

al for the brutal murder of his parents.

Friends of the family said that it was the duty of the police to find those responsible for the murder of the Ribeiro couple.

"We must accept that Robey was not involved," said a close relative. "But why aren't the police able to find the guilty people?"

Robey, 35, stood for a preparatory examination to determine whether he should be committed for trial.

Preparatory examinations have been used very rarely since the introduction of a new Criminal Procedure Act in 1977.

registration number KYK 899T was spotted at the scene of the crime.

However, he said that although the registration number belonged to Robey's vehicle, this could have been faked.

Pretorius also ruled that several witnesses in the examination had contradicted themselves.

The court's findings, and other records pertaining to the exam, will be referred to the Attorney-General, who has the power to overrule the court's decision.

Ribeiro, who documented the medical histories of victims of police actions, and his wife were gunned

It gets year 11 slogans

student who slogans on

but pleaded guilty to an alternative charge of malicious damage to property. Newman said his intention was not to

LIFE IMPRISONMENT FOR DUDUZA THREE

28/6/87 (331) C/Press

"I WONDER what will happen to me if you can sentence my son to death. I am very old and weak because of ill-health. There is no one to look after me. Though I accept he has committed a heinous crime, may your worship please spare his life."

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His son, Linda, as well as Matlakala Elizabeth Motaung, 28, Sannah Twala, 23, Solomon Motswagae, 28, Zanele Sobhuze, 33, Phineas Maseko, 32, Daniel Mbokwane, 22, and two youths who may not be named, were convicted of the murder of Roseline Maki Skhosana in Duduza on July 20, 1985.

The only possible sentence for them, it seemed to everybody present, was the death penalty.



Linda Hlophe, Simon Motwagae, Jacob Tshabalala and Denis Mbokwane.

Pic: PETER SETUKE



SOL MORATHI

Looking sorrowful, Hlophe pleaded with the judge not to commit his son to the gallows.

Linda, Twala and Mbokwane received life imprisonment sentences.

Motaung, Sobhuze and Maseko received ten years each.

Motswagae received 15 years and the two youths, aged 15 and 17, received two and a half years suspended for five years and 12 years imprisonment, respectively.

Judge W Hartzenberg, sitting with two assessors, remarked when passing sentence that the appropriate sentence would have been death if there were no extenuating circumstances.

After sentence was passed, the nine convicts waved to the crowd and told them not to worry as the sentence was a "minor thing".

Skhosana was beaten, kicked, trampled, stoned and burnt to death for allegedly being a police informer.

Horrifying details of her last moments are contained on a video recording taken by SABC TV near the Duduza cemetery on the day she was killed.

The recording shows the woman trying in vain to fight against her seemingly heartless killers. She was pounced upon from the

back, hurled to the ground and kicked all over as she struggled to stand up.

She was also subjected to a barrage of powerful kicks as she lay helplessly on the ground.

Her attackers also used straws, sticks, stones and an assortment of other weapons.

Her pleas for mercy and cries of pain fell on deaf ears as the crowd danced around her.

Instead, there were cries of "kill her ... she deserves it ... she is a dog," by her attackers.

As if though these inhuman acts of brutality were not enough, two huge rocks - one about half a meter in size - were banged on top of her chest. She was then set alight and weeds and twigs placed on top of the body to ignite the fire.

According to medical evidence, Skhosana died of subdural haemorrhage, cerebral contusion and a fractured skull.

The accused had pleaded not guilty, but all nine confessed to taking part in the brutal killing of the deceased.

Some cited eagerness to appear on television while others said they had participated in the killing as they were angry to hear that Skhosana was a police informer.

• See Page 5

'God'll be the judge'

By SOL MORATHI

PARENTS and relatives of nine convicted East Rand people were relieved that none of the accused received death sentences.

Though three of them were sentenced to life imprisonment and others got sentences ranging between two and 15 years, their families seemed content and happy.

Nevertheless, two of the people who were in the dock when sentence was passed - Steven Skhosana and his wife, Dinah, parents of Maki, who was brutally killed in Duduza two years ago - expressed concern.

"The court has made its decision. As far as I am concerned, justice was not done. My daughter was brutally murdered and everybody knows it. The killers deserve to die," said Skhosana.

Skhosana said Maki's killers would be judged by God as the court had failed to exercise its authority.

brutal no killers'

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Preparatory examinations have been used very rarely since the introduction of a new Criminal Procedure Act in 1977.

Pretorius said that Robey had been linked to the case because a car with the

registration number KYK 899T was spotted at the scene of the crime.

However, he said that although the registration number belonged to Robey's vehicle, this could have been faked.

Pretorius also ruled that several witnesses in the examination had contradicted themselves.

The court's findings, and other records pertaining to the exam, will be referred to the Attorney-General, who has the power to overrule the court's decision.

Ribeiro, who documented the medical histories of victims of police actions, and his wife were gunned down by unknown people as they entered the courtyard of their home.

(3571) SMN 30/6/87

Delmas treason trialists await decision on bail

By Adele Baleta

DELMAS — Thirteen men charged with high treason, murder, subversion and terrorism will hear today in the Delmas Circuit Court whether they will be released on bail after three years in custody.

This is the defence team's third bail application since the beginning of the trial in June 1985.

The six remaining co-accused are out on conditional bail of R15 000 each and three were acquitted at the conclusion of the State's case last year.

The accused — leading members of the United Democratic Front (UDF), the Azanian People's Organisation (Azapo), civic leaders and a clergyman — have pleaded not guilty to the charges which arise from the September 1984 disorder in the Vaal Triangle.

The unrest was sparked by grievances over rent increases.

The State has alleged that the UDF allied itself with the banned African National Congress (ANC) and the SA Communist Party to overthrow the Government.

NOT CONNECTED WITH PRESENT VIOLENCE

Mr George Bizos, SC, for the defence, argued yesterday that there was no likelihood the accused would take part in any act which would offend the State should they be released on bail. There was no causal connection between present isolated acts of violence and the accused, he said.

"Are the accused to be held hostage because people in the Vaal Triangle are today refusing to pay their rent? Millions of rands have not been paid. What has this got to do with the accused?"

In response to the State's submission that the men would probably not stand trial if released on bail, Mr Bizos said: "The commitment of the accused to the country is not to be doubted. They have made a public stand. Are they going to show the public of South Africa that they have become fugitives from justice?"

There were 118 alleged co-conspirators, some of whom held high positions in the UDF, who were free to continue their activities.

Some of them even came to court from time to time to listen to the proceedings, Mr Bizos said.

"One's sense of justice is offended when people who are said to be members of a conspiracy and who only played minor roles are in custody on the grounds that they will threaten the maintenance of law and order if released on bail."

"Is Popo Molefe (UDF general secretary) going to be cross-examined at length about documents while the authors are sitting in the courtroom watching the cross-examination?" he said.

Opposing bail, the State said the UDF was founded by the ANC.

In response, Dr Tom Lodge — a leading academic in political studies — said in papers before the court that both UDF and ANC officials had denied the ANC was responsible for the formation of the front.

Regarding a Radio Freedom broadcast in which the SABC claimed the ANC had, for the first time, admitted responsibility for the front's formation, Mr Lodge said he did not know the identity of the broadcaster or whether he was authorised to speak on behalf of the ANC.

"In the transcript of the broadcast, the ANC uses both 'we' and 'our' in a very broad sense to associate itself with almost any manifestation of mass opposition inside South Africa, regardless of whether it is directly involved or not."

"The use of the word 'our' referred generally to 'the people of South Africa'," he said.

Mr P H Fick, SC, for the State argued that there were extensive anti-apartheid campaigns in the Vaal and the country. The defence had not shown that the accused would not take part if set free.

Replying, Mr Bizos said the security situation had vastly improved.

In minutes Beatings are alleged

A WITNESS told an inquest hearing yesterday that he had heard sounds of beatings from a garage where former UDF leader, Mr Peter Nchabeleng, had been taken to by riot policemen.

Chief Molohe Richard Nchabeleng (39), said he later saw Mr Nchabeleng being escorted to the magistrate's office. "He did not look well. He was walking as if he was drunk, staggering", he said.

By MATHATA
TSEDU

Chief Nchabeleng said he had earlier been taken to the same garage where he was assaulted by more than five policemen using sjamboks.

The chief was a family witness in the inquest into the death of Mr Nchabeleng which is being held in Seshego near Pietersburg. Mr Nchabeleng died at the Sekhukhune police station on April 11 last

year — less than 12 hours after being arrested.

A postmortem report revealed that he had died of bleeding and suffocation induced by severe beatings.

Chief Nchabeleng said he was arrested on April 10 last year and kept at the Sekhukhune police station charge office for the whole night without food.

He was sjambokked in the charge office, before being taken to the garage

where more beatings took place. The following morning he was assaulted again, he alleged.

He said he had seen Mr Nchabeleng again after he had been to the magistrate's office. "He was looking dull but I did not have an opportunity to talk to him. I was called out shortly after he was brought in. He sat on the floor after he was brought in," he said.

(Proceeding)

Sight & Sound College and North College

331 Sanetun 30/6/87

Court goes into recess

331
30/6/87

THE treason trial involving seven men and a 17-year-old youth from Alexandra Township was yesterday postponed to August 3.

They are appearing before Mr Justice H Grosskopf. The court will be on recess until August 3. The court has so far heard evidence from 20 witnesses.

Treason

The eight are charged with treason, alternatively subversion and sedition. They have all pleaded not guilty.

The State alleges they committed the offences during the outbreak of unrest in Alexandra Township between January and July last year.

Leading evidence for the State are Mr E du Toit and Mr Z.J van Zyl and leading the defence team is Advocate T Beckerling.

Delmas 13 will know fate today

A DECISION on the bail application by 13 of the 19 men in the Delmas treason trial will be given today.

Six of the trialists were granted bail of R15 000 each last November while the remaining 13 were refused bail.

Of the original Delmas (22), three were acquitted in November last year.

The 13 include office bearers of the United Democratic Front and members of the Vaal Civic Association (VCA) and a member of the Azanian Peoples' Organisation.

In legal argument, Mr George Bizos, SC, said there was no logical basis to distinguish the position of the accused in custody who had previously been refused bail and the six accused who had been granted bail.

He added that the UDF was a lawful organisation and this had been conceded by a senior Cabinet Minister, Mr Stoffel van der

By ALI MPHAKI

Merwe.

The Minister had said UDF was free to participate in the proposed National Counsel.

The trial is a sequel to

the violence which broke out in the Vaal Triangle in September, 1984. Yesterday's bail application was the third since the beginning of the trial two years ago.

Bail for terror trial 10

331

EP
30/6/87

DELMAS — Ten anti-apartheid activists, on trial for 18 months in South Africa's biggest recent treason case, were granted bail today, but three others remained in custody.

They are among 19 dissidents who face a possible death penalty on charges including treason, murder, terrorism, subversion and furthering the aims of the banned African National Congress (ANC) guerilla movement.

They are expected to be freed later today.

Six others were released on bail last November.

Relatives and well-wishers in court in this sleepy Eastern Transvaal town were jubilant when Judge Kwem Van Dijkhorst said the 10 would be freed on R15 000 bail under stringent conditions.

They are required to report twice a day to their local police station, are forbidden to attend political meetings, and have had their passports withdrawn.

The accused had applied unsuccessfully for bail twice before.

Bail was refused for three of the most prominent defendants, Popo Molefe, Patrick Lekota and Moss Chikane. All are officials of the United Democratic Front.

Explaining his decision to refuse bail to the three, the judge said they posed a danger to the security of the state.

He said there was still a revolutionary climate in black townships where 2 500 people had been killed in political violence since 1984.

The trial began in January, 1986, with 22 dissidents in the dock.

Three were freed last November for lack of evidence.

The charges arise from political unrest which erupted in the townships of the Vaal Triangle, south of Johannesburg, in September, 1984.

The accused have all pleaded not guilty. — Sapa-Reuter

7 'PAC MEN' ON TRIAL

By MONK NKOMO

A MAJOR political trial involving seven alleged members of the banned Pan Africanist Congress starts in the Pretoria Magistrate's Court tomorrow.

The seven accused, including two alleged members of Qibla — a Moslem organisation — face 24 charges of terrorism, attempted murder, defeating the ends of justice and being members of an outlawed organisation. The trial is scheduled to last for several weeks.

The accused are Mr Mabatun Enoch Zulu (52), Mr Siyabulela Ndoda Gcanqa (26), both of Transkei, Mr Vincent Alson Mathunjwa (29), of Springs, Mr Sidziba Paul Mohlolo (29), of Johannesburg, the Rev Daniel Nkopodi (27), an AME priest in Bophuthatswana, Mr Achmad Cassem, a draughtsman and Mr Yusuf Patel, both of Cape Town.

They appeared briefly before Mr J H Bekker. They were not asked to plead and the case was postponed to this morning.

Lawyers for the accused — Mr Dikgang Moseneke, Mr G van Tonder and Mr A M Omar — asked for the postponement to study particulars submitted by the State last week.

The State alleges that Mr Zulu, Mr Gcanqa, Mr Mathunjwa and Mr Mohlolo joined the PAC in 1960 and received military training in Egypt, Yugoslavia, Zimbabwe and Tanzania.

The four accused and other unknown members or supporters of the PAC are also alleged to have entered South Africa during 1985 and April 1986, carrying semi-automatic rifles and handgrenades.

The State alleges that Mr Zulu, Mr Gcanqa, Mr Cassem and Mr Patel contacted a member of Qibla, a Moslem organisation, in connection with the supply of weapons to fight the government. Both Mr Cassem and Mr Patel were members of Qibla.

Letters

The State alleges that Mr Nkopodi acted as a courier and

- Smuggled cash, letters, arms and ammunition into South Africa from Botswana to be used by trained PAC members in sabotage attacks;

- Helped trained PAC members to enter the country illegally, and

- During March or April last year he bought a car in Brits with PAC funds. The car was to be used to promote the aims of the PAC.

The State also alleged that Mr Cassem and Mr Patel helped a certain Mr Hanief Sayed, a murder accused to leave the country during November or December, 1985. The alleged murderer was driven to Gaborone by Mr Patel, according to the charge sheet.