

TOTALITARIANISM — DETENTION

1984

MARCH — MAY.

RAM 11/3/84 (329)

Personality change alleged

Court told of prison's effect on detainee

By JOHN MOJAPELO
Pretoria Bureau

THE former president of the National Union of South African Students showed signs of a personality change after his release from 289 days' detention, the Pretoria Supreme Court heard yesterday.

Mr Auret van Heerden, 29, of Johannesburg, was described as having been an easy-going, even tempered, very likable, humorous and sociable person before he was detained on September 24, 1981.

He was released on July 9, 1982, without having been charged.

Mr Justice C F Eloff was told Mr Van Heerden had become intolerant, impatient, detached, and withdrawn and no longer enjoyed life after his release from detention.

Mr Van Heerden is suing 10 security policemen for R113 000 damages as a result of his alleged maltreatment and torture while held by Security Police at the Pretoria Central Prison, Sandton police station, John Vorster Square and Benoni police station.

Mr Van Heerden alleged he had been tortured by a group of security policemen at the Benoni police station on the nights of November 18 and 19, 1981.

His personality had changed after the detention.

Mr Van Heerden, who has been cross-examined for eight days, was again questioned about his relationship with Major Craig Williamson.

Mr Van Heerden said he stood by his earlier evidence that Maj Williamson had two main reasons for falsely stating that he (Mr Van Heerden) had worked as a police spy.

"For a number of years, about three or four years, I and some people like Barbara Hogan

and Cedric de Beer wanted to expose him as a Security Police spy. The second reason is that as a representative of the Security Police he is committed to suppress and disorganise the kind of political activities I am involved in," Mr Van Heerden said.

Mr Van Heerden, who is a regular runner and took part in an average of 30 marathon races a year, said his training as a marathon runner would not have enabled him to withstand the torture by the Security Police.

He said he had been able to withstand the torture when he had thought of his friends who had undergone the same torture and had not wanted to betray their trust.

Mr Alan Glover, 29, who was in the same class as Mr Van Heerden at Jeppe High School when they were in Standard 9 and matric, said they were close friends.

Mr Glover, who is a draughtsman with Anglo American Corporation, said they had bunked classes and failed Standard 9.

Mr Van Heerden had been an easy-going, even tempered, very likable person and had enjoyed social activities.

He had met Mr Van Heerden twice after his release from detention.

"He seemed withdrawn, very reserved and had lost the sense of humour he had, after his release from his detention," Mr Glover said.

Mr Van Heerden is to call a psychiatrist and a psychologist to testify on his personality change after his release from detention.

The action is brought against Lieutenant-Colonel Arthur Benoni Cronwright, Major Stephanus Abrie, Maj J N Visser, Maj P P Olivier, Warrant-Officer D J Fourie, W/O Lawrence Prince, Captain Andries Struwig, Capt P Botes, Lieutenant Hendrik Pitout, and Lieut Johan van Aswegen, who is no longer a policeman.

The hearing continues today.

D. M. ha. 1384

9 Mgwali residents to sue Ciskei for detention

(329)

EAST LONDON — The nine Mgwali residents who were detained by Ciskei police a fortnight ago are intending to sue the Ciskei Government for damages Mr G. Budlender, an attorney with the Johannesburg Legal Resources Centre, said yesterday.

Mr Budlender said he had been instructed by the residents concerned to sue the Ciskei Government for "about R5 000" for each of the nine men.

The residents were proceeding with the action because they felt that the raid was illegal. Mr Budlender said one of the lawsuits would contain allegations of assault.

Mr Budlender said he did not know where the cases would be heard but expected it would be in the Grahamstown Supreme Court. He said it would be some time before the claims were brought and that indi-

vidual officials in the Ciskei Government would be issued with summons.

The residents of Mgwali are due for resettlement at Frankfort in Ciskei. The Mgwali Residents Association, which claims the support of 90 per cent of the residents, are opposing the move.

— DDR

11/3/84

Detainee's (329) 'character changed'

PRETORIA. — Former president of Nusas and ex-detainee Mr Auret van Heerden showed signs of personality changes after his release from 289 days in detention, it was said in the Supreme Court here yesterday.

The court heard that Mr Van Heerden, 29, of Johannesburg, had been easy-going, even-tempered, lively, humorous and sociable before he was detained on September 24, 1981.

After his release on July 9, 1982, without having been charged, he was intolerant, impatient, detached, withdrawn and no longer enjoyed life, the court heard.

Torture claim

Mr Van Heerden is suing ten security policemen for R113 000 damages for alleged maltreatment and torture while he was held by the security police at the Pretoria Central Prison, Sandton police station, John Vorster Square and Benoni police station.

Mr Van Heerden alleges he was tortured by a group of security policemen at the Benoni police station on the nights of November 18 and 19, 1981.

Mr Alan Glover, 29, a former school friend of Mr Van Heerden's, said Mr Van Heerden had been an easy-going, even-tempered person who enjoyed social activities.

He had met Mr Van Heerden twice after his release from detention. "He seemed withdrawn

and very reserved."

Mr Keith Coleman, 23, who was detained for five months, said he had known Mr Van Heerden for about ten years.

During one interrogation session, Lieutenant-Colonel Arthur Benoni Cronwright had told him that Mr Van Heerden had lain on the floor and cried like a baby, and had told the security police the truth.

Before his detention Mr Van Heerden had been a good friend. He had been outgoing, patient, tolerant and sensitive to other people. Mr Coleman said Mr Van Heerden had become intolerant of other people and impatient.

Before Mr Van Heerden left the witness box after giving evidence and being cross-examined for eight days, he was questioned again yesterday about his relationship with Major Craig Williamson.

Police spy

Mr Van Heerden said he stood by his earlier evidence that Major Williamson had two main reasons for falsely stating that Mr Van Heerden had worked as a police spy.

"For a number of years, I and people like Barbara Hogan and Cedric de Beer wanted to expose him as a security-police spy. The second reason is that, as a representative of the security police, he is committed to suppress and disorganize the kind of political activities I am involved in," Mr Van Heerden said.

Benoni held as threat to detainee, court told

Pretoria
Correspondent

Evidence was led in the Pretoria Supreme Court damages claim yesterday against 10 security policemen to show a "specific connotation" was attached to Benoni, where Mr Auret van Heerden was allegedly tortured.

A close friend of Mr van Heerden, Mr Keith Coleman, said that while he was in detention Captain A A Struwig was not satisfied with certain answers he gave.

The captain told him he had had "enough chance" and was going

to be taken to Benoni, he said. But this never happened.

Mr Coleman said that in October 1981 the Security Police had raided his flat and detained his flatmate. Expecting to be detained himself, he reported to John Vorster Square. But it was Sunday and there were no security policemen around so he returned the next day. He was detained for five months.

He said that before Mr van Heerden was detained he was a good friend, easy to relate to and an outgoing and lively person.

But since his detention he had remained "on the outside of things".

A former school friend, Mr Alan Glover, told the court how he, Mr van Heerden and another friend had played truant and had once spent the day at Kyalami instead of going to school.

After Mr van Heerden was released from detention, they lunched together once. Auret, whom he had known as an easygoing person, seemed withdrawn and reserved and had lost his sense of humour.

The hearing is continuing.

ARGUS 2/3/84

PARLIAMENT

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'Give detainees more protection'

Parliamentary Staff

MRS HELEN SUZMAN has demanded that security police detainees held under laws affecting ordinary criminals should have the additional protection granted to detainees held under the security laws.

The demand follows the recent conviction of a security policeman, Sergeant Jan van As, on a charge of culpable homicide after he shot and killed Mr Paris Malatsi.

Mr Malatsi had been detained in terms of the Criminal Procedure Act and not the Internal Security Act.

Replying to questions asked by Mrs Suzman in Parliament, the Minister of Law and Order, Mr Louis le Grange, said people detained in terms of the Criminal Procedure Act were held for a limited period of 48 hours and the directives concerning the detention of people in terms of this Act "are considered adequate".

"No record kept"

He said he would not consider introducing a code similar to that used in the detention of people under the Internal Security Act.

He could not reply to another question about the number of people detained by the security police under the Criminal Procedure Act, as "no record is kept of the particular branch of the S A Police detaining people in terms of this section".

In a statement, Mrs Suzman said she was not satisfied with Mr le Grange's reaction and would raise the issue in Parliament during the police vote.

"A great deal can happen in 48 hours. A great deal did happen to Mr Malatsi, who died at the hands of a security policeman.

"Anyone detained by the security police and taken in for questioning should be protected by the code adopted last year," she said.



Mrs Helen Suzman



Mr Louis Nel

Bid to isolate SA has failed — Nel

Parliamentary Staff

THE CAMPAIGN to isolate South Africa has failed and the country is accepted by the Western international community as an important and valued partner, according to the Deputy Minister of Foreign Affairs, Mr Louis Nel.

Mr Nel gave his views in Cape Town yesterday when he addressed the National Party women's club.

He said: "It can be stated as a categorical fact that South Africa's enemies have not so far been able to succeed in isolating us. What is more, I am convinced

that their efforts will not succeed in future either."

Mr Nel's assertion suggests that cries of "total onslaught" by other Nationalist leaders may have been overdone.

He told the club that South Africa's enemies had indeed scored some high-profile successes, such as having it excluded from the Olympic Games and certain international organisations. But the enemies' failures were astounding.

South Africa was officially represented in "at least 45 countries" and this exposed as ridiculous the UN resolution which demanded that all diplomatic relations should be broken.

Auret a changed person — mother

Argus Correspondent

PRETORIA. — The parents of a former security police detainee have told a Pretoria Supreme Court judge how, after succeeding in desperate attempts to secure his release, they found him a changed person.

The ex-detainee, Mr. Auret van Heerden, is claiming R113 000 in damages from 10 security policemen in connection with allegations of torture and assault during 289 days in detention from September 24, 1981 to July 9, 1982.

Mrs. Roma van Heerden, a petite, grey-haired woman, said her two sons, Auret and Clive, had spent happy childhoods.

Auret wrote poetry as a boy, played a lot of sport, read avidly, and served on the Johannesburg Junior City Council.

"Fun-loving"

"Before his detention he was a fun-loving person who really enjoyed life. He had the most beautiful laugh, and used to laugh readily.

"Since his release from detention he is like a stranger in the house. One is scared to go near him. We wait for him to talk and are not sure if he will be offended or annoyed if we play family tricks on him. He doesn't laugh much any more.

"He has become obsessed with what he eats. All his food has to be scientifically cooked, and he is a vegetarian. He has become almost anorexic. His weight and eating habits are a major issue in his life. He sleeps erratically, and I have seen him jerk and convulse in his sleep as if he has had a shock treatment.

"Auret is petrified that he will be assassinated. He won't go out of a door first or be near a window, and he doesn't like being alone," she said.

Parents tell how detention changed son

By Sheryl Raine
Pretoria Bureau

The parents of a former Security Police detainee yesterday told a Pretoria Supreme Court judge how they had tried to secure their son's release and how, when they had succeeded, they found him to be a changed person.

The former detainee, Mr Auret van Heerden, is claiming R113 000 in damages from 10 security policemen in connection with allegations of torture during the 289 days he spent in detention from September 24 1981 to July 9 1982.

Mrs Roma van Heerden told Mr Justice Eloff that her two sons, Auret and Clive, had a happy childhood.

FUN-LOVING

She said that Auret used to write poetry, played a lot of sport, read a great deal and served on the Johannesburg Junior City Council.

"Before his detention he was a fun-loving person who enjoyed life and used to laugh readily," she said.

"Since his release from detention he is like a stranger in the house. We are scared to go near him. We wait for him to talk and are not sure if he will be offended or annoyed if we play family

tricks on him. He doesn't laugh much any more.

"He has become obsessed with what he eats. All his food has to be scientifically cooked and he is a vegetarian. He has become almost anorexic. His weight and eating habits are a major issue in his life. He sleeps erratically and I have seen him jerk and convulse in his sleep as if he were having shock treatment.

"Auret is petrified that he will be assassinated. He won't go out of a door first or be near a window and he doesn't like being alone."

STRAIN

Mrs van Heerden described the strain she and her husband had experienced towards the end of 1981 when both her sons were in detention.

She said the Security Police had allowed her to see Clive but had not allowed her to see Auret from September 24 1981 to December 17.

Mr Dennis van Heerden, a SAAF-trained pilot, told the court that he had hired attorneys, written to the Minister, sent telegrams to influential people including Mrs Helen Suzman, written to the Attorney-General of the Transvaal and approached General Johan Coetzee to get permission to see Auret.

"At one point I had a heated discussion with

Brigadier Muller at John Vorster Square and I suggested that there was a sinister motive in not allowing us to see Auret. For all I knew they could have killed him. I suggested that I be allowed to just peep through a key hole to see that he was alive but this was refused," he said.

During their first visit to see Auret on December 17 both parents noticed a red mark on his nose and a swelling on his cheek.

At a later meeting with Auret on January 21 1982 the detainee told his father that his interrogation had been "round the clock and intensely physical".

SHAKING

On July 9 1982 Mrs van Heerden said she went to see her son who was still in detention at John Vorster Square. He was shaking and had tears in his eyes.

"I realised that he had reached breaking point," she said.

She said she insisted that he be taken to see a doctor or a psychiatrist.

"A Colonel Olivier said he didn't think there was anything wrong with Auret and a Sergeant Joubert tried to make me go home. I was adamant that Auret could not stay any longer and later that day Colonel Olivier arranged for his release."

The hearing continues.

~~11~~ (329) Hansard Q.61.451
Soweto: detention of pupils
2/3/84

*15. Prof N J J OLIVIER asked the Minister of Law and Order:

Whether any pupils of a Soweto high school were detained by the South African Police on or about 23 February 1984; if so, (a) how many pupils, (b) under what statutory provision, (c) by what branch of the South African Police, (d) where are they being held and (e) at which school are they pupils?

The MINISTER OF JUSTICE (for the Minister of Law and Order):

Yes.

- (a) Three.
- (b) In terms of section 50(1) of the Internal Security Act, 1982.
- (c) Security Branch.
- (d) Johannesburg Prison.
- (e) Ibhongo High School.

Suzman Police ^{Cap. Tsh} _{2/3/84} decision ⁽³²⁹⁾ ₃₂₉ on code disturbing

Political Staff

HOUSE OF ASSEMBLY

— The police decision not to apply the interrogation code to Criminal Procedure Act detainees was criticized yesterday by Mrs Helen Suzman (PFP Houghton).

Mrs Suzman described the police decision as "disturbing".

She was reacting to a reply given to a question by the Minister of Law and Order, Mr Louis le Grange, who said the existing safeguards were "adequate" for Criminal Procedure Act detainees who could not be held longer than 48 hours.

The interrogation code is applicable to detainees held under the Internal Security Act.

Mrs Suzman said it was disturbing to learn that detainees held by the security police under the Criminal Procedure Act were not subject to the interrogation code which had been laid down to protect people held under the Internal Security Act.

A lot of interrogation and intimidation can take place in the 48 hours for which people may be held in terms of Section 50 of the Criminal Procedure Act — and indeed death can occur, as the case of Paris Malatsi illustrates vividly.

Mrs Suzman said she would raise the matter later when the Law and Order vote was debated in Parliament.

Detainee complains of fly-infested cells

BISHO — A magistrate visiting a detainee at the Phunzana police cells near Mount Coke, was told that his cell was unhealthy and infested with flies because of the bucket system used for sanitation, the Supreme Court here was told yesterday.

A senior magistrate in the Zwelitsha district, Mr M. Z. Ngoqo, said that he visited Mr Colin Sebe while he was detained at the Phunzana police cells. Mr Sebe complained that his cell was unhygienic.

The toilet facilities were poor in that he had a bucket in his cell. This resulted in it being infested with flies. There was also no lighting system. His cell was dark at night. He asked to be transferred to any police cells that had electricity and better toilet facilities.

He had complained of flu because of a broken window pane.

Mr Ngoqo was giving evidence in the trial of five former members of state security charged with terrorism, intimidation and attempted murder.

Mr Ntobeko Mlotana, Mr Khambashe Sebe, Mr

Mbulelo Xaba, Mr Colin Sebe and Mr Ton Sebe have pleaded not guilty to all the charges.

Mr Ngoqo denied that Mr Colin Sebe had complained of assault and torture to make a statement.

He said that on subsequent visits to Mr Sebe, he complained that his complaints had not been attended to.

Mr Sebe complained of back and kidney pains and headache. He said he sometimes felt dizzy. Later he complained that his nervous system was not functioning properly. He also complained of a diet which he said was deteriorating. He ate samp daily and bread had improved and was not as stale as it used to be.

When defence counsel asked Mr Ngoqo for copies of his reports on the visits, prosecution counsel pointed out that in terms of section 26 of the National Security Act, no-one was entitled to information given by a detainee except with the permission of the Minister of Justice.

Mr Justice Erasmus agreed that the contents of such documents should not even be disclosed in court but said that in the interest of

justice they should. He asked counsel to obtain the permission from the Minister.

The court had to adjourn to enable prosecution counsel to get the permission which it obtained.

Warrant-Officer Mado-da Sigabi told the court that he was asked by Captain Z. Ngwanya to tell Mr Khambashe Sebe when he saw him he would like to see him. He met him at King William's Town and passed the message.

Mr Sebe then drove to police headquarters in Zwelitsha where he was arrested. He denied that he arrested him in King William's Town.

Dr G. M. Peer, part-time district surgeon, told the court he examined Mr Colin Sebe while in detention. He had complained of body pains and backache. On his second visit he complained of abdominal pains, weakness, and loss of appetite. He also complained that food in the cell was not good enough and about conditions in his cell.

On a third visit he looked depressed and told him he had not eaten for six days. He decided he should be admitted to the Cecilia Makiwane Hospital in

Mdantsane for observation.

Dr Liziwe Kwinana of Cecilia Makiwane hospital said he saw Mr Colin Sebe in hospital. He told her he was once involved in an accident. He never complained of police assaults.

Mr Lamla Makaba, a magistrate at Middledrift, said he visited Mr Toni Sebe while in detention. He never complained of any assaults. He never said he had been forced to make a statement or that he wanted to make a statement to a magistrate.

Under cross-examination by the defence, he said that Mr Harvey Tamsanga, who was detained together with Mr Sebe, had told him of a threat, but he could not remember by whom.

Mr Makaba was asked by Mr Justice Erasmus if he recorded statements of assaults mentioned by detainees, if he regarded threats as serious and whether he acted on them.

Mr Makaba said he regarded them as serious. He recorded such reports and reported them to the Director General for Justice.

The trial continues today. — DDR.

Possible breach of atomic Act

The Star Bureau 329
WINDHOEK

— The British national, Mr Richard Alun Roberts (35), who was detained under Namibian security legislation earlier this week had still not been charged by early today.

2/3/84
A spokesman for the Security Police in Windhoek said investigations into a possible breach of

the Atomic Energy Act were continuing.

Mr Roberts was detained in terms of security proclamation AG9 on Wednesday, after "confidential" documents, suspected to have come from the Rossing uranium company, were allegedly found in his possession.

The New York-based Welshman is the author

of a booklet entitled "The Rossing file", which was published five years ago.

It exposed the secret operations of Rossing — the massive uranium mining operation in western Namibia.

In terms of proclamation AG9, Mr Roberts — the first foreign national held under this law — may be held for periods of 30 days, without recourse to trial.

Call for release of unionist

Sunday 2/3/84

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THE International Confederation of Free Trade Unions has asked the South African Government to drop charges of holding an illegal meeting against a prominent black trade unionist, Mr Skakes Sikhakhane.

Mr Sikhakhane, the general secretary of Food and Beverage Workers' Union, was arrested outside Chubby Chicks company near Potchefstroom last Thursday after travelling to the plant after a dispute there.

About 26 workers were also held by police who say that they will

appear in court within a fortnight.

In a telegram sent to the Director-General of the Department of Manpower, Dr Piet van der Merwe, the ICFTU said they were concerned over the reported arrest of Mr Sikhakhane.

"Arrests of trade unionists for their union activities which are in total accordance with ILO convention and recommendations, negate South Africa's labour reforms which we understand were aimed at bringing South African legislation more in line with internationally re-

Labour news

cognised labour standards, guaranteeing freedom of association and freedom of assembly.

"We request Sikhakhane's immediate release, dropping of all charges and freedom to pursue his trade union activities," the telegram said.

• About 600 workers at Smith and Nephew Textile Company in Pinetown yesterday entered the third day of a strike in support of a wage demand.

The branch secretary of the National Union of Textile Workers, Mr Isaac Ndlovu, yesterday said that the workers were demanding a weekly basic pay increase of R12,50 across the board and the scrapping of a productivity bonus scheme.

The company had agreed to give an increase of R7,82 in basic pay and a R2,10 productivity bonus increase—a combined increase which fell short of the workers' demand.

• A meeting to review a two-week-old strike at Dairy-Maid company was postponed to Sunday in Pretoria yesterday.

Psychiatrist backs charges of torture

By JOHN MOJAPelo
Pretoria Bureau

DESCRIPTIONS of alleged torture and threats on the former president of the National Union of South African Students (Nusas), by the Security Police while in detention for 289 days, were "generally accurate", said a United States psychiatrist in the Pretoria Supreme Court yesterday.

Dr Louis Jolyon West, from the University of California, Los Angeles, gave evidence before Mr Justice C F Eloff in an action brought by Mr Auret Dennis van Heerden, 29, against ten security policemen.

Mr Van Heerden, of Johannesburg, is suing the security policemen for R113 000 for alleged maltreatment and torture while in detention from September 24, 1981 to July 9, 1982.

The alleged maltreatment and torture took place at the Pretoria Central Prison, Sandton Police Station, John Vorster Square and Benoni Police Station.

Dr West is the professor and chairman of the department of psychiatry and bio-behavioural science at the University of California and a specialist on the after-effects of torture on detained prisoners-of-war.

He examined Mr Van Heerden in Johannesburg from September 5 to 9, last year.

He said Mr Van Heerden's descriptions of treatment during his nine-and-a-half month detention — of general isolation, denial of visitors and mail most of the time and subjection to a variety of physical and psychological abuse — met with the definitions of torture.

Mr Van Heerden, who needed approximately 200 hours of intensive psychotherapy over a period of two years, showed symptoms of post-traumatic stress disorders.

"If treatment is reasonably successful, some symptoms may disappear, others improve, but a few may persist indefinitely as mental scars," Dr West said.

"In my judgment as a psychiatrist, descriptions of being threatened and tortured by certain of his captors would appear to be generally accurate.

"If any inaccuracies are discovered, they are likely to be in regard to details of times, places, and persons present, rather than in matters of substance."

Dr West said there may be minor inconsistencies or omissions in his account, even of painful or frightening experiences, as a result of partial repression or a type of "patchy amnesia" common among torture victims. The psychiatrist said his observation of Mr

Van Heerden in the witness box during seven days was a "remarkable performance of memory... highly consistent with the experienced clinician's observations in authenticated cases".

Mr Van Heerden showed numerous manifestations of emotional damage, which was consistent with his accounts of having developed fearfulness, exaggerated and startled reactions or jumpiness, insomnia, nightmares, impaired concentration, restlessness, and apprehensiveness about most people, including friends, said Dr West.

He found Mr Van Heerden fairly depressed, with a strong behavioural reaction against the depression, with a compulsion to keep constantly occupied to the point of exhaustion.

"He virtually never laughs, and even his polite smiles are dutiful rather than spontaneous — this in a man who was known previously for his boisterous good humour and frequent infectious laughter," Dr West said.

"These experiences, together with a constant state of apprehensiveness, make for a sense in him of being constantly on guard.

"This requires a degree of alertness and preparation to meet the unknown threat, rendering physical relaxation very difficult, even in a perfectly safe environment," Dr West said.

During the sessions, he observed exaggeratedly startled reactions of typical post-traumatic quality in Mr Van Heerden, he said.

"The level of intensity was mild to moderate, manifested by a rapid muscular jerking movement, rapid pulse, and dilation of pupils of the eyes," he added.

Psychological tests placed Mr Van Heerden with an IQ of 120, in the "superior" range.

Dr West, who has a 20-page curriculum vitae, said Mr Van Heerden's medical history prior to his detention was essentially "non-contributory" to the symptoms that developed during and after the detention, save for his peptic ulcer.

Dr West said Mr Van Heerden should have received psychiatric treatment after his release from detention.

Mr Van Heerden is bringing the action against Lt-Col Arthur Benoni Cronwright, Major Stephanus Abrie, Major J N Visser, Major P P Olivier, Warrant-Officer D J Fourie, WO Lawrence Phillip Prince, Captain P Botes, Lt Hendrik Pitout and Lt Johan Van Aswegen, who is no longer a policeman.

Mr Sydney Kentridge SC, Mr J Browde SC, and Mr B H Trengone appeared for Mr Van Heerden, Mr H Z Slomowitz SC, Mr J Burger and Mr J Gautsch appeared for the Security Policemen.

The hearing continues on Monday.

EAST LONDON — The questioning of an East London attorney by Ciskei security police and the serving of a subpoena on him have been referred to the Law Society of the Cape.

The attorney, Mr Denis Kirk, was questioned at the security police headquarters at Bisho on Thursday.

"I was questioned on confidential matters relating to the affairs of one of my clients," Mr Kirk said.

"I refused to answer these questions because

Law society told of Ciskei action

3/3/84
329 D. Dispatch

certain confidential communications between a client and his attorney are privileged.

"This means that no one can force an attorney to disclose the contents of such communications unless the client himself waives the privilege."

Mr Kirk said that he

had, in the interests of his client and in the interests of justice, referred the matter to the Cape Law Society

"If an attorney is to give of his best to a client, he must not feel that he is being threatened by police action and possible imprisonment," Mr Kirk said.

Accordingly, he had

asked the law society to intervene.

Mr Kirk has received a subpoena requiring him to answer questions about a certain tape recording. He is required to appear before a magistrate at Zwelitsha on March 9 and faces a possible prison sentence if he refuses to answer the questions. — DDR

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'Torture man's memories vivid' — psychiatrist

PRETORIA. — Descriptions of alleged torture and threats against the former president of the National Union of South African Students while he was in detention for 289 days, were "generally accurate," a United States psychiatrist said in the Pretoria Supreme Court yesterday.

Dr Louis Jolyon West, from California, gave evidence before Mr Justice CF Eloff in an action brought by Mr Aurret Dennis van Heerden, 29, against 10 security policemen.

Mr Van Heerden, of Johannesburg, is suing the security policemen for R113 000 for alleged maltreatment and torture while in detention from September 24, 1981 to July 9, 1982.

The alleged maltreatment and torture took place at Pretoria Central Prison, the sandton police station, John Vorster Square and the Benoni police station.

Dr West, who is professor and chairman of the Department of Psychiatry and Bio-behavioural Science at the University of California, Los Angeles, examined Mr Van Heerden in Johannesburg from September 5-9, last year.

He said Mr Van Heerden's descriptions of isolation during his 9½ months' detention, denial of visitors and mail, and subjection to a variety of physical and psychological abuse met the definitions of torture.

Mr Van Heerden's psychological and psychiatric illness developed during and after detention, Dr West said.

"In my judgment as a psychiatrist, his descriptions of being threatened and tortured by certain of his captors would appear to be generally accurate," he added.

"If any inaccuracies are discovered they are likely to be in regard to details of times, places, and persons

present, rather than in matters of substance. His clear or vivid memories, even of irrelevant details, are likely to prove very accurate."

Dr West said there might be minor inconsistencies or omissions in his account, even of painful or frightening experiences, as a result of partial repression or a type of "patchy amnesia" common among torture victims.

Dr West, who is a specialist in the after-effects of torture on detained prisoners-of-war, said the experience of Mr Van Heerden at the Benoni offices of the security police was the classic method used by North Vietnamese captors on Americans — shackling a wrist to an ankle.

He said Mr Van Heerden had given a "remarkable performance of memory" in the witness box.

"He gives details which would be unnecessary to a false or exaggerated account, or even contrary to a layman's view of what a torture victim should have experienced, but which are highly consistent with the experienced clinician's observations in authenticated cases," Dr West said.

Mr Van Heerden showed numerous manifestations of emotional damage.

"He virtually never laughs, and even his polite smiles are dutiful rather than spontaneous — this in a man who was known previously for his boisterous good humour and frequent infectious laughter," he said.

Mr Van Heerden is bringing the action against Lieutenant-Colonel Arthur Benoni Cronwright, Major Stephanus Abrie, Major JN Visser, Major P P Olivier, W/O D J Fourie, W/O Lawrence Phillip Prince, Captain P Botes, Captain A Struwig, Lieutenant Hendrik Pitout, and former police lieutenant Johan van Aswegen. The hearing continues on Monday. — Sapa

SECOND WEEK IN THE 'TORTURE IN DETENTION' ALLEGATIONS CASE

The 289 days that turned a son into a stranger

VAN HEERDEN'S
FATHER TELLS
OF CHANGES

By STEPHANIE VENTER

IT TOOK 289 days to change Mr Auret van Heerden from a fun-loving, sociable and jovial person into a tense, irritable, young man whom even his parents now find a stranger, the Supreme Court in Pretoria heard this week.

Friends and family and an American psychiatrist told the court of the "marked and extreme" change in Mr van Heerden's personality after his 289-day detention from September 24, 1981 to July 9, 1982.

Mr van Heerden, 29, a former National Union of South African Students (Nusas) president, is suing 10 security policemen for R113 000 for alleged torture during his detention.

His parents, Mr Dennis van Heerden and Mrs Roma van Heerden, told the court of the extreme change in their son's personality since his release.

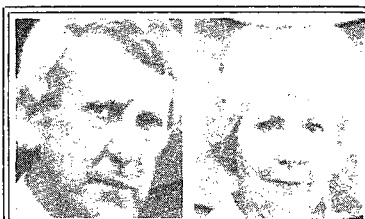
Irritable

They said Mr van Heerden, who served on the Johannesburg junior city council as a boy, had changed from an "extremely sociable, fun-loving, sport-oriented boy with an infectious laugh" to an "introverted, short-tempered, irritable, tense and security-conscious person".

He had become a vegetarian and "almost anorexic" and his erratic sleep was peppered with nightmares. So "petrified" was he of being assassinated or harmed that his father once hired a nightwatchman to guard his son's house.

A fellow detainee and close friend, Mr Keith Coleman, 23, told the court he had seen Mr Auret van Heerden — with whom he used to enjoy social occasions, especially parties — become "humourless, intolerant and withdrawn".

Among claims of "terrifying" torture on November 18 and 19, 1981 at the Benoni



● Mr Dennis van Heerden ● Mrs Roma van Heerden

"I put it to him that for all I know they had killed my son, that he may be dead. I begged to see him even if it was just through a keyhole. It would placate me to see that he existed" — MR DENNIS VAN HEERDEN

police station alleged by Mr van Heerden are that he was made to stand for about 10½ hours with a wrist manacled to an ankle, that a tight-fitting bag was placed over his head and he was suffocated, and he was given electric shocks and strangled with a wet towel.

He also claims he was threatened with assault, victimisation and reprisals if he reported his maltreatment — or that of Dr Neil Aggett, who died in detention in February, 1982.

Other claims include being forced to stand and being deprived of sleep for unreasonably lengthy periods.

A pale, drawn Mr Auret van Heerden, who has been in the witness box for seven days, said this week that after a torture session at Benoni he saw in a mirror that his back was "covered in marks and bruises". He said Major Johannes Nicolaas Visser massaged his back to relieve the pain.

Mr H Z Slomowitz SC, for the security policemen, said this and other torture allegations would be denied.

According to an expert medical witness, American psychiatrist Dr Louis Joylon West, Mr van Heerden's alleged torture experiences at the Benoni police station are

"more or less classical and some methods are those used by the North Vietnamese".

Dr West, who is a consultant psychiatrist at the Veterans Administration Centre for Psychosocial Medicine at Brentwood in Los Angeles, said he had treated Korean and Vietnamese war veterans — "a great many" of whom had been tortured.

He said the manacled of the wrist to the ankle was used by the North Vietnamese and was called the "airplane" position.

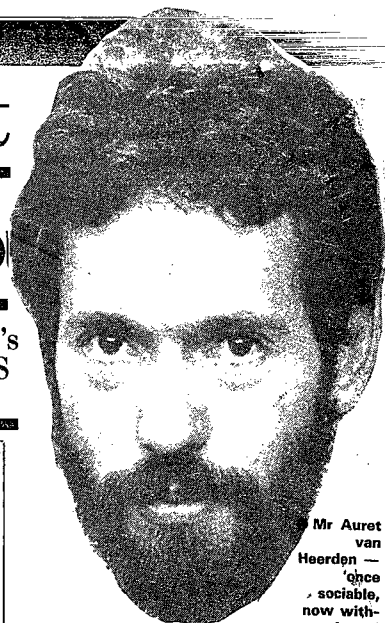
"It is an incredibly painful posture to sustain even for a few minutes."

Nobody

Dr West said Mr van Heerden spent time telling him of the location of the chain on the outside of the ankle which meant he had to stretch just that "little inch" more. "Nobody who had not been in that position would have thought of such a thing."

Dr West, a professor and chairman of the department of psychiatry and bio-behavioural sciences at the University of California Los Angeles school of medicine, was the national consultant in psychiatry to the Surgeon General of the US Air Force. "Mr van Heerden's descriptions of being threatened and tortured by certain of his captors would appear to be generally accurate," said Dr West.

The psychiatrist described Mr van Heerden as being "of superior intelligence" and



Mr Auret van Heerden — 'once sociable, now withdrawn'

said he was more likely to have under-reported rather than exaggerated or embellished his account.

Dr West's report was based on examinations and tests done at the Carlton Hotel on September 5 to 9 last year. He diagnosed Mr van Heerden as suffering from post-traumatic stress disorder and advised that he undergo about 200 hours of psychotherapy over a period of two years.

He said the disorder was caused by a recognisable stressor, "namely torture in detention".

Some of the characteristic symptoms were "re-experiencing the traumatic event, numbing of responsiveness to the external world, recurrent dreams or nightmares, feeling detached or estranged from other people, a markedly decreased ability to feel emotions of any type, exaggerating startled response, difficulty falling asleep, depression and anxiety and increased irritability".

Several tests were also performed on Mr van Heerden by Dr West's wife, Dr Kathryn West, a psychologist.

Dr Louis West, who has studied sleep deprivation, said communists in Korea and Vietnam also used sleep deprivation when they were "trying to ring false confessions from American pilots".

He said Mr van Heerden's first detention for a week in 1977 "did not cause him to have any of the symptoms of emotional or mental stress".

Dr West said rumours circulating "in broad left circles" at the beginning of 1981 that Mr van Heerden was a police spy were "not keeping him awake at night, keeping him off his feed or making him sit around and mope".

"Only when he was detained for 9½ months did he develop the present illness," he said.

Mr Slomowitz will cross-

examine Dr Louis West this week.

Mr Dennis van Heerden, an aircraft operations manager, told the court of his desperate attempts to see his two detained sons, Clive and Auret.

When in early November he was given assurances by the head of the security police, General Johan Coetzee, that he could see them both, a Colonel Muller at John Vorster Square allowed him to see only Clive saying that it was "unfortunately not possible to see Auret".

"I put it to him that for all I know they had killed my son, that he may be dead. I begged to see him even if it was just through a keyhole. It would placate me to see that he existed."

Rejected

His suggestion was rejected.

Mr van Heerden, who described his son as a "highly motivated socially-conscious young man with a very, very high sense of moral duty," said he and Mrs van Heerden first visited Auret on December 17, 1981. They were surprised to see how well he looked despite a red mark on the bridge of his nose and a swollen cheek.

The security policemen who are being sued in their personal capacity are Major Arthur Bononi, Major Stephen P. Abrie, Major Johannes Nicolaas Visser, Major P. Olivier, Warrant Officer Lawrence Charles Phillip Prince, Lieutenant Hendrik Cornelis Jacobus Pitout, Lieutenant P. Botes, Warrant Officer Fourie, Captain Andries Abraham Struwig and Lieutenant Johan van Asewegen who is no longer a policeman.

Mr Sydney Kenridge SC, Mr J. Browde SC and Mr W. H. Tregrove appeared for Mr van Heerden. Mr H. Z. Slomowitz SC, Mr S. Burger and Mr J. Gausch appeared for the defendants. Mr Justice C. F. Eloff was on the Bench. The hearing continues tomorrow.

6
Auret's descriptions of being threatened and tortured by certain of his captors would appear to be generally accurate

9
Dr Louis West, expert witness

Pictures:
STEPHANIE
VENTER

Man found hanged in (32) prison cell

Mail Reporter S3/84

AN unidentified Soweto man, charged with murder, was found dead in the Moroka Police Station cells at the weekend after apparently hanging himself with strips torn from his denim trousers.

Brigadier D J D Jacobs, Soweto's Divisional Commissioner of Police, said the 32-year-old man had been found dead at about 8pm on Saturday.

Brig Jacobs said the man had been arrested on Thursday.

News 5/3/84
**Tension
not the
problem
— doctor**

Argus Correspondent
PRETORIA. — A leading American psychiatrist today told the Supreme Court here he strongly doubted whether the psychological disturbances of a former detainee could have been caused by the tension alone.

The psychiatrist, Dr Louis West, was giving evidence in a case in which Mr Auret van Heerden, 29, is claiming R113 000 in damages from 10 security policemen.

Mr van Heerden alleges he was brutally tortured during 289 days of detention which ended on July 9 1982.

Dr West believed Mr van Heerden would need about 200 hours of intensive physiotherapy over two years to recover from his experiences and may never rid himself of his nightmares in spite of treatment.

Dr West said Mr van Heerden had chronic and acute post-traumatic stress disorders.

Mr van Heerden was hyper-alert, suffered from sleep disturbance and hallucinations just before falling asleep and waking, was depressed, felt old, was anorexic and had lost weight.

Dr West believed the trauma that produced these symptoms was severe, considering their seriousness and long duration. He disagreed with a psychiatrist consulted by the defence that the tension alone could have traumatised Mr van Heerden.

(Proceeding)

'Tension alone not to blame'

329
Span
5/3/84

By Sheryl Raine,
Pretoria Bureau

A leading American psychiatrist today told the Pretoria Supreme Court that he strongly doubted whether the psychological disturbances of a former detainee could have been caused by tension alone.

The psychiatrist, Dr Louis West, was giving evidence in a case in which Mr Auret van Heerden (29) is claiming R113 000 from 10 security policemen.

Mr van Heerden alleges he was brutally tortured during 289 days of detention which ended on July 9 1982.

Dr West said Mr van Heerden often re-experienced the trauma of torture in recurrent dreams and recollections.

Mr van Heerden was also emotionally dumb and had lost the ability to respond in personal relationships ranging from the most casual to the most intimate.

The former detainee was hyper-alert, suffered from sleep disturbance and hallucinations just prior to falling asleep and waking, and was depressed and anorexic.

Dr West disagreed with a psychiatrist consulted by the defence that tension alone could have caused these conditions.

"It would have taken a severe trauma to produce the reaction that I have found considering the substantial resources of Mr van Heerden as a person prior to detention," said Dr West.

(Proceeding)

Schie
usberg
for the
featured
s" from

he was
he con-
y Spils-
heard
but that

ach and back as the
crowd roared with de-
light," she said.

"Four men were
standing quite
close by. They made
no attempt to stop the
animals.

"Mr Lausberg
carried me out of the
ring and he was beat-
en up."

seems to be the possi-
bility of a timetable for a Cu-
ban withdrawal.

The next step is re-
ported to be another tri-
partite meeting between
South Africa, Angola and
the US at an unnamed
venue on a date still to
be disclosed.

Ground-rules

This will follow the Lu-
saka accord, where the
ground-rules for the Joint
Monitoring Commission
operating in southern An-
gola were determined.

On the Mozambique
front, the successful ne-
gotiations at the weekend
simply needed a formal
signing ceremony to
bring them into effect.
This is likely before the
end of the month, with
Botswana and Malawi
cited as the two most
likely venues.

Malawi bisects Mo-
zambique territory and it
would have an interest in
the formalising of a non-
aggression treaty.

The Minister of For-
eign Affairs, Mr Pik
Botha, said last night
that a number of other
parties complicated the
SWA/Namibian peace ef-
fort.

Red threat

"There is a far more
direct involvement of the
Soviet Union. There is
the presence of the Cu-
bans," he said.

Reports from Washing-
ton suggest another tri-
partite meeting is on the
cards, that it could hap-
pen soon and that a time-
table for a Cuban with-
drawal would be the
main item on the agenda.

Meanwhile the activi-
ties of the Joint Monitor-
ing Commission will con-
tinue in southern Angola
and diplomats still be-
lieve a final settlement is
unlikely without some
form of agreement be-
tween Unita and MPLA

Policeman denies 329 jail torture

East London Bureau
KING WILLIAM'S
TOWN. — A Ciskeian po-
lice officer today denied
he had tortured a mem-
ber of the Sebe family.

Warrant Officer H
Tsewu described as "lies"
allegations that he had
twice placed a tube over
Mr Colin Sebe's head and
tortured him with it.

Warrant Officer Tsewu
said that to his knowl-
edge "it (torture) never
happens in Ciskei".

He was testifying in
the Supreme Court in a
trial within a trial to
judge the admissibility of
statements made by Mr
K Sebe, Mr T Sebe and
Mr C Sebe.

The three, together
with Mr M Xaba and Mr
N Motana, have pleaded
not guilty to charges of
terrorism, intimidation
and attempted murder.

"NEVER HAPPENS"

The trial is a sequel to
a shooting incident at the
house of the Minister of
Foreign Affairs, Mr
Brown Piya in July 1983.

Warrant Officer Tsewu
said: "I didn't see anyone
doing anything to him.
I've never heard of a
tube being used."

He said he had read of
allegations of detainees
being tortured but "to
my knowledge it never
happens in Ciskei".

He also denied that he
had tortured Mr Sebe
at Phunzana police cells.
(Proceeding.)

Three other unions, of-
ten described as "com-
munity-linked" or gen-
eral, with no clear
industrial demarcation,
have withdrawn from the
feasibility committee set
up last year to discuss
the structure of the fed-
eration.

This emerged from the
latest round of union
talks held in Johannes-
burg at the weekend.

In what might prove to
be the most decisive step
yet towards trade union
unity, the seven unions
have committed them-
selves to a federation "of
industrially demarcated
unions with the eventual
aim of having one union
for one industry".

WITHDREW

The seven unions are
the Commercial, Cater-
ing and Allied Workers'
Union, the Federation of
South African Trade Un-
ions, the Food and Can-
ning, and African Food
and Canning Workers'
Unions, the General
Workers' Union, the
Council of Unions of
South Africa, and the
Cape Town Municipal
Workers' Association.

The South African Al-
lied Workers' Union, the
Municipal and General
Workers' Union, and the
General and Allied Work-
ers' Union withdrew
from the meeting after
the decision to form an
industrially based federa-
tion had been adopted.

In a statement issued
after the meeting, the
feasibility committee
said "little progress" in
forming a federation had
been achieved.

This was because some
unions, not demarcated
along industrial lines,
were not "ready or able
to join a federation".

of St Mark's, Six, dies at 60

ier
Gray,
inkerkie"

Anglican
et Six —
a long ill-

who was
been rec-

tor of St Mark's since
1977.

He was ordained at St
George's Cathedral in
1970 by the present Arch-
bishop, the Most Rev
Philip Russell, and
served in Malmesbury,
Kensington and District
Six.

He was chaplain to for-
mer Archbishop Robert
Selby Taylor in the 1970s
and served as chaplain to
the Cape Corps and to
prisoners on Robben Is-
land.

While he was at St
Mark's it was involved in
a controversy with the
Government over the An-
glican Church's refusal to
sell the property. The
matter has not yet been
resolved.

Father Gray leaves
two sisters and a brother.

A requiem Mass led by
Archbishop Russell will
be held at St Mark's at
12.30am on Wednesday.

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NO TRADE-IN NEEDED

SPORTS



City attorney loses appeal

BLOEMFONTEIN. —
The Appeal Court has re-
fused with costs an ap-
plication by Roger Jeffrey
Asherson of Sea Point
against a judgment that
brought into operation a
prison sentence of 12
months for non-compli-
ance with a restraint or-
der.

On September 30 1982
Asherson, an attorney,
was restrained from har-
assing, interfering or
communicating with ei-
ther Mr John Ian Simon,
a Cape Town attorney, or
Mrs Jeanette Helena
Margaretha Traverso, a
Cape Town advocate, or
their families or any
member of Mr Simon's
firm.

On October 22 1982 he

was committed to prison
for 12 months for non-
compliance with the or-
der, but the committal
was conditionally sus-
pended for 12 months.

INDEFINITE

On July 26 1983 the im-
prisonment was indefi-
nitely suspended on cer-
tain conditions.

On December 15 1983
in the Cape Supreme
Court Miss Justice L van
den Heever ordered that
the 12 months imposed
on October 22 1982 come
into operation.

The prison authorities
were requested to ensure
that Asherson was not re-
leased from imprison-
ment until his sentence
had been served. — Sapa.

6/3/54
Advice

officer

held?

EAST LONDON — The advice officer of the Institute of Race Relations here, Mr Joe Mati, is believed to have been detained by Ciskei Security Police in Mdantsane.

A spokesman for the institute, Mr M. Mshotwana, said Mr Mati had not reported for duty yesterday. Mr Mshotwana said he had been told Mr Mati was last seen at the Mdantsane police station yesterday morning.

The head of the Ciskei Security Police, Col F. Zosi, could not be reached for comment. —
DDR.

Ciskei terror trial told of alleged police assault

Argus Correspondent
KING WILLIAM'S TOWN. — A Ciskei Supreme Court judge abruptly adjourned the terror trial here while Mr Khambashe Sebe, son of Mr Charles Sebe, former head of the Ciskei's combined forces, was giving evidence.

Mr D Chetty, pro Deo defence counsel, had repeatedly asked Mr Sebe to speak more slowly to enable Mr Justice Erasmus to record his evidence.

He was the first defence witness in a trial within a trial to judge the admissibility of alleged statements made

by him, Mr Toni Sebe and Mr Colin Sebe.

They are appearing with Mr N Mlotana and Mr M Xaba on charges of terrorism, intimidation and attempted murder. The five have pleaded not guilty.

It is alleged they were involved in a shooting incident at the home of the Minister of Foreign Affairs, Mr Brown Pitso, in July last year.

"BUSHY AREA"

Mr Sebe, a former corporal in the security force, said he was detained while shopping in King William's Town.

He was detained after telling two police offi-

cers, who had told him the Commissioner of Police, Brigadier L Madolo, wanted to see him, that he was "still busy" and would see the commissioner later.

He was later taken from the police cells at Mdantsane to a bushy area in the township where, he alleged, he was assaulted by seven police officers.

A piece of tubing was held over his face.

Mr Sebe said his face was swollen after the assault, and he reported the incident to the Keiskammahoek station commander the following day.

RDM 6/3/84 (329)

Psychiatrist disputes tests on Van Heerden

By JOHN MOJAPelo

A UNITED STATES psychiatric expert giving evidence in the Auret van Heerden case has criticised some of the psychological tests and findings of a South African psychologist who examined the former president of the National Union of South African Students.

Dr Louis Jolyon West, the professor and chairman of the department of psychiatry and bio-behavioural science at the University of California was giving evidence before Mr Justice C F Eloff in the Pretoria Supreme Court in which Mr Van Heerden is suing ten security policemen for R113 000 for damages.

Mr Van Heerden, 29, of Johannesburg, is suing the security police for maltreatment and torture while he was in their detention from September 24, 1981 to July 9, 1982.

Dr West, who started giving evidence last Friday, said he agreed and disagreed with the report of psychologist, Dr C F Kruger.

The US expert said he took exception to the definition by Dr Kruger that the peptic ulcer was trauma.

"Mr Van Heerden's peptic ulcer cannot in any of the usual and accepted psychiatric criteria be termed a 'trauma'," said Dr West.

Dr West said he could not understand the diagnosis of Dr Kruger that the break up of Mr Van Heerden with his girlfriend was a trauma.

Post-traumatic stress disorder symptoms Mr Van Heerden showed after detention resulted in the break-up.

Dr West said the scores of Mr Van Heerden on the Rorschach test should not be given serious consideration. The test designer had not intended it for use in diagnosing deviant behaviour.

Dr West questioned the finding of Dr Kruger on a test called the Personnel Security Inventory (PSI) that Mr Van Heerden might be a "borderline to high risk" for stealing. The PSI was invalid in a psychodiagnostic battery, and should never have been used in the present case, Dr West explained.

Two propositions put by Dr Kruger had "astonished" Dr West:

- Mr Van Heerden's poor school perform-

ance in Standard Nine and his first year at university, plus his history of peptic ulcers in 1979 showed a long standing inability to cope with stress.

- The possibility of basic development deficiency of a personality immaturity disorder in Mr Van Heerden.

The biographical information refuted the first proposition which ingored Mr Van Heerden's successes in the face of stress.

"The second proposition fails, not only with the fall of the first, but of its total disparity from all the facts.

"There is absolutely no similarity between the life history of Auret Van Heerden and the typical histories of persons with 'developmental deficiencies' of the type formerly known as immature or inadequate personalities," Dr West said.

Dr West said he found Mr Van Heerden had symptoms of post traumatic stress disorder.

Mr Van Heerden had the recurrent and intrusive recollections of the events while in the custody of the security police, he had recurrent dreams of the event, and sudden acting or feeling as if the traumatic event were re-occurring, because of an association with an environmental stimulus.

Dr West said he would not agree with the suggestion that the symptoms shown by Mr Van Heerden now would have resulted from the worry before he was detained that he was a police spy and that while in detention he made statements implicating his friends and colleagues.

"Such a scenario would not make sense to me," Dr West added.

Mr H Z Slomowitz SC, counsel for the security police, will continue to cross-examine Dr West today.

Mr Van Heerden is bringing the action against Lt-Col Arthur Benoni Cronwright, Major Stephanus Abrie, Major J N Visser, Major P P Olivier, Warrant-Officer D J Fourie, Warrant-Officer Lawrence Phillip Prince, Captain P Botes, Lt Hendrik Pitout, and Lt Johan van Aswegen, who is no longer a policeman.

Detainee's symptoms 'related to torture'

By Sheryl Raine,
Pretoria Bureau

An American psychiatrist said yesterday that he strongly doubted whether the psychological disturbances of a former detainee could have been caused solely by detention.

Dr Louis West was giving evidence in the Pretoria Supreme Court where Mr Auret van Heerden (29) is claiming R113 000 from 10 security policemen in connection with allegations of torture during his 289 days in detention.

Dr West told the court he did not believe Mr van Heerden would have had any symptoms of psychological disturbances if he had not been "physically abused".

He believed Mr van Heerden was suffering from a progressive psychiatric disorder that, in some respects, had worsened with time.

Mr van Heerden would require about 200 hours of intensive psychotherapy over a period of two years to recover and might never rid himself of his nightmares, the psychiatrist said.

RELATED TO TORTURE

Dr West said that, in his opinion, certain of Mr van Heerden's symptoms could be specifically related to his claims of torture.

Mr van Heerden often re-experienced specific events and recalled details of his torture, including electric shocks and being shackled. His nightmares related to specific events in his ordeal in detention.

Emotional numbness was acute and prolonged in Mr van Heerden's case and Dr West said this was unusual except when the person had suffered severely at the hands of others.

Mr van Heerden's hallucinations just prior to falling asleep contained events which had occurred while he was in detention and specific events relating to his torture.

Although Mr van Heerden was able to concentrate obsessively on his experiences in detention his concentration on other tasks was slightly impaired. Pains in his hamstrings could have been caused by prolonged standing while manacled.

OBSESSION WITH FOOD

Dr West said Mr van Heerden's anorexic obsession with food and his preoccupation with his physical wellbeing could have been due to his experience in detention when his faith in his body was shaken.

His loss of spontaneity and his inability to participate in personal relationships at all levels was most likely to have been caused by trauma inflicted deliberately by other people.

Dr West disagreed with a psychiatrist consulted by counsel for the defence who said that detention on its own could have caused these symptoms in Mr van Heerden.

"It would have taken a severe trauma to produce the reaction I have found considering Mr van Heerden's considerable personal resources prior to detention," he said.

The hearing continues.

Torture? It never happens in Ciskei

COURT TOLD

A CISKEIAN police officer denied in Bisho yesterday having tortured a member of the Sebe family with a tube.

Warrant Officer H. Tsèwu described as "lies" defence allegations that he had on two occasions placed a tube over Mr Colin Sebe's head and tortured him with it.

Warrant Officer Tsèwu said that to his knowledge "it never happens (torture) in Ciskei."

He was testifying in the Supreme Court in a trial within a trial to judge the admissibility of statements made by Mr K Sebe, Mr T. Sebe and Mr C Sebe.

The three, together with Mr M Xaba and Mr N Mlotana, have pleaded not guilty to charges of terrorism, intimidation and attempted murder.

The trial is a sequel to a shooting incident at the house of the Minister of Foreign Affairs, Mr Brown Pityi in July last year.

Warrant Officer Tsèwu denied having fetched leg irons, handcuffs and a tube from a car at Mdantsane police station in July last year and taking them to an office where Mr Colin Sebe was being interrogated.

He described the defence allegation that he had put the tube around Mr Sebe's face as "a lie".

"I didn't see anyone doing anything to him. I've never heard of a tube being used."

Proceeding

329

6/13/87

6/13/87

6/13/87

6/13/87

6/13/87

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6/13/87

6/13/87

Catholic priest charged with subversion

184
7/4/84 Argus Bureau 329
ZWELITSHA: — The Rev Smangalis Mkhathswa, general secretary of the Southern African Catholic Bishops' Conference, appeared in the Regional Court here today on charges of subversion, incitement to public violence and addressing an unlawful gathering.

Security was tight in the crowded courtroom, with about 20 police inside and armed men on guard outside.

At least 20 members of the clergy attended the hearing, including an observer for the German Justice and Peace Commission and the International Movement of Catholic Jurists and Pax Romana.

Father Mkhathswa, whose detention at Fort Hare University on October 30 last year led to international protest, appeared relaxed and well. He was dressed in a grey suit. He pleaded not guilty to the charges.

CAMPUS MEETING

It is alleged that Father Mkhathswa intended to overthrow or endanger the authority of the State at a meeting on the university's campus on October 30 last year.

It is further alleged that he intended to bring about or promote constitutional, political, social or economic change in Ciskei.

It is alleged that Father Mkhathswa caused, encouraged or fermented hostility between different population groups and incited the meeting to commit acts to promote disorder.

Count 2 alleges that Father Mkhathswa's speech at the meeting could have resulted in public violence.

Count 3 alleges that Father Mkhathswa addressed an unlawful gathering of more than 20 people.

(Proceeding)

PE man detained

UMTATA — A Port Elizabeth man who disappeared from his home in 1980 is in detention here.

This was confirmed yesterday by the head of the Transkei security police, Brigadier L. Kawe.

He said Mr Khayalabo Dumisani Matikinca, 32, of 291 Kwazakhele, was being held under the Security Act.

This ends a two-year search for him by his aunt, Mrs Iris Matikinca.

She said that she had last seen her nephew in Port Elizabeth in 1980. She heard later that he was in Lesotho.

"I got one or two phone calls from him and all was quiet afterwards," she said.

She said that in February this year she received a call from Umtata that her nephew had been arrested in Umtata in August last year and was being detained there. —DDR.

RDM 7/3/84 (329)

Stress followed SP torture, says US psychiatrist

By JOHN MOJAPELO
Pretoria Bureau

THE FORMER PRESIDENT of the National Union of South African Students (Nusas), Mr Auret van Heerden, developed post-traumatic stress disorders only after his alleged physical torture at Benoni police station by the Security Police, a United States psychiatrist told the Pretoria Supreme Court yesterday.

Dr L J West, professor and chairman of psychiatry and bio-behavioural sciences at the University of California in Los Angeles, added that the detention of Mr Van Heerden prior to his physical abuse at Benoni caused "discomfort and irritation".

Mr Van Heerden, who is bringing an action of damages for R113 000 against 10 security policemen, alleged he was tortured by the Security Police at Benoni police station on the nights of November 18 and 19, 1981.

Mr Van Heerden was held at Pretoria Central Prison, Sandton police station, John Vorster Square and Benoni for 289 days without being charged.

He was released on July 9, 1982, after being detained on September 24, 1981.

Dr West, under cross-examination by Mr H Z Slomowitz, SC, said Mr Van Heerden's symptoms of post-traumatic stress disorders developed after his physical abuse at Benoni police station.

Dr West said although Mr Van Heerden had been in detention before the alleged physical torture, he was not harshly or cruelly treated.

His detention before the Benoni incident was a discomfort and an irritation.

The US psychiatrist said he would not regard the small, smelly and claustrophobic condition of Mr Van Heerden's detention at Pretoria Central Prison as torture in the accepted psychiatric sense.

Dr West said he could not find any evidence Mr Van Heerden suffered any stress prior to his detention as a result of his peptic ulcer disease or the rumour he was a police spy and sell-out.

He repeated he would not say Mr Van Heerden had experienced trauma as a result of his peptic ulcer.

Dr West said Mr Van Heerden was concerned and worried when detained because he was not receiving special diet for his illness.

"Not only did he not experience a trauma, but he showed no signs of a trauma," Dr West added.

Dr West denied the suggestion by Mr S L Mowla that he

was usurping the duty of the court when he said, in his report, that despite the contradictions and inconsistencies he found in the interviews with Mr Van Heerden, he was still convinced Mr Van Heerden was telling the truth.

He also denied he was adding credibility to the version told by Mr Van Heerden, that he had been tortured by the Security Police.

Dr West rejected the suggestion by Mr Slomowitz that Mr Van Heerden was like an actor reciting his lines during interviews with the psychiatrist from September 5 to 9 in Johannesburg last year.

"It was highly unlikely. One of the incidents that helped convince me he was giving an accurate version of the events was his evidence that the police officer attacked his testicles, but that it did not hurt," Dr West said.

Dr West said the incident where Mr Van Heerden said a security policeman crushed his testicles, but that it did not hurt, "sounded strange and far false".

He created alternatives and came up with the conclusion Mr Van Heerden was telling the truth.

The suggestion by Mr Slomowitz that Mr Van Heerden lived under stress during the time when he was suspected by his friends and colleagues of being a police spy was also rejected by Dr West.

"It was a source of strain, but my impression is not that he was living under a stress and depression," Dr West said.

"The rumour must have had a significant effect on him. There were no symptoms of depression, but symptoms of being troubled and concerned."

Dr West said he did not get the impression Mr Van Heerden was underplaying his personality troubles when he was interviewed.

"That is not my impression. I thought he was giving it to me straight," Dr West said.

Mr Van Heerden is bringing the action against Lieutenant-Colonel Arthur Cronwright, Major Stephanus Abrie, Major J N Visser, Major P P Olivier, Warrant-Officer D J Fourie, WO Lawrence Phillip Prince, Captain Andries Struwig, Capt P Botes, Lieutenant Hendrik Pitout and Lieut Johan van Aswegen, who is no longer a policeman.

Mr Sydney Kentridge SC, Mr J Browne SC, and Mr B H Trengove appeared for Mr Van Heerden. Mr H Z Slomowitz SC, Mr J Burger and J Gautsche appeared for the Security Police.

The hearing continues.

Detention conditions caused 'a stress reaction'

Argus Correspondent

PRETORIA. — The conditions in which political activist Aurret van Heerden was detained until the alleged torture in Benoni were not severe enough to cause a psychiatric illness, an American psychiatry expert has said.

Dr Louis West was giving evidence in the R113 000 damages action instituted by Mr van Heerden against 10 security policemen who allegedly assaulted and tortured him.

After the alleged torture in Benoni his coping mechanisms were damaged and he was already "sick", Dr West said.

STRESS DISORDER

According to Dr West, Mr van Heerden had a post-traumatic stress disorder.

The counsel for the policemen, Mr H Z Slomowitz, asked in cross-examination how Mr van Heerden managed to be physically and mentally fit for his parents' visit two months later and why the district surgeon reported no signs of depression until about seven months later.

SYMPTOMS

"He had a stress reaction, not a psychotic break," Dr West said.

People who had this kind of mental illness did not climb up walls, — their symptoms were largely internal, he added.

The hearing was adjourned until tomorrow so that Mr Slomowitz could have the opportunity to take instructions on new documents.

Detainee⁽⁵⁹⁾ was 'sick^{skw} — expert^{7/3/8}

Pretoria Correspondent

The conditions under which activist Mr. Aurt van Heerden were detained before the alleged torture in Benoni were not severe enough to have caused a psychiatric illness, an American psychiatrist has said.

Dr. Louis West was giving evidence in the R113 000 damages action instituted by Mr van Heerden against ten security policemen for alleged assault and torture.

After the alleged torture, Mr van Heerden's coping mechanisms were damaged and he was "sick", Dr West said.

The detainee suffered from a post-traumatic stress disorder.

Counsel for the policemen, Mr H Z Slomowitz, asked how Mr van Heerden had managed to be physically and mentally fit for his parents's visit two months later, and why the district surgeon had reported no depression.

"He had a stress reaction, not a psychotic break," Dr West said. His symptoms would be largely internal.

The case continues.

Colin Sebe tells court of torture with hose-pipe

Court Reporter

KING WILLIAM'S TOWN — A nephew of President Lennox Sebe told the Supreme Court here that after he was throttled with a hose-pipe he was told the President had given "strict instructions" that he would protect policemen if anyone died during their investigations.

Mr Colin Sebe, son of Ciskei's jailed former Minister of Transport, Mr Namba Sebe, who is appearing on four charges, told Mr Justice Erasmus: "I was suffocated for a long period with the tubes."

He said he was also hit across the face with the hose-pipe. Mr Sebe said he was tortured while being held at a police station near Peddie.

He was giving evidence in a trial within a trial to test the admissibility of statements allegedly made by himself, Mr Khambashe Sebe and Mr Toni Sebe.

They have been charged together with Mr Ntobeko Mlotana and Mr Mpuole Xaba with terrorism, intimidation and attempted murder.

They have all pleaded not guilty to the charges.

Mr Sebe said Major Fikile Zibi and a Major Ngwanya arrived to visit him at the police station.

"I was handcuffed on my back and then the leg irons were fixed to my legs and a chair. Major Zibi then took the tube and said he was going to take the cheek out of me."

He described earlier in court how the hose-pipe was placed over his mouth, preventing him from breathing.

Major Ngwanya told him that he had received "strict instructions" from Presi-

dent Sebe "that if anyone dies he will protect them".

Mr Sebe said Major Ngwanya said he had been "promoted" to investigate the case and that "whether there were no charges or not they were going to make charges to satisfy the President".

During this torture Major Ngwanya started writing out a statement.

"I told him that he was writing down things that I knew nothing about."

Major Zibi told him that if he did not sign the statement "I would get something more painful than I had just received".

Later, another policeman was sent to the police station with a statement.

Mr Sebe said he signed it.

"I did not have a chance to read the document because I was afraid of him because he made many threats."

After signing the statement a magistrate visited him.

He told the magistrate about being tortured and the statement.

Mr Sebe said the magistrate told him: "I am afraid to interfere in what is happening in Ciskei."

Under cross-examination by the State Mr Sebe said he had not spoken about the case to the other accused while in detention, because he did not know anything about it.

Mr Sebe said a Major Ngwanya ripped his rank insignia off his shoulders and said Mr Sebe was no longer a Ciskeian soldier or an officer.

(Proceeding.)

Mr Justice Erasmus is on the Bench. Mr P Oosthuizen, SC, and Mr J van Jaarsveld are appearing for the State. Mr D Chetty and Mr R Kriel are appearing for the

Query on tanker oil spillage

Political Correspondent

CAPE TOWN — Possible oil spillage from a tanker which sank off the West Coast of South Africa last year is to be raised in Parliament during question time this afternoon by the PFP MP for PE Central, Mr John Malcomess.

He is to ask the Minister of Transport Affairs, Mr Hendrik Schoeman, whether the portion of the Castillo de Bellver which sank is still leaking oil, and if not, when it stopped leaking.

Mr Malcomess wants to know whether the Department of Transport Affairs recently established what quantity of oil is still left in the tanker and whether any steps have been taken to protect the coastline from a sudden release of such oil.

Mr Ray Swart, PFP spokesman on Co-operation and Development, is to ask the Minister of Co-operation and Development, Dr Piet Koornhof, whether blacks to be moved from Duncan Village near East London to Mdantsane will retain their rights in terms of Section 10 of the Blacks (Urban Areas) Consolidation Act of 1945.

He wants to know whether any steps will be taken to enable these people to retain these rights in the event of their moving to Ciskei.

Security guards to be vetted

Political Correspondent

CAPE TOWN — In terms of a Bill published today the State is to regulate the employment or hiring of security guards by the owners of premises defined as national keypoints.

The National Key Points Amendment Bill has been introduced by the Minister of Defence, General Magnus Malan.

It will authorise him to set requirements to be met by security guards, governing the nature and duration

Third w in presid

MONTPELIER, Vermont — Senator Gary Hart won the Vermont state poll yesterday, giving him his third successive victory over former Vice-president Walter Mondale in the race for the Democratic presidential nomination.

With 32% of the votes counted, Senator Hart had 71% to Mr Mondale's 19%.

Black civil rights leader, the Reverend Jesse Jackson, was 1% short of the 10% needed to maintain his right to a share of federal campaign funds.

In a speech at the University of Georgia Law School, Senator Hart said that as President he would challenge the Soviet Union to join the United States in an effort to eliminate hunger in the world.

The Democratic presidential candidate said that the struggle for support of

Third, not be tary stan does no tween he said.

start of sive en south, Florida hold in March 1

Mr u World kee del living

"I challenge not to a but to a nate in the w he said.

For Jimmy while Ronald

Uncover old in a walk ar Richmond I

OYEZI OYEZI Aw! ye members of the into the past in a walkabout in Richmond members of the Historical Society of Port Richmond. It will be conducted by Mr T Bodill to illustrate the architecture of the area.

Meet at 10am at the corner of Cross Streets, behind the old Russell Road (comfortable shoes and don't forget your walking shoes and cameras).

The walk will cover the area from Cross Patrick's Road and up to the Erica Street. The society hopes to get together after the Cottage Inn on the corner of Stanley and

Please let the secretary, Miss Doreen, know by Friday if you intend joining in. Arrangements can be made for tea at the rains, the event will take place on the

Mr Hans Huismans is arranging a fair by car to Graaff-Reinet for the weekend. Dave and Mrs Sue Sanderson will give on their Med voyage adventures at 8pm 26, in the Newton Park Library Auditorium.

□ □ □

UITENHAGE children can see four films 4pm tomorrow in the Jubilee Park Library times in the Main Library on Friday. *Lorax*, based on a Dr Seuss book; *Mole* cartoon; *Little Mermaid*, an animated *Lafcadio*, about a lion and a hunter.

Talking of libraries, a modern new library will be housed in a new building on Kamesh Road which will be completed books, reference works, periodicals, and art prints will be available. The library will remain open.

Police detain witness in priest's trial

ZWELITSHA. — A State witness in the trial in Zwelitsha Regional Court, of Father Sman-galisio Mkhatswha, secretary of the South-ern African Catholic Bishops Conference, was detained yesterday after changing his stand and giving evidence fa-vourable to the defence.

Mr Nako Mosala told the court that — con-trary to the charge he faced of inciting stu-dents to public violence — Father Mkhatswha had appealed to stu-dents of the University of Fort Hare to be calm following the death of five students at the Uni-versity of Zululand.

Immediately after the case was adjourned se-curity police bundled Mr Mosala, a former stu-dent at the University of Fort Hare, into a police car.

The senior defence counsel, Mr Dennis Kuny SC, asked the police where they were taking Mr Mosala and if they had a warrant for his arrest, but the police apparently insinuated that they (the defence) were preventing his ar-rest.

It is alleged by the State that Pretoria-based Father Mkhatswha, 48, had in-cited the students of Fort Hare to violence

while speaking at a church service on Octo-ber 30 last year, held in sympathy with the fam-ilies of the students who died after being assault-ed by members of In-katha.

Father Mkhatswha also faces a charge of addressing an unlawful gathering.

He has pleaded not guilty.

Mr Mosala told the magistrate, Mr J Kotze, that Father Mkhatswha had been in Ciskei on church business and had been his guest on the campus. Neither of them had known about the church service until they were approached by a Mr Khumalo, one of the students who orga-nized the service, who requested Father Mkhatswha to take part.

Mr Mosala said Father Mkhatswha, as a man of peace, had appealed to the students to remain calm and not to resort to violence even if they were threatened by vio-lence.

The service had been interrupted by univers-ity authorities who pointed out it was il-legal. It had then ended and Father Mkhatswha had been detained.

Mr Mosala asked the court to disregard a statement he had made previously as it had been made while he was under extreme duress.

He was detained with Father Mkhatswha in October, but was re-leased the next day after making the state-ment.

Earlier, the magis-trate ruled that a state-ment allegedly made by Father Mkhatswha, which had not been signed, was inadmissa-ble.

Application for bail was refused and the case continues today.

The head of the Secu-rity Police in Ciskei, Colonel Fumbalele Zozil, could not be reached for comment on Mr Mosala's detention. — Sapa

Priest set free 6 months after Niehaus trial

By ANTON HARBER
Political Reporter

FATHER Timothy Stanton, a 62-year-old Anglican priest, has been released from prison after serving a six-month sentence for refusing to answer questions in the investigation of Carl Niehaus for high treason.

Father Stanton was yesterday in retreat and unable to speak to the Press.

But a friend, Brother Barnabas, said Father Stanton was well and "just the same as when he went in".

Father Stanton was sentenced in September last year for refusing to answer questions about Niehaus, an acquaintance of his who was then detained under Security legislation.

Father Stanton had been subpoenaed to answer questions in connection with an investigation of high treason against Niehaus.

He told the court it would

violate his conscience to give a statement against Niehaus.

"I believe he is concerned to bring about a more just ordering of society than exists here at present. I would wish to support him in this," he said.

"To give evidence for the State in their case against this young man would be a thing of which I would be deeply ashamed for the rest of my life.

"It seems to me it would be a form of betrayal and I cannot do it," he said.

Niehaus and his girlfriend were subsequently jailed for 10 and four years respectively for treason.

Father Stanton's sister, Mrs Hannah Stanton, was refused permission to visit him in prison shortly after his sentence began.

She had been deported from South Africa in 1960 after a long period of detention without trial.

Sebe tells of torture

A NEPHEW of President Lennox Sebe of the Ciskei told the Supreme Court in King William's Town yesterday that after he was throttled with a hosepipe he was told the president had given "strict instructions" that he would protect policemen if anyone died during their investigation.

Mr Colin Sebe, the son of Ciskei's jailed former Minister of Transport, Mr Namba Sebe, who is awaiting trial on four charges, told Mr Justice P W Erasmus: "I was suffocated for a long period with the tube."

He said he was also hit across the face with

the hosepipe: this torture took place while he was being held at a police station near Peddie.

He was giving evidence in the trial in respect of an inquiry into the admissibility of statements allegedly made by himself, Mr Khamdashe Sebe and Mr Toni Sebe.

PE hotel may be razed

Municipal Reporter

A REZONING application to allow the demolition of the Hollywood Hotel on Port Elizabeth's beachfront and development of flats on the site will be considered by the City Council's Administration and General Purposes Committee today.

The Town Clerk, Mr P K Botha, has recommended that the application be granted.

The applicant has argued that the present hotel business on the property is not viable.

The City Engineer, Mr Arthur Clayton, has reported that the proposed development will blend in with its surroundings.

Doctor was 'worried about detainees'

Court Reporter

BISHOP — A doctor told the Supreme Court here today that he examined a detained member of the Sebe family thoroughly last July because he was worried about what was happening to prisoners at the time.

Dr Ian Michael Harris, senior medical superintendent of the Cecilia Makiwane Hospital, in Mdantsane, was giving evidence on his medical consultation with Mr Colin Sebe, while he was detained at the Mdantsane police station on July 21, 1983.

Mr Sebe is the son of Ciskei's jailed former Minister of Transport, Mr Namba Sebe, and was formerly a lieutenant in the Ciskeian Army.

He and four other former members of the Ciskeian Army, Mr Kambashe Sebe, Mr Toni Sebe, Mr Mbelelo Xaba and Mr Ntombeko Mlotana, are appearing on charges of terrorism, attempted murder and intimidation.

They have pleaded not guilty.

Mr Colin Sebe said earlier that police had forced him to admit involvement in a

shooting incident at the house of the Minister of Foreign Affairs, Mr Brown Pityi, on July 14, last year.

Dr Harris said during the consultation, Mr Sebe complained he had a rubber tube pulled over his face, was kicked in his chest and had bruises and a swollen face.

He examined Mr Sebe carefully. "because I was worried about what was happening to prisoners at the time and because of complaints I had received before".

He said he had received similar complaints from four detainees.

During the examination, he did not find any abnormalities.

He said under cross-examination by the defence that as it was the first time he had met Mr Sebe, it would have been difficult for him to detect facial swelling because of the accused's dark skin.

(Proceeding)

Mr Justice Erasmus was on the Bench. Mr P Oosthuizen, SC, and Mr J van Jaarveld are appearing for the State, Mr D Chetty and Mr R Kriel appeared for the defence.

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**I was
kept
naked -
student**

A STATE witness in the trial of the Reverend Smangalisso Mkatshwa said yesterday he had signed a police statement after being made to stand naked for five hours.

Mr Napho Masala, a former Fort Hare University student, completely rejected a statement he had signed on October 30 last year at the Alice police station.

The statement had not been written by him and he had signed it under duress, he said.

Advocate B Nel, prosecuting, said the state wished to discredit the witness.

Father Mkatshwa, general secretary of the Southern African Catholic Bishops' Conference, had pleaded not guilty to charges of subversion, incitement to public violence and holding an unlawful meeting.

The State has alleged that Fr Mkatshwa addressed an illegal meeting at Fore Hare University on October 30 last year and unlawfully intended to overthrow or endanger the state of authority in Ciskei.

It is further alleged that he intended to promote or bring about political, social, constitutional and economic change in Ciskei and that his speech could have resulted in public violence.

Mr Masala said he had invited Fr Mkatshwa, who was visiting the area to discuss the establishment of a Catholic newspaper with various clergymen, to

COP- ROB

A BANK ROBBER used his pregnant aunt as a shield in a shootout with members of the Soweto and East Rand Robbery squads yesterday.

The robbery suspect, Mr James Olifant (25) of Mapeteng, died and the woman, Mrs Sarah Mokoto, who is in an advanced pregnancy, was taken to hospital for shock. Her dramatic escape from the tear-smoke-filled house is still a miracle witnesses said yesterday.

Police had used tear-smoke to try and overpower the desperate robber.

Mr James Olifant, who allegedly took part in last month's R15 guard robbery near the Zola branch of the Blackchain, was stopped bid by a police bullet. He died at his home's front door.



The dead three other shot and wounded guards who lect the shop. Another shot three and another rested yesterday. Fourth suspecting.

A witness refused to be black and licemen in arrived at about 10 am. James, who the house with Mrs Mokoto, doors of the refused to open.

Police broke and threw to force him also broke the shot more to side.

The door James came in his aunt him. He was the time and turned his the bullets he police car shot down could break

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kept naked - student

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It is further alleged that he intended to promote or bring about political, social, constitutional and economic change in Ciskei and that his speech could have resulted in public violence.

Mr Masala said he had invited Fr Mkhatshwa, who was visiting the area to discuss the establishment of a Catholic newspaper with various clergymen, to accompany him to Alice.

They had called at Fort Hare University to visit a Mr Kumalo, a catholic friend of Father Mkhatshwa.

COPS ROBB

A BANK ROBBER used his pregnant aunt as a shield during a shootout with members of the Soweto and East Rand Murder and Robbery squads yesterday.

The robbery suspect, Mr James Olifant (25) of Mapetla, was shot dead and the woman, Mrs Sarah Mokoto, who is in an advanced state of pregnancy, was taken to hospital for shock. Her dramatic escape from the tear smoke-filled house is still a miracle witnesses said yesterday.

Police had used tear smoke to try and overpower the desperate gunman. Mr James Olifant, who allegedly took part in last month's R15 000 security guard robbery near the Zola branch of the Blackchain, was stopped in his escape bid by a police bullet. He died at his home's front door.

The dead man, with three others, allegedly shot and seriously wounded two security guards who came to collect the daily takings at the shopping centre. Another suspect was shot three weeks ago and another one was arrested yesterday. The fourth suspect is missing.

A witness, who refused to be named, said black and white policemen in plainclothes arrived at the house at about 10 am and immediately surrounded it. James, who was inside the house with his aunt, Mrs Mokoto, bolted the doors of the house and refused to open.

Police broke windows and threw gas canisters to force him out. They also broke the door and shot more tear smoke inside.

The door opened and James came out, pushing his aunt in front of him. He was shooting at the time and police returned his fire. One of the bullets he fired hit a police car and he was shot down before he could break for freedom. Furniture in the house was partly damaged.

Soweto CID chief, Brigadier J J Viktor, confirmed the story. He said the search was on for the fourth suspect.



THE MOTHER: Mrs Martha Olifant showing the broken door yesterday.

PICTURE BY ROBERT MAGWAZA

Thousands in SA to unite for detainees

NATIONAL Detainees Day will be observed throughout the country on Saturday, and seminars, meetings and vigils will be held at ten centres at the weekend to mark the day.

A statement released by the Detainees Parents Support Committee (DPSC), said various religious denominations have been asked to pray for those who died in detention and for those

presently detained.

"The past year has seen well over 400 detentions, two further deaths in detention, and increasing harassment of the opponents of apartheid. Repression in the homelands, particularly Ciskei, has been exceptionally vicious," the statement said.

In Johannesburg the National Detainees Day will be commemorated in the form of a vigil to be held from 6 pm until midnight at the Central

Methodist Church in Johannesburg service. Pritchard Street.

Several speakers will describe the effects of the security laws and others will give a first hand account of repression in Ciskei.

The Vaal branch of the DPSC will hold a service at 1 pm on Saturday at the Roman Catholic Church in Small Farms, Evaton. At 5.30 pm a bus will be available to transport those who want to attend the

On Sunday, the Detainees Aid Movement (DAM), will hold a meeting that will be addressed by Aubrey Mosolodi, mother of Jerry Mosolodi the ANC guerilla who was hanged last year, and Mr. Curtis Nkondo.

The meeting, which will be held at the Dube YWCA at 1.30 pm, will also focus on the release of Mrs Dorothy Nyembe this month.

X

X

No marks on detainee doctor

BISHO — The superintendent of Cecilia Makiwane Hospital in Mdantsane, Dr Ian Harris, told the Supreme Court here yesterday that he found no visible marks of assault on the body of a detainee.

Dr Harris was giving evidence in the trial within a trial to test the admissibility of statements allegedly made by Mr Colin Sebe, Mr Khambashe Sebe and Mr Toni Sebe.

They have been

charged together with Mr Ntobeko Mlotana and Mr Mbulelo Xaba with terrorism, intimidation and attempted murder. They have pleaded not guilty to all the charges.

Dr Harris said he examined detainees at the Mdantsane police station last year.

He said he found nothing wrong with Mr Colin Sebe's health. He saw only a small bruise on his right ankle. He said he found no marks of leg irons on his legs. There were no marks on his body.

Dr Harris said that Mr Colin Sebe had complained of police assault. He said he had chest and body pains.

He said he drew a list of people he had examined and specified his findings. He sent the list to the director general of the Department of Justice, together with the detainee's complaints.

Dr Harris said he was instructed by the director general to send

assault complaints to the attorney-general. After sending the attorney general the list of complaints he (Dr Harris) received a copy sent by the attorney-general to the commissioner of police, instructing him to open dockets. Among the people mentioned in the letter was Mr K. Sebe.

Mr Toni Sebe told the court that he was never assaulted by the police. He said he signed a statement because he was afraid of the police. He said he signed the statement without reading it because when he asked to read it, the police told him it was not necessary.

Mr Toni Sebe said that at one stage he was taken from his cell, at the Middledrift police station, to Bisho police headquarters where the senior prosecution counsel, Mr P. C. Oosthuizen, asked him to become a state witness. He said he refused.

The trial continues today.

MD's donation

Study shows 72 pc rise in detentions

(329) Stan 9/13/89

By Jo-Anne Collinge

The number of people detained in South Africa and the homelands rose steeply last year to 453 — almost 72 percent more than in 1982 when 264 detainees were accounted for by human rights groups.

The figures were compiled by the South African Institute of Race Relations, the Detainees' Parents Support Committee and the Dependants' Conference of the South African Council of Churches.

The SAIRR said that of the 453 people detained in 1983, 323 had been released by the end of February 1984 and 90 charged.

Still in detention in South Africa and all homelands at the end of February 1984 were 60 people, according to SAIRR, DPSC and SACC reckoning.

Official figures for January this year were 21 people held under the Internal Security Act, section 29, but this excluded the independent homelands.

The SAIRR states: "The large increase in detentions is mainly attributable to the fact that the number of people detained in the Transkei, Bophuthatswana, the Ciskei and Venda rose from 83 in 1982 to 215 in 1983 — an increase of 159 percent.

"The Ciskei alone accounted

for some 180 detentions last year."

Detentions in the rest of South Africa also rose — though less sharply — from 181 to 238, an increase of 31 percent, according to the statement.

The statement highlights three known deaths in detention in the last 12 months.

Mr Simon Mndawe (23) died in March last year while detained under the Internal Security Act. Mr Paris Malatji (23) died in July, a day after being held under the Criminal Procedure Act. Mr Samuel Tshikudo (53) died in January in a cell in Venda — where South Africa's old Terrorism Act still holds.

A fact sheet supporting the figures records that:

- Mr Abel Dube, detained under the preventive detention clause of the Internal Security Act in April 1982, is still being held and his order extends until November.

- Mr Louis le Grange, the Minister of Law and Order, had said 149 people had been held under section 29 of the Internal Security Act in 1983.

Of these 42 had been charged and 19 found guilty. The offences included high treason, terrorism, furthering the aims of an unlawful organisation and illegal possession of firearms.

453 detained in past year

CAPE TIMES 9/3/84 329

Own Correspondent
JOHANNESBURG. — There was a dramatic increase in the number of detentions without trial in South Africa and the independent homelands in 1983, according to figures released yesterday by the South African Institute of Race Relations.

The figure had risen from 264 detentions in 1982 to 453, largely because of an increase in detentions in the independent homelands, the institute said in a statement.

The Ciskei alone accounted for 180 detentions last year.

These figures were released to coincide with the annual National Detainees' Day, to be held on Saturday.

The day, the third one to be called by the Detainees' Parents' Support Committee (DPSC), will be marked by meet-

ings, vigils and seminars around the country.

According to the institute, 323 of the 453 detainees had been released without charge up to the end of last month.

At the end of February, 60 people were in detention, of whom 39 were in Ciskei, Transkei and Venda.

Three people are known to have died in detention in the last 12 months and one person, Mr Abel Dube, has been held without trial for almost two years.

The three people who died were Mr Simon Mndawe, Mr Paris Malatji and Mr Samuel Tshikudo.

The figures released yesterday were based on research done by the institute, the DPSC and the Dependents' Conference of the South African Council of Churches.



Bishop Dennis Hurley, right, of Durban, congratulates Father Smangalis Mkhathshwa on his release yesterday.

Cape Times 9/3/84

Ciskei court acquits priest

ZWELITSHA. — The secretary of the Southern African Catholic Bishops' Conference, Father Smangalis Mkhathshwa, was acquitted in the Regional Court here yesterday on charges of subversion, incitement to violence and addressing an unlawful gathering.

The magistrate, Mr J Kotze, said in his judgment that none of Father Mkhathshwa's actions could be regarded as an offence.

The State alleged that Father Mkhathshwa, 48, had addressed an unlawful gathering at the University of Fort Hare on October 30 last year — a church service held in sympathy with the bereaved families of five students from the University of Zululand killed by members of Inkatha.

The magistrate said Father Mkhathshwa had mentioned at the service that the struggle in South Africa should continue and had traced the historical background and the plight of a black man in South Africa. He had not mentioned the overthrowing of the Ciskeian Government.

Mr Kotze said a letter from the Rector of the University of Fort Hare stating that the service had been "a normal church service" had been supported by State witnesses who had told the court they had not regarded the meeting as unlawful. Mr Kotze said it would appear that the service had been of a religious nature.

Father Mkhathshwa had been in detention since last October. — Sana

Cheers in court as priest freed

East London
Bureau

ZWELITSHA. — The Rev. Smangalis Mkhathshwa has been acquitted in the Regional Court here on charges of subversion, incitement to public violence and addressing an illegal gathering.

Father Mkhathshwa, general secretary of the Southern African Catholic Bishops' Conference had been in detention in Ciskei since his arrest at Fort Hare University on October 30 last year.

The magistrate, Mr J Kotze, discharged Father Mkhathshwa yesterday after finding that the State had failed to prove its case on any of the three charges.

Jubilant members of the public and clergy clapped and cheered as the magistrate left the courtroom.

Prayer meeting

The State alleged that Father Mkhathshwa had intended to overthrow the State or endanger its authority when he addressed a prayer meeting at the University of Fort Hare.

The meeting was a memorial service for students who died in rioting at Ongoye University in Natal during an Inkatha rally.

The State also alleged that Father Mkhathshwa uttered words which could have resulted in public violence, and had addressed an illegal gathering.

Mr Kotze found there was nothing in Father Mkhathshwa's address that advised students to overthrow the State or endanger its authority.

According to evidence before the court, Father Mkhathshwa had also said nothing to incite the students, Mr Kotze said.

Quietened down

Had Father Mkhathshwa wished to incite the students he could have done so as they were in the "right mood".

Mr Kotze said a State witness testified that the students had been shouting before Father Mkhathshwa's address but had then quietened down.

The court further found it difficult to accept that Father Mkhathshwa had known the gathering was illegal.

Two witnesses who lived in Alice and attended the service had not known it was illegal, Mr Kotze said.

Mr Denis Kuny, SC, and Mr H Fabricius appeared for Father Mkhathshwa and Mr B Nel for the State.

PHYSICAL damage caused the symptoms of post-traumatic stress disorder diagnosed in Mr. Auret van Heerden, an American psychiatrist told the Pretoria Supreme Court this week.

During much of the third week of the civil case in which Mr. van Heerden is suing 10 security policemen for R113 000 after alleged torture in detention, expert medical witness Dr. Louis Stomowitz, of Los Angeles, California, Los Angeles, was cross-examined by Mr. H. Z. Stomowitz, SC, for the defendants.

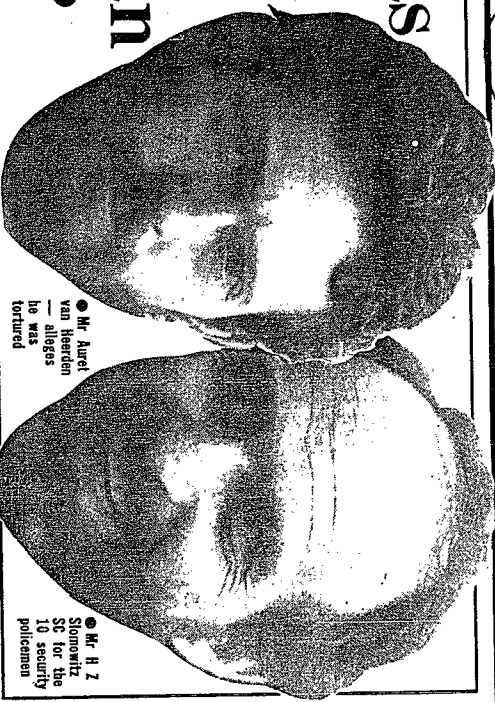
In reply to a question by Mr. Stomowitz, Dr. West said that given Mr. van Heerden's background — his peptic ulcer, his divorce, his life before detention conditions in detention, solitary confinement, apprehension, anxiety, an inability to sleep — "could not account for the symptoms he experienced".

"I think it took physical damage to do this to him," Dr. West said.

Dr. West said for the United States on Friday after a week in the witness box and sitting in on the case for the previous two weeks.

Mr. van Heerden, 29, a former president of South African Students (Nassau) is claiming damages from the 10 security policemen for alleged torture, including hav-

What was it that changed Auret van Heerden?



● Mr. Auret van Heerden — alleges he was tortured

● Mr. H. Z. Stomowitz, SC for the 10 security policemen

Bodily harm, says one doctor. Stress, says another

STEPHANIE VENTER reports

ing one of his wrists mutilated to an ankle for about 10½ hours, a doctor has been struggling with a wet towel and being given electric shocks. Then, he said, occurred at the Pretoria police station on November

17 and 18, 1981. He was taken to a hospital on November 22, 1981 to July 9, 1982 but was not charged with any offence.

During the three weeks the case has been in pro-

gress, Mr. van Heerden's family and friends told the court of his extreme personality changes since his detention. They said he also had frequent nightmares and had

become a vegetarian, being obsessed with his health. According to Dr. West's diagnosis, Mr. van Heerden's symptoms included "emotional numbing, re-experiencing the trauma, sleep disturbances, general apprehensiveness and anxiety, sadness and brooding, irritability and intolerance."

"He is mistaken if he ex-

pected a vegetarian, being obsessed with his health. According to Dr. West's diagnosis, Mr. van Heerden's symptoms included "emotional numbing, re-experiencing the trauma, sleep disturbances, general apprehensiveness and anxiety, sadness and brooding, irritability and intolerance."

Major Johannes Nicolaas Visser, Major P. P. Olivier, Warrant Officer Lawrence Charles Philip Prince, Lieutenant Hendrik Cornelis Jacobs, Plouff, Lieutenant P. Botes, Warrant Officer Ruiters, Captain Andries Abraham Struwig and Lieutenant Johan van der Merwe are no longer a police-

men to see psychic numbing symptoms? Dr. West said. He cited one example where an attempt at making a diagnosis of someone in the witness stand had been discredited.

Re-examined by Mr. Sydney Kautridge SC for Mr. van Heerden, Dr. West said the signs and symptoms observed in Mr. van Heerden would be "hard to believe" if he would be "harshly threatened or physically abused while in detention, if he was given comfortable cells and if his ulcer was not worrying him."

"It would be even more inexplicable" if, in addition, Mr. van Heerden could not feel any threat because he was protected by himself by calling for "Craig Williamson".

The case for Mr. van Heerden closed on Friday. Witnesses for the defendants will be called from Tuesday.

US psychiatrist speaks on report by psychologist

A COMMENTARY by American psychiatrist Dr. Louis John West on a report by a South African psychologist for the defence on his examination of Mr. Auret van Heerden, was

Take a break with Sun City's incredible Black specials.

PHYSICAL damage caused the symptoms of post-traumatic stress disorder diagnosed in Mr Auret van Heerden, an American psychiatrist told the Pretoria Supreme Court this week.

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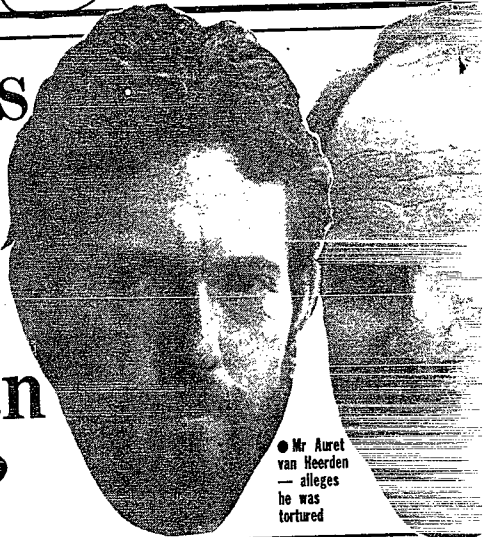
In reply to a question by Mr Slomowitz, Dr West said that given Mr van Heerden's background — his peptic ulcer, fears, stress and tensions of his life before detention, conditions in detention, solitary confinement, apprehension, anxiety, an inability to sleep — "could not account for the symptoms he experienced".

"I think it took physical damage to do this to him," Dr West said.

Dr West left for the United States on Friday after a week in the witness box and sitting in on the case for the previous two weeks.

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What was it that changed Auret van Heerden?



● Mr Auret van Heerden — alleges he was tortured

Bodily harm, says one doctor. Stress, says another

STEPHANIE VENTER reports

ing one of his wrists manacled to an ankle for about 10½ hours, a tight-fitting bag being pulled over his head, being strangled with a wet towel, and being given electric shocks. That, he said, occurred at the Benoni police station on November

17 and 18, 1981. He was in detention from September 24, 1981 to July 9, 1982 but was not charged with any offence. During the three weeks the case has been in pro-

gress, Mr van Heerden's family and friends told the court of his extreme personality changes since his detention. They said he also had frequent nightmares and had

become a vegetarian, being obsessed with his health.

According to Dr West's diagnosis, Mr van Heerden's symptoms included "emotional numbing, re-experiencing the trauma, sleep disturbances, general apprehensiveness and anxiety, sadness and brooding, irritability and intolerance."

US psychiatrist speaks on report by psychologist

A COMMENTARY by American psychiatrist Dr Louis Jolyon West on a report by Dr C F Kruger, a psychologist for the defendants, on his examination of Mr Auret van Heerden, was submitted to the court.

In it he agreed with Dr Kruger that Mr van Heerden was of superior intelligence and that he gave "truthful and frank" answers to questions.

However, Dr West disagreed with Dr Kruger's point that Mr van Heerden did not seek psychiatric assistance after he and his girlfriend broke off their relationship in September last year. Both he and his girlfriend had agreed that the break was caused by the post-traumatic stress disorder symptomatology after his release from detention," Dr West said.

Dr Kruger's propositions that Mr van Heerden had a "long history of inability to cope with stress" and his probable "basic development deficiency in the nature of a personality immaturity disorder", were refuted by Dr West.

"There is absolutely no

history of Auret van Heerden and the typical histories of persons with 'developmental deficiencies' of the type formerly known as immaturity or inadequate personalities," he said.

Dr Kruger's findings on the Structured Objective Rorschach Test (SORT) could not be given serious consideration, Dr West said, because "it was not intended for use as a clinical aid in diagnosing deviant behaviour".

He also said the Personnel Security Inventory Test (PSI), carried out by Dr Kruger and which suggests that Mr van Heerden may be a "borderline to high risk" for stealing, was not valid as it was developed to screen out job applicants who "are at risk to steal in the work place".

Dr West suggested after examining Mr van Heerden in September last year that he undergo about 200 hours of psychotherapy over two years.

Dr West has treated "several hundred" patients with post-traumatic stress disorder who had suffered torture

Take a break! Sun City's ir mid-week s



MDANTSANE — An Mdantsane attorney was detained by Ciskei security police as he left the Mdantsane magistrates' court yesterday, his secretary said.

The secretary, Miss C. N. Mtintsilana, said Mr Malcolm Qabaka was approached by two security policemen who told him that he was wanted at their offices at the Mdantsane police station.

Miss Mtintsilana said

she accompanied Mr Qabaka to the police station. He was told to park his car in the yard and taken to an office. She said she was told to go home as Mr Qabaka was being held under Section 26 of the National Security Act.

Mr Qabaka, a former Ciskei magistrate, was admitted to the bar in 1981.

A relative, Miss Tobeka Salajana, said they had taken some clothing for him to the Mdantsane police station.

Miss Salajana said they had not been officially told by the police about Mr Qabaka's detention.

His wife, Mrs Nomanci Qabaka, is doing a university education diploma at the University of Fort Hare. The couple have two children.

The head of the Ciskei security police, Colonel Fumbelele Zozi, could not be contacted yesterday. — DDR

Attorney held secretary

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O. R. R. R.

13/3/84

Students told of life in detention

Staff Reporter

STUDENTS at the University of the Western Cape yesterday were told what to do to prepare themselves for possible detention under security laws.

Dr Liz Floyd, a Johannesburg medical doctor and a community worker who was detained without trial between November 1981 and March 1982 and a friend of the late Dr Neil Aggett, told about 250 UWC students at a lunch-time meeting to mark National Detainees Day that if they were "activists", they had to be prepared to be detained.

'Break you down'

"When in solitary confinement, the outside world ceases to exist. Survival while in detention means contact with people. The authorities tend to deny you such contact. They try to break you down during interrogation.

"People going into detention should be prepared for that. One of the most important



Dr Liz Floyd at a mass meeting at UWC yesterday.

things is for you to know that there are people supporting you.

"Before I was detained I could not understand why detainees committed suicide. When you are inside yourself, you realize the difference between life and death is very small."

Dr Floyd said the security police had become more careful since the death of Mr Steve

Biko. They were concentrating on mental and psychological pressures against detainees.

"We are fighting against fear, which is the hold the security police have over you."

Mr Dalla Omar, an advocate, spoke of the "idea of liberation".

"You can detain people, even kill them, but you cannot detain or kill an idea. Therefore, there is no need for pessimism," he said.

'Way of life'

He said detention in South Africa had become a way of life and many people accepted it and adjusted to it readily.

"The vast propaganda machine of the State creates a situation where people do not know their own history.

For instance, we have lived through the period in which Neil Aggett died. What steps have we taken to ensure that the lessons of today will be taught to our children?" Mr Omar asked.

Court told access to detainee was denied

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Star
13/3/84

By Sheryl Raine,
Pretoria Bureau

An inspector of detainees and two magistrates tried to visit a detainee four times after he was allegedly assaulted, but were told by police that he was "not available".

This evidence was led in the Pretoria Supreme Court today in a civil case in which Mr Auret van Heerden is claiming R113 000 from 10 security policemen in connection with allegations of assault.

The chief magistrate of Johannesburg, Mr O A de Meyer, told the Supreme Court that he attempted to visit Mr van Heerden at the Benoni police cells on November 24 and 26. Mr de Meyer said the station commander told him the detainee had been "taken out on investigation by the Security Police".

Evidence was led that Mr A J Mouton, an inspector of detainees, tried to visit Mr van Heerden on November 24 but was told that he was not available.

Mr van Heerden has claimed that he was brutally tortured at the Benoni police station.

Mr de Meyer said he did see Mr van Heerden on November 30 1981, and that the detainee was in excellent health.

Officials told detainee 'not available' ⁹⁴⁶⁴³ ^{13/12/84} ³²⁹ evidence

Argus Correspondent
PRETORIA. — An in-
spector of detainees and
two magistrates tried to
visit a detainee four
times the week after he
was allegedly assaulted,
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lice he was "not avail-
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R113 000 from 10 security
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with allegations of as-
sault.

The Chief Magistrate
of Johannesburg, Mr O A
de Meyer, said he was
stationed at Benoni, dur-
ing November 1981.

"TAKEN OUT"

On November 24 and
26 he attempted to visit
Mr van Heerden at the
Benoni police cells where
he was being detained.

Mr de Meyer said the
Benoni station command-
er told him the detainee
had been "taken out on
investigation by the secu-
rity police".

Earlier, on November
20, another magistrate
and colleague of Mr de
Meyer, went to visit Mr
van Heerden and was
also told the detainee
was not available.

Evidence was led that
Mr A J Mouton, an in-

spector of detainees, also
tried to visit Mr van
Heerden on November 24
and was told the detainee
was not available for an
interview.

Mr de Meyer said he
did see Mr van Heerden
on November 30 1981 and
the detainee was in ex-
cellent health, showed no
signs of injury and had
made no complaints.

(Proceeding)

Homeand detentions going up

By
ZWELAKHE
SISULU

THERE was an increase of 159 percent in the number of people detained in the bantustans last year, a fact paper released by the Institute of Race Relations has revealed.

The bantustans referred to are Transkei, Bophuthatswana, Venda and Ciskei where the number of detainees increased, from 83 in 1982 to 215 last year, and of these 180 were

detained in Ciskei. In South Africa there was an increase of 31 percent, rising from 181 in 1982 to 236 last year.

In a statement attached to the fact sheet, the director of the Institute, Mr John Kane-Berman said it was difficult to monitor the detention

of people because the Government did not readily make such information available.

"Organisations attempting to monitor detentions, labour unions and the difficulty that comprehensive statistics are not made readily available by the South African Government or the authorities in the four homelands which detained people last year," Mr Kane-Berman said.

Because of this, he said, the Institute does not claim that the figures are definitive, but believes that they are the best unofficial statistics available.

The fact paper reveals that of the 453 people detained in South Africa and its bantustans, 323 were released without being charged. Among those detained were 140 students and teachers, 65 trade

unionists and workers, eight churchmen, 44 community workers, eight journalists and 188 people whose occupations are unknown.

The fact sheet also points out that, next month, Mr Abel Dube will have been in detention for two years. Mr Dube has been held in preventive detention since April 1982, and his present detention order was renewed last year

and will now expire in November.

The report notes that the people detained last year were not only held in terms of the various provisions of the Internal Security Act, but also under the Criminal Procedure Act.

Statistics in the fact paper were compiled by the Institute's research department, and by the Detainees Parents' Support Committee, DPSC.

Venda security police pay up

THOHOYANDOU — Bishop S E Serote of the Lutheran Church's northern diocese says the Venda National Force is duty-bound to give a firm public assurance that detainees in Venda will never again be subjected to police brutality.

He was commenting on the out-of-court settlement reached between the VNF and three Lutheran ministers who claimed R20 000 in damages after their detention. The VNF paid out R13 500.

Dean T S Farisani, the Rev P M Phoswa and the Rev N P Phaswana were arrested in November 1981, after two policemen were killed in a grenade attack on the Sibasa police station.

The three men were charged with complicity and murder, but the main charges were dropped after they had been in detention for six months.

The judge found there was no proof that they were involved in the planning and execution of the attack.

All three ministers claimed in a Supreme Court action that they were assaulted by police during their detention, and had to receive hospital treatment.

A fourth detainee, Mr Tshifwa Muofhe, died in detention. Two policemen charged with murdering him were acquitted in the Venda Supreme Court.

The VNF paid the dead man's family R20 000 in an out-of-court settlement.

The Commander of the VNF, General T

A SOWETO woman is recovering at Baragwanath Hospital after being shot at a Dobsonville shebeen on Monday.

The woman, whose identity police are withholding, was shot in the shoulder after a man ran into the shebeen and fired five shots in her direction.

Soweto CID chief, Brigadier J J Viktor, said the 29-year-old woman was drinking with two male companions aged 24 and 39 when the gunman started firing. The two men were not injured.

Meanwhile police are looking for a gang of 12 men who held up

5 shots fired at woman

a Tshiawelo Extension 3 shebeen queen and robbed her of cash, a TV set and clothing to the value of R10 000 on Sunday.

Brig Viktor said the group struck on Sunday night.

Another shebeener who allegedly shot and killed a man who he suspected of setting his house alight, has been arrested.

Birds painting the town



PARTY TIME: The quiet elegance displayed by people who go becoming all too frequent these days. The occasion here was the journalist Chris More and his wife Pontsho in Dube. The two entirely together, and dressed with that studied style that breathes Moleke and Ms Maureen Koelze.

The Putco Foundation

THE Putco Foundation created to help improve the quality of life in the communities where the company does business, has committed about R120 000 on approved projects this year. Trans-

drought relief.

A spokesman of the company, said the Putco Foundation is funded not from passenger fares but from Putco's share of the revenue derived from advertising on the

Its budget is to grow to more than R350 000 next year.

The Putco Foundation Star School, vide supplementary Saturday morning

No injuries on detainee's face, court is told

By JOHN MOJAPELO
Pretoria Bureau

TWO magistrates and a police station commander told the Pretoria Supreme Court yesterday they had not seen any injuries on the face of the former student leader Mr Auret van Heerden a few days after he had been allegedly tortured.

Mr O A de Meyer, the former Chief Magistrate of Benoni, Mr P C van Der Merwe, a Johannesburg magistrate, and Major D P Combrink, the former station commander of Benoni police station, were giving evidence before Mr Justice C F Eloff.

Mr Van Heerden, 29, of Johannesburg, a former president of the National Union of South African Students, alleged he had been maltreated and tortured while held by the Security Police at the Pretoria Central Prison, the Sandton police station, John Vorster Square and the Benoni police station from September 24, 1981 to July 9, 1982.

Mr Van Heerden is suing 10 security policemen for R113 000 in their private capacities.

Mr De Meyer, who was called as a witness for the Security Police, said he had visited Mr Van Heerden at the Benoni police station where he was being held under the Terrorism Act.

Mr Van Heerden had no complaints or requests to make to the magistrate.

Mr De Meyer said he would have seen if Mr Van Heerden had a black eye, a mark on the bridge of his nose or a swelling on his right cheek.

Mr Van Heerden had earlier alleged he had sustained the injuries on the night of November 18 after he had been assaulted by the policemen in their offices at the Benoni police station.



MAJOR D P COMBRINK
'saw no injuries'

Mr De Meyer said he had been told on November 24 and 26 that Mr Van Heerden was not available as he had been taken out by the Security Police for investigation.

He was also aware of a report by the Inspector of Detainees, Mr A J Mouton, that Mr Van Heerden was not available at the police station on November 24.

Mr De Meyer said he did not know Mr Van Heerden was at the police station on the days when he was told he had been taken out.

Mr De Meyer said he did not see any reason why attempts should have been made to hide Mr Van Heerden from him.

The Johannesburg magistrate, Mr Van der Merwe, said he had visited Mr Van Heerden while he was detained at John Vorster Square.

Mr Van der Merwe said on two occasions he had been told Mr Van Heerden was not available because he had been taken out for investigation.

He had accepted the explanation without making any further inquiries.

He said he had not seen any



MR O A DE MEYER
No attempt to hide detainee

facial injuries on Mr Van Heerden when he had seen him on December 4.

Mr Van Heerden had not complained to him or made any requests.

When he was told on December 17 Mr Van Heerden was not available because he was out on "investigation" he did not think there had been an attempt to hide him from him, said Mr Van der Merwe.

The former Station Commander of the Benoni police station, Maj Combrink, told the court that when he had seen Mr Van Heerden on November 20 he had had no visible facial injuries.

Mr Van Heerden had not complained to him.

Mr Van Heerden is bringing the action against Lieutenant-Colonel Arthur Benoni Cronwright, Maj Stephanus Abrie, Maj J N Visser, Maj P P Olivier, Warrant-Officer D J Fourie, W/O Lawrence Phillip Prince, Captain P Botes, Lieutenant Hendrik Pitout, and Lieut Johan van Aswegen. Lt Van Aswegen is no longer a policeman.

The hearing continues today.

Detainee did not complain, court told

By Sheryl Raine, Pretoria Bureau

Two magistrates and a police station commander told the Pretoria Supreme Court yesterday they saw no injuries on a detainee who alleges he was brutally tortured.

The detainee, Mr Aurret van Heerden (29), is claiming R113 000 from 10 security policemen for alleged torture during his detention from September 24 1981 to July 9 1982.

It was revealed in court yesterday that an inspector of detainees and two magistrates had tried unsuccessfully to visit Mr van Heerden while he was being held in the Benoni police station cells from November 18 to 26. On four separate occasions the visitors were told the detainee was "not available and out on investigation".

Scrutiny of a cell register revealed that Mr van Heerden was booked out of his cell at Benoni on November 18 at about 8 am and booked back 36 hours later at 8 pm on November 19.

It was during this time that Mr van Heerden alleges he was brutally tortured in the Security Police offices adjacent to the police station.

The cell register recorded that he was booked out of his cell again on November 20 and returned at 9.31 pm on November 22.

During this time Mr van Heerden says he was interrogated and physically abused at John Vorster Square.

The chief magistrate of Johannesburg, Mr O A de Meyer, testified that he tried to visit Mr van Heerden on November 24 and on November 26 but was told by the station commander at Benoni that the detainee was out with the Security Police.

NOT AVAILABLE

Mr Sydney Kentridge, appearing for Mr van Heerden, asked Mr de Meyer whether he had asked why the detainee was not available.

Mr de Meyer: No. If the station commander says to me the detainee is not available then I must accept it.

Mr Kentridge: The detainee was under the control of the Security Police. Didn't you ask the station commander about the Security Police?

Mr de Meyer: No.

Mr Kentridge: Why not? Why didn't you go to the Security Police, tell them you were a magistrate and say you wanted to see the detainee?

Mr de Meyer: I didn't know which branch of the Security Police was involved and I found no need to

trouble the Security Police.

Mr de Meyer said nobody at the Benoni Police Station told him that, in fact, Mr van Heerden was next door in the Security Police offices on November 24 and on November 26.

Another magistrate, Mr P C van der Merwe, said he saw Mr van Heerden, who had no injuries or complaints, at John Vorster Square on December 4. Mr van der Merwe could not account for Mrs Roma van Heerden's having seen a red mark on her son's nose and a swelling on his right cheek when she saw him 13 days later.

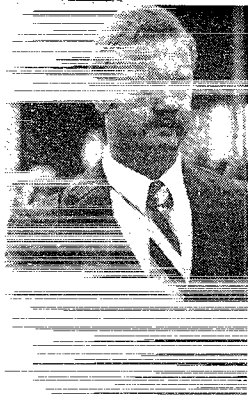
Mr van der Merwe said he tried to see the detainee again on December 10 and December 17 but was told he was not available.

"I was not suspicious. I thought the detainee was having a nice time in detention and had a good relationship with the police. They told me he was out or at the doctor and I was satisfied," he said.



Mr van Heerden

Mr van Heerden was out or at the doctor and I was satisfied," he said.



JAILED: Harm van As.

MALATJI FAMILY

SUES

Detainee son Paris
shot dead by SP



BEREAVED FAMILY: Relative and mother Mrs Margaret Malatji.

By ZWELAKHE SISULU

329

THE PARENTS OF Paris Malatji who was killed by a security policeman in Soweto last year are suing the Minister of Law and Order for R51 600.

Summonses have already been served on Mr Louis le Grange who said that he will defend the action.

The dead man's parents, Mr Abe Malatji and his wife, Margaret, are suing the Minister for R25 000 each for loss of support and R1 600 for funeral expenses.

The action against Mr le Grange stems from the death of Malatji who was shot through the head by a security police sergeant, Harm van As, during interrogation at Protea police station on July 13 last year.

Van As was jailed for 10 years by Mr Justice Kirk-Cohen at the Rand Supreme Court last month for the killing.

A spokesman for the office of Mrs Priscilla Jana, who is acting for the Malatji family, said the summonses were served in January and the Minister's response was received last month.

Judge

In finding Van As guilty of culpable homicide, the judge found that the security policeman acted negligently by holding his pistol to Malatji's head and threatening him with it in an attempt to persuade him to co-operate during interrogation.

In doing so, the judge found Van As ignored possibilities of fatal consequences to his action.

Meanwhile no date

has been set to hear the application by the State to ask the Appellate Division whether Mr Justice Kirk-Cohen was right in convicting Van As of culpable homicide instead of murder.

Sowetan 14/5/84

C. Herald 15/3/84 (329)

Spare a thought for the detained

By The Detainees' Parents' Support Committee (DPSC).

THE shot that killed Paris Malatsi at point blank range destroyed any illusions about the security police in this era of so-called reform. Detective Sergeant J H van As held a pistol to the detainee's head before the shot rang out. He had also ignored two of the main points in the security police's own code of conduct for interrogation: that police should not be armed and that there should always be at least two policemen present. Van As himself was only charged after pressure and publicity from the Detainees Parents Support Committee.

The death of Paris Malatsi, the kidnapping of 96-year-old Mr Mgija and 14 others from Mgwali, the death of detainee, Samuel Tshikudo, in Venda, the three-year sentence of Mathews Nishiwa for having "umkhodo we sizwe" (sic) scratched on his tin mug at work, the actions of Koevoet against the Namibian population, police visits at the home or work of political organisers, students and others: 1983 and 1984 have continued to be years of repression.

CONTEXT

It is in this context that detainees' support committees throughout the country called for March 12 this week, to be marked as National Detainees' Day. In Johannesburg, Durban, Port Elizabeth, Vryburg, Kimberley and elsewhere, these committees called meetings, and arranged activities to draw attention to the repression and violence in our land.

It is day of sadness in which we ask why the ideals and dreams of thousands of democratic-minded South Africans have been met with force and opposition. It is a day of solidarity and unity too, in which we celebrate the courage and motives of the prisoners of apartheid, where we show again our determination to end the oppres-

ON March 12, three years ago, a group of people met to talk about the plight of people being held in detention without ever being brought to trial. They felt that the public needed to be made aware constantly of the situation and to keep the spotlight focused on the detainees and South Africa's security laws. This week, the Detainees' Parents' Support Committee organised their third National Detainees' Day with a series of articles, lectures and meetings.

sion that gives rise to the security laws.

As we remind ourselves of those detained, banned in prison and in exile, we also dedicate ourselves to their ideals, of a united and democratic South Africa.

DETENTION

There are fewer South Africans in detention than there have been for many years and the number of banned is at an all time low. The overt Security Police activity of previous years has given way now to a more "subtle" approach. Paris Malatsi's death has helped to expose an aspect of this. The Commissioner of Police himself declared that the code of conduct for interrogators did not apply as Malatsi had been held under the Criminal Procedures Act and not Security Legislation.

It serves only to support our view made at our annual conference in East London in September that, increasingly, so-called "criminal"

provisions of the law are being used to suppress opposition.

South Africans are faced with a battery of laws from the Publications Act and the Intimidation Act to the Internal Security Act itself. These laws are used to label as criminals those who struggle for justice.

WEB

Another strand in the web of controls is marked by the recent events in Ciskei, the reign of terror by the Sebe regime. For months, bus boycotters faced the most terrible repression, beatings and harassment. Sisa Dukashe stadium was transformed into a centre of torture. While the Nationalist Government attempts to wash its hands of responsibility, the Bantustans have become the battering-rams of control.

For thousands of South Africans, events in the Ciskei not only confirm their worst fears about the Bantustan policy, but have brutally shown that a policy that is unacceptable to the majority, that destroys and tears at their lives, can be maintained in the last instance only by undemocratic methods. A society that rests on the privilege and power of the few will rely on force and violence to sustain itself, and cannot allow for long the voice of dissent.

The new constitution and the Koornhof bills change none of this. In the carefully separated tri-cameral parliament, in the exclusion of the African majority from the political process, we see only a recipe for control. The new consti-

tution has generated the opposition of a range of progressive organisations and individuals.

Already there have been the beginnings of low-key harassment, bannings of meetings, fake pamphlets. The new constitution — with its entrenchment of domination and privilege — will necessitate an increase in the use of the State's security apparatus.

We have learnt from our children, who have suffered the effects of the security laws, of their high ideals and of their thirst for freedom. We form a part of their struggle. We have neither been able nor have wanted to stand aside from the tide of resistance that is sweeping our land. We have joined hands within the United Democratic Front to share our experiences and desires with our fellow South Africans. In this, in the unity of our people, we see the hope of a country free of repression, intimidation and harassment. Under the banner of the UDF, we believe that we can continue to raise our call for justice and democracy.

Justice can only be achieved when the voice of all South Africans is heard. For this reason, we are convinced that Nelson Mandela and all other prisoners of Apartheid will have to be freed to play their rightful role in building our future. Like the detained and the banned, their ideals and hopes are those of millions of our countrymen and women.

National Detainees' Day reminds us of the repression that apartheid gives rise to. It calls on us to unite, to speak out. It reminds us that we cannot rest, that we must say "No!" to the injustices that surround us.

The spirit and will of the detainees is with us as we remember then and resolve to take forward their fight for a just and peaceful South Africa.

Psychiatrists clash on torture claims

(389) *SA* Pretoria Bureau 15/3/84
A South African psychiatrist yesterday disputed evidence given by an American psychiatrist that the symptoms of a former detainee could have been caused only by physical abuse.

Dr G van Niekerk, chief psychiatrist at Tygerberg Hospital, was giving evidence in the Pretoria Supreme Court in the case in which Mr Aret van Heerden is claiming R113 000 damages from 10 security policemen.

Dr van Niekerk said that he found no objective signs of mental illness or psychological disturbance in Mr van Heerden. There was no concentration impairment and his emotional responses were within normal limits.

"The history of torture as told to me by Mr van Heerden or the general stress of detention would, in my opinion, have been sufficient to cause the symptoms of which he complains. If the history is correct, I would diagnose that Mr van Heerden is suffering from post-traumatic stress disorder.

"But I would have expected to find objective signs to support his history of subjective symptoms."

Dr van Niekerk declined to make a final diagnosis

of Mr van Heerden. But he disputed that dream content and the nature of Mr van Heerden's nightmares could be used as an indication of what had happened to him in the past or to ascertain whether he had been physically abused. In his opinion, Mr van Heerden did not suffer from night terrors.

Observing Mr van Heerden in court, Dr van Niekerk said, he seemed friendly, happy, at ease and spontaneous. He manifested no objective signs of stress or anxiety such as restlessness or sweating.

Dr van Niekerk conceded under cross examination by Mr Sydney Kentridge that he had perhaps been selective in highlighting factors about Mr van Heerden that contradicted his claims in the case.

"I put it to you that the reason he found detention so stressful was that he was not only held in an isolation cell for three weeks, threatened, forced to stand under interrogation, and tortured but, for six months after being tortured, he lived under the threat of what would or could happen to him if he told anyone about his treatment," said Mr Kentridge.

"Yes. If all that is true he would have found detention stressful," replied Dr van Niekerk.

The case continues.

By JOHN MCGRAFF

THE acting head of the Department of Psychiatry at the University of Stellenbosch, Dr G van Niekerk, told the Pretoria Supreme Court yesterday he could not find any evidence of post-traumatic stress in the former President of the National Union of South African Students, who alleges he was mistreated and tortured by Security Police.

Dr Van Niekerk was giving evidence in the case of John Van Heerden, 29, of Johannesburg, who is bringing a R113 000 action against the Security Police, before Mr Justice C F Elliot.

Dr Van Niekerk said that while detained by the Security Police between September 24, 1981, and July 9, 1982, after detention at the Pretoria Central Prison, Sandton police station, John Vorster hospital and Beaman police station, Mr Van Heerden was freed without being charged or being called as a State witness.

Mr Van Heerden alleges he developed post-traumatic stress disorders symptoms after he was tortured at the Beaman police station, offices of Security Police, on the night of November 18 and 19, 1981.

Dr Van Niekerk examined Mr Van Heerden in Johannesburg on January 30 and 31, and February 1 and 3, 1982.

Mr Van Heerden told him that he was tortured for about 34 hours and maltreated.

The psychiatrist said after Mr Van Heerden told him of his symptoms, he concluded that the former student leader showed no objective signs of mental illness and mental defects.

Dr Van Niekerk said he did not find any objective symptoms of post-traumatic stress disorder in Mr Van Heerden.

Under "cross-examination by Mr Sydney Kentridge, SC, Dr Van Niekerk said he had experience working with prisoners, but not with former Security Police detainees.

Dr Van Niekerk said it was "possible" some of the points raised in his report, on the examination of Mr Van Heerden were "selective".

Warrant Officer J Haavorsen, former desk sergeant at the Beaman police station, said he did not see any facial injuries on Mr Van Heerden on November 20, two days after the alleged torture.

W/O Haavorsen said he had visited Mr Van Heerden in his cell in the morning.

Asked whether he was near enough to see whether Mr Van Heerden had any injuries, he said his instructions were "to see whether detainees still breathe".

The hearing continues today.

No sign of stress in Auret — psychiatrist

RDW

15/3/82

(329)

Mgwali Police pact on border crossings

Political Staff

AGREEMENTS exist in terms of which South African Police, and those from Ciskei and Transkei, cross the borders between the countries "for the purpose of following up suspected or reported criminal activities".

This was disclosed yesterday by the Minister of Law and Order, Mr Louis le Grange, in response to a question from the MP for King William's Town, Mr Pat Rogers.

The question arose from Ciskeian Police action last month in arresting several people at Mgwali near Stutterheim.

Mr Le Grange said the agreements between South Africa, Ciskei and Transkei were "based on co-operation and good-neighbourliness".

Public interest

He added that it was not in the public interest to disclose the "purport" of the agreements.

In response to another question from Mr Rogers, Mr Le Grange said that Mgwali, together with the areas known as Newlands, Kwelera/Mooiplaats, Wartburg, Heckel and Upper Kubusie, all fell within the jurisdiction of the South African Police "as far as law enforcement and the maintenance of law and order are concerned".

After the Mgwali raid, the Ciskeian authorities stated that while Mgwali was in South Africa it was administered by Ciskei.

Prison chief denies Van Heerden claims

By Sheryl Raine, Pretoria Bureau

Prison officials have denied that former detainee Mr Auret van Heerden was kept in a filthy isolation cell at Pretoria Prison for three weeks during his nine-month detention.

Colonel W J van Niekerk, former head of Pretoria Prison and the man who selected Mr van Heerden's cell, yesterday testified in the Pretoria Supreme Court that Mr van Heerden had only minor complaints about conditions.

Mr van Heerden, who is claiming R113 000 from 10 security policemen in connection with allegations of torture, claims that while in Pretoria Prison:

- He was kept in an isolation cell with a stinking slop bucket for a toilet.
- An electric light was kept burning continuously.
- His bedding was filthy.
- He was denied clean clothes, regular exercise and was seldom allowed to wash.

Colonel van Niekerk said that no cells in the old wing at the prison had running water but prisoners could wash at a central shower block. They were supplied with night buckets with lids and were allowed to use disinfectant after cleaning the buckets. All cells had lights which were switched off at night.

The colonel said he saw Mr van Heerden several times in prison. He complained twice about not getting a special diet for his ulcer and about a lack of clean clothes.

Colonel van Niekerk said he reported the diet complaints to the district surgeon and ordered that the Security Police be told about the request for clean clothes. He denied that the Security Police had the power to prescribe prison conditions for detainees.

RDM 16/384 (329)
Concern over detentions

EAST LONDON. — The King Williams Town branch of the Congress of South African Students (Cosas) is concerned over the continued detention of five of their members by the Ciskei Security Police.

A Cosas spokesman yesterday called on the Ciskeian authorities to release the detainees from detention or bring them before a court of law immediately.

The five students are: Mr Thozamile Peter, local Cosas treasurer, Mr Mahlubi Mabilzela, Mr Matheriba Mgalo, Mr Vuyani Kwedala and Mr Mtebeleli Sgobelwano.

According to the Cosas spokesman, Mr Peter has been in detention since September last year and the others have been in detention since November. — Sapa.

RAM 16/3/84 (329)

'Held Nusas leader wasn't abused'

By JOHN MOJAPELO
Pretoria Bureau

TWO former assistant psychologists who were employed by the Department of Prisons said in the Pretoria Supreme Court yesterday that the Security Police were never abusive towards a former student leader when he was interrogated at Pretoria Central Prison in 1981.

Mr W A Glas and Mr Colin Steyn told Mr Justice C F Eloff they were warrant-officers at the prison when they saw Lieutenant Hendrik Pitout interrogate Mr Auret Dennis van Heerden, former president of the National Union of South African Students.

Mr Van Heerden, 29, of Johannesburg, has instituted a R113 000 civil action against 10 security policemen for maltreatment and torture while he was under their detention from September 24, 1981, to July 9, 1982.

He was detained at Pretoria Central Prison, Sandton Police Station, John Vorster Square and Benoni Police Station.

Earlier Mr Van Heerden said he was made to stand while being interrogated at Pretoria Central Prison.

He said he was denied food parcels from his family. The interrogation by the Security Police was abusive and aggressive.

Mr Glas said he occasionally saw Lieut Pitout and Mr Van Heerden in an office next to his during September and October 1981. He looked through the lace curtain on the window dividing the two offices.

"At first I thought it was a lawyer talking to his client. Later when I heard the words ANC and Nusas I thought this must be a security detainee."

He never saw Lieut Pitout being aggressive or abusive towards Mr Van Heerden.

"The interrogation took place in a calm atmosphere."

He heard the two laugh at the jokes made by Lieut Pitout.

Mr Steyn said he had occasionally seen Lieut Pitout walk with a civilian towards an office next to Mr Glas's.

"Lieut Pitout struck me as a very interesting chap and reminded me of the TV policeman, Inspector Columbo. He had an easy and relaxed manner while sitting on his chair while talking to the civilian," Mr Steyn said.

He denied that Lieut Pitout was aggressive or abusive towards Mr Van Heerden.

Colonel W J S van Niekerk, the former deputy chief of Pretoria Central Prison, said Mr Van Heerden was brought to the prison on September 30 charged under the General Laws Amendment Act.

He said except for requests for clean clothes and a special diet for his peptic ulcer, Mr Van Heerden had made no complaints or requests to him while detained at the prison.

Col Van Niekerk said he had instructed that Lieut-Col Arthur Cronwright be contacted in connection with Mr Van Heerden's request for clean clothes. If Mr Van Heerden was denied clean clothes it was a decision made by the Security Police and not the Prisons Department.

The warrant for Mr Van Heerden's detention did not bar him from receiving clean clothes.

He had never seen a report by the inspector of detainees, Mr A J Mouton, that Mr Van Heerden had complained he was not allowed clean clothes.

Mr Van Heerden is bringing the action against Lieut-Col Cronwright, Major Stephanus Abrie, Major J N Visser, Major P P Olivier, Warrant-Officer D J Fourie, W/O Lawrence Phillip Rince, Captain P Botes, Lieut Pitout, and Lieut Johan Van Aswegen, who is no longer a policeman.

The hearing continues today.

POLITICAL comment in this issue by R A Gibson, Peter Bunkell, Bernardi Wessels; newsmaker by Patrick Corfax; headlines and sub-editing by Paul Mokoyi; cartoons by David Anderson; all of 171 Main Street, Johannesburg.

Security police 'never abusive'

PRETORIA. — Two assistant psychologists formerly employed by the Department of Prisons said in the Pretoria Supreme Court yesterday that the security police were never abusive or aggressive towards the former president of a National Union of South African Students (Nusas) when he was interrogated at Pretoria Central Prison in 1981.

Mr W A Glas and Mr Colin Steyn, now employed by the Nuclear Development Corporation, told Mr Justice C F Eloff that they were warrant-officers at the prison when they saw Lieutenant Hendrik Pitout interrogate Mr Aurret van Heerden.

Mr Van Heerden, 29, is bringing a R113 000 civil action against 10 security policemen for maltreatment and torture while he was in detention from September 24, 1981 to July 9, 1982.

He was detained at Pretoria Central Prison, the Sandton and Benoni police stations and John Vorster Square.

Earlier, Mr Van Heerden said he was made to stand while interrogated at Pretoria Central. He was denied food par-

cels from his family, and the interrogation by the security police was abusive and aggressive.

Mr Glas said he occasionally saw Lieutenant Pitout and Mr Van Heerden in an office next to his during September and October, 1981. He looked through the lace curtain at the window dividing the two offices.

"At first I thought it was a lawyer talking to his client. Later, when I heard the words ANC and Nusas, I thought this must be a security detainee," Mr Glas said.

Mr Glas said he never saw Lieutenant Pitout being aggressive or abusive towards Mr Van Heerden.

"The interrogation took place in a calm atmosphere."

He had heard the two laugh at jokes made by Lieutenant Pitout.

Mr Glas said that besides the words "ANC" and "Nusas", he did not hear anything said between the two.

Asked what his attitude was towards the security police, Mr Glas said they protected the citizens of the country.

Nusas was a student left-wing organization and would not support it

(the security police) and the ANC wanted to overthrow the government, he said.

Mr Steyn said he had frequently visited Mr Glas's office to discuss clients and for a social chat.

He occasionally saw Lieutenant Pitout and a civilian walk towards an office next to Mr Glas.

Lieutenant Pitout struck me as a very interesting chap and reminded me of the TV policeman Inspector Columbo. He had an easy and relaxed manner while sitting on his chair while talking to the civilian."

Mr Steyn denied that Lieutenant Pitout was aggressive or abusive towards Mr Van Heerden during the interrogation.

"I heard them laughing together and the other person was co-operating — I could see the person talking enthusiastically," he said.

Mr Steyn denied that there was a sun-filter instead of a lace curtain on the window dividing the two offices.

He could see the two people were talking but could not hear what they said. — Sapa

Security policeman: I treated detainee like a son

By Sheryl Raine, Pretoria Bureau

Security policeman Lieutenant Hendrik Pliout (35) says he treated political detainee Mr Aurret van Heerden "like a son" and was sensitive to his every request.

Lieutenant Pliout yesterday gave evidence in the Pretoria Supreme Court in a civil case in which Mr van Heerden (29) is claiming R113 000 in damages from 10 security policemen for alleged abuse and torture.

A former member of the National Intelligence Service, Lieutenant Pliout spent 37 years in the police force, including 25 years as a security policeman.

Now blind in one eye, he is retired.

He told the court he was pleased to leave the police force after so many years of service but denied he had been blocked from promotion because he had consistently refused to use violence or intensive interrogation methods to force detainees to talk.

Lieutenant Pliout denied having been aggressive or threatening towards Mr van Heerden during his 289 days in detention from September 24 1981 to July 9 1982.

He said that while Mr van Heerden was under interrogation in the Pretoria Central Prison he had shared his sandwiches apples and bananas with him.

Although he was Mr van Heerden's chief interrogator, he could not explain why, after he questioned the detainee for two months and obtained three statements from him, Mr van Heerden was suddenly handed over to a team of six security policemen in Benoni for further questioning.

He denied having warned Mr van Heerden on the day he was transferred from John Vorster Square to the Benoni Police Station that "his day of reckoning had come".

"I had a father-son relationship with Aurret. He has a very nice personality and I liked him. He was very sporty and we exercised together. I went running

with him in Mayfair over mine dumps and he exercised in the gym," said Lieutenant Pliout. He denied having prescribed exercises for Mr van Heerden to help him recover from the effects of brutal torture.

Lieutenant Pliout described the conditions in which detainees are held by the Security Police.

"The Security Police are not allowed to threaten detainees in any way at all. There are limits set to the duration of interrogation. Detainees are given adequate rest.

"We interrogate at night only if a detainee requests to go on with his statement and in such cases we arrange special interrogation teams.

"Detainees are taken back to their cells to sleep if they request it. They are allowed to sleep for an hour or so on a camp bed in our offices if they are tired and they can choose to go on with questioning or not."

He said detainees were allowed to sit or stand during interrogation. The Security Police would never

persist with interrogation if the detainee did not wish to continue.

Assaulting a detainee was a "very serious offence".

"It would never be allowed in the Security Police and if such a case was reported it would be investigated," said the lieutenant.

"Your superiors aren't concerned if members of the Security Police assault detainees provided that they get statements out of them," said Mr Sydney Kentridge SC, who is appearing for Mr van Heerden. "I don't assault detainees," said Lieutenant Pliout.

"Yes, all the information available about you confirms that you have never laid a finger on anyone. You are completely against the use of violence on detainees," retorted Mr Kentridge.

"That's right. I have my own methods," said Lieutenant Pliout.

The case is proceeding.

DETENTIONS

SEBE'S CISKEI TAKES THE CAKE

MORE THAN 400 people were detained in South Africa and its four independent homelands last year — almost half of them in the Ciskei.

This is shown by figures released by the South African Institute of Race Relations this week: There has been a marked increase in the number of detentions — from 264 in 1982 to 453 in 1983.

The Ciskei alone detained 180 people last year. Detentions in the Transkei, Venda and Boputhatswana also pushed up the number of detentions, says the institute.

Of the people detained last year, 323 were released without being charged — more than 70 percent of the total number of people detained.

The institute also points out in its fact sheet that people were not only detained for alleged security offenses under the Internal Security Act last year, but also under the Criminal Procedure Act.

Section 50 of this Act makes provision for the detention of a person for 48 hours before being brought to court. It is now being used to detain suspected political offen-

ders as well as in routine criminal investigations.

Mr Paris Malatji, 23, died in July last year while being held under the Criminal Procedure Act.

Law and Order Minister Louis Le Grange said in Parliament recently that the police code issued to regulate the interrogation of detainees under the Internal security Act, did not apply to people held under the Criminal Procedure Act.

No code would be introduced for such short-term detention, according to the Minister, because he considered the provisions concerning detention under this Act "adequate".

The institute reports that two other people also died in detention last year — Mr Simon Mndawe, 23, who died

last March, and Mr Samuel Tshikhudo, 53, who died in Venda in January this year.

Mr Mordecai Tatsa, who had been in custody for more than three years and Mr David Mtobela, who spent more than two years in detention, were released in August.

LOOK GREAT
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329

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City Press
18/3/84

A friendly chat — or torture?

A court must decide what happened in the curtained interrogation room

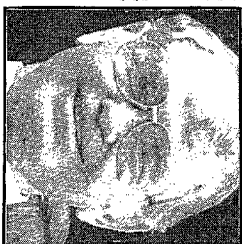
STEPHANIE VENTER reports

WHAT really happened behind 'the lace curtain' of the interrogation room?

This question was probed in this the fourth week of the civil case in the Pretoria Supreme Court in which Mr. Avert van Heerden is suing 10 security policemen for torture during 289 days he was in detention.

Mr van Heerden alleges that in the course of his interrogation he was subjected to torture and was tortured for long periods and was tortured.

But according to the evidence this week of witnesses to one part of the interrogation, it was conducted in a friendly atmosphere.



... Lt Hendrik Pliot — chief interrogator

Two former assistant psychologists at the Pretoria Central Prison, where Mr van Heerden was held, told the court they had seen some of his interrogation by Lieutenant Hendrik Cornelis Jacobus Pliot, through a lace curtain covering the window between two offices.

The witnesses, Mr William Glas and Mr Colin Steyn — both now personnel officers for the Nuclear Development Corporation — said the two psychologists, who were not named, claimed he died in a "relaxed atmosphere" while both Mr van Heerden and Lieutenant Pliot were seated.

Lt Pliot, dubbed 'Inspector Colombo on TV' by Mr Steyn because of his 'droopy eye' and 'relaxed manner' was Mr van Heerden's chief interrogator.

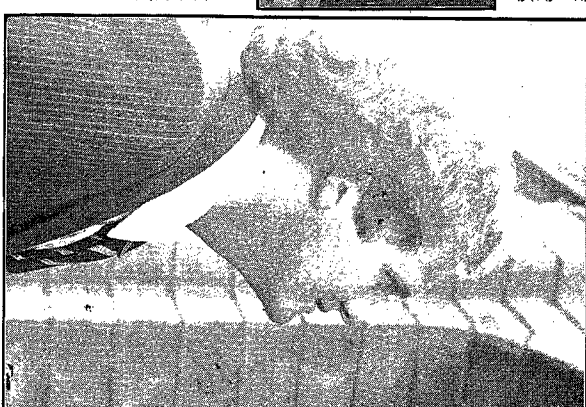
Mr Steyn denied a suggestion that he was a 'Kangaroo SC' for Mr van Heerden. He alleged, however, that the curtain was one of sun-filter and that it couldn't be

seen through unless he had stood close to it. He also denied that he "reaily remembered nothing of what happened except that Lt Pliot was interrogating someone".

Mr van Heerden, 29, former president of the National Union of South African Students, claims he was tortured between September 24, 1981, to July 9, 1982.

He alleges that he was made to stand for unreasonably long periods throughout his interrogation and that he was threatened by Lt Pliot with victimisation if he reported his mistreatment and torture to the police. He died in detention.

The most serious torture he alleged occurred at the Benoni police station on November 18 and 19.



● Witness Mr Colin Steyn (left) — interrogation of Mr van Heerden (right) was in a relaxed atmosphere

This included being forced to stand with arms outstretched for 10 hours, being confined to a small room for 10 hours, having a tightly-fitting canvas bag pulled over his head, being electrically shocked and being hit on the back of his feet with a stiletto.

Lt Pliot, who became a lieutenant in 1981, said he was "completely against" the use of violence on detainees. He denied a suggestion by Mr Kentridge that he did not know what happened because the security police because he was not prepared to use methods of violence.

He denied that he saw Mr van Heerden on November 17, the day he was sent to Benoni, when he allegedly told him "your day of decision has arrived".

Lt Pliot said he was first



only were you not there but someone decided to put in a team of six people: Major (Stephanus J P) Abrie, Warrant Officer (Lawrence Charles Philip) Prince, Lieutenant (John) van Asch, (P) Olivier who was sent for from East London. "Five of them had never interrogated him, but they left out the chief interrogator who had been working on him. The six together with Lt Pliot, Lt Botes, Major Arthur Benoni Cronwright, Warrant Officer D J Fourie and Captain Andries Abraham Struwig, are the defendants.

Lt Pliot agreed with Mr Kentridge that in less than two days they had obtained more information from Mr van Heerden than he had in two months.

He said he had also not asked Mr van Heerden to write 30 pages of notes after the interrogation.

"Didn't you want to know what magic they had and you had not?" Mr Kentridge asked Pliot. "Everyone has their own methods."

When asked why Mr van Heerden could have been out of his cell for 60 hours, Mr Pliot said it could have been his "own choice".

He said a detainee could choose to sleep in his cell or be taken to the interrogation room and then and for how long he could be interrogated.

He denied Mr Kentridge's suggestion that detainees had to say in the "marker" that one of the defendants had established that one of the defendants, Capt Struwig, had assaulted

ber 20 to interrogate Mr van Heerden.

He said he did not question why Mr van Heerden had been sent to Benoni without his chief interrogator being told.

Mr Kentridge said: "Not

gale, to get him to make a statement.

● Mr Kentridge SC, Mr J Browde SC and Mr W H Trengove appeared for Mr van Heerden. Mr H Z Slomowitz SC, Mr S Burger and Mr J Gautschi appeared for the defendants. Mr Justice C F Eloff was on the bench.

Prison officials 'had to get SP permission'

AS A detainee in Pretoria Central Prison, Mr Auret van Heerden was in the hands of the security police and the prison authorities would not have stopped him receiving clean clothing or food parcels if they received permission.

This emerged during the cross-examination of Colonel Wessel van Niekerk, head of the Pretoria Central Prison when Mr van Heerden was detained there from September 30 to October 23, 1981.

Col van Niekerk told the court that one of the defendants, Major Arthur Cronwright, was his "contact" in the security police to whom he directed any complaints or requests by Mr van Heerden.

According to the evidence of Lieutenant Hendrik Pi-tout, the conditions of Mr van Heerden's confinement there were dictated by the prison authorities.

Col van Niekerk said he was not aware that Mr van Heerden did not receive clean clothes. He said the prison authorities were also not to blame if he did not receive food parcels.

Col van Niekerk said Mr van Heerden's cell had originally been designed as a punishment cell but was not used for that purpose then.

He said the prison authorities would have moved Mr van Heerden to an awaiting trial section, given him clean clothes, food parcels and reading matter if the security police had given their permission.

No injuries — magistrates

MR AURET van Heerden was "not available" to visiting magistrates between November 18 and 26, 1981 — around the time he alleges he was tortured.

Mr O A de Meyer, then chief magistrate of Benoni, and Mr P C van der Merwe, a Johannesburg magistrate, were told on four occasions that Mr van Heerden was "out on investigation".

They had not questioned this and told the court they had seen no injuries on Mr van Heerden when they finally visited him.

The former station commander of the Benoni police station, Major D P Combrink, saw no visible facial

injuries on Mr van Heerden when he visited him on November 20.

The three were called as witnesses for the security police this week.

Mr de Meyer who visited Mr van Heerden on November 30, said he did not notice any injuries.

Mr van Heerden alleges he had a bruised eye and a cut nose.

Mr van der Merwe said he saw no injuries on Mr van Heerden's face on December 4.

However Mr van Heerden's parents, Mr and Mrs D van Heerden, said when they visited him on December 17, they noticed a red mark on his nose and a swollen cheek.

RAM 11384 (39)

Kei pledge on detainees

UMTATA. — A detainees' support committee met the head of the Transkei Security Police, Brigadier Leonard Kawe, over the weekend to discuss the detention of about 200 people in December and January.

The detainees were held in the Mnyolo, Gqaga, Vabaza, Sinquiment and Mgudu administrative areas under the Transkei State of Emergency regulations.

Brig Kawe said he had assured the group that some of the detainees would be released. — Sapa.



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Torture case: 'Prayers for my enemies'

PRETORIA. — A former lieutenant attached to the security police at John Vorster Square said in the Pretoria Supreme Court yesterday that he had "prayed every evening" for the former president of the National Union of South African Students (Nusas) he had been interrogating while in detention.

Lieutenant Hendrik Cornelius Jacobus Pitout, 55, became emotional while under questioning in a civil action by Mr Aurret Dennis van Heerden against 10 security policemen.

Mr Van Heerden, 29, of Johannesburg, is suing the security policemen for R113 000 for alleged maltreatment and torture while he was in detention from September 24, 1981, to July 9, 1982.

Lieutenant Pitout, near to tears, said he had prayed for Mr Van Heerden even though they had opposing political views.

"I know that Mr Van Heerden belonged to the broad left and was a socialist. I am aware that his politics are against mine, but as a Christian I pray for my enemies," he said.

Denied that picture was touched up

Lieutenant Pitout rejected the suggestion that a picture taken by a security police photographer of Mr Van Heerden jogging with him (Lieutenant Pitout) had been touched up in order to show that Mr Van Heerden was well after alleged torture at the Benoni police station.

Lieutenant Pitout denied that he had laughed at Mr Van Heerden when Mr Van Heerden had told him he had been tortured at the Benoni police station on the nights of November 18 and 19.

Warrant-Officer Lawrence Charles Phillip Prince, from Springs, who took part in interrogating Mr Van Heerden at the Benoni police station on November 18 and 19, denied that Mr Van Heerden had his wrist handcuffed to his ankle during interrogation and was deprived of sleep. One reason for allowing Mr Van Heerden to sleep in the offices of the security police and not the police cells was to prevent him from committing suicide, he said.

The hearing continues today. — Sapa

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BUS STOP 73 FROM TOWN — 74 FROM SUBURBS.

HOURS OF BUSINESS: MON-THURS 8.30 — 5.30, FRI 8.30—5.45, SAT 8.15—1

Chemist (329) 8 Jan prescription surprise in SP 20/3/84 case

By Sheryl Raine,
Pretoria Bureau

The case in which a former detainee is claiming R113 000 damages from 10 security policemen took a dramatic turn today when a prescription for drugs used to reduce bruising and swelling was handed in to the Pretoria Supreme Court.

Mr Aurret van Heerden (29) has claimed that on November 18 and 19 1981 he was tortured brutally at Benoni Police Station while in detention.

He has claimed further that on November 20 1981 Warrant-Officer Lawrence Prins, one of the defendants in the case, gave him tablets to reduce his swelling and bruising.

Later Warrant-Officer Prins gave Mr van Heerden the whole bottle of

tablets on which was written the name of a Lieutenant J Swanepoel, and the name of a Benoni pharmacy.

Warrant-Officer Prins denied that he ever gave Mr van Heerden such tablets, or that the detainee had any bruises or swelling that needed treatment.

Mr Sydney Kentridge, appearing for Mr van Heerden, produced a witness, Mr R M Hurwitz, of the Civic Pharmacy in Benoni.

Mr Hurwitz brought with him an original prescription for several drugs including Ananase — a drug used to reduce swelling and bruising.

The prescription was dated November 19 1981 and was made out in the name of Lieutenant J Swanepoel, and included his South African Police medical aid number.

Warrant-Officer Prins said he would never give a detainee any drugs apart from a headache pill.

He said he had never threatened or assaulted Mr van Heerden, and any additional information from Mr van Heerden obtained at Benoni had emerged as a result of the detainee's decision to co-operate.

Mr Kentridge put it to him that Mr van Heerden had deliberately been turned over to the tough Benoni squad so that they "could beat a confession out of him".

"Not only did you do so, but you greatly enjoyed doing so, and took great pleasure in torturing him," said Mr Kentridge.

"I would not have put my career in jeopardy in such a way," replied Warrant-Officer Prins.

Mr Kentridge put it to him that security policemen who assaulted prisoners were "not badly thought of for their actions."

Proceeding

I prayed for Auret, says SP interrogator

RSM 201384 329
By JOHN MOJAPelo
Pretoria Bureau

A FORMER Security Police lieutenant, the chief interrogator of a former National Union of South African Students president, said he had prayed for him during his detention and interrogation.

Lieutenant Hendrik Cornelius Jacobus Pitout, 55, who "was born and would die" a National Party member, was a Christian and would forgive Mr Auret van Heerden, 29, for the untruths he had told about him.

Lieut Pitout was giving evidence in the Pretoria Supreme Court yesterday in the civil action brought by Mr Van Heerden against 10 members of the Security Police.

Mr Van Heerden, of Johannesburg, is suing the men for R113 000 for maltreatment and torture while he was in their detention from September 24, 1981 to July 9, 1982.

Lieut Pitout, who retired from the police in January, was the chief interrogator of Mr Van Heerden at John Vorster Square, Pretoria Central Prison and Sandton Police Station.

He told Mr Sydney Kentridge, SC, for Mr Van Heerden, that the student leader had been questioned about a

document compiled by Mrs Winnie Mandela concerning class boycotts.

The document had been given to Mrs Helen Joseph, who had in turn passed it on to London, Lieut Pitout said.

Though Lieut Pitout had never seen Mr Van Heerden in leg-irons, he knew security detainees were put in leg-irons if there was a fear they might escape.

"The leg-irons were put on for their protection, not to injure them," Lieut Pitout added.

According to Lieut Pitout, security detainees were given the choice of sitting or standing during interrogation. Mr Van Heerden was always seated during interrogation, he said.

He denied that he had scoffed and laughed at Mr Van Heerden when he had told him he had been tortured at Benoni Police Station on the nights of November 18 and 19.

"I know that Mr Van Heerden belonged to the broad left and was a socialist. He studied the literature of Lenin-Marxist. I am aware that his politics are against mine," Lieut Pitout said.

□ To Page 2

RSM 201384
Court 329
told of
Auret's
'lies'

□ From Page 1

"I am a Nationalist. I am born and die that way. Mr Van Heerden has connections with the ANC."

Lieut Pitout, who was close to tears at times, said he prayed for Mr Van Heerden every evening.

As a Christian he prayed for his enemies. He was prepared to forgive Mr Van Heerden, he said.

Lieut Pitout said he was embarrassed when Mr Van Heerden told a lie to the Deputy Attorney-General, Mr Jan Swanepoel. Mr Van Heerden had told Mr Swanepoel that a statement he made about the death of a fellow detainee, Dr Neil Aggett, had disappeared.

"I received no such statement... Mr Van Heerden was telling a deliberate lie. He was trying to get me into trouble in spite of our good relationship," Lieut Pitout said.

When Mr Kentridge suggested that Lieut Pitout's answers showed hypocrisy, he replied that Mr Van Heerden was a hypocrite who, finding himself in a corner, sought to make himself a martyr by bringing an action against the police.

Dr Van Heerden had used Dr Aggett's death for his own ends.

Warrant-Officer Lawrence Charles Phillip Prince, of Springs, told the court he was the chief interrogator of Barbara Hogan, jailed for treason last year, from September 11, 1981.

Hogan was found in possession of a document, "Close Comrades", which had shown that Mr Van Heerden was a supporter of the ANC, he said.

W/O Prince said four letters from London to a Springs address again made it clear that Mr Van Heerden directly or indirectly supported the ANC.

He had taken part in the interrogation of Mr Van Heerden at Benoni Police Station on November 18 and 19. During interrogation at Benoni, Mr Van Heerden was allowed to sleep in the offices of the Security Police, was given food and shared tea with the Security Police, W/O Prince said.

W/O Prince denied that Mr Van Heerden had his wrist handcuffed to his ankle during interrogation or was deprived of sleep.

"Mr Van Heerden had indicated his willingness to cooperate with us," he said.

The hearing continues today.

Mr Van Heerden is bringing the action against Lieutenant-Colonel Arthur Benoni Cronwright, Major Stephannus J P Abrie, Major Johannes Nicolas Visser, Captain P P Botes, W/O Prince, Lieut Pitout, Major P P Oliver, Warrant-Officer D J Fourie, Captain Abraham Struwig and Lieutenant Johan van Aswegen, who is no longer a policeman.

By JOHN MOJAPPELO
Pretoria Bureau

Spy claims relationship with detainee

(329) RDM
2/13/84

THE TWICE-elected president of the National Union of South African students (Nusas), Mr. Auret Dennis van Heerden, had a modus vivendi relationship with the section head of intelligence of the security police in Pretoria, Major Craig Williamson, it was claimed in Pretoria Supreme Court yesterday.

It was a dramatic moment in the month-long case when counsel for the 10 security policemen being sued called Major Williamson.

Mr Van Heerden, 29, from Johannesburg, is bringing the R113 000 action against the security policemen for maltreatment and torture while in their detention in 1982.

Major Williamson, dressed in a striped blue suit and carrying a briefcase, went into the witness box at 3pm.

There was silence when he told of his escapades as a police undercover agent while a student at the University of the Witwatersrand.

Major Williamson joined the police in 1968 and four years later became a security policeman while a registered student at the university.

He left the country in 1977 for Geneva, in Switzerland, where he became the deputy director of the international university exchange fund.

He used the position to manipulate the fund in providing money to persons and organisations approved by the African National Congress.

Major Williamson said he first met Mr Van Heerden in Geneva in 1979.

Mr Van Heerden, who was then the president of Nusas, was visiting various students' political organisations in Europe.

Major Williamson was still testifying on Mr Van Heerden's political views when Mr Sydney Kentridge, SC, ob-

jected and said the evidence was irrelevant.

The security policeman said Mr Van Heerden was given an equivalent of about R2 000 to cover his travelling costs, which was a crime "because Nusas was then still an affected organisation".

Major Williamson said it was in Geneva that he found out Mr Van Heerden suffered from an ulcer.

Major Williamson said he returned to South Africa in 1980 after he had been exposed as a police undercover agent.

He met Mr Van Heerden at the offices of the Northern Transvaal security police in the Compol building.

Mr Van Heerden was being interrogated in connection with a Rhodes University lecturer, Mr Guy Burger.

Major Williamson said after volunteering to take a statement from Mr Van Heerden, he invited him to his office at the police headquarters.

They had coffee at a coffee bar near the police headquarters building.

Major Williamson said the meeting took place in September 1980.

They met again at a coffee bar in Burlington arcade, Pretoria, in December 1980.

Major Williamson said he received a telephone call

from Mr Van Heerden in January 1981.

Major Williamson said the following meeting was in February at a Pretoria coffee bar.

After lunch, Mr Van Heerden told him an ANC member in Gaborone alleged he was a police spy, anti-ANC and a sell-out because he was involved in national service.

Major Williamson will continue his evidence-in-chief.

Earlier, Warrant-Officer Lawrence Charles Phillip Prince was cross-examined on his interrogation of Mr Van Heerden at Benoni police station.

Mr Van Heerden is bringing the action against Lt-Col Arthur Benoni Cronwright, Major Stephanus J P Abrie, Major Johannes Nicolaas Visser, Major P P Olivier, WO LCP Prince, Lt Hendrik Cornelius Jacobus Pitout, Captain P Botes, WO D J Fourie, Captain Andries Abraham Struwig and Lt Johan van Aswegen, who is no longer a policeman.

Mr Sydney Kentridge, SC, Mr J Browde, SC, and Mr W H Trengove appeared for Mr Van Heerden. Mr H Z Siomowitz, SC, Mr J Gautschi and Mr S F Burger appeared for the security police. Mr Justice C F Eloff is on the bench. The hearing continues.

329) *Hansard*
Internal Security Act 21/3/84
Q. Col. 694
*13. Mrs H SUZMAN asked the Minister
of Law and Order:

- (1) Whether any persons were detained
in terms of section 29 of the Internal



695

WEDNESDAY,

Security Act, No 74 of 1982, in December 1983; if so, (a) what are their names and (b) when were they detained in each case;

- (2) whether any of these persons have been charged; if so, (a) which persons and (b) under what statutory provision in each case?

The MINISTER OF LAW AND ORDER:

- (1) Yes.

- (a) It is neither in the interest of the persons concerned nor in the public interest to disclose their names.

- (b) 1 on 1 December 1983
2 on 8 December 1983
2 on 9 December 1983
1 on 13 December 1983
6 on 15 December 1983
1 on 19 December 1983
1 on 20 December 1983
1 on 21 December 1983

- (2) No. Eight persons have already been released after having made satisfactory statements. The police investigation in respect of the other 7 persons have been completed and the dockets have been referred to the Attorney-General for a decision.

Defendant ⁽³²⁹⁾ denies deceit of detainee ^{22/3/24}

Pretoria Correspondent

A former security policeman has denied in the Pretoria Supreme Court that the "friendship" he formed with detainee Mr Aurret van Heerden was part of a plan to intimidate him into not revealing how he was tortured.

Mr van Heerden is suing 10 security policemen for R113 000 for allegedly torturing and assaulting him during his nine months detention.

In cross-examination yesterday, Mr van Heerden's counsel, Mr BH Trengrove, suggested that Mr Johann van Aswegen, one of the defendants, falsely gave Mr van Heerden the impression that they had a special understanding and tried to win his confidence by boasting of his membership of the Lawyers for Human Rights organisation.

Mr van Aswegen denied this. He also denied that he infiltrated Lawyers for Human Rights to spy on its activities for the Security Police. He said he was a bona fide member who believed in the organisation's views.

Mr Trengrove read from a memorandum, written by Major A B Cronwright, which recommended that Mr van Aswegen be promoted: "In June 1980 Mr van Aswegen infiltrated the organisation, Lawyers for Human Rights..." But Mr van Aswegen persisted that he was not appointed to spy on the society.

Mr van Aswegen denied all allegations of torture and assault and said he did not see any injuries on Mr van Heerden.

'He told me he was planning to kill his wife'

CAPE TOWN — Mr John Vaughan Verity had told his business partner that he was planning to kill his ex-wife, the Cape Town Supreme Court heard yesterday.

Mr Robert Barrett told the court his business partner, Mr Verity, had planned to blackmail his wife with pictures of her posing in the nude to gain custody of their seven-year-old daughter Tamsyn.

Mr Verity (34) has pleaded not guilty to murdering Mrs Janet Daphne Verity (32) and Tamsyn in their Wynberg home last November. Mother and daughter were battered with a piece of wood and their throats were cut.

Mr Barrett said he had ended their relationship on personal and business levels when Mr Verity became overbearing.

"He would act very important, and threaten me with bodily harm if I ever harmed the business. He said he would take my eyes out. I didn't think he was joking," Mr Barrett said.

"One day, out of the blue, he said I would be the sole owner of the company because he was

houses by the Laudium management committee.

Mr Yusuf Suliman will ask the court to order the Laudium management committee to set aside its decision not to allocate a house to him.

Mr Suliman claims that in April 1982 he applied for a house, for which he qualified in terms of the Housing Code.

But he was told he did not qualify since he had been married for less than three years. — Pretoria Correspondent.

Traffic officer shoots 'vagrant'

A man was shot dead by a Benoni traffic officer on Tuesday night.

A police spokesman said that two Benoni traffic officers went to Crystal Park, Benoni, at about 7.15 pm after receiving a complaint about vagrants in the area.

The inspectors spotted two men. One man was arrested, but the other fled. A shot was fired, killing the man.

He was later identified as Mr John Ntshewene (20) of Groblersdaal.

Mr Ntshewene, a construction company worker, was apparently living in one of its unfinished houses. — East Rand Bureau.

Court clerks appear in court

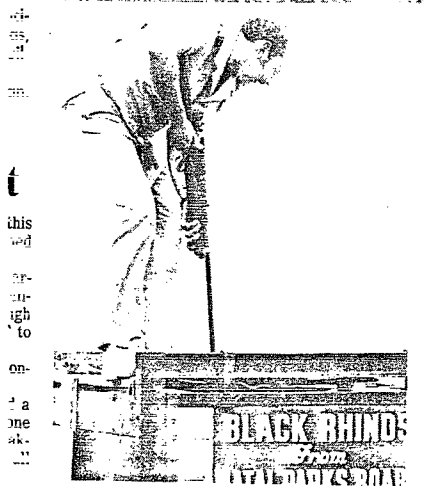
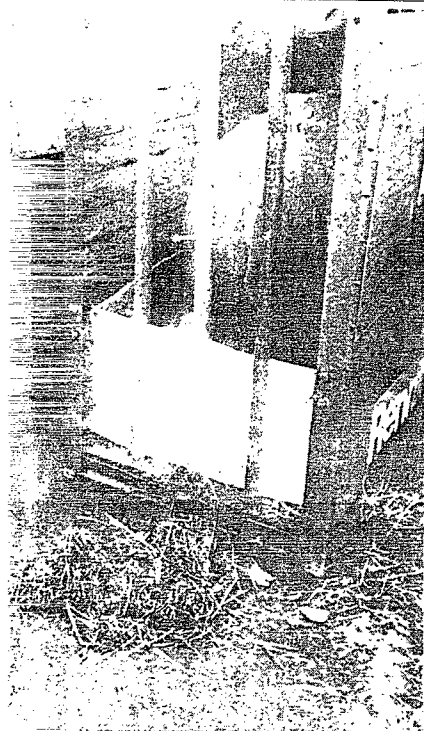
Two court clerks appeared in the Johannesburg Magistrate's Court yesterday in connection with allegations of bribery and corruption.

Mr Alfred Hlatshwayo (30), of Soweto, and Mr Hamilton Moloa (23), no address given, were not asked to plead.

Both work at the Johannesburg Magistrate's Court.

The two were denied bail and the hearing was postponed until May 1.

Transvaal gets a woman SC



ed with dealing in x worth R300 000

Mr van Eeden was travelling with Mr Momberg.

Further evidence was that on October 31 last year, 30 139 mandrax tablets were found at DF Malan Airport among the baggage belonging to Mr

van Eeden and Mr Momberg.

In their evidence, the two men denied all knowledge of the mandrax but admitted they had travelled to Bombay for a holiday and had

bought four mango pickle tins under the impression that they contained fruit juice.

Mr van Eeden said a man he had assisted to tow his car had given him the 92 mandrax tablets as payment.

Mr JM Lemmer was on the Bench and Mr CA Cilliers appeared for the State.

Outbreak of head

Oil to be

the sole owner of the company because he was

Internal Security detainees released

Political Staff

EIGHT of the people arrested in December in terms of Section 29 of the Internal Security Act have been released.

This was disclosed yesterday by the Minister of Law and Order, Mr Louis le Grange, in response to a question by Mrs Helen Suzman (PFP Houghton).

He said police investigations with regard to the other seven had been completed and the dockets sent to the Attorney-General for his decision.

He said it was not in the interests of the people concerned nor in the public interest to disclose their names.

It is reliably understood, however, that among those being held is Mr Ronald Hunter, who was attached to Defence Force Headquarters in Pretoria. His arrest was announced in Parliament on February 1 by the Minister of Defence, General Magnus Malan.

General Malan announced that another

member of the Defence Force had been uncovered as a spy.

Mr Le Grange later confirmed that Mr Hunter, a 25-year-old national serviceman, had been arrested on December 1 and two other people, Mrs Patricia Murray, 25, and Mr Derek Hanekom, 30, on December 15.

At the time of their arrest, the chief of the security police, Major-General Frans Steenkamp, said five people had been arrested on a farm in the Magaliesberg and that the arrests followed investigations connected with the Niehaus case.

Niehaus was convicted of high treason and jailed for 15 years last year.

Mr Hunter is the brother of Miss Catherine Hunter, who was detained by the security police at the time of the Niehaus investigation but later released. Mrs Murray and Mr Hanekom are married and worked on a communal farm in the Magaliesberg.

Lawyer group infiltrated, court is told

By JOHN MOJAPELO
Pretoria Bureau

AN association of top South African lawyers with members including a supreme court judge concerned with human rights was "infiltrated" by a security policeman, it was heard in the Pretoria Supreme Court yesterday.

The dramatic evidence was given in the month-long civil action by former president of the National Union of South African students (Nusas) and political activist, against ten security policemen.

Lieutenant Cornelius Johannes van Aswegen, 28, former security policeman attached to the security branch of John Vorster Square, denied under cross-examination that he "infiltrated" the Lawyers for Human Rights but said he was a *bona fide* member. Another dramatic moment in the case was the evidence by the former police undercover agent, Major Craig Williamson.

Maj Williamson said it was information provided to him by Mr Auret Dennis van Heerden that Barbara Hogan was found to be a member of the banned African National Congress and jailed for high treason last year. Lieut Van Aswegen, who is a fast speaker and who was dressed conservatively, was under cross-examination by Mr W H Trengove when the "infiltration" evidence was given.

The association includes members like Judge Didcott.

It also includes G Bizos, J C Kriegler, Arthur Chaskalson, Sydney Kentridge, who are all senior advocates.

Mr Kriegler, who was said to have indicated his intention to recommend Lt Van Aswegen to the executive committee of the association, has been appointed a judge.

Lieut Van Aswegen, a BA LLB graduate of the Randse Afrikaanse Universiteit, was one of the six interrogators of Mr Van Heerden at Benoni Police Station on November 18 and 19.

Mr Van Heerden, of Johannesburg, is suing ten security policemen for R113 000 for al-

leged maltreatment and torture while he was under detention from September 24, 1981 to July 9, 1982.

He alleges the physical torture took place at Benoni.

Mr Trengove examined Lt Van Aswegen about a note compiled by Lt-Col Arthur Cronwright and Brigadier H C Muller on July 7, 1982.

In the note Lt Van Aswegen is congratulated by the head office of the Security Police in Pretoria for having infiltrated the "left-wing lawyers association".

The congratulatory letter was dated July 31, 1980. Colonel J P Olivier, of John Vorster Square, said in another letter about Lt Van Aswegen that the Security Police had an "intense interest" in the association's activities.

The two notes were in support of Lt Van Aswegen's promotion to a lieutenant.

He was then a constable.

Lt Van Aswegen denied that he had infiltrated or spied on the activities of the association, he was a *bona fide* member he said.

However, he admitted that he did submit a report on the association to his superiors. The former police lieutenant, who is now a legal articulated clerk, said he was not responsible for telling his superiors that he "infiltrated" the association.

Van Heerden told him about the intention of Mr Cedric Mayson to go overseas. "Mr Mayson was banned person. I used my influence for tactical reasons that he be given permission to travel."

Maj Williamson said he knew he would get information about Mr Mayson's trip to London, where he was to meet some members of the ANC from Mr Van Heerden.

Maj Williamson said he no longer trusted Van Heerden after Dr Aggett's death in detention as Mr Van Heerden from that point became far more "withdrawn".

He said Van Heerden was engaged in a vendetta and crusade against the administration of security legislation and that this was part of revolutionary warfare against the country.

RAM
22/3/84
329

Dramatic claims in torture trial

Own Correspondent

PRETORIA. — An association of top South African lawyers was "infiltrated" by a security policeman, it was heard in the Pretoria Supreme Court yesterday.

This dramatic evidence was given in the month-long civil action by the former president of the National Union of South African Students (Nusas) and political activist, Mr Auret van Heerden of Johannesburg, against 10 security policemen.

Mr Van Heerden is suing the security policemen for R113 000 for alleged maltreatment and torture while he was under detention from September 24, 1981 to July 9, 1982.

He alleges the physical torture took place at Benoni.

Bona fide member

Lieutenant Cornelius Johannes van Aswegen, 29, former security policeman attached to the security branch of John Vorster Square, denied under cross-examination that he "infiltrated" the Lawyers for Human Rights, but said he was a bona fide member.

Another dramatic moment in the case was the evidence by former police undercover agent Major Craig Williamson.

Lieutenant Van Aswegen, a BA LLB graduate of the Rand Afrikaans University, was one of Mr Van Heerden's six interrogators at Benoni police station on No-

vember 18 and 19.

Mr W H Trengove examined Lieutenant Van Aswegen about a note compiled by Lieutenant-Colonel Arthur Cronwright and Brigadier H C Muller on July 7, 1982.

In the note, Lieutenant Van Aswegen is congratulated by the head office of the security police in Pretoria for having infiltrated the "left-wing lawyers association".

In giving evidence, Major Williamson said it was information supplied to him by Mr Van Heerden that led to the arrest and conviction of Barbara Hogan for high treason, as a highly-placed member of the African National Congress.

He said that during February 1981 Mr Van Heerden refused to accept money from him. "The offer was made seriously, but jokingly. I said if he would take the money he could start paying for our lunches," Major Williamson said.

He said he met Mr Van Heerden again in mid-1981. Mr Van Heerden had telephoned him.

Mr Van Heerden told him about the intention of Mr Cedric Mayson to go overseas. "Mr Mayson was a banned person. I used my influence for tactical reasons that he be given permission to travel."

Mr Van Heerden reported to him about Mr Mayson's overseas trip in September 1981. Mr

Van Heerden said there was a meeting with Mayson and Mr Beyers Naude at a "safe house" at 207 Hyde Park Heights, Craighall.

"Meetings of this nature would take place in an environment not meant to be known to the security people. Until that time I did not know about that particular address," he said.

Major Williamson said he visited Mr Van Heerden while he was in detention at John Vorster Square police station. "The purpose was basically to find out whether I could do anything, buy him him any foodstuffs, put his spirits up and to give him moral support."

'Inconceivable'

He said Mr Van Heerden never told him that he had been tortured during his visits. It was "inconceivable" that anybody would have assaulted or mistreated him. Mr Van Heerden had only had to call him, said Major Williamson.

He said he decided on February 17 to give evidence in the case and to expose Mr Van Heerden as a spy. The decision was made in consultation in the offices of the chief of the security police, General Steenkamp.

"There is a virtual rule in security and intelligence that one never reveals a source. This was a very difficult decision I made."

Cmt Times 22/3/84 (329)

Sebe trial: 3 accused describe shooting

East London Bureau

BISHO. — Mr Khambashe Sebe, the son of Ciskei's former head of security, Mr Charles Sebe, allegedly fired on the house of the state's Minister of Foreign Affairs last year.

In statements submitted to the Ciskei Supreme Court, Mr Khambashe Sebe, Mr Colin Sebe and Mr Toni Sebe described their involvement in the shooting incident at Mr Brown Pityi's house on July 14 last year.

In a statement allegedly made to a police officer, Mr Khambashe Sebe said he had fired several shots with an AK47 rifle at Mr Pityi's house.

WEAPONS

The three Sebe cousins, Mr Mbulelo Xaba and Mr Ntobeko Mlotana, have pleaded not guilty to charges of terrorism, attempted murder and intimidation.

Mr Khambashe Sebe, a former member of the anti-terrorist unit, Sword of the Nation, said in the statement that he had gone to his father's home on the evening of July 14.

He was carrying a variety of weapons, including an R4 rifle, hand-grenades and teargas.

ARRESTED

At his father's home Mr Sebe heard that the deputy head of security, Brigadier Harvey Tamsanqa, had been arrested.

Later that night Mr K Sebe, Mr C Sebe, Mr T Sebe and Mr M Xaba allegedly went to Mr Pityi's house. Mr K Sebe fired shots with an AK47 rifle at the house, the statement said.

In statements allegedly made to police by Mr C Sebe and Mr T Sebe, the two men said they had accompanied Mr K Sebe and Mr M Xaba to Mr Pityi's house.

Mr K Sebe had allegedly fired at Mr Pityi's house, the statements said.

(Proceeding.)

Van Heerden 'broke' during his detention

329 Pretoria Correspondent Stan

Political activist Mr Auret van Heerden "broke" at a point of his detention, one of his interrogators told the Pretoria Supreme Court yesterday.

Mr van Heerden is suing 10 security policemen for R113 000 damages, claiming he was tortured and assaulted during his nine months in detention.

Captain D J Botes, one of the defendants, was involved in interrogating Mr van Heerden at Sandton and later at Benoni. At the end of the Sandton period, he reported to Major A B Cronwright, the investigation staff chief, that Mr van Heerden had nothing more to say.

But later at Benoni Mr van Heerden "broke" in the sense that he decided he was going to tell everything he knew. Captain Botes said he had no idea how Mr van Heerden was broken.

Captain Botes, Major P P Olivier and Warrant-Officer J J Fourie denied all allegations of torturing or assaulting Mr van Heerden.

Major Olivier was based in East London at the time, but in Johannesburg to interrogate Barbara Hogan, later convicted of high treason. Four days before he was due to return he was asked to help with the interrogation of Mr van Heerden.

He said "people like Auret van Heerden" were a threat to his principles, but he would not be prepared to kill for his principles.

The hearing continues.

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TIDES

		MARCH			
		High		Low	
		am	pm	am	pm
24	Sat	0824	2114	0145	1425
25	Sun	1020	—	0308	1741
26	Mon	0012	1235	0629	1912
27	Tue	0120	1330	0723	1947
28	Wed	0156	1405	0755	2013
29	Thu	0225	1474	0824	2042
30	Fri	0253	1503	0854	2107
31	Sat	0320	1531	0923	2136

MOON

March 17th Full Moon
March 24th Last Quarter

APRIL

		High		Low	
		am	pm	am	pm
1	Sun	0346	1556	0932	2202
2	Mon	0412	1624	1020	2227
3	Tue	0437	1651	1048	2253
4	Wed	0504	1719	1116	2310
5	Thu	0533	1750	1147	2352
6	Fri	0606	1827	1221	—
7	Sat	0649	1911	0028	1300
8	Sun	0743	2014	0113	1352
9	Mon	0906	2208	0222	1515
10	Tue	1110	—	0450	1743
11	Wed	0013	1245	0641	1903
12	Thu	0119	1341	0737	1950
13	Fri	0203	1424	0818	2028
14	Sat	0241	1502	0855	2103
15	Sun	0317	1539	0931	2138
16	Mon	0353	1615	1006	2214
17	Tue	0429	1652	1042	2250
18	Wed	0506	1729	1118	2326
19	Thu	0543	1807	1153	—

couple of and...
Garth Tjasink and they
have already taken over

They bought the park
from Mr Sarel Snyman.
The price paid was R325
000.

Mr Tjasink was
formerly in the timber
business in Port Eli-
zabeth. This is the third
caravan park in the
Kidd's Beach district to
change hands in the last
six months for a high
price.

Palm Springs was
bought by Mr Dave Klein
in November last year
for R500 000 and
Aquaalea sold this month
for more than R500 000.
— DDC.

LAST LONDON...
of research were lost
DDR.

Saawu **329**
ban to be
discussed
29/3/89

EAST LONDON — The
banning of the South
African Allied Workers'
Union (Saawu) by the
Ciskei Government
would be discussed on
Sunday, the local branch
secretary, Mr Y. Mdyogo-
lo said yesterday.

Mr Mdyogolo said the
meeting in Braelynn was
in preparation for a
national congress later
this month. — DDR.

Detainee released

EAST LONDON — A member of the South African
Allied Workers' Union, Mr Moffat Nkosana Manen-
tsa, 41, has been released from detention in Ciskei.

He said he had been in detention since Novem-
ber 28 last year.

The Ciskei police liaison officer, Colonel Avery
Ngaki could not comment. He referred inquiries to
Col F. Zosi, the head of the Ciskei security police,
who could not be contacted. — DDR.

Overseas...
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329 (S) City Over 25/3/84

Family charged for visiting EL detainee

THE wife, brother and sister of detained East London attorney Malcolm Qabaka have been arrested and charged for visiting him in hospital.

Mr Qabaka was admitted to Cecilia Makiwane Hospital on March 15 — three days after his detention — after apparently going on a hunger strike.

He was detained following a speech he made at the funeral of

Mr Thoble Japhta who was killed during a stoning incident in Mdantsane and buried on March 10.

When his wife Nomci, brother Bongani and sister Ziyanga tried to visit him in hospital, they were arrested and charged with communicating with a detainee.

They are out on R100 bail and will appear in the Mdantsane Magistrate's Court early next month.

Letters support Venda detainees

Pretoria
Correspondent

An international letter campaign has been launched against the Venda Government.

Amnesty International and several individuals in Sweden, West Germany and Austria have written letters to the Venda Government calling for disciplinary action "and other appropriate action

to be taken against officials responsible for subjecting political detainees in the homeland to potentially hazardous conditions of detention".

Copies of the letters have also been sent to the South African Minister of Law and Order, Mr Louis le Grange, the South African Press Association, diplomatic representatives of South Africa in Sweden and several

newspapers' in this country.

Amnesty International has called for an independent inquiry into the treatment of detainees held under Section 6 of the Terrorism Act and their conditions of imprisonment.

Detainees are reportedly suffering from poor health, extreme loss of weight, depression and pains in joints and stomach, "as a direct result of their conditions in prison," said the letter.

In another letter, Mr David Holbrook, a director of English Studies at Downing College, Cambridge, urges the Venda Government "to examine the conditions of detention of suspects and take action against any officials who have been responsible for poor conditions.

"I am writing to urge you, in the best principles of the law, to protect such suspects against torture or ill-treatment.

"I hope you will grant people in detention access to legal counsel, family visits, and independent medical examination," said the letter.

The secretary for the Department of Justice in Venda, Mr Michael Tshishonja, and Brigadier T.R. Mulaudzi, commanding officer of the Venda National Force, were not available for comment.

Pretoria Bureau

Well-known Security Police spy, Major Craig Williamson, today said he worked as a treble agent giving information to the South African Police, the South African Communist Party and the African National Congress simultaneously — "for the excitement".

He was giving evidence in the Pretoria Supreme Court in the case in which a former detainee, Mr Auret van Heerden, is claiming R113 000 from 10 security policemen in connection with allegations of torture.

Major Williamson said Mr van Heerden was a Security Police contact who worked for him during 1980 and 1981. "It is inconceivable to me that

Top spy tells of informing on his closest friends

Mr van Heerden was assaulted in detention and did not tell me when I visited him, considering our special relationship."

He said he was recruited into the Security Police at the age of 22. "I was a police officer at the time. The possibility of joining the Security Police arose and it seemed like a worthwhile thing to do and rather exciting."

As a professional infiltrator, he said, he became a master of deceit,

informing on his closest friends. He had even officiated and given speeches at the weddings of those on whom he had informed.

"I have a godchild who is the child of a friend I informed on," he said.

He conceded that under normal circumstances his actions would have been dishonourable but he was "just doing his duty".

As the Geneva-based International University Exchange Fund's deputy director, he channelled funds to ANC and SACP projects to further his credibility with them. After his cover was blown he returned to South Africa in 1980.

Major Williamson said he had decided to give evidence in this case to make Mr van Heerden's propaganda less credible. He accused Mr van Heerden of launching a vendetta against the Security Police and the application of security legislation here.

Major Williamson denied that his motives in coming to give evidence were to destroy Mr van Heerden's personal credibility and to spread disinformation.

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329 Detainee had TV set — agent

Own Correspondent

PRETORIA. — Security policeman, Major Craig Williamson, told a packed Supreme Court here yesterday that he would have moral qualms about breaking into the London offices of the African National Congress, because he obeyed the law.

Major Williamson, who described himself as a former "triple or quadruple" agent, was cross-examined for the whole day by Mr Sydney Kentridge, SC.

He is giving evidence in an action brought by former detainee Mr Aurret Dennis van Heerden, 29, against ten security policemen for R113 000 damages.

'Informer'

Mr Van Heerden, who was detained on September 24, 1961 and released on July 9, 1982, alleges that he was tortured while under security police detention at Pretoria Central Prison, Sandton police station, the Fort, John Vorster Square and Benoni police station.

Major Williamson said he had been instructed by his superiors to in-

form on the National Union of Southern African Students (Nusas) and the International University Exchange Fund in Switzerland after he had been "recruited" by a Mr Reg September to the ANC and the South African Communist Party.

Major Williamson said he had been recruited to the security police for three reasons: psychological, physical and ideological.

Asked whether he regarded himself as a double-spy he said: "Probably triple or quadruple agent."

Major Williamson said after he had realised that Mr Van Heerden was bringing the action against the security police to further the aims of the ANC, he consulted with his seniors like Brigadier H Standler and Major-General P Steenkamp, to expose Mr Van Heerden as his former informer and to give evidence in court.

"I decided to give evidence because I came to the conclusion that Mr Van Heerden was engaged in a vendetta and crusade against the

administration of the security laws and particularly against the security police."

Mr Kentridge said it was "sanctimonious humbug" when Major Williamson said if the security police had tortured Mr Van Heerden, their activities should be brought into the open, but there was no bona fide case against the security police in the present case.

Major Williamson said Mr Van Heerden was placed in a Catch-22 situation after making torture allegations in the inquest on Dr Neil Aggett.

'Suspensions'

He had to bring the action against the security police in order to discard suspicions against him that he was a police spy.

Major Williamson said it was inconceivable that Mr Van Heerden could have been tortured while in detention.

He had visited Mr Van Heerden at John Vorster Square on more than three occasions to "keep his spirits up, find how things were and not to let him feel that he had been rejected" by everybody.

"Mr Van Heerden was getting unparalleled and unique treatment," Major Williamson added. Mr Van Heerden had received special privileges like a television set, radio, study, and exercise sessions at the police gymnasium.

'Obey the law'

Asked the purpose of his overseas trip on November 20, 1981, Major Williamson said he did not want to disclose the places he visited because that would be of "interest" to the enemies of South Africa.

Major Williamson said he would have moral qualms in organizing a break-in into the London offices of the ANC because "I obey the law."

'Disbelief' over death of detainees

By Sheryl Raine,
Pretoria Bureau

sfaw

27/3/84

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The South African public no longer believed that detainees are not maltreated, and there was deep concern about inadequate explanations of the deaths of more than 40 detainees, the Pretoria Supreme Court heard today.

Mr Sydney Kentridge SC completed his cross-examination of Security Police triple agent Major Craig Williamson in the case in which former detainee Mr Aurret van Heerden is claiming R113 000 from 10 security policemen. He claims he was tortured.

Major Williamson said Mr van Heerden was furthering the aims of the African National Congress (ANC) by bringing his claims to court.

Mr Kentridge said many people had been critical of the country's security laws, including the South African Association of Law Societies, various Bar councils, the Official Opposition, and friendly overseas nations.

Major Williamson claimed that every single death in detention had been adequately handled at an inquest or in another court.

"The number of people detained under security legislation is relatively small, and yet there have been 40 deaths. Is that something you are proud of?" asked Mr Kentridge.

"No, the Security Police aren't proud of that ... they go to the utmost lengths to prevent deaths. Numerous court cases have found the deaths were self-inflicted."

Mr Kentridge said no adequate explanation had ever been given why detainees preferred death to interrogation. There were many court cases in which claims of assault had been made against the Security Police.

Many of the allegations had proved to be false, said Major Williamson. Whether the court cases were won or lost was immaterial to the ANC, which capitalised on them.

Major Williamson accused Mr van Heerden of travelling abroad before the case came to court to prepare the ground for maximum publicity, and said one of his friends had approached Johannesburg newspapers to encourage full coverage.

(Proceeding.)

Alarming trends over detentions

(329) Star. 29/3/84

The recent death in detention of Paris Malatji has highlighted a new method of detention being used by the Security Police.

There appeared to be some confusion as to whether Malatji had been a security detainee at the time of his death. The Minister of Law and Order was at great pains to assure everyone that Malatji was not a security detainee. According to the Minister, he had been detained under the Criminal Procedure Act.

The evidence that emerged at the trial of Harm van As, Malatji's killer, revealed that he had in fact been detained and interrogated as if he were a security detainee.

This case highlighted a new trend in detentions. The Security Police are increasingly resorting to use of the Criminal Procedure Act for short-term detentions. Under section 50 of the Act, an arrested person may be detained for only 48 hours unless his further detention for the purposes of trial upon a charge is ordered by a court.

The Act specifies the method for computing the 48 hours. If they expire on a Saturday or Sunday, for example, the period is deemed to expire only at 4 pm on the Monday. This means that if the arrest is carefully timed, the arrested person may be detained for a great deal longer than 48 hours.

Perhaps the most important distinction relates to the question of access by outsiders. A person detained under section 29 of the Internal Security Act is effectively cut off from the outside world, being denied access to relatives, lawyers and doctors of his own choice.

A person arrested under the Criminal Procedure Act, on the other hand, is entitled to the assistance of his legal adviser from the time of his arrest.

Equally important is the fact that a person arrested under the Criminal Procedure Act is not obliged to answer questions and has the right to remain silent.

It seems obvious that the Security Police are making increasing use of the provisions of the Criminal Procedure Act but are not according arrested people their rights. Had Paris Malatji been informed of his right to have his lawyer present

OUR VIEW



The Detainees' Parents Support Committee

during his interrogation, it is inconceivable that he would have met his death on his knees staring down the barrel of Van As's service revolver.

Lawyers acting for detainees have reported another alarming trend. In certain cases where lawyers have attempted to assert their right to see clients arrested under the Criminal Procedure Act, the nature of the arrest miraculously changes to detention under Section 29 of the Internal Security Act, thereby putting an end to any hope of legal access.

Such rights as a person arrested under the Criminal Procedure Act enjoys are clearly meaningless unless they are informed of those rights and are able to exercise them. In addition, under this Act he is also meant to be protected by the Judges' Rules.

These rules, formulated in 1931, require that an arrested person be warned that he has the right to remain silent, but if he elects to speak, what he says will be taken down and may be used in evidence.

The protections envisaged by the Act and the Judges' Rules are being ignored and flaunted. The death of Paris Malatji is the logical consequence of disrespect for legality and the due process of law.

The increasing use of the Criminal Procedure Act (usually reserved for detaining drunk drivers, petty thieves and the like) relieves the Security Police of the stigma associated with detentions under the Internal Security Act.

The death of Paris Malatji, for example, apparently does not rank as a death in detention because, so we are led to believe, he was an ordinary criminal suspect. The truth appears to be that Malatji and others have been kept ignorant of their rights and been subjected to unlawful interrogation.

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Sebe's
Daughter
cousin
held? 27/3/84

KING WILLIAM'S TOWN — President Lennox Sebe's cousin, Mr. Diliza Sebe, 53, of Tshatshu, has been detained since Monday last week, according to his wife, Mrs. Nomhase Sebe.

Mrs Sebe said she had not been officially told about the alleged detention since her husband was picked up by the police from his house on Monday. A week prior to his arrest he had been picked up by the police but was returned on the same day.

The head of the security police, Colonel Fumbalele Zozi, was not available for comment.

— SAPA.

Roberts back in UK, tells of detention

From JOHN
BATTERSBY

LONDON. — Mr Alun Roberts, the British researcher who was released from more than three weeks of detention in Windhoek at the weekend and ordered to leave South Africa, has arrived back in Britain.

At a press conference in the House of Commons yesterday, Mr Roberts, a United Nations consultant and international expert on uranium mining, said he had been told repeatedly by South African Police officers while in detention that he was to be charged under the Atomic Energy Act (No 90 of 1967) and could face 20 years imprisonment if convicted.

Mr Roberts was held for 23 days under proclamation AG 9, which provides for an initial period of detention of 30 days, which can be renewed by decree to 60 or 90 days detention — without trial.

Refused

Mr Roberts said that on Friday he had been told that his permission to be in SWA/Namibia had been withdrawn and he would in future require a visa.

He was flown from Windhoek to Johannesburg and subsequently put on a British Airways flight to London and ordered to leave the country immediately.

Mr Roberts said that while in detention he had refused to answer questions put to him by police officers unless he had legal representation.

This had not been granted, although he had been interviewed

by a British consular official from Cape Town and had spoken to another on the telephone.

Mr Roberts is the author of a book on uranium mining in Namibia, The Rössing File, which has been banned in South Africa and would fall foul of the Atomic Energy Act.

He said he had travelled to Namibia to "gain first-hand knowledge" of the territory by travelling around.

Mr Roberts accused Rössing Uranium, which operates a uranium mine near Swakopmund, and its London-based parent company, Rio Tinto Zinc, of longstanding collaboration with the South African Police in the events leading up to and during his detention.

'No evidence'

Rio Tinto has run the Rössing mine since 1976 in defiance of a 1971 International Court of Justice ruling.

● TONY WEAVER reports from Windhoek that the Attorney-General of South West Africa, Mr Tielman Louw, said the documents Mr Roberts was alleged to have had in his possession were of such a nature that "a normal man in the street could not have come by them".

However, it was decided that charges under the Atomic Energy Act would not be pressed as there was only provision in the Act for "receipt of documents", and "not possession".

"There was no evidence that he had received this documentation," Mr Louw said.

Sebe's
N. Merany (329)
cousin
21/3/84
feared
held

ZWELITSHA—A cousin of the Ciskei President, Mr. Lennox Sebe, is believed to have been detained by Ciskei security police last week.

Mr Diliza Sebe, a paraplegic, was alleged to have been taken away by the security police on Monday last week, his wife, Mrs Nomase Sebe, said yesterday.

Mrs Sebe said she was not aware where he had been taken.

Mr Sebe was paralysed in 1979 in a car accident. She said she was worried about him as he had mental lapses on occasions.

The chief of the security police of Ciskei, Colonel Rumbalele Zozi, could not be contacted yesterday to confirm Mr Sebe's detention. — (Sapa)

Doctor says he found no scars on detainee

329 By Sheryl Raine, Pretoria Bureau

Stan 28/5/84
An orthopaedic surgeon yesterday told the Pretoria Supreme Court that he could find no physical scars which would confirm or repudiate claims made by a former detainee that he had been tortured.

Dr I H Leitch found two superficial marks on Mr Auret van Heerden, one on the bridge of the nose and the other on an ankle, but he could find no physical signs of trauma.

Mr van Heerden is claiming R113 000 from 10 security policemen and claims that he was brutally assaulted and maltreated during 289 days in detention.

Captain D Swanepoel testified that he had been issued a prescription for drugs used to reduce swelling and bruising on November 19 but denied that the drug had been given to Warrant Officer Lawrence Prince to give to Mr van Heerden to ease his injuries.

Brigadier H C Muller told the court that he was in charge of all detainees at John Vorster Square at the time of Mr van Heerden's detention.

As commanding officer of the Security Police in Johannesburg, Brigadier Muller said that all 10 defendants in the case had reported to him almost daily on the progress of the investigation which included more than 50 detainees.

Regarding the previous conviction for assaulting a detainee of one of the defendants in the case, Captain Andre Struwig, Brigadier Muller said that he had demanded and received a satisfactory explanation from the captain.

The brigadier said that security men were instructed to treat detainees as humanely as possible at all times and reports of assaults were investigated independently by the Criminal Investigation Department. He never saw injury marks on Mr van Heerden.

He admitted that he repeatedly refused Mr Dennis van Heerden permission to visit his son because the investigation into an ANC conspiracy involving Auret was at a sensitive stage.

The hearing continues.

By JOHN MOJABELO

THE former commanding officer of the Security Police station, Brigadier H. C. Muller, told the Pretoria Supreme Court yesterday that no action was taken against a Security Police captain who was accused by the Appellate Court to have assaulted a detainee.

Brig Muller told Mr. Justice C.F. Elloff that he accepted an explanation from Captain Andries Abraham Linder about his assault on Linda Mogale, 34.

He was giving evidence at the action by Mr. Andre Den-
his van Heerden, 29, against

No action taken against SP assailant, court told

10 security policemen for R113 000 damages.

Mr Van Heerden, former president of the National Union of South African Students (Nusa), alleges he was tortured while in detention from 8 September 24, 1981 to July 9 1982.

Mr Van Heerden had been arrested after he was involved in connection with an alleged conspiracy by the banned ANC.

Brig Muller said he authorised Mr Van Heerden's move from John Vorster Square to the Fort so he could receive a

special diet for his ulcer complaint.

He was later moved to Benoni because the white nationalist interrogators who interrogated him on labour matters lived there.

But his permission was not obtained when Mr Van Heerden was taken from his Benoni cell for 9½ hours.

There were three reasons a detainee was taken from his cell during periods, "first, at the request of the detainee, for continuity purposes, and to disrupt the atmosphere of the interrogation and to fina-

lise the interrogation as soon as possible, Brig Muller said.

In such cases, they were provided with a bed "as comfortable as possible" and would be returned to their cell if they wished.

Security Police at John Vorster Square continuously received information about security detainees as "inmate", as possible and complaints of assaults were referred for investigation, he said.

He denied telling Mr. Van Heerden he would be declaring "war against the security

Police if he did not make a statement.

Brig Muller said he did not know Mr Van Heerden's parents and he was not in Benoni on September 17 because it might have retarded the investigation.

Mr Van Heerden's father was refused permission to see his son through a key-hole in the cell door, become emotional, he said.

Brig Muller denied he had allowed one of his security policemen to "infiltrate" the lawyers' association on human rights and lost interest in it after receiving a report.

Major Williamson, accompanied by his body-guard, said, under cross-examination by Mr Sydney Kerridge, that he had told Lt-Col Arthur van der Merwe that John Vorster Square not to be "hard" on Mr Van Heerden.

The Van Heerden case had been used by Security Police to "test" Major Williamson's loyalty, he said.

An official photograph of the Security Police at John Vorster Square produced as an exhibit, a "social" snap shot of Mr Van Heerden jogging, with some security

policemen on December 7, 1981.

Captain D.G. Swanepoel, a Benoni security policeman, resisted that the pictures shown to the court last week, belonged to him.

He could not explain how W.O. Prince got hold of the labels.

Mr. K. S. de la Rive, Mr. J. B. van der Merwe, Mr. W. H. Trompsche, appeared for Mr. Van Heerden. Mr. H. Z. Simonowitz, Mr. J. Gausloff, and Mr. S.F. Burger appeared for the security policeman. The hearing continues today.

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No action on police assault

Own Correspondent

PRETORIA. — The former commanding officer of the security police at the John Vorster Square police station, Brigadier H C Muller, told the Supreme Court here yesterday that no action was taken against a security-police captain who had been found by the Appellate Court to have assaulted a security detainee.

Brigadier Muller told Mr Justice C F Eloff that he received an explanation from Captain Andries Abraham Struwig about the assault on Linda Mogale.

The brigadier was giving evidence at the action by Mr Auret Dennis van Heerden, 29, against ten security police for R113 000 damages.

Mr Van Heerden, a former president of Nusas, alleged he had been maltreated and tortured while held by the security police from September 24, 1981 to July 9, 1982.

Ulcer complaint

Brigadier Muller said he was responsible for the transfer of Mr Van Heerden from one police station to the other during his detention.

Mr Van Heerden had been arrested with about 50 others in connection with conspiracy by the banned African National Congress. He was moved from John Vorster Square to the Fort where he was to receive a special diet for an ulcer complaint.

He was later moved to Pretoria Central Prison because there was no provision for the special diet at the Fort. He was later moved to Sandton police station for the convenience of the interrogators.

He was moved to Benoni later. The two specialist interrogators who questioned him on labour matters lived in Benoni.

"None of the defendants had any say in the transfer. I authorized the transfers."

His permission was not obtained when at Benoni Mr Van Heerden was taken from his cells for 95½ hours.

There were three reasons why a detainee could have been taken

from his cell for so long. "First at the request of the detainee; for continuity purposes not to disrupt the atmosphere of the interrogation, and to finalize the interrogation as soon as possible."

'Given beds'

Detainees who were taken out of their cells for long periods of interrogation were given beds to remain with their interrogators for the rest of the night.

If a detainee did not wish to be interrogated further, he would be returned to his cell.

Security police at John Vorster Square had received continual instructions to treat security detainees as "humanely" as possible.

Brigadier Muller said he summoned Captain Struwig for an explanation concerning the assault of Linda Mogale. No action was taken.

He denied he had threatened Mr Van Heerden that the former student leader would be "declaring war" against the security police if he did not make a statement.

'Pleasant'

"Of the detainees at that time he, in particular, stands in my mind as a pleasant person. Wherever we met, he was always pleasant."

"When I passed him in the passage I would inquire into his health, well-being and what he needed."

Brigadier Muller said he did not allow Mr Van Heerden's parents to see him before December 17 because the visit might have brought factors which would retard the interrogation and investigation of the case.

Mr Van Heerden senior was even refused permission to see his son through a keyhole as he might have become emotional.

Major Williamson said under cross-examination by Mr Sydney Kentridge, SC, that he had told Lieutenant-Colonel Arthur Benoni Cronwright at John Vorster Square not to be "hard" on Mr Van Heerden during his interrogation.

SP officers are not ^{Jan} to testify ^{30/3/84} (329)

Pretoria Correspondent

The defence counsel in the Van Heerden case has indicated that he will close his case without calling three of the policemen being sued for allegedly torturing a detainee.

Political activist Mr Aurret van Heerden is suing 10 security policemen for R113 000, claiming they assaulted him and tortured him during his nine-month detention.

The policemen's counsel, Mr HZ Slomowitz SC, yesterday told the Pretoria Supreme Court that he intended to close the defendants' case when cross-examination of the present witness, Captain André van Heerden-Beukes, had been completed.

This means that three of the defendants — Colonel Arthur Benoni Cronwright, Major Andries Abraham Struwig and Major Johannes Nicolaas Visser — will not give evidence.

Captain Beukes will be cross-examined today.

But Mr Slomowitz said he reserved the right to call a further witness before formally closing his case.

The hearing continues.

Assault claims to be heard

GRAHAMSTOWN — The treason trial here has been postponed until Monday when a trial-within-a-trial, to contest the admissibility of confessions and statements allegedly made by the 11 accused to magistrates and police officers, is expected to commence.

Counsel for the 11 men have already placed before court allegations of police assault, and cross-examination of a security policeman who allegedly witnessed an assault on one of the ac-

cused, was reserved yesterday until commencement of next week's hearing.

Lieutenant C. Smuts, of the Port Elizabeth security police, told the court yesterday that an identification parade was held in June last year after one of the accused, Mr Nceba Faku, had complained that police had assaulted him on the day of his arrest.

Evidence before the court earlier was that Mr Faku had denied know-

ledge when asked by the police at his home to produce a suitcase containing an AK47 rifle which was said to be in his possession.

When the police took him to a co-accused, Mr Siphon Hina, who was outside in a police car, Mr Faku then produced the suitcase which was kept at a neighbour's house.

Another assault

allegation was made by Mr Douglas Tyutyu, one of the accused, who said he admitted that handwriting in marxist notes found in his house was his when police assaulted him while he was in detention at a police station in Jeffrey's Bay.

The allegation was denied by Lt W. Dennis who interrogated Mr Tyutyu about the notes. — DDC.

RSM 31/3/84 (329)

SP men close case at Auret hearing

By JOHN MOJAPELO
Pretoria Bureau

THE 10 Security policemen being sued by a former Nussas president, Mr Aurret van Heerden, for R113 000 for alleged torture and maltreatment while he was in their detention, closed their case in the Pretoria Supreme Court yesterday after calling 22 witnesses.

Mr Van Heerden, 29, of Johannesburg, called six witnesses to testify on his behalf. Mr Justice C F Eloff postponed the case, which began on February 20, to April 4, when counsel for both sides will present argument.

Mr Van Heerden was detained on September 24, 1981, at the Defence Force offices in Pretoria where he was doing his military service. He was released on July 9, 1982, without being charged.

He alleges that after he was tortured by six security policemen at Benoni police station he underwent a personality and psychological change.

Dr Louis West, an American psychiatrist, told the court Mr Van Heerden had symptoms of post-traumatic stress disorders which could have developed while he was in detention.

The Security Police, denying the allegations, have claimed Mr Van Heerden brought the action against them as part of a vendetta and because he was trying to rehabilitate himself after being exposed as an informer by master spy Major Craig Williamson.

The last witness in the Security Police defence was Captain A V H Beukes, of the Security Police head office in Pretoria.

Capt Beukes denied that he had acted as a "spy" for Major Williamson by listening to Mr Van Heerden's evidence. He had twice gone to the court, he said, but to deliver messages.

Capt Beukes said Mr Van Heerden was in uniform when he saw him and Major Williamson in a Pretoria coffee bar in December 1980. He did not think the two men had seen him.

When he saw them again in another coffee bar, they were talking in a "relaxed atmosphere" and there seemed to be a "rapport" between them.

Capt Beukes could think of no reason why Major Williamson had asked him to accompany him when he went to fetch Mr Van Heerden from his Defence Force office.

"Major Williamson had never said to me that Mr Van Heerden was his informant, agent or source. Mr Van Heerden was talking openly," he said.

He had visited Mr Van Heerden in detention at John Vorster Square in February 1981. Mr Van Heerden was well informed about "quasi-revolutionary" organisations, Capt Beukes said.

Mr W H Trengove, for Mr Van Heerden, suggested that Capt Beukes's evidence was false and was given out of loyalty to Major Williamson.

Capt Beukes agreed with Major Williamson's evidence that Mr Van Heerden had been cheerful in detention, even after the death of fellow detainee Dr Neil Aggett.

The hearing continues on Wednesday.

Mr Van Heerden is bringing the action against Lieutenant-Colonel Arthur Benoni Cronwright, Major Stephanus J P Abels, Major J N Vaseer, Major P P Olivier, Warrant-Officer Lawrence Charles Philip Prince, Lieutenant Hendrik Cornelius Pieter, Captain D J Botes, Warrant-Officer D J Fourie, Captain Andries Abraham Struwig and Lieutenant Cornelius Johannes Asewejen, who is no longer a policeman.

Super spy's claims are 'sanctimonious humbug', says leading advocate

3 key accused not called to testify

By Sheryl Raibe,

It was a tense week at the Auret van Heerden torture trial in the Pretoria Supreme Court.

Counsel for the 10 Security Policemen accused of torturing former Nussas president Mr Auret van Heerden closed their case yesterday in the sixth week of the trial without calling three of the alleged torturers, Colonel A B Cronwright, Major J N Visser and Captain A Struwig.

The week began with a battle between two giants when leading advocate Mr Sydney Kentridge, appearing for Mr van Heerden, cross-examined super-spy Major Craig Williamson of the Intelligence Division of the Security Police.

At issue was whether or not Mr van Heerden, a well-known left-wing political activist, ever acted as a police informer.

According to Major Williamson, Mr van Heerden was a police contact cultivated by him to relay information. As far as Mr Kentridge was concerned the spy allegations were pure fiction.

Three bodyguards for the major kept a hawk's eye on the overflying gallery while the country's most sensational secret agent claimed Mr van Heerden was bringing a case against the SP to further the aims of the ANC and for propaganda purposes.

Mr Kentridge said this view was "sanctimonious humbug".

He said Mr van Heerden had decided to expose the illegal and illegitimate activities of the SP in the hope that it would protect

other detainees in future.

The advocate put it to the spy that the information Major Williamson claimed Mr van Heerden gave him while an informer made little sense. Most information the major said he got at meetings in coffee bars, restaurants and over the phone was contained in three statements made by Mr van Heerden during 265 days of detention.

"Why did Mr van Heerden take weeks and months to give his (SP) interrogators information which you say he gave to you more than six months before he was detained?" asked Mr Kentridge.

Major Williamson claimed it was understood among spies that informers never told anyone who they were working for. Mr van Heerden understood this and would not have told his SP captors he was working for an intelligence officer in their own branch.

The whole question of detainees, their maltreatment and public opinion came under the spotlight when Mr Kentridge said the South African public no longer believed detainees were not maltreated following the death in detention of more than 40 detainees.

Major Williamson said the SP was not proud of the fact so many detainees had died in their custody but "every single death" had been accounted for in inquest courts or other courts.

Most deaths were found to have been self-inflicted. Mr Kentridge said no adequate explanation had yet been found to explain why detainees preferred death to interrogation. There had been numerous court cases in which claims of assault and torture

had been made against the SP.

While three important figures in the case were not called to the stand, several key SP witnesses were called to give evidence.

Brigadier Henrie Muller, head of the Security Branch at John Vorster Square, said he was in charge of interrogation and investigations during September 1981 when Mr van Heerden and about 50 others were detained in a massive swoop prompted by information an ANC conspiracy was afoot.

Brigadier Muller said he did not not know where Mr van Heerden was for 59-and-a-half hours from November 20 1981.

Mr van Heerden says that after 36 hours of torture at the Benoni Police station he was taken to John Vorster Square where he was further maltreated. The SP has denied this.

Brigadier Muller said he could give no explanation for the missing occurrence book from John Vorster Square which would have shown whether the detainee was admitted that weekend or not.

He admitted refusing Mr and Mrs Dennis van Heerden permission to visit their son until December 17 1981, but he denied the refusal had any sinister motive.

When the Van Heerden's saw their son for the first time since his detention on September 24 1981 they noticed a scab on his nose and a swelling on his face.

Argument in the case begins next Wednesday.

Dismissed teacher and two others detained over Cradock boycott

Weekend Post Reporter

THE central figure in the Cradock schools boycott, Mr Matthew Goniwe, was detained last night, along with his nephew, Mr Mbulelo Goniwe, and Mr Fort Calata.

The detentions were confirmed today by Lieutenant-Colonel Gerrie van Rooyen, police liaison officer for the Eastern Cape.

It was also announced last night by the Minister of Law and Order, Mr Louis le Grange, that all public gatherings of a political nature, other than those of recognised political parties, had been banned in the Cradock district for three months.

The ban and detentions follow a schools boycott and unrest in the Lingelihle Township.

The boycott was sparked off when Mr Goniwe, a teacher, refused to accept a transfer to Graaff-Reinet because he believed it was aimed at ending his in-

volvement in community affairs.

The Department of Education and Training gave him 14 days to go to Graaff-Reinet before dismissing him.

Mr Goniwe, who was a vice-principal, is also chairman of the Cradock Residents Association (Cradora).

His nephew, Mr Mbulelo Goniwe, is an organiser of Cradora and the Cradock Youth Association, while Mr Calata is the publicity liaison officer for the youth association (Cradoya).

In a statement today, the Divisional Commissioner of police in the Eastern Province, Brigadier C A Swart, said the police wanted to give parents and children the assurance that they would give the necessary protection to all children returning to school.

Mrs Molly Blackburn, PFP MPC for Walmer, said the detentions were to be deplored in the strongest

terms.

"When Mr Ken Andrew, MP for Gardens, and myself visited Cradock last week, it was obvious there was every hope of the schools boycott being resolved in a way which would be acceptable to both the Government and the students," she said.

She said the Government had bungled a highly sensitive issue and failed not only to appreciate legitimate grievances but to recognise the importance of discussions with leaders acceptable to the community.

"The time-worn act of detaining these community leaders can only add fuel, as in the past, to the resentment and frustration of these community leaders, and will continue to exacerbate the civil strife already existing," she said.

Mr Prince Msutu, publicity secretary for the Eastern Cape region of the United Democratic Front, said the ban and detentions had blocked the process of resolving the problems.

"Under the prevailing circumstances created by the State, it is very difficult for the UDF affiliates, Cradora and Cradoya, to hold their meetings with the intention of sorting out the problems," he said.

Mr Andrew said the situation was a cause for concern.

"The detention of these community leaders will aggravate the situation rather than calm it down," he said.

"This heavy-handed act by the Government is typical of their approach when confronted with problems which are often of their own making."

"I call on the Ministers concerned to take urgent action to resolve the situation before it deteriorates even further, with potentially disastrous consequences for race relations in the Eastern Cape."

By STEPHANIE VENTER

THE man in charge of Mr. Anet van Heerden's detention and two of the former detainee's interrogators will not give evidence in the civil case in which they and seven other security policemen are being sued for allegedly torturing him.

Counsel for the 10 security policemen closed their case in the Pretoria Supreme Court on Friday, without having called any witnesses. Collorel Arthur Benoni Cronwright, Major Johannes Nicolaas Visser and Captain Andries Abraham Struwig to give evidence.

Mr. van Heerden, 29, a former National Union of South Africa (NUSA) member, is suing the security policemen in their personal capacity for R113 000 for alleged torture and maltreatment during his detention.

He was detained from September 24, 1981 to July 9, 1982, and was charged with an offence not charged with any other persons.

According to the pleadings, Major Cronwright, who was at all "material times" in charge of Mr. van Heerden's detention and interrogation, was aware that the detainee might be assaulted and that he was being punished and was able to prevent it.

The three policemen who won't be called

Two interrogators and the man in charge of Van Heerden's detention keep silent as defence closes its case

It is alleged, however, that he failed to prevent the other nine defendants from assaulting Mr. van Heerden and impairing his dignity.

Tough squad

Mr. Visser is alleged to have been a member of the "tough Benoni squad" which Mr. van Heerden claims tor-

tured him at the Benoni police station on November 17 and 18, 1981.

Among other allegations said to involve Maj Visser were that he and others forced Mr. van Heerden to remain on his feet for about 12 hours, and that his wrists were handcuffed to his ankles, which he refused to do.

Mr. van Heerden said that he and others were forced to have threatened Mr. van Heerden with assault, if he reported his maltreatment to the Department of Justice, who died in detention in February, 1982.

Disclaiming

While these allegations have been denied in their own defence, Maj Visser said in court by Mr. H. Z. Stomwitzer SC, for the defendants, the

SP needed to call Williamson, says Kentridge

IT WAS not Mr. Anet van Heerden's defence who had to cry out "call Craig Williamson" but the security policemen who needed rescuing as the civil case against them was drawing near.

He was suggested by Mr. Sydney Kentridge SC, who was representing the cross-examined security policemen when he said that Maj Williamson was a "fiction" before a packed court on Monday.

Towering over his slightly-built bodyguard, Maj Williamson denied the suggestion by Mr. Kentridge that he came to give evidence to help the

defendants by destroying Mr. van Heerden's credibility.

In previous evidence, Maj Williamson, whose role as a spy became known at the beginning of 1980, said Mr. van Heerden was one of his informers.

He denied his relationship with Mr. van Heerden was "a fiction". Maj Williamson said he had testified after much consideration to give evidence for the security police three days before the case was due to start on February 20.

Maj Williamson who started his career with the housebreaking branch of the police, told the court that at one stage he was a "triple or quadruple agent" working for the African National Congress, the South African Communist Party and the security police.

Now a section head of intelligence, Maj Williamson said Mr. van Heerden's case was not *bona fide* but that Mr. van Heerden was conducting a vendetta against the administration of the security laws.



Major Arthur Benoni Cronwright



Major Johannes Nicolaas Visser



Captain Andries Abraham Struwig

of the security police at John Vorster Square. Johannesburg where Mr. van Heerden was held at various stages and particularly the last seven months of his detention. Brig Muller told the court that Maj Cronwright reported to him daily on the progress of the trial. He said he authorised the transfer of Mr. van Heerden to other places of detention. But he admitted that at times he had been guided by Maj Cronwright's recommendations. Muller said his authority had not been sought of his cell in Benoni for 38 hours - when he was allegedly tortured. But he would have sanctioned it.

No limit

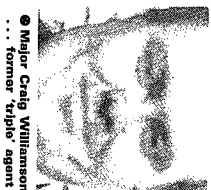
Under cross-examination by Mr. Sydney Kentridge SC, for Mr. van Heerden, Brig Muller said there was no time limit on interrogation. He said he had accepted Cape Struwig's explanation that he had personally disclaimed the other security policemen who gave evidence have denied the allegations of torture, assault and maltreatment.

One of the 23 witnesses called for Mr. van Heerden was Brigadier H. C. Muller who remained on his staff.

Argument will begin on Wednesday.

The defendants who have given evidence are Major Stephanus J. P. Abrie, Major Philipus Petrus Olivier, Captain H. J. Lawrence, Captain H. J. Lawrence, Lieutenant Hendrik Cornelis Jacobs, Platoon, Lieutenant Peter Botes, Warrant Officer Diederik Fourie and former Lieutenant Johan Van Awe-gem, who is no longer a policeman.

Kentridge SC, Mr. J. Botes SC and Mr. V. H. Thengwe appeared for Mr. van Heerden. Mr. H. Z. Stomwitzer SC, who appeared for the defendants, Mr. Justice C. F. Bickel was on the bench.



Major Craig Williamson
... former triple agent

By KHULU SIBIYA

SECURITY Police interrogators beat up a man until both his ear-drums burst and he could not hear for two weeks.

The man, Mandla Ndlovu, made this claim in his evidence in the trial of Mr Victor Knox Simelane, 22, a fourth-year University of Zululand student facing charges of furthering the aims of the banned African National Congress.

Ndlovu told Magistrate J D Jaquire in Ermelo this week that two members of the Security Police, Sgt Johannes de Witt and Sgt Lisaphi Ngwenya, who are stationed at Ermelo, beat him up soon after he was arrested on November 11 last year.

"During the interrogation, four guns were placed in front of me and I was told to implicate my friend Knox because he is a university student and I was not educated.

"But even after the beatings, I did not say that Knox sprayed

'SP beatings burst my ears'

Ngoye student's ANC trial told of assaults

ANC slogans on walls," said Ndlovu.

Mr Simelane is alleged to have sprayed ANC slogans which read: "Apartheid Divides (sic) - ANC unites" and "Join ANC-Umkhonto We Sizwe" and "Long Live Mandala (Sic) - ANC".

Under defence cross-examination led by Advocate E D Moseneneke, Sgt De Witt denied that he beat Mr Ndlovu, but said beating up detainees during interrogation was an old song - "so old that it has been sung before".

He also denied beating up Mr Simelane.

He said Mr Simelane voluntarily pointed out walls he allegedly sprayed.

"The accused was even given an option of making a statement to the Security Police or the magistrate. He opted to confess to the magistrate," said Sgt De Witt.

Mr Simelane said he made a statement to the magistrate, because he was assured by Sgt Ngwenya that his case was not serious and he would be sentenced to 30 days in prison or fined R30 at worst.

Judgment will be passed today.

Sebe steps in to save bus drivers

CISKEI President Lennox Sebe has saved 240 bus company workers from dismissal.

The workers were due to be dismissed today - to join 300 colleagues laid off last year because of the increasing effects of the Mdantsane bus boycott.

But, President Sebe asked CTC officials to postpone the retrenchments for a month "on humanitarian

grounds".

Although this will cost CTC R500 000 - they have already lost about R5-million in the boycott - the company has decided to comply with the request.

CTC managing director Hans Kaiser told City Press he was not sure how much longer the boycott would continue. Company officials are presently negotiating with the commuters' Committee of Ten.

329 D. D. notes 2/4/84

Mutilated monkey left for detainees' support member

PORT ELIZABETH — A dead monkey with a cross through its heart was found hanging over the garden wall of a Detainees' Parents' Support Committee (DPSC) member who claims he has been the subject of a number of death threats during the past four years.

Mr Arthur Arnot, 39, of Kabega Park, here, said his wife, Mrs Jane Arnot, opened the back door to find a large dead monkey hanging over the back wall.

"The monkey had clearly been strangled to

death recently, as its stomach was just beginning to bloat but there was no smell," Mrs Arnot said.

"A small, crudely made wooden cross had been driven through its heart. There was a pool of blood underneath the monkey," she said.

"About half-an-hour later a telephone caller who did not identify himself swore at me and asked me if I had been in the back garden lately," she said.

She immediately buried the monkey in a ditch near their property.

Mr Arnot, the son of a Baptist minister, said that he had received an anonymous telephone call from a man who said: "Your kids are next and then you will die from the illness you are suffering from at the moment."

Mr Arnot said only a handful of people close to him knew that he was suffering from any illness.

A police spokesman, Lt-Col Gerrie van Rooyen confirmed yesterday that the incident had been reported — DDC.

Three more arrested in Cradock

Post 329
2/4/84

Post Reporter

THREE more people have been arrested in Cradock on charges of public violence and are expected to appear in the Cradock Magistrate's Court tomorrow.

This brings the total arrested on charges of public violence to 16.

The recent arrests include two women aged 36 and 46, and a man aged 18.

Their arrests are a sequel to a flare-up of violence in the township last weekend.

Lieutenant-Colonel Gerrie van Rooyen, police liaison officer for the Eastern Cape, said it was all quiet in Cradock at the weekend and today.

Five people — two adults and three youths — appeared in court on Friday. One was a youth aged 15, two youths aged 17, and Mr Thomas Tyinhe, 18, and Mr Dahuxolo Dyili, 24, all of Cradock, were remanded to April 11.

Eight other people have already appeared in court and were also remanded.

● Four people were detained on Friday under Section 28 of the Internal Security Act in the wake of the prolonged schools boycott in Cradock.

They are Mr Matthew Goniwe, the dismissed former secondary school vice-principal and the chairman of the Cradock Residents' Association (Cradora), Mr Mbulelo Terrence Goniwe, (organiser of Cradora and publicity liaison officer of the Cradock Youth Association), Mr Fort Calata, chairman of Cradock and treasurer of Cradock and Mr Madoda Jacob, former headboy of the newly opened Lingelbale Secondary School.

There were about 60 children attending four of the seven schools in the township today and three schools had no pupils at all.

School attendance was about the same as last week, according to informed sources in the township.

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(329) Dispatch

Craddock leaders in detention

EAST LONDON — The chairman of the Craddock Residents' Association (Cradora), Mr Matthew Goniwe, was detained on Friday night along with his nephew, Mr Mbulelo Goniwe, organiser of the association and Mr Fort Calata, liaison officer for the youth association (Cradoya).

Mrs Nyamakea Goniwe, wife of Mr Matthew Goniwe, said a group of policemen came to their home at 9.50 pm on Friday.

Mr Matthew Goniwe, a secondary school vice-principal, refused to accept a transfer to Graaff-Reinet because he believed it was aimed

at ending his involvement in community affairs. This sparked off a schools' boycott at Lingelihle.

Lt-Colonel Gerrie van Rooyen, police liaison officer for the Eastern Cape, has also confirmed that a former Lingelihle Secondary School headboy, Mr Madoda Jacob, had been detained.

He said the decision regarding the detentions had been taken "at ministerial level."

The PFP MPC for Walmer, Mrs Molly Blackburn, said yesterday the

detentions may well prove to be the final straw.

Referring to her visit with Mr Ken Andrew, chief PFP spokesman on black education and MP for Gardens, to Craddock more than a week ago, Mrs Blackburn said they had found the "situation tense but calm."

She said it had been "quite obvious" there was a real possibility reasoned discussion over the reinstatement of Mr Matthew Goniwe would have resolved the "deadlock" in a way which would have been acceptable to both the government and pupils.

2/4/84
Leaders of various political groups have deplored the detentions.

The Divisional Commissioner of the Police in the Eastern Cape, Brig C. A. Swart, had issued a statement saying police would provide the necessary protection to children who wanted to return to school today. DDC.

By Sheryl Raine,
Pretoria Bureau

The International Committee of the Red Cross (ICRC), in its latest information bulletin, again discusses its visits to thousands of detainees in about 30 countries round the world.

These include visits to prisoners in South Africa. The ICRC has been doing this for about 20 years.

So far it has gained access only to convicted security prisoners and those being held in preventive detention under section 28 of the Internal Security Act of 1982.

Efforts are continuing to gain access to others detained under section 29 of the Internal Security Amendment Act of 1982 and section 31 of the State Witnesses Act, and to those detained persons awaiting trial.

These efforts have been rejected till now. The ICRC says the official reason given is "administrative difficulties".

In its bulletin, the ICRC spells out how it goes about visiting detainees throughout the world, and what purpose the visits serve.

The ICRC notes that it is not so much what it gets done that is important, as what its mere presence prevents being done to the prisoners.

The ICRC teams which visit detainees consist of two delegates and a doctor.

When visiting places of detention, the delegates first hold discussions with the authorities in charge of the prison and, if possible, obtain a list of all those detained.

Delegates take note of detainees' daily activities, including their physical exercise.

Special attention is given to detainees' contact with relations, visits, correspondence, and permission to receive parcels.

In order to compile a detailed report, the delegates investigate the treatment and discipline of detainees by gathering details of their daily routines, their relations with

Red Cross

reviews its

visits to

detainees

guards, the prison rules, and the measures taken when rules are broken.

Particular attention is paid to the stipulated and actual duration of any disciplinary confinement, and the cells in which it takes place.

The most important aspect of ICRC visits is that individual interviews are conducted with detainees without witnesses, during which conditions of detention are discussed.

According to the bulletin, this personal contact is usually much appreciated by detainees — not least for its generally favourable effect on their morale.

"Delegates are sometimes confronted with allegations or evidence of maltreatment or torture. They have to form their own judgment of the situation on the basis of solid facts, and corroboration of statements made during the interview without witnesses."

At the end of the visit the delegates have a final interview with the commander of the prison, during which they state their observations and put forward suggestions.

Later a detailed report is submitted to the relevant government authorities.

An important condition laid down for ICRC visits is that they must be repeated. It is during subsequent visits that progress can be determined.

ICRC visits are provided for by the Third and Fourth Geneva Conventions, or are undertaken on the basis of the organisation's right of initiative.

(329) ~~3~~ 3 more held
in Cradock 3/4/84

PORT ELIZABETH — of public violence.

Police have arrested three more residents of Cradock's township, Lingelihle, on charges of public violence, bringing the number of arrests in the township during the past few weeks to 14.

However, police said one of those arrested yesterday had been released, and all was quiet in Lingelihle, the scene of prolonged schools boycott and a three-month ban on meetings.

The three arrested were two women aged 36 and 46 and an 18-year-old youth. The 36-year-old woman was released later, while the other two are due to appear in the Cradock Magistrate's Court today on charges

This was confirmed yesterday by Major Annelize Melville, acting police liaison officer for the Eastern Cape.

Among those in detention in terms of Article 28 of the Internal Security Act is the Cradock Residents Association (Cradora) chairman, Mr Matthew Goniwe, his nephew, Mr Mbulelo Terrence Goniwe (organiser of Cradora and publicity liaison officer of the Cradock Youth Association), Mr Fort Calata (chairman of Cradova and treasurer of Cradora) and Mr Madoda Jacob, headboy of the newly opened Lingelihle Secondary School. — DDC.

Two youths arrested in Cradock

329 Post Reporter E. Post 3/4/84
TWO 14-year-old youths have been arrested in Cradock on charges of intimidation arising from the schools boycott and are expected to appear in the Cradock Magistrate's Court tomorrow.

Two women, aged 36 and 46, who were detained for questioning on a charge of public violence and were expected to appear in court today, have been released and a man who was arrested at the same time, Mr Thiswe Mqgabuzana, 18, appeared briefly in the Cradock Magistrate's Court today on a charge of public violence.

He was remanded in custody until April 11.

Mr Roy Calata, 27, appeared in the Cradock Magistrate's Court today on a charge of public violence and was remanded in custody until April 11.

This brings the number of people being held for public violence stemming from a brief flare-up in the township

last weekend and intimidation to 18.

This is in addition to four people who were detained on Friday under Section 28 of the Internal Security Act.

They are Mr Matthew Goniwe, the dismissed former secondary school vice-principal and the chairman of the Cradock Residents' Association (Cradora), Mr Mbulelo Terrence Goniwe, organiser of Cradora and publicity liaison officer of the Cradock Youth Association (Cradoya), Mr Fort Calata, chairman of Cradoya and treasurer of Cradora, and Mr Madoda Jacob, former headboy of the newly-opened Linghile Secondary School.

Attendance at the seven schools in the township today was slightly better than yesterday with an attendance of about 90 — compared with about 60 yesterday.

Police have given the assurance that all pupils wishing to return to school would be afforded every protection and that intimidation of pupils would be firmly dealt with.

Court hears allegations of 'inhuman' assaults

SWA detainees have right to clean cells and exercise

Star 329 4/4/84

By Peter Honey,
The Star Bureau

WINDHOEK — A full Bench of the Windhoek Supreme Court has ruled that detainees held in terms of Security Proclamation AG 9 should not be kept in solitary confinement without exercise.

The ruling came in a judgment on an urgent application by relatives of three former Namibian detainees for an interdict seeking to restrain members of the Security Police from assaulting, pressuring or holding them in solitary confinement, on spare diets without adequate exercise and medical attention.

The detainees Mr Pastor Heikki Ausiku, Mr Gideon Nestor and Mr Severinus Siteketa, all of the Kavango region of

northern Namibia, had been released shortly after the application was brought in November last year.

Delivering judgment on the merits of their case the court ruled that the respondents — the Minister of Police, the head of the Security Police, the head of the Koevoet police, the Administrator-General and six security policemen — should pay half the applicants' costs, including those of the two counsel from Cape Town.

The three judges said the application contained "allegations of inhuman and severe assaults, including the application of electric shocks to parts of (the detainees') bodies in order to obtain information".

There were also "allegations as to the shocking conditions

under which these detainees were detained.

"These allegations, if proved true, present a most disturbing picture of methods employed by members of the Security Branch" — methods referred to as "third degree", the judges said.

"These methods are fortunately not authorised in any laws of this territory, nor indeed by the laws of any civilised country," they added.

The court would in appropriate cases take "the strongest measures to prevent them from taking place".

There had been evidence that detainees held in terms of Proclamation AG 9 (which allows for detention for indefinitely renewable periods of 30 days at a time) had been kicked, punched, given electric shocks and beaten with wooden planks.

"However, in the case of the three detainees the assaults appeared to have been 'far less severe than those which the applicants had feared'."

SMALL CELLS

Nonetheless the detainees had established "a clear right" not to be assaulted.

They had been held in small cells three by five paces in areas which were windy and dusty, hot in the day and cold at night, with bucket latrines.

They were given no exercise in open air and were escorted daily to showers while blindfolded.

"A detainee held in terms of AG 9 is entitled, as of right, to be detained in a cell of reasonable size under hygienic conditions.

"And he is entitled, as of right, not to be held in solitary confinement — that is, in isolation without being allowed to work or to take any exercise," the court ruled.

The applicants were represented by Mr Ian Parham and Mr Jeremy Gansdett of Cape Town. The respondents were represented by Mr Jacques Botha and Mr Sam Maritz. On the Bench were the Judge President, Mr Justice Hans Zerkar, Mr Justice Chris Mouton and Mr Justice Johan Strydom.

ARCUS 4/4/84

PARLIAMENT

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329/22

'Halt removals and release detainees'

Parliamentary Staff

A FREEZE on all removals, the release of detainees and the removal of banning orders on people like Beyers Naude would help to re-admit South Africa into the Western community of nations, Mrs Helen Suzman (PFP Houghton) told the Assembly.

Speaking during the Budget debate, she said the disinvestment campaign abroad benefited greatly from announcements of mass removals.

Referring to punitive measures against South Africa which are under consideration in the United States, she said they would certainly be approved if the Government announced schemes like the one made last week about shifting about 200 000 people from Nyanga, Guguletu and Langa to Khayelitsha.

If these punitive measures were passed, life



Mrs Helen Suzman

would be made even more difficult for American firms operating plants here and for companies and banks already under pressure for doing business in or with South Africa, she said.

Very often the "hassle factor" associated with economic engagement with South Africa was enough to discourage firms or banks from doing business with South Africa.

Profitability was weighted against the harassment experienced at

annual general meetings and with unfavourable publicity it was found not worth the risk.

"It is not possible to know just how much new investment has been diverted from South Africa because of this hassle factor, but I have no doubt it is considerable and has had a telling effect on our economic growth rate," she said.

"I cannot emphasise enough that nothing is more conducive to further isolation as forced removals, denationalisation of homelands citizens, arbitrary arrests, bannings and detentions without trial.

"And nothing would be more effective in blunting the cutting edge of all those organisations working for punitive measures against the Republic than a freeze on all removals, release of detainees and removal of the banning orders on Beyers Naude, Winnie Mandela and others."

SP torture claims revealed

Amnesty says courts accept police denials 'at face value'

The Star Bureau

LONDON — There is considerable evidence that political detainees were commonly tortured and ill-treated during interrogation by Security Police in South Africa during the past few years, says Amnesty International.

This allegation is contained in a book just published called "Torture in the Eighties", which deals with police brutality in 66 different countries.

After reviewing law changes in South Africa recently, the Amnesty book adds that section 29 of the Internal Security Act effectively provides the Security Police with the power to detain anyone incommunicado and without charges being laid for an unlimited period.

Detainees were held in solitary confinement, "often for periods of months", and were denied access to relatives or legal counsel.

"Many were reportedly subjected to lengthy periods of continuous interrogation by security officers during which they were tortured or physically assaulted," says Amnesty.

"Several detainees required treatment in hospital after becoming psychologically disorientated or physically unwell apparently as a result of their treatment and conditions of detention.

"At least six political detainees died in Security Police custody during the period under review, three of whom were held by security police in one or other of the four African 'Homelands' declared 'Independent' by the South African Government but not recognised internationally."

The book reports that despite substantial evidence of torture in some of these cases, only one resulted in official action being taken against those allegedly responsible for torture. This was in the Venda homeland, when two security police officers were accused of murder but acquitted.

Amnesty adds that many allegations of torture were made before the courts both by defendants and by detainees who appeared as witnesses for the prosecution in political trials.

"It was frequently alleged that detainees were tortured during pre-trial interrogation by security police in order that they should either confess to offences which they had not committed or implicate other people in the commission of political offences.

"In most cases, the courts appeared to accept police denials of torture at face value and to give insufficient consideration to the problems detainees faced, as a result of their incommunicado detention in solitary confinement, in proving that they had been tortured perhaps many months before."

But, Amnesty says, the courts did in some cases accept that there had been torture.

"One notable case was that of Linda Mario Mogale.

"The court accepted that he had been convicted largely on the basis of a confession which he agreed to make only after he had been subjected to electric shocks and had had some of his teeth pulled out with a pair of pliers by his Security Police interrogator.

"He had then been held for seven months so that there should be less evidence of torture and because a six-month limit existed beyond which victims of torture could not initiate legal actions for damages or redress."

ROM 5/4/84 329

'No politics' in torture case

By JOHN MOJAPelo
Pretoria Bureau

THE R113 000 damages case brought by the former president of the National Union of South African Students (Nusas) against 10 security policemen for alleged maltreatment and torture must not be seen as an inquiry into the country's security legislation and detentions, a senior advocate said in the Pretoria Supreme Court yesterday.

Mr Sydney Kentridge, SC, leader of the team representing Mr Auret Dennis van Heerden, said the court must disregard Mr Van Heerden's political views when considering whether his allegations of maltreatment and torture in the hands of the Security Police were true or not.

Mr Kentridge, who addressed the court for the whole day, criticised the police at the Benoni police station for "fobbing off" two magistrates who wanted to see Mr Van Heerden while he was under interrogation by the Security Police.

Mr Kentridge said one magistrate was not particularly "zealous" in his attempt to find out from the police where Mr Van Heerden had been taken to when he was not available in the police station.

Mr Kentridge said it was illegal for the Security Police to have confined Mr Van Heerden in a "punishment" cell at the Pretoria Central prison.

Mr Van Heerden alleged that while he was a security detainee at Pretoria Central, Sandton police station, John Vorster Square police station and Benoni from September 24, 1981, to July 9, 1982, he was maltreated and tortured.

Mr Van Heerden was arrested on the basis of his name appearing in a document entitled "Close comrades" compiled by Barbara Hogan, who was imprisoned for high treason last year.

In the document Mr Van Heerden is said to be "under discipline" of the banned African National Congress.

Mr Kentridge said Mr Van Heerden denied in eight weeks interrogation and four statements that he was a supporter or member of the ANC.

Mr Van Heerden was then sent to

Benoni on the orders of Lieutenant-Colonel Arthur Benoni Cronwright on November 17, 1981.

"Following this period Mr Van Heerden poured forth information previously withheld in relation to the ANC. Mr Van Heerden broke at Benoni," Mr Kentridge said.

Mr Kentridge asked why Col Cronwright chose to take the interrogation out of the hands of Lieutenant Hendrik Cornelius Jacobus Pitout and Captain D J Botes and placed it in the hands of Major Stephanus J P Abrie and Warrant-Officer Lawrence Charles Phillip Prince.

The second question was why Mr Van Heerden made disclosure of facts he had previously concealed.

Mr Kentridge said the third question was what was the nature of the so-called interrogation over a period of 36 hours when Mr Van Heerden was out of his cell and in the fourth floor offices of the Security Police at Benoni police station.

The Security Police who gave evidence in the case did not give satisfactory or acceptable explanations to the questions.

Mr Kentridge said the Security Police cannot afford to disclose the truth. They were hiding something and that something was the maltreatment of Mr Van Heerden.

Threats by Col Cronwright to Mr Van Heerden at John Vorster Square police station after December 3 were meaningless if Mr Van Heerden had not been assaulted at Benoni, Mr Kentridge said.

The burden of proof in the case was on Mr Van Heerden.

There was a stark conflict between Mr Van Heerden's evidence of the alleged assaults and torture and the denials of the Security Police. There was a strong probability in favour of Mr Van Heerden, added Mr Kentridge.

The Security Police evidence was riddled with contradictions and improbabilities, Mr Kentridge said.

Mr Van Heerden, who withstood rigorous cross-examination lasting more than six days, could not have fabricated for propaganda sake the story that he had been tortured.

The hearing continues today.

Staff Reporters

DETAINED Cradock leader Mr Matthew Goniwe is "fine and in good health", says Mrs Helen Suzman, civil rights spokesman for the Opposition, who visited Mr Goniwe in Pollsmoor Prison.

Mr Goniwe, a schoolteacher whose dismissal from his post sparked off the nine-week school boycott in the Eastern Cape town, was detained under Section 28 of the Internal Security Act last week.

Mrs Suzman, who saw Mr Goniwe yesterday after receiving permission from the Minister of Law and Order, Mr L le Grange, said she would make "every effort" to get him out of jail.

"He is in good health. His only complaint is that he is locked up at all."

Has visitors

Mr Goniwe, who is chairman of the Cradock Residents' Association, is being detained under the "preventive detention" clause and is allowed visitors.

However, his family, who live in Cradock, have not been able to communicate with him.

Mrs Suzman said Mr Goniwe was being kept "by himself".

"I intend to raise the matter at the earliest opportunity. A student from Cradock, Madoda Jacob, is also being held under Section 28 at Pollsmoor. There is no reason why they should not have each other's company.

Mr Goniwe, whom she described as a "very pleasant young man", was getting regular exercise and access to the prison library.

"He is obviously a very popular figure among the students of Cradock. The authorities' heavy-handed way of dealing with the situation is ill-judged," she added.

● Police have arrested four more pupils in Cradock, bringing the total number of arrests to 21. Police liaison officer for the Eastern Cape, Colonel Gerrie van Rooyen, confirmed that four youths, aged 14, 18, 19 and 20, had been arrested on charges of public violence. They are to appear in court on Monday.

Goniwe 'fine' — Suzman

NATIONAL INTERNATIONAL

MCS 6/48C

89

As court hears of electric shocks for detainees, the judge tells police

Stop the torturers!

By Andrew Beattie

Police admitted for the first time at a murder trial in Volksrust this week that electric shocks had been used to obtain information during the interrogation of detainees.

Following this admission, the trial judge, Mr Justice J P O de Villiers, urged senior police officers to take steps to ensure this did not happen again. He added, however, that eliminating this type of police action was almost as difficult as eradicating crime.

Detainees were powerless and at the mercy of their interrogators, the judge remarked, and police could not be allowed to abuse their powers by using forms of torture to obtain information.

The three policemen appearing before the judge had killed a suspected stock thief during interrogation at the Dirkiesdorp police station. They gave him electric shocks with a device resembling a field telephone on May 3 last year.

Warrant Officer Gert Johannes Coetzee (33), of the Ermelo Stock Theft Unit, Warrant Officer Christo Hattinigh (33), the former commanding officer of the Dirkiesdorp police station, and Constable Dirk Kruger (19), who at the time also worked at the Dirkiesdorp police station, were all convicted of assault with intent to do grievous bodily harm.

Another policeman, Constable Nduna Ernest Mkwanazi, was acquitted. The court found he had only been present at the interrogations as an interpreter. The policemen had been investigating stock thefts, which were rife in that area, and arrested two men — Mr Themba Manana (36), and his elderly father Absalom.

Described by the judge as an "upright old man" Mr Absalom Manana told the court of his ordeal at the hands of the police.

"They put a canvas bag tightly over my head, so tight I could hardly breathe. Then they connected wires to me and shocked me repeatedly. I screamed, cried, sweated and writhed on the floor. It seemed to go on for a long time."

"Afterwards my whole body ached and I could hardly walk. I am still in pain as a result of the torture."

"I knew nothing of any stock thefts, and told my interrogators this. 'Afterwards they asked me if I wanted to see my son's body,' Mr Manana said in court."

Mr Justice de Villiers found the three policemen had assaulted Mr Themba Manana, with intent to do grievous bodily harm, by using the electric instrument to torture him while attempting to obtain information.

Coetzee and Hattinigh were each sentenced to three years' imprisonment for this offence (suspended for five years), and fined R1 000 each (or one year).

Kruger — "who was only a child at the time of the offence," the judge remarked — was also sentenced to three years' imprisonment for this offence (suspended for five years) and fined R500 (or six months).

The court found it could not justify a conviction of murder as the men did not have the intention to kill a conviction, for culpable homicide was not possible either, as Mr Themba Manana's death "could not have been foreseeable".

Hattinigh and Kruger each received jail sentences of three years for the assaults, with intent to do grievous bodily harm, on Mr Absalom Manana.

These sentences were suspended for five years.

During the week of Mr Themba Manana's death, another death occurred at the Dirkiesdorp police station. A young shepherd, Zephaniah Sibanyoni, who had been detained, also on suspicion of stock theft, died "of an epileptic fit," police told his parents.

Less than a month before the community leader Mr Saul Mkhize was shot dead by a policeman from the same police station. The policeman was acquitted on a murder charge by the same court that convicted Hattinigh, Coetzee and Kruger.

The Black Sash national president, Mrs Joyce Harris, said in a statement this week.

"The sentences seem startlingly low. One would hope the Commissioner of Police will now reassure the public by announcing that all the policemen concerned, who are clearly totally unfit to be policemen, will be forthwith expelled from the force and never again employed as policemen."

A police spokesman said yesterday that Hattinigh, Coetzee and Kruger were still members of the police force. He added they had been transferred to police stations in other areas, pending a departmental inquiry into their actions.

Asked to comment on whether any steps had been taken to ensure electric shocks and other forms of torture were not used in future, the spokesman said: "Sufficient directives have been issued in the past instructing policemen to refrain from using methods of torture to obtain information from detainees. Police are constantly reminded that instruments like the one described at the

Security police hold two boxing brothers

JOHANNESBURG—Two of the famous Sithebe boxing brothers have been detained under security legislation.

The detention of Johannes and Moses Sithebe was confirmed by the Public Relations Division of the South African Police in Pretoria.

They are being held under section 29 of the Internal Security Act.

According to Mr Thomas 'Homicide' Sithebe, who is also a boxer, his brothers were detained

at Messina about three weeks ago.

He said they were on their way home from Zimbabwe.

'I got to know about their detentions after the police had been to their homes, which they searched. The police informed their families about their detention then.

'We don't have a clue as to the reason for the detentions,' he said.

Mr Sithebe says the family have been allowed to take food parcels to

Moses at the Protea police headquarters, but don't know Johannes's whereabouts.

Johannes, popularly known as 'Slashing Tiger', is a former Transvaal flyweight champion. He retired about three years ago.

He lost the title to Peter 'Terror' Mathebula.

Moses turned professional about four years ago but has not had many bouts. He is campaigning in the junior lightweight division. — (Sapa)

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N. Mercury 7/8-184

EAST LONDON — In port last night: Golden Cameron at F, Georgis Geruntas at R corner, Trade Will at L.

Arrived yesterday: Nil

Sailed yesterday: Nil

Due today: Nil

PORT ELIZABETH — In port last night: Cape Hustler, Carrier.

CAPE TOWN — In port last night: England, Orestes, Hildeford, St Helena, San Pedro, Lia, Ethos, Nikko Maru 23, Argid IV, Fukukyu Maru 27, Fukukyu Maru 28, American Resolute, Yuhing, Azuma Maru 31, Paredinas, Africana Sea Enterprise, Brazilia, Hai Shih, Sheh Fu 3, Nikko Maru 65, Asahi Maru 2, Yamsufu, Ryooshi Maru 15, Otterum, Halliburton 219, Custos, Johan Hugo, Ryoum Maru 5, Kowie, Elizabeth, W Woltemade, Joor, Pondoland, Altair, Nova Fe, Almoured, Showa Maru 33, Viking Service.

DURBAN — In port last night: Eryas, Krynossos, Sun Suma, Rafaela, Neptune, Turquoise, Maria Sitara, Gold Leaf, Violeta, Tyne Skou, Scapwind, Tilly, Ove Skou, Nedlöv, Gembla, Malanga, Vile de Nantebourg, Westflow, Jacobina, Eber, Order, Federali, Hiron, Solo Mio, Ho-Ming, Dicta, Range Africa, Amethyst, Ortelius, Fort Namica, Dicta, Wha Pang, Chongchi, Numbia, Ascona, Na Hoon.

TIDES

	APRIL			
	High	Low	am	pm
7 Sat	0649	1911	0028	1300
8 Sun	0743	2014	0113	1352
9 Mon	0906	2208	0222	1515

MOON

April 9th: First Quarter

DDR

Cosas organiser detained in Q'Town

EAST LONDON — A Port Elizabeth man, Mr Zukile Gxavu, has been detained in Queenstown, Colonel A. P. van der Merwe, head of the Border security police, said yesterday.

Colonel Van der Merwe said that Mr Gxavu, who is the full-time organiser for the Congress of South African Students (Cosas),

would be charged with furthering the aims of the banned African National Congress.

Colonel Van der Merwe said he had no knowledge of the detention and questioning of Mr Mncedisi Nontsele, who claimed yesterday that he was detained together with Mr Gxavu and released after questioning. — DDR

Pensioner 110

CAPE TOWN — A pensioner who still remembers the South African War celebrated his 110th birthday yesterday with 82 of his surviving descendants.

Mr Ismael Adams, of Blackbird Avenue, Parkwood Estate, remembers how Cape Town looked at the turn of the century.

He worked for many years as a gardener in

what he called the "boeretuine" — the areas now known as the southern suburbs.

"There were very few homes then, but many large farms.

"After a while, I owned my own timber business and also fought in the big war," he said.

During World War I Mr Adams lost his left eye when he was kicked by a horse. — SAPA.

photographed at their meetings inside the Princess Elizabeth Dock.

Rain relieves fire

EAST LONDON — The fire department were called to put out four grass fires yesterday which brings to 12 the number of grass fires they have dealt with in the past three days.

One fire occurred on a playing field at Southernwood Primary School but there was no damage to property reported.

The other fires were in Chiselhurst extension, behind the crematorium in Cambridge and near the old Summerpride drive-in.

The fires were quickly extinguished and caused little damage.

Founders hot dry weather, unexpected provided ching he.

Huge almost 6 day-make and again

The am mm.

Yester was 30 C dited fol

Warning on d

CAPE TOWN — A doctor who failed to warn his patient about the side-effects of certain drugs, could probably be sued for damages if those drugs caused a car accident.

An article in The Lancet, reported in the SA Medical Journal, has stated that doctors share the responsibility for any accident that happens as a result of drug use.

Although no doctors had yet been sued on

these grounds, it was theoretically possible, the article stated.

In North America, survey had shown that 1 per cent of the driver involved in car accidents had been under the influence of a drug not alcohol.

The Medicines Control Council in this country was concerned that information leaflet included with every original packet of a registered medicine was not properly used.

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• From 1 April 1984 •

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Concern grows for 'sick' Goniwe

50 329 City Press 8/4/84

DETAINED Cradock civic leader Matthew Goniwe is a sick man.

The head of the Cradock Residents' Association was taken away by Security Police last week — but didn't take his medicine for hypertension with him.

And now his wife, Nyameka Goniwe, is making desperate attempts to find out where her husband is, and whether he is in good health.

Mrs Goniwe told City Press two Security Policemen arrived at her home this week and asked who was treating her husband's ailment.

They told her he was being held at Polsmoor

**By MONO
BADELA**

maximum security prison near Cape Town and refused to take clothing for him, she said.

This could not be confirmed with the Security Police.

Mr Goniwe was arrested last week with his brother Mbulelo and Cradock youth leader Fort Calata, nephew of former African National Congress secretary-general James Calata.

Mr Goniwe is the central figure in the nine-week school boycott that has hit schools in Cradock's Lingelihle township.

Angry students refused

to attend classes after Mr Goniwe was told to move to Graaff-Reinet in what he described as "an attempt to cut me out of civic matters in Cradock".

Sources said fewer than 60 pupils attended classes this week out of a total of 5 000.

In another development, three more Cradock residents were arrested this week — Roy Calata, 27, and two 14-year-old boys.

Mr Calata and an 18-year-old youth appeared in Cradock Magistrate's Court on Tuesday on charges of public violence, and the two 14-year-olds appeared on charges of "intimidation".

25/1 9/4/84

Torture claim trial in final stages

By JOHN MAJAPALO
Pretoria Bureau

THE R113 000 damages case by the former president of the National Union of South African Students (Nusas) against ten Security Policemen continues in the Pretoria Supreme Court today.

Mr Sydney Kentridge SC, leader of the three-man legal team for the former student leader, will continue with his argument before Mr Justice C F Eloff which he began last Wednesday.

Mr Aurret Dennis Van Heerden, 29, of Johannesburg, is bringing the action against the Security Police for alleged torture and maltreatment during his detention under security legislation from September 24 1981 to July 9 1982.

Mr Van Heerden was kept at Pretoria Central Prison, Sandton Police Station, John Vorster Square and Benoni Police Station for 289 days.

Mr Kentridge spent the whole of last Thursday addressing the court, except for an hour when Mr J Browde SC addressed the court on a particular aspect of the case.

Mr H Z Slomowitz SC, the leader of the legal team for the Security Police, is expected to start his argument later this week.

The case started on February 20 and the court record runs into into hundreds of pages.

Mr Van Heerden is bringing the action against Lieutenant-Colonel Arthur Benoni Cronwright, formerly of John Vorster Square, Major Stephanus J P Abrie, who is in charge of the labour section of the Security Police in Pretoria, Major Johannes Nicolaas Visser, Major P P Olivier of East London, Lieutenant Hendrik Cornelius Jacobus Pitout, who has retired from the police, Warrant Officer Lawrence Charles Philip Prince from Springs, Captain D J Botes, from

John Vorster Square, Warrant Officer D J Fourie, Captain Andries Abraham Struwig, of the investigation staff at John Vorster Square, and Lt Cornelius Johannes Van Aswegen, who is now an article clerk with a legal firm.

The ten are being sued in their private capacities. Mr Sydney Kentridge SC, Mr J Browde SC and Mr W H Trengove are appearing for Mr Van Heerden while Mr H Z Slomowitz SC, Mr J Gautsch and Mr S F Burger are appearing for the policemen.

Williamson move is propaganda — court hears

Argus Correspondent

PRETORIA — Former undercover agent Major Craig Williamson's entry into the Van Heerden hearing was not bona fide and was simply intended as a piece of propaganda, the Pretoria Supreme Court has heard.

Mr Auret van Heerden's counsel, Mr Sydney Kentridge SC, continued with his argument yesterday as the hearing entered its eighth week.

Mr van Heerden is suing 10 security policemen for R113 000, alleging they tortured him during his nine months' detention.

Counsel for the policemen Mr H Z Slomowitz SC claimed early in the hearing that Major Williamson would give evidence that Mr van Heerden was his informer; if this allegation was true, it was impossible that Mr van Heerden was tortured at Benoni as he had said.

But Mr Kentridge said yesterday it was inconceivable that Major Williamson could not produce a single contemporaneous note or diary entry, tape recording or report to his superior for the period of a year during which Mr van Heerden was allegedly his informer.

If Mr van Heerden had been a consistent informer of Major Williamson he would not have dared bring this case at the risk of being exposed.

Mr Kentridge submitted that Major Williamson decided to testify in the hearing because 10 co-policemen were in serious difficulties and also because he saw an opportunity to strike a blow "at the revolutionary war".

Referring to the fact that most of the 10 policemen were in court throughout the hearing, Mr Kentridge said they had every right to do so, but when a defendant gave evidence relating specifically to another defendant, he was usually asked to leave the court.

"It is especially a matter for adverse comment when it concerns alibi evidence," he said.

Concerning the psychiatric evidence, the experts on both sides agreed Mr van Heerden had a post-traumatic stress disorder, but the psychiatrist called to testify by the 10 policemen said the disorder could be accounted for by the experience of detention itself.

Mr Kentridge submitted, however, that the court should prefer American specialist Dr Louis West's finding that the symptoms seemed to indicate physical trauma.

"Dr West's experience in the particular field of trauma as a result of ill treatment and torture is possibly unrivalled in the world," he said.

The case continues.

By JOHN MOJAPELO
Pretoria Bureau

THE late entry of the former police undercover agent, Major Craig Williamson, into the R113 000 action against 10 security policemen to give evidence on their behalf was solely a piece of propaganda, the Pretoria Supreme Court was told yesterday.

Mr Sydney Kentridge SC made the submission before Mr Justice C F Eloff. He is expected to complete his submissions today. He started addressing the court last Wednesday.

Mr Auret Dennis van Heerden, 29, of Johannesburg, who is a former president of the National Union of South African Students (Nusas) and political activist is bringing the action against the Security Police for alleged torture and maltreatment.

Mr Van Heerden, who was detained from September 24, 1981, to July 9, 1982 — a total of 289 days — said the alleged torture and maltreatment took place while he was kept at the Pretoria Central prison, Sandton police station, John Vorster Square police station and Benoni police station.

Major Williamson, head of the intelligence section at Security Police headquarters in Pretoria, testified earlier that Mr Van Heerden was his informer and that he only decided to give evidence on February 17.

Mr Kentridge said it was inconceivable that Major Williamson would not have any note, report or tape recording of meetings or telephone conversations he had with Mr Van Heerden.

Major Williamson said in his evidence that Mr Van Heerden had brought the action as a part of a crusade or vendetta against the Security Police to rehabilitate his (Van Heerden) credibility.

"If Mr Van Heerden was in fact an informer, why then launch this crusade or vendetta and bring this action, at the risk of provoking exposure?" asked Mr Kentridge.

Major Williamson had no reasonable basis for the conclusion that Mr Van Heerden's actions were not bona fide but were a deliberate attempt to further the aims of the banned African National Congress.

"If Mr Van Heerden's motive was to make propaganda, he could have achieved that end without subjecting himself to cross-examination or the risk of exposure and consequent political and possibly even literal death," Mr Kentridge said.

"The Catch-22 argument of

Evidence of spy in torture claim was 'propaganda'

Major Williamson is baseless."

Major Williamson also said the case was part of an ANC propaganda campaign directed at the existing order in the country, the Security Police and part of a revolutionary war.

"It is only for that reason that he decided to give evidence — it has nothing to do with the court's quest for the truth on the issues in dispute, or even the interests of the defendants or of the force to which he belongs," Mr Kentridge said.

"So clearly, on his version, his entry in this case is not bona fide, but is intended solely as a piece of propaganda."

"In that context, he is clearly quite unscrupulous and not beyond deceit, sowing of 'disinformation' or any other means, however dishonourable, as long as he considered it 'valuable'."

In preparing for the case the 10 security policemen who were being sued discovered they were in serious difficulties.

Major Williamson saw an opportunity not only to counter what he saw as the negative publicity arising from the case, and thereby striking a blow in the "revolutionary war", but also to emasculate Mr Van Heerden's political influence, argued Mr Kentridge.

Evidence of Mr Van Heerden that he had for years made various attempts to expose Major Williamson and that the police major thus had an old score to settle with him, had not been challenged under cross-examination.

"Important parts of Major Williamson's evidence do not ring true and are clearly implausible."

Mr Kentridge said the defence of the 10 security policemen was the quid pro quo allegation that Major Williamson would help assist Mr Van Heerden to counter the spy rumours.

"But there was no evidence of such quid pro quo being given. If, as Major Williamson contended, Mr Van Heerden was a valued agent whom he wished to cultivate, it is incomprehensible that he made no contact with him, nor any attempt to 'keep up his morale' during the first three months of his detention."

"His attempts to claim credit for the privileges enjoyed by Mr Van Heerden is, on all the evidence, plainly false."

Mr Kentridge said the Security Police counsel made Major Williamson's allegations the crux of the police case.

"He has failed to prove these allegations — and the onus of proof is on the defendants."

"In view of his acknowledged capacity for plausible deception, it is dangerous to accept any evidence of Major Williamson unless it is satisfactorily corroborated," Mr Kentridge said.

Mr Kentridge said the presence of Major P P Olivier at Benoni police station gave a clue to what happened there.

Major Olivier, who allegedly took part in the torture, had no background knowledge of Mr Van Heerden when he went to Benoni.

Major Olivier and Major Johannes Nicolaas Visser, who did not give evidence, were sent to Benoni by Lieutenant-Colonel Arthur Benoni Cronwright with one function — "to beat and torture Mr Van Heerden until he told all he knew".

"It is apparent that this was their only qualification as interrogator of Mr Van Heerden." Major Olivier was an untruthful witness, gave inconsistent evidence and was extremely unimpressive in trying to remember some events.

"With regard to the role of Majors Olivier and Visser it is emphasised that in Col

Cronwright's section of the Security Police, those who assaulted prisoners were not viewed with any particular disfavour," Mr Kentridge said.

"Nothing appears to have happened to any police officer as a result of the alleged assault on the Reverend Cedric Mayson, notwithstanding that his confession was held to be inadmissible."

Mr Kentridge asked the court to accept the evidence of Dr L J West, the American psychiatrist. His testimony should be preferred to that of the South African psychiatrist Dr J van Niekerk.

Mr Kentridge said Dr West was an expert in post-traumatic disorder stress and his experience was unrivalled in the world.

He was well-qualified to interpret psychological tests on Mr Van Heerden.

The tests found Mr Van Heerden had a personality change after his release from detention.

Dr West said Mr Van Heerden must have experienced man-made trauma while in detention to result in his present psychological conditions.

His evidence was supported by undisputed testimony of Mr Van Heerden's parents and two friends.

Mr Kentridge said the court must make special damages in favour of Mr Van Heerden.

According to the psychiatrist's report, he was still going to undergo psychotherapeutic treatment for about two years at a cost of R8 000.

The hearing continues today.

Mr Sydney Kentridge SC, Mr J Browne SC and Mr W H Trengove, instructed by Webber and Wentzel, appeared for Mr Van Heerden. Mr H Z Slomowitz SC, Mr J Gautschi and Mr S F Burger, instructed by the State Attorneys, appeared for the Security Police.

CML Times 11/4/84
**Seventeen
(327)
detainees
convicted**

Own Correspondent

JOHANNESBURG. —

Only 17 of the 453 people detained in South Africa and the independent homelands last year have been convicted so far, according to the Detainees' Parents Support Committee (DPSC).

A DPSC report released yesterday said the vast majority of detainees — 257 — were released without being charged after long periods in custody.

Another 84 were released within 48 hours of their detention.

Forty-one of the people detained were still awaiting trial at the end of the year while 14 had been tried and acquitted. Thirty-seven were still in detention at the end of March this year.

Three others — Simon Mndawe, Paris Malatji and Samuel Tshikudo — died in detention.

Students, scholars, teachers and trade unionists were the groups most seriously hit by detentions.

At least 140 of the detainees were students, scholars and teachers, 65 were trade unionists or workers, 44 were community or political activists, eight were clergymen or church workers and eight were journalists.

The bulk of the detentions took place in the Ciskei, Transvaal and Eastern Cape.

In the first three months of this year, 99 people were detained. Sixty-six of these recent detentions took place in the Transvaal and 69 involved community or political workers.

11/4/84 329

COURTS

Van Heerden lied about injuries, advocate claims

Argus Correspondent

PRETORIA. — Evidence by former detainee Mr Auret van Heerden was in total conflict with that of independent witnesses testifying on behalf of 10 security policemen, the Supreme Court here has heard.

This was one of five obstacles which could be fatal to Mr van Heerden's case, said the counsel for the policemen, Mr J Z Slomowitz, SC.

He said yesterday that the evidence of the witnesses, including two magistrates and the former head of the Witwatersrand Security Police, Brigadier H C Muller, related to visible injuries Mr van Heerden claimed he had received after being physically tortured in Benoni.

He is suing the policemen for damages for allegedly torturing, assaulting and threatening him during his detention.

CONSPIRACY

Mr Slomowitz said the court would have to decide if the witnesses were part of a conspiracy with the 10 defendants. Mr van Heerden claimed that his injuries had been so serious that his parents were not allowed to visit him.

On the other hand, the injuries were not visible to visiting magistrates who had specifically looked for injuries

"The whole attack on the magistrates and their evidence is an attack made by Mr van Heerden on the system itself," he said.

He submitted that Mr van Heerden had lied repeatedly in his claims that he was made to stand for long periods and was subjected to abusive and aggressive interrogation at Pretoria Central Prison.

(Proceeding.)

Detentions leave ³²⁹ 4 children in care ^{Staw} of grandmother ^{11/4/84}

By Phil Msimkulu

The detention of former Transvaal flyweight champion Johannes "Slashing Tiger" Sithebe and his wife has left their four minor children without a breadwinner.

The detention of Mrs Letta Sithebe was confirmed yesterday by the public relations division of the South African Police in Pretoria.

Like her husband, Mrs Sithebe is detained under security legislation. She is being held under section 29 of the Internal Security Act.

The police confirmed the detention of boxing brothers, Johannes and Moses Sithebe, last week.

Mr Thomas "Homicide" Sithebe, the former

national featherweight champion, said the detention of his brother and his wife had left their four children with nobody to provide for them.

He said the children — Enoch, Evelyn, Jerry and Bongani, whose ages range from six to 12 — were being looked after by Mrs Sithebe's mother.

"We are worried about the welfare of these children, who cannot understand the absence of their parents."

"Since they are all at school, their daily needs have to be provided for. And only their parents can meet these needs."

"They are pining for their parents and are constantly asking when they will come home," Mr Thomas Sithebe said.

Conflict of evidence

'Former detainee lied about torture'

Pretoria Correspondent

Evidence given by former detainee Mr Auret van Heerden was in total conflict with that of independent witnesses and this was one of five obstacles that could be fatal to his case, the Pretoria Supreme Court was told yesterday.

Mr van Heerden is suing 10 security policemen for R113 000 damages for allegedly torturing, assaulting and threatening him during his detention.

Counsel for the policemen, Mr J Z Slomowitz SC, said the evidence of independent witnesses, including two magistrates and the former head of the Witwatersrand Security Police, Brigadier H C Muller, related to visible injuries Mr van Heerden claimed he had after he was physically tortured in Benoni.

The court would have to decide if those independent witnesses were all part of a conspiracy with the 10 defendants to hide Mr van Heerden's injuries, Mr Slomowitz said.

On the one hand, Mr van Heerden claimed that his injuries were so bad his parents were not allowed to visit him yet, on the other hand, the injuries were so invisible that magistrates who visited him said in evi-

dence that they specifically looked for injuries and did not see any.

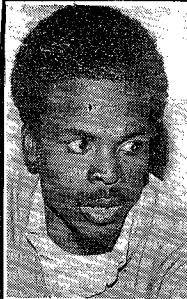
Mr Slomowitz said the two versions were "mutually destructive" and that Mr van Heerden had lied.

Mr Slomowitz pointed out that the only witness called by Mr van Heerden's counsel who could have corroborated his story, co-detainee Mr Keith Coleman, was not asked what he saw but merely what he and Mr van Heerden discussed. Mr Coleman did not mention any injuries in his evidence.

Mr Slomowitz said he would submit that Mr van Heerden lied again and again about how he was made to stand for long periods and was subjected to abusive and aggressive interrogation at Pretoria Central Prison.

If the court found he had lied, it would mean he deliberately invented a false claim in his pleadings "for some ulterior motive".

"If the first claim is false, the rest of Mr van Heerden's case falls away," Mr Slomowitz said.



JOHANNES "TIGER" SITHEBE: In detention.

Sithebe kids left stranded

THE detention of Johannes "Slashing Tiger" Sithebe, the former Transvaal fly-weight champion and his wife have left their four minor children without a breadwinner.

The detention of Mrs Letta Sithebe was confirmed by the pub-

lic relations division of the South African Police in Pretoria.

Mrs Sithebe, like her husband, is also being detained under security legislation. She is being held under Section 29 of the Internal Security Act.

The police confirmed the detention of

the boxing brothers, Johannes and Moses Sithebe last week.

Mother

Mr Thomas "Homicide" Sithebe, the former national feather-weight champion said the detention of his brother and his wife had left their four

children with nobody to provide for them.

He said the children whose ages range from six to 12, were being looked after by Mrs Sithebe's mother.

The Sithebes were arrested about a month ago at Messina while on their way home from Zimbabwe.

Lying to attack system, court told

Van Heerden 'is our best witness'

Pretoria Correspondent

Mr Auret van Heerden invented a string of lies aimed at attacking the system under which he was detained, the Pretoria Supreme Court was told yesterday.

Mr van Heerden (29), who was twice president of the National Union of South African Students (Nusas), is suing 10 security policemen for R113 000 for alleged torture and maltreatment

while he was in detention for 289 days from September 1981 to July 1982.

Counsel for the policemen, Mr H Z Slomowitz SC, said in argument yesterday that Mr van Heerden tried to malign the police and attack the whole system. One way in which he did this was by portraying himself as a simple student politician who was detained for more than nine months and then released without being charged and without giving evidence at either the

Hogan or Mayson trials.

Mr Slomowitz said Mr van Heerden deliberately lied when he claimed he was made to stand for four to five hours daily while being interrogated in Pretoria. During cross-examination it had become clear that he sat while writing his statements in those periods.

His claim that, in the same period, he was subjected to lengthy cross-questioning was also a lie, as was his evidence that Lieutenant Hendrik Pitout knew the conditions in which he was being kept because he "inspected" his cell in Pretoria.

Mr Slomowitz said that, with his lies, Mr van Heerden was "what we call our best witness". Referring to the failure to give evidence of three of the defendants — Colonel AB Cronwright, Major JN Visser and Major AA Struwig — he said that, if enough evidence had been led by a party, no inference could be drawn from the fact that certain witnesses were not called.

Fear led to fatal shooting, court hears

After a primary school teacher shot her husband, she told a priest: "Pastor, I shot Harry. He threatened to kill my child. I did not mean it, I did not mean it."

This evidence was heard in the Rand Supreme Court yesterday.

Appearing before Mr Justice P Schabert was Mrs Elizabeth Dorothea Breedt (41), of Finsbury, Randfontein, who pleaded not guilty to a charge of murdering Mr Jacobus Hercules Breedt at their home on August 21 last year.

Mrs Breedt admitted in a statement to court that only she could have fired the shot which killed her husband. But she said she was unaware of her actions and acted spontaneously in a moment of extreme stress and fear for her daughter's life.

Pastor EW Durance said he went to the Breedt residence after Mrs Breedt telephoned him. There she told him she had "shot Harry".

Lieutenant H J Roux told the court Mrs Breedt had at first refused to answer his questions.

"Later I asked her again what happened. She

take Nicoleen for a drive somewhere.

"She hid the car keys and Mr Breedt became angry when he could not find them. Later Mr Breedt jumped up from where he was sitting and walked to Nicoleen's room. She followed him.

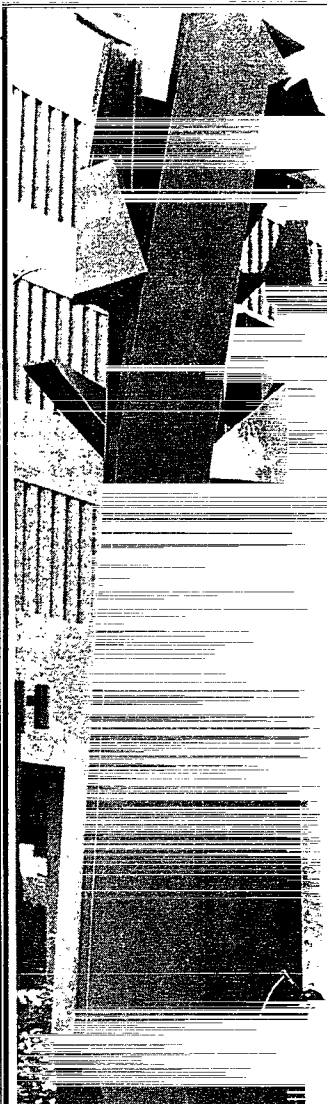
"On the way she stopped at a cupboard in the passage, took out a revolver and screamed at Mr Breedt. She said Mr Breedt came towards her and a shot went off," said the lieutenant.

He said she was brought to his office the next morning where she refused to make a statement. A discussion followed during which she told him certain things.

The Lieutenant said she told him she was not married to Mr Breedt, but had been his third wife.

Dr PW Joubert, a district surgeon, said he gave her tablets for a pain in the neck. She said she had been assaulted after being held by the neck.

The court heard that the alcohol content in the blood of Mr and Mrs Breedt had exceeded the legal limit. Mr Breedt's blood was found to have



Mr Lucas Legodi, who has been assisting — years, puts the finishing touches to the — was positioned outside the Libridge —

Boy's death: mother

West Rand Bureau

A young mother and her former boyfriend who allegedly caused the death of her six-month-old son by assaulting him, appeared before a Krugersdorp magistrate yesterday charged with culpable homicide.

Mr Coenraad Johannes Hendrik Koorsten (20) and Mrs Theresia Oberholzer (22), both

fall.

Both pleaded not guilty to culpable homicide and to an alternate charge of child abuse.

Mr M Wagener, for Mr Koorsten, submitted that at the time of the alleged offences, Mr Koorsten was suffering from a mental disorder. Mr J Gresse, for Mrs Oberholzer, said she would deny having assaulted the boy or having any knowl-

Detained reporter freed in Ciskei

KING WILLIAM'S TOWN — Two men held under section 26 of the National Security Act in Ciskei have been released, Lieutenant D. J. Marele of the Ciskei Security Police said yesterday.

The two are Mr Goodwin Makongolo and Mr Caweni Sotyelewa.

Mr Makongolo, who is a journalist with a weekly newspaper, Imvo Zabantsundu, based in King William's Town, was released from detention after 45 days. He was detained in Mdantsane on February 13.

While in detention, he was admitted to Cecilia Makiwane Hospital in Mdantsane for treatment.

Mr Makongolo, a former editor of the Ciskei Government newspaper Umthombo, was deported from Transkei last year.

Mr Sotyelewa, a former Mdantsane township councillor, was detained by Ciskei security police after he appeared in a magistrate's court on a charge of murder in Mdantsane two months ago. — DDR.

Detainee in hospital

KING WILLIAM'S TOWN — A detained Mdantsane attorney, Mr Malcolm Qabaka, has been admitted to Cecilia Makiwane Hospital, the Ciskei police liaison officer, Colonel A. Ngaki, said yesterday.

A spokesman for the hospital could not give details of his condition.

Mr Qabaka was detained under Section 26 of the Ciskei Security Act in Mdantsane on March 13 this year.

He was a former Ciskei magistrate who became an attorney in 1981.

Col Ngaki declined to disclose the reasons why he had been admitted to the hospital. — DDR.

Twebe held

Swick
13/4/84

(323) TWO Dimbaza township men detained two months ago, are still in detention, according to the Ciskei police liaison officer, Lieutenant-Colonel Avery Ngaki.

Colonel Ngaki said in Bisho yesterday that Mr Moses Twebe and Mr Mbuyiselo Maxathi were being held under Section 26 of the Ciskei National Security Act. He refused to comment further.

Mr Twebe, a former member of the ANC, was released in January after a lengthy detention without trial, and re-detained the following month. — Sapa.

Mogopa payouts

COMPENSATION paid to the people of the Western Transvaal village of Mogopa who were resettled last year amounted to R1 208 268, the Minister of Co-operation and Development, Dr Piet Koornhof, said yesterday.

Individual amounts paid in compensation were personal and could not be disclosed but the total was distributed among 420 heads of families, the Minister added. — Sapa.

Death probe

POLICE are investigating the death of an ice cream vendor man, who was attacked by thugs at a schools athletics meeting at the Orlando Stadium on Wednesday.


The man was stabbed to death after an argument with the thugs.



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TEXAN
MEAT BALLS
IN RICH GRAVY

1 99
100 g

CHAG
Blue Powder

Nutrament T All Flavours
5 59
500 g

Vaseline Lip Ice
6,3 g

Caress Hairspray
Normal or Firm Hold
278 g

Cape Grapes Barlinka
Class 1

TEXAN

CARME

GRAPE JUICE
Red or White

CIGARETTES
For example:
ROTHMANS
filter, Carton of 20

LEXINGTON
filter, Carton of 20

EXCL

S-P&M & B 407/80/00008

AGALS 13/4/84

COURTS

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Aggett's death used by van Heerden, court told

Argus Correspondent
PRETORIA. — Political activist Auret van Heerden used the tragic death in detention of Dr Neil Aggett to further his own career, the Supreme Court, Pretoria, has heard.

Counsel for 10 security policemen facing a damages claim for allegedly torturing Mr van Heerden during his detention, Mr H. Z. Slomowitz, SC, yesterday said the inquest into Dr Aggett's death had attracted international attention.

Mr van Heerden was held in a cell opposite Dr Aggett's at the time, and he testified at the inquest.

Mr Slomowitz argued that Mr van Heerden seized on the opportunity, forseeing that he could build himself up "into a rising star".

At the time, his political credibility had fallen to its lowest ebb because of spy rumours about him. Some of his co-defendants had thought he betrayed Barbara Hogan.

OPPORTUNITY

The inquest gave him the opportunity to say he had made his statement against his will, and had been ill-treated in detention. It had also given him the opportunity to gain the approval of the African National Congress (ANC), and restore his credibility in the broad left of the political spectrum.

"When it comes to inventing the details of torture, quite apart from his intellectual abilities to create that detail, and to

mix up real events with invented ones, Mr van Heerden is fully aware of the various kinds of allegations of torture which have been made from time to time in the courts of this country and does not have to rely on pure fantasy and speculation," he said.

In 1979, Mr van Heerden also gave Major Craig Williamson, then a secret agent for the Security Police, a book dealing with alleged torture in South Africa and received similar literature from him.

Mr Slomowitz continues his argument today.

Punch-up: State evidence queried

Court Reporter

ASKING for the acquittal of two police detectives alleged to have punched, kicked and pointed a firearm at patrons of a city nightclub, their counsel, Mr N J Treurnicht said State evidence was contradictory.

Mr Pieter Canzine Roux de Vries, 24, of Reilly Street, Parow Valley, and Mr Deon Wilhelm van Niekerk, of Kitchener Street, Parow, have pleaded not guilty in the Cape Town Magistrate's Court to two counts of attempted murder, three of assault and three of pointing a firearm.

Evidence was that in the early hours of September 11 last year, after spending an evening at Tiffany's nightclub in Wale Street, Mr Ian Michael Rynhoud was punched and kicked by Mr van Niekerk, who had been travelling in an unmarked car with Mr de Vries.

Further evidence was that Mr Malcolm Keith Carter, who had come to rescue Mr Rynhoud, was punched by Mr de Vries, who also fired a shot in his direction.

Mr Pieter Jacobus Schram, who owned Tiffany's, told the court that he was punched by Mr van Niekerk when he tried to stop Mr van Niekerk and Mr de Vries from assaulting Mr Carter.

FIRE A SHOT BUT MISSED

Mr Schram also said that Mr de Vries pointed a firearm in his direction and fired a shot but missed.

Asking for the policemen's acquittal, Mr Treurnicht, said that the State had failed to prove its case. The State witnesses had contradicted one another in their evidence.

Mr I Yuill, for the State, said that although in some respects he agreed with Mr Treurnicht, there was corroboration in the evidence relating to the assault on Mr Rynhoud.

The hearing was postponed to April 30. Mr de Vries and Mr van Niekerk were warned to appear.

Mr D J Oesthuysen was on the Bench. Mr J Levy appeared for Mr van Niekerk.

Missing student mystery remains unsolved

By DI BISHOP
MPC for Gardens

Mr Tink
13/4/84
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ON April 14, 1982, 21-year-old Siphiwo Mtimkulu disappeared. He is believed to have been in the company of a neighbour-friend Tobekile "Topsy" Madaka, who also disappeared.

On the anniversary of his disappearance last year, the Civil Rights League offered a R1 000 reward for information about his whereabouts, but none has been forthcoming.

On the anniversary of his disappearance this year, there will again be a gathering of friends at the home of Siphiwo's parents, Siphon and Joyce Mtimkulu, in Zwile, Port Elizabeth — dear, gentle folk who have borne a two-year agony of uncertainty about their only son.

Detailed

Siphiwo, SRC president of Loyiso High School and a prominent Cosas member, had been detained on May 31, 1981. On that day, Mr Mtimkulu searched in vain for his son at Port Elizabeth's Livingstone Hospital where he had been seen under police guard with a bullet wound in his arm. He was later to discover that Siphiwo had been detained in solitary confinement under the dreaded Section 6 of the Terrorism Act.

For the next five months, none except the security police knew where Siphiwo was. On October 20, 1981, Siphiwo was released from detention. No charge was brought against him. He had begun his five months of detention in perfect health but two days after his release severe pain in his stomach, feet and legs necessitated his admission to the Livingstone Hospital. He could not walk.

After his transfer to Groote Schuur Hospital on November 3 1981, Siphiwo's hair started to fall out. He was at first very distrustful of the hospital and in his delirious state, saw it as an extension of the restrictive environment of his detention.



Mrs Di Bishop

Poisoning

The Groote Schuur Hospital diagnosis of Siphiwo's condition being caused by rare thallium poisoning was confirmed by tests at London's New Cross Hospital. The deadly rodent poison, outlawed in South Africa, has a cumulative effect in the body. It is described as a "homicide's dream" as it is colourless, odourless and tasteless.

Symptoms of gastrointestinal pain, dizziness and pain in the limbs appear between two and five days after ingestion and hair loss occurs thereafter.

Siphiwo was nursed back to relative health and returned home to Port Elizabeth in mid-January, 1982. He was still using a wheelchair and working at improving his walking with the aid of a stick and increasing exercise. At night Joyce Mtimkulu would massage her son's feet, which still ached.

He attended Livingstone Hospital as an outpatient and was due to be transferred to Groote Schuur for the first of his three-monthly check-ups in April. He disappeared from Livingstone Hospital on April 14, 1982.

Before his disappearance, Siphiwo sued the Minister of Police for R150 000 for alleged poisoning while in detention and R40 000 for alleged assault, electric shock torture and being forced to stand on bricks for long periods. The Minister of Police indicated in Parliament that his disappearance was not being investigated because it has not been reported to the police. Such a very odd response when the office of the Commissioner of Police told Mr Andrew Savage MP that possible charges of leaving the country without valid travel documents were being investigated against Siphiwo and Topsy Madaka.

Report

Siphiwo's father said he did not officially report his son's disappearance because the security police had visited his home on more than one occasion after April 14, 1982, and had even taken Mrs Mtimkulu to the Port

Elizabeth headquarters of the Security Police.

Lt Fred Peach, liaison officer of SATV's "Police File", said in response to a request for assistance from Mrs Mtimkulu that he could not place this matter on the programme "due to the fact that the programme is exclusively for unsolved cases handled by the police".

An article entitled "Where is Siphiwo Mtimkulu?" by my husband caused Pax, the Catholic Justice and Peace magazine, to be banned.

In the three months that Siphiwo lay in Groote Schuur Hospital, my husband and I got to know him. Initially we saw his condition deteriorate, but once he was on the road to recovery we spent many happy hours with him at hospital and at our home. We came to love Siphiwo. He has a warm, responsive nature and a lovely sense of humour.

Struggle

We love what he stands for — the struggle for a South Africa free of race discrimination and governed with the consent of its people. One day we experienced the anger of some of Siphiwo's friends who took exception to "whites" visiting their friend. Siphiwo turned to his friends and said quietly — "If we hate the whites, the new South Africa will

be no better than the old." Today we feel the pain of the loss of a friend.

Up to the end of February, 1984, 323 of the 453 detainees have been released without charge. In addition, three people are known to have died during detention in the last 12 months — Messrs Simon Mndawe, Paris Malatji and Samuel Tshikudo. Mr Abel Dube has been held in "preventive detention" for almost two years.

What fate awaits Mr Matthew Goniwe, ex-deputy headmaster of Lingelihle High School in Cradock? Mr Goniwe was detained at 10pm on March 30, 1983 with his nephew Mr Mbulelo Goniwe and Mr Fort Calata of the Cradock Residents' Association and Mr Madoda Jacob, head boy of the Lingelihle Secondary School.

Bans

Their detentions came in the wake of a series of bans on meetings. If people are not allowed to hold meetings where grievances can be aired and solutions sought, what happens to their pent-up feelings and frustrations?

The Cradock detentions also come in the wake of Mr Mbulelo Goniwe making the rational appeal to the police not to use tear-smoke as this is not a solution to a school boycott. Like Mr Abel Dube, they are all being held without trial in "preventive detention" (in terms of Section 108 of the Internal Security Act).

I find the news of a budgeted 40 percent increase in government spending on "security services" in the current financial year (apart from defence) a chilling prospect. The potent increase in spending on detained people compared with the previous financial year.

We should not allow ourselves to forget those whom the government tries to silence. In these dark days, we must keep alive the flame of civilized standards, uphold the principles of democracy and cherish the vision and the ideals for which South Africans such as Beyers Naude and Siphiwo Mtimkulu have made such immense sacrifices.

Police counsel: Auret sought to rebuild career

Pretoria Correspondent

had betrayed Barbara Hogan.

Political activist Auret van Heerden used the tragic death in detention of Dr Neil Aggett to further his own career, the Pretoria Supreme Court was told yesterday.

The counsel for the 10 security policemen facing a damages claim for allegedly torturing Mr van Heerden during his detention, Mr H Z Slomowitz SC said the inquest into Dr Aggett's death had attracted international attention.

Mr van Heerden had been held in a cell opposite Dr Aggett's at the time and he had testified at the inquest.

Mr Slomowitz said in argument that Mr van Heerden had seized the opportunity, foreseeing that he could build himself up "into a rising star".

At the time, his political credibility had fallen to its lowest ebb because of spy rumours about him. Some of his co-detainees even thought he

Hogan is presently serving a 10-year jail sentence for treason.

The inquest had given him the opportunity to claim his statement had been made against his will and that he had been ill-treated in detention.

In this way, he could win the approval of the African National Congress (ANC) and restore his credibility among left wingers, while the cause of destroying the South African political system would also be served, Mr Slomowitz said.

"When it comes to inventing the details of torture, quite apart from his intellectual ability to create that detail and to mix up real events with invented ones, Mr van Heerden is fully aware of the allegations of torture made from time to time in the courts of this country.

"He does not not have to rely on pure fantasy and speculation," he said.

In 1979, Mr van Heerden had given Major Craig Williamson, then a secret agent for the Security Police, a book dealing with torture in South Africa and had received similar literature from him.

This hearing was a "double win situation" for Mr van Heerden because even if he lost the case, he would still win, Mr Slomowitz said.

Through the case, he would rebuild his political fortunes.

One of Mr van Heerden's motives in bringing the case was to gain international publicity, Mr Slomowitz said.

that the Security Police put a jacket over him was not true.

had made that disclosure at Sandston and has the imperative to tell the court that throughout all of the previous six days of the trial, whenever using the word 'torture,' he had used it as referring to the whole period of detention, and he did not use the words 'interrogation' or 'questioning.' "His dishonesty advances the explanation that his whole period of detention was torture, and the second part of the lie was his invention in his evidence that he

had made that disclosure at the time of the investigation. Sandton and has the impetiveness to tell the court that throughout all of the previous six days of the trial, "nobody" was using the word "innocent" and it as referring to the whole period of detention and he did not use the words and "interrogation" or "questioning."

"His dishonesty advances the explanation that definition of whole truth, and the second part of the lie was his invention in his evidence that he felt able to disclose the relationship because of the disclosure already made by the other," Mr. Stomovitz said.

Mr. Stomovitz said Mr. Van Heerden confessed the details of the security Police present when he was allegedly tortured.

"Understanding his re-

"His dishonesty advances the explanation that this whole period and the second part of the he was his invention in his evidence that he felt able to disclose the relationship because of the disclosure already made by another defendant," said Mr. Van Stomowitz, said Mr. Van Heerden confessed the details of the Security Police present when he was allegedly tortured.

"Notwithstanding his remarks, the court must remember, Mr. Van Heerden is alive, and to say that he is unable to recall what was present when the assault took place other than the fact that there were two people in the room, Mr. Stomowitz said.

"He is unable to say to whom W/O Prince told the story of the assault other than to say that they were different policemen," Mr. Stomowitz said.

Mr. Stomowitz said his version that his back was so badly injured

Leader's case: the week in court

in trying to remember some events.

"Nothing appears to have happened to any police officer as a result of the alleged disaster," Mr. Kentridge said.

in trying to remember some events.

With regard to the role of Maj. Oliver and Maj. Visser, it is emphasized that in COA Crommrigg's section with Security Forces, the soldiers and prisoners were not viewed with any particular "disavour." Mr. Kentridge said, "Nothing appears to have happened to any police officer as a result of the allegations or as a result of the allegations or any misunderstanding, that his confession was held to be inadmissible."

Mr. Kentridge asked the court to accept the evidence of Dr. J. West, the American psychiatrist, his testimony that the defendant was a schizophrenic psychotic. He said Dr. J. van Niekerk,

In trying to remember some events in the past, Mr Kentridge said: "With regard to the role of Maj Olivier and Maj Visser, it is emphasised that in Coetzee's rights section of the Security Police, there were not associated with any particular disavowal," Mr Kentridge said.

"Nothing appears to have happened to any police officer as a result of the alleged assault on the Rev Credo Mnyoni, notwithstanding that his conduct was held to be commendable."

Mr Kentridge asked the court to accept the evidence of Dr J J van Heerden, the American psychiatrist. His testimony should be preferred to that of the South African psychiatrist Dr J van Heerden.

Mr Kentridge said that the American psychiatrist, in post-traumatic disorder stress and his experience was unqualified in the world.

He was well-qualified to interpret psychological evidence on Mr Van Heerden.

The tests found Mr Visser and Mr Heerden to be sane persons. He said he was pleased from

In trying to remember some events.

"With regard to the role of Maj Oltner and Maj Visser, it is emphasised that the role of the South African Police, those who arrested and detained the accused prisoners were not associated with any particular disavour." Mr Kentridge said.

"Nothing appears to have happened as a result of the alleged assault on the Rev Cerdant Mayson, notwithstanding that his confession was held to be inadmissible.

"Mr Kentridge asked the court to consider the testimony of Dr J. Venter, the American psychiatrist. His testimony should be preferred to that of the South African psychiatrist Dr J van Niekerk.

"Mr Kentridge said that the evidence in post-traumatic disorder stress and his experience was untravelled the world.

He was well-qualified as an interpret psychological test on Mr Venter found Mr Venter had a personality disorder which could change after his release from detention.

Dr West said Mr Van Hees may have experienced a traumatic event which led to his present psychological condition.

"He is a sophisticated, clever, conspiratorial young man. The foundation of the system he founded, an anathema," Mr. Simonovitz said.

Mr. Simonovitz warned the court further that it was dealing with a man intelligent enough to make a false case and "to make a false case and to make plausible to it by taking facts out of their context and weaving them into the fabric of a tale."

Mr. Van Heerden was in the "unfortunate" position, he said, of the best of two evils. If he lost the case, he would become a national public figure. If he won the case, he would become a national public figure as well.

Mr. Simonovitz said, although Mr. Van Heerden had alleged he had been tortured and that he had been tortured in the offices of the

"On the contrary, Mr. Van Heerden, notwithstanding the torture, deliberately and successfully withheld information about the Biko trial from the full and frank truth," Mr. Slomowitz said.

"If we are to believe that he was tortured almost to the point of death and where he felt he might die it is inconceivable that, not knowing what the police were taking from him, he would have chosen to withhold any information about the aspects of ANC activity of which he was aware in the hope that this would satisfy them."

Mr. Slomowitz said time and again the point had been made that he did not believe why they did not produce alleged notes made by Mr. Van

interrogation at Benoni. The suggestion was that there were never such notes as Mr. Van Heerden acknowledged, was merely concocted, throughout that Mr. Stornowitz said there was corroborative evidence from the Security Police that there was no sinister purpose in destroying the notes made during the interrogation of a state-witness.

He then turned to details of the stay in Benoni to argue that Mr. Van Heerden could not be telling the truth in his evidence.

Mr. Van Heerden's version of the assault on the despatch by W/O Prince was not evidence. He could give any explanation, why so "humiliating, degrading and painful an assault caused no pain". Mr

Mr. Van Heerden testified that he would only disclose that relationship under torture. The then realized that the

He is unable to say to whom W/O Prince told the story of the assault other than to say that they were different policemen. Mr. Van Stomowitz said, "I was not there."

Black was so badly injured

When it came to the investigation of details of the case, the attorney relied on his intellectual abilities to create a detail and mix up real events with invented ones. "I am aware of the various allegations of torture in the country's courts, have to rely on fantasy and speculation. In fact, he gave Major Williamson a book dealing with torture in South Africa, and received other stimuli from the same source," said Mr. Sidney Kentridge, S.C., of Johannesburg. "I was instructed by the State Attorney, Mr. J. B. M. Dlamini, and Mr. W. T. Tshepo, Solicitor General, and Mr. Van Steenkamp, Attorney General, and Mr. H. D. Sison, Mr. S. P. Burger, Mr. H. S. M. S. P. Burger, and Mr. J. B. M. Dlamini, appeared for the Security Police."

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Lead

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den was a political case, Mr. H. Z. Stomowitz, SC, for the policeman, told the court. "Mr. Van Heerden said he was a sergeant and Stomowitz was a liar who had invented the allegation of torture by the Security Police."

Mr. Stomowitz said for Mr. Van Heerden to succeed in the case he must overcome at least five obstacles. He said the first four obstacles were issues of fact, the fifth was an issue of mixed law and fact. If Mr. Van Heerden failed on any of them, the 10 security policemen must succeed in their defence.

"On the other hand, it makes no difference to me whether the defendant is a defendant or not," said Mr. Van Heerden, succeeding the obstinate, long as the plaintiff does not succeed on any one of them, the action fails," Mr. Stomowitz said.

The first obstacle Mr. Van Heerden had to overcome related to the "independent" witnesses. Mr. Van Heerden's evidence must be supported by at least one other independent witness. On that point of the case there is no room for argument that one version is more probable than another," Mr. Stomowitz said. The "independent" witnesses who saw no "visible" injuries on Mr. Van Heerden

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Van Heerden 'manipulated' interrogators

By JOHN MOJAPLEO
Pretoria Bureau

THE former president of the National Union of South African Students (Nusa) used superior intellectual ability and sophistication to manipulate some of his Security Police interrogators while he was in detention, the Pretoria Supreme Court was told yesterday.

Mr Auret Dennis van Heerden, 29, an honours graduate from the University of the Witwatersrand, is suing 10 members of the Security Police for R113 000, before Mr Justice C F Eloff, for alleged torture and maltreatment while in security detention between September 24, 1981, and July 9, 1982.

Mr H Z Slomowitz, SC, the leader of the police legal team, referred on several occasions to Mr Van Heerden's superior intellect, astonishing recall, memory and sophistication.

Mr Van Heerden used these qualities to manipulate his Security Police interrogators while in their detention.

According to Mr Slomowitz, during his detention Mr Van Heerden's attitude towards the Security Police was: "Do not tell too much too soon."

He was friendly and appeared to be co-operating with his captors.

Mr Slomowitz mentioned Mr Van Heerden's intellectual abilities when the judge asked why a man of Mr Van

Heerden's calibre would have undergone a "metamorphosis" while being driven from John Vorster Square police station to Benoni on November 17, 1981, by saying he was prepared to co-operate with them.

The judge asked why someone with a "nimble" mind should have changed and decided to co-operate.

Mr Slomowitz replied that this behaviour was consistent with Mr Van Heerden's attitude throughout his period of detention. He appeared to be pleasant and co-operative and manipulated his interrogators.

Mr Van Heerden even led Lieutenant Johannes Cornelius van Aswegen "up the garden path", although the security policeman had been a judge's clerk and had an LLE degree, because he was not as sophisticated as Mr Van Heerden, said Mr Slomowitz.

Mr Van Heerden even "fooled" the Security Police at John Vorster Square when he was allowed to go jogging, swimming and running while he was a security detainee.

The judge again asked what one was to make of the allegation by Mr Van Heerden that he had been deprived of sleep while at the offices of the Security Police at Benoni and interrogated for unreasonably long periods of time.

The judge asked whether this was a delict or assault.

Mr Slomowitz asked the court not to make much of Mr Van Heerden's allegation that he had been kept away from his cell for 36 hours, had been tortured and that the Security Police had arranged shifts to question him for long periods of time.

He asked the court to accept the explanation that Mr Van Heerden had been kept out of his cell and made to sleep on a camp bed in the offices of the Security Police so he would not be alone with his "pangs of conscience" after implicating some of his friends in the statement he had made to the police.

Also that Mr Van Heerden wanted to get on with writing his statement.

Mr Slomowitz said he could not understand Mr Van Heerden's evidence that after he had been tortured by six policemen one of them, Major P P Olivier, had put socks on his injured wrists.

"Why he should not have done the same for the ankles is 'inexplicable,'" Mr Slomowitz commented.

"Maj Olivier's concern is also inexplicable in the light of his willingness and desire to cause physical damage to Mr Van Heerden's face, back, hands and feet."

"Mr Van Heerden is driven to the absurd suggestion that his only explanation for Maj Olivier's conduct is that he wanted to avoid permanent scarring to the wrists only."

Mr Slomowitz said Mr Van

Heerden's evidence of the periods for which he had been manacled conflicted with what he had said in his affidavit made in September 1982 for the Aggett inquest.

Mr Van Heerden had come up with a lame excuse when asked why he had not mentioned in his evidence-in-chief that Warant-Officer Lawrence Charles Phillip Prince had yanked a portion of his beard during the torture at Benoni.

"The truth is that with retelling, he refines its details and adds in bits where he forgets that he has not mentioned them before, and he omits bits which he forgets he mentioned before," Mr Slomowitz said.

The alleged behaviour of one of the torturers, Major Stephanus J P Abrie, in regard to the electric shocking was also improbable on the version of Mr Van Heerden, said Mr Slomowitz.

"Mr Van Heerden has Maj Abrie running, scurrying or ducking out of the room with wires trailing behind him."

The suggestion was that Maj Abrie did not want Mr Van Heerden to see what sort of equipment was used to administer the electric shocks, Mr Slomowitz said.

"One cannot understand why the police were prepared to allow him to see that in detail but not to see the alleged electronic apparatus."

Mr Slomowitz said Mr Van Heerden, even after consulting many orthopaedic surgeons, general practitioners and radiologists, persisted improperly in attributing his knee injury to the alleged torture at the Benoni offices of the Security Police on the nights of November 18 and 19, 1981.

"He persists in this attitude notwithstanding the absence of any knee pains not only after the torture or during the torture, but also when running up and down mine dumps in detention."

Mr Slomowitz said he also found inexplicable Mr Van Heerden's evidence that he had a political discourse with W/O Prince a day after the policeman had been "the most sadistic of his torturers".

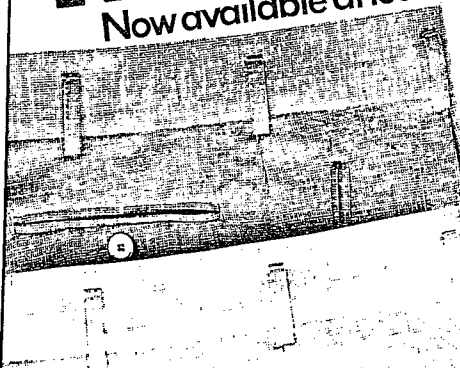
"In weighing Mr Van Heerden's evidence against that of the defendants in regard to what allegedly occurred at Benoni, one ought also to bear in mind all of Mr Van Heerden's dishonesty and the improbabilities in other aspects of his evidence which have been referred to throughout the argument," Mr Slomowitz said.

"It is submitted that, generally, the evidence of the defendants is more probable than that of Mr Van Heerden."

Mr Slomowitz will continue his argument on Monday.

ORIGINAL WINTER KNOCKOUTS

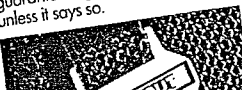
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Feline fair is the mews OPERATION



ALLEY CAT

By IAN REID

HAVE you heard the mews? Sorry... the news.

This morning is the morning when, if you are a cat lover, you should visit the Rand Daily Mail/Bank of Athens Operation Alley Cat Lane in Hillbrow.

About 20 short hair pure-breeds will be on show there, including Havanas, Oriental Spotted Tabbies, Oriental Picked Tabbies, Oriental Tortie's, Cornish Rexes and White Siamese.

This variety of short hair breeds will be exhibited by members of the Witwatersrand Foreign Short Hair Cat Breeders Group.

Alley Cat was established as a mayoral project by Johannesburg's former mayor, Mr Alan Gadd, to find a constructive use for Hillbrow's dirty and crime-infested sanitary lanes.

It will be in operation, between Edith Cavell and Twist Streets Hillbrow until...

453 detained, only 17 convicted — DPSC

Political Reporter

ONLY 17 of the 453 people detained in South Africa and the "independent homelands" last year have so far been convicted, according to the Detainees' Parents Support Committee (DPSC).

A DPSC report released yesterday said the vast majority of detainees — 257 — were released without being charged after long periods in custody.

Another 84 were released within 48 hours of their detention.

Forty-one of the people detained were still awaiting trial at the end of the year, while 14 had been tried and acquitted. Thirty-seven were still in detention at the end of

March this year.

Three others — Simon Mndawe, Paris Malatji and Samuel Tshikhudo — died in detention.

The report also showed that students, scholars, teachers and trade unionists formed the groups most seriously hit by detentions.

The bulk of the detentions took place in the Ciskei, Transvaal and Eastern Cape.

In the first three months of this year, 99 people were detained but the pattern of which areas and groups of people were hardest hit changed noticeably.

Sixty-six of these detentions took place in the Transvaal and 69 involved community or political workers.

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RA-1 10/6/84

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SP hold Cosas man

THE EASTERN CAPE regional organiser of the Congress of South African Students, Mr Zukile "Killer" Gxawu, was detained by Security Police in the Border region, Major A P van der Merwe has confirmed.

He told City Press Mr Gxawu would "prob-

ably be charged for furthering the aims of a banned organisation, the ANC".

A statement issued by Cosas' regional executive strongly condemned Mr Gxawu's detention.

It deplored the continued harassment of

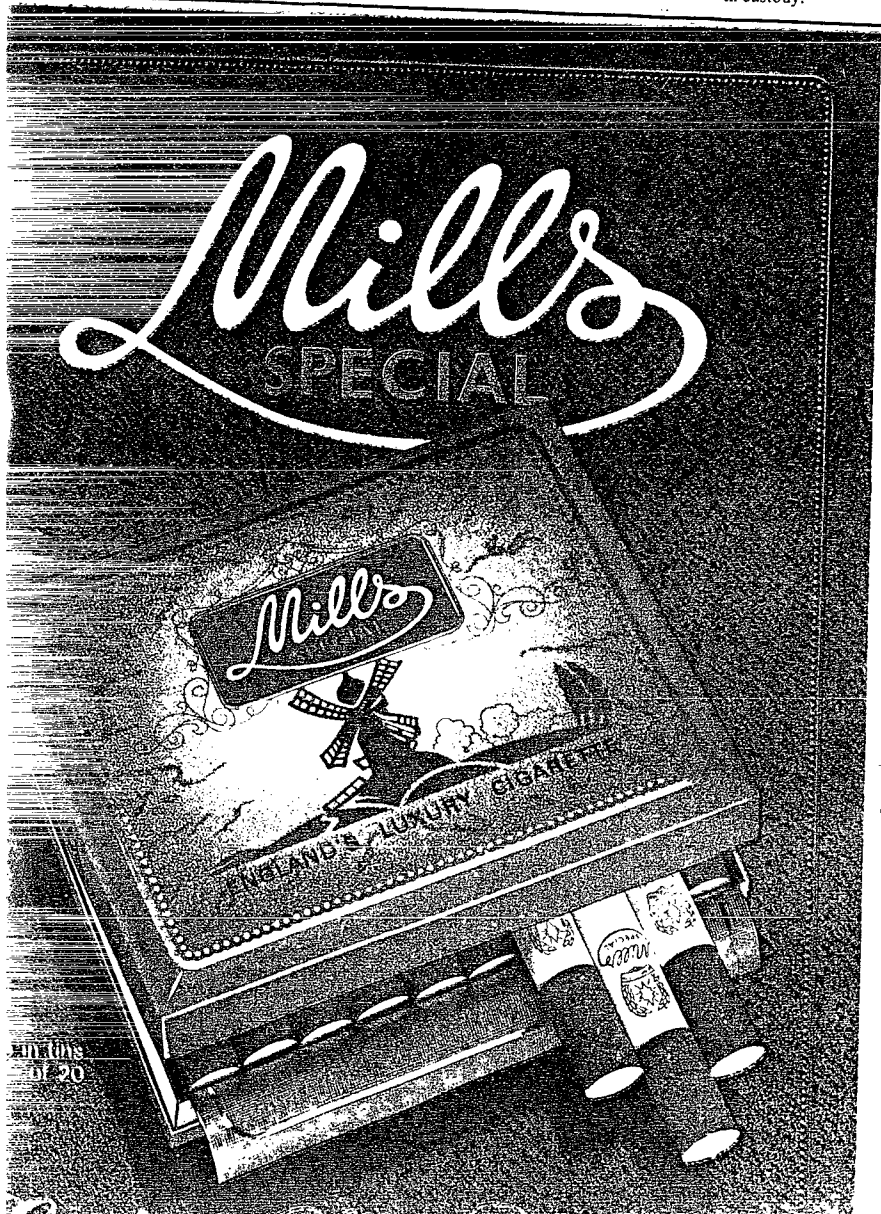
Cosas members and officials by police. "We view this as just another form of stopping Cosas members from working for a democratic South Africa," Cosas said.

"We just cannot understand how this man can be connected with the ANC."

In December last

year, Mr Gxawu and three other Cosas members — Mr Temba Mangqase, Miss Brenda Badela and Miss Pinky Manti were held by Queenstown police after the bus in which they were travelling from a Cosas meeting in Durban was stopped.

They were released on bail of R350 each after spending 18 days in custody.



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A CROWD

UMP

By BANCROFT
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Mr Radebe. Witness Patrick Mthembu told the court Mr Ngcobo had been attacked by "a huge mob" of about 600 as he got out of his car.

He said the mob — wearing Inkatha uniforms — swore and shouted at Mr Ngcobo, saying: "As we see Ngcobo today, we see a dog — we see s . . ."

Mr Mthembu said he was also sworn at, and then Mr Radebe shouted: "Today is today, and someone will die. Even Ulundi knows it."

Mr Mthembu said the mob attacked Mr

Ngcobo, with Mr Radebe at the front of the group wielding a stick.

"In moments Mr Ngcobo was covered in blood, and was only saved when a Mr Dan Luthuli came in."

After freeing himself, Mr Radebe pulled out a gun, according to Mr Mthembu, and fired a shot into the air.

People shouted "It's a fake", and Mr Ngcobo fired another shot, which "made one mad fall to the ground" and sent the crowd scattering.

The trial continues on Monday.

SP hold Cosas man

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ably be charged for furthering the aims of a banned organisation, the ANC".

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It deplored the continued harassment of

9 Mgwali detainees demand R92 000

329 By BENITO PHILLIPS

NINE Mgwali Residents' Association members detained in February are demanding R92 500 compensation from Ciskei Government officials and police.

This was confirmed by attorney Geoff Budlender of the Johannesburg Legal Resources Centre, who has already sent letters of demand.

The nine confirmed that if there was a response by the end of April, they would ask for summonses to be issued.

If the case goes to court, it will be heard in the Ciskei Supreme Court at Bisho.

The MRA members — who have been opposing removal to Frankfort in the Ciskei for the past four years — are taking action for "abduction, unlawful arrest and imprisonment".

The nine are 96-year-old Herman Gija, Mokosonke Dyani, who is blind, Lizo Kotobe, MRA assistant secretary Fezile Nojilana, Fikile Gwiba, Sendiko Fanti, Mbuyiseli Ponya, MRA secretary Mike Gija and MRA vice-chairman Moto Kosani.

They are all suing for R10 000 each, while Sendiko Fanti is claiming an additional R2 000 for alleged assault by the Ciskei Security Police.

Six members of the group — Mike Gija, Mr Kosani, Mr Kotobe, Mr Nojilana, Sendiko Fanti and Mr Ponya — were all detained at Mdantsane police cells, while Herman Gija, Mr Dyani and Mr Gwiba were kept in custody at Dimbaza.

year, Mr Gxawu and three other Cosas members — Mr Temba Mangqase, Miss Brenda Badela and Miss Pinky Manti were held by Queenstown police after the bus in which they were travelling from a Cosas meeting in Durban was stopped.

They were released on bail of R350 each after spending 18 days in custody.

Cosas members and officials by police. "We view this as just another form of stopping Cosas members from working for a democratic South Africa," Cosas said.

"We just cannot understand how this man can be connected with the ANC."

In December last

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Ciskei police release former councillor

★ **CONTROVER-**
SIAL former
Mdantsane council-
lor Caweni Sotyele-
wa has been released
from detention by
Ciskei security po-
lice.

Mr Sotyelewa had
been held under Sec-
tion 26 of the Na-
tional Security Act.

He was detained
two months ago as
he left an Mdantsane
court, where he had
appeared on a mur-
der charge.

Imvo reporter
Goodwin Makhon-
golo, a former edi-
tor of the Ciskei
Government news-
paper Umthombo,
has also been relea-
sed from detention.

He had been in
detention since Fe-
bruary 13.

Detainee in hospital — again

14/1/84 City News
DETAINED Ciskei lawyer, Mr Malcolm Xabaka, has been admitted to hospital for the second time since he was arrested after the funeral of an East London Youth Congress member last month.

His admission to Mdantsane's Cecilia Makhiwane Hospital has been confirmed by Colonel Avery Ngaki of the Ciskei Police, who refused to divulge the reasons for Mr Xabaka's admission.

Mr Xabaka was previously admitted to hospital after going on a hunger striker after complaining about the poor quality of food served to him in prison.

Jail term with no time limit — and no court hearing

(329) Stew 16/4/84

Abel Dube is languishing in Diepkloof prison just outside Johannesburg. It is exactly two years since he first entered prison and the earliest he can expect to regain his freedom will be in November 1984, although that date is by no means certain. What crime did he commit that earned him this heavy sentence and in what court was he tried and sentenced?

The strange answer is that Abel Dube has never been in any court. He has never appeared before any judge, has never been accused of any crime and never given the opportunity of establishing his innocence. Yet he has been sentenced to be detained in prison, without any time limit on the sentence. Not for interrogation, not to be held as a potential witness in a trial, but simply to be kept there.

The person who has directed his detention in prison is not a judge, but the Minister of Law and Order, acting under Section 28(1) of the Internal Security Act, the so-called "preventive detention" clause. This clause must be unique in the annals of legal history, in that it permits the incarceration of a person for an offence which he or she has not yet committed, but may in the future do so.

In the words of this section: "The Minister may... direct that the person be detained in... prison, if in his opinion there is reason to apprehend that a particular person will commit an offence" which endangers the security of the State, or if he is satisfied that the person engages in such activities. And he may do this "notwithstanding anything to the contrary in any law."

Thus the Minister considers the "evidence", makes judgment and passes sentence without reference to the "accused". Furthermore, the sentence continues until the Minister decides to terminate it. While there is a Board of Review to which the detainee may appeal once every six months, the Minister is not obliged to give effect to any recommendation which the board may make.

As if this sentence without trial were not enough, there are a number of consequences of being or hav-

OUR VIEW



ing been a Section 28 detainee. For such detainees have their names entered on the Consolidated List, which can lead to their banning from membership of certain organisations, from attending gatherings, and from taking part in various activities. They can also be required to report periodically to a police station, and to confine their movements to a specified area.

Furthermore, all "listed" persons are disqualified from becoming members of Parliament or members of a Provincial Council. However, this should not worry Abel Dube, since the colour of his skin disqualifies him anyway.

Abel is endeavouring, while in prison, to complete his matriculation which he was obliged to suspend during the Soweto unrest of 1976. Should he be successful, and then wish to take a degree, he will have to relinquish any ideas of taking law. For a listed person may not practise law and would be struck off the roll.

Nor could we tell you what Abel Dube thinks about all this (supposing we had access to him) because, being a listed person, he cannot be quoted.

Until a couple of weeks ago, Abel Dube had the doubtful distinction of being the only person at present in "preventive" detention. However, he has now been joined by four respected members of the Cradock community, Matthew Goniwe, Mbulelo Goniwe, Ford Calata and Mado-da Jacob.

Instead of being consulted about the problems facing the Cradock black township of Lingelihle in regard to rents and schooling, these community leaders have been withdrawn from the political arena by Section 28, to be held in isolation for no other purpose than to "neutralise" them.

from 16/4/84 (329)

Court to hear motive for torture case man's 'lies'

Pretoria Bureau

MR. H Z SLOMOWITZ, SC, who has argued that the allegations of the former student leader Mr Auret van Heerden that he was tortured by Security Police were invented lies, continues his address before Mr Justice C F Elloff in the Pretoria Supreme Court today.

Mr Slomowitz, who started his address last Tuesday, is leader of the legal team defending the 10 security policemen being sued by Mr Van Heerden.

When the case was postponed on Friday, Mr Slomowitz said he still had to address the court on the motive for bringing the action, analysis of the evidence of master spy Major Craig Wil-

liamson, and the psychiatric evidence in the case.

Mr Slomowitz is also expected to address the court on a point of law.

Mr Auret Dennis van Heerden, 29, twice-elected president of the National Union of South African Students (Nusas), is bringing the action against the Security Police for alleged torture and maltreatment while in their detention for 289 days.

Mr Van Heerden, detained by the Security Police while doing his national service in Pretoria on September 24, 1981, and released on July 9, 1982, is claiming R113 000 damages.

Mr Slomowitz has said Mr Van Heerden brought the action to regain his political

credibility.

The case is expected to end before Friday.

The security policemen being sued are: Lieutenant-Colonel Arthur Benoni Cronwright, who was in charge of the investigation staff of the Security Police at John Vorster Square; Major Stephanus J P Abrie, officer in charge of the labour section in Pretoria; Major Johannes Nicolaus Visser, Major P P Olivier, Warrant Officer Lawrence Charles Phillip Prince, Lieutenant Hendrik Cornelius Jacobus Pitout, Captain D J Botes, W/O J J Fourie, Capt Andries Abraham Struwig and Lieut Cornelius Johannes van Aswegen, who is no longer a policeman.

Auret cannot handle stress — SP counsel

329 *Star* 17/4/87
Pretoria Correspondent

A leading American psychiatrist's evidence in the Van Heerden hearing was based not on scientific facts but on probability, the Pretoria Supreme Court has heard.

Political activist and twice president of the student organisation Nusas, Mr. Auret van Heerden, is suing 10 security policemen who allegedly tortured and threatened him while he was in detention.

As the hearing entered the ninth week yesterday, the counsel for the policemen, Mr H Z Slomowitz SC, said the evidence of the American psychiatrist, Dr Louis West, boiled down to a preconceived assumption that Mr van Heerden was tortured.

But there was no scientific basis for Dr West's view that the stress was caused by physical torture and not by the mere detention.

"We do not not accept that Mr van Heerden has a post-traumatic stress disorder. But if the court finds he has one, it could as easily have been caused by his detention," Mr Slomowitz said.

Dr West had himself testified that a person's reaction to stress did not depend on its cause, but rather on how it was perceived. There were different reactions to the same stress situation.

Mr Slomowitz said Mr van Heerden saw his whole detention as torture, not just the period in which he claimed he was physically ill-treated.

Mr van Heerden did not seem able to cope with stress very well. Before his detention he had already suffered from an ulcer.

The hearing continues.

man thought to be part of a group which planned to blow up a Port Elizabeth oil depot, alleged at the Gra-hamstown treason trial to-day that a security policeman warned him he would find out who killed Steve Biko, the black conscious-ness leader who died in detention.

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and confessed to having undergone military training.

He said it was quite untrue that he had made any

sion of machine guns, hand grenades and ammunition and leaving the country without a passport.
(Proceeding)

Mr Nzo would also say he was questioned and assaulted by Captain Roelofse and Lt-C Janse van Rensburg when he was sitting in the back of the car which they

The 11 accused are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina 44, Mr James Ngondelala

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr F J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Key-Geneal, assisted for the State. Mr R I Selvan, SC, assisted by Mr

Oil Company's Port Elizabeth depot was the "next target".

Mr Langa told the court

Mr Langa said Mr Nzo's nose was bleeding when he

Rensburg denied that M
Nzo had ever been placed in
leg irons during questioning
or that any of them had as

54, Mr. Mzayilani Kame, 22, Mr. Mzimkulu Kame, 22, Mr. Sipho Nodlewu, 35, Mr. Vukile Tshiwula, 43. Mr. Lin-

P N Langa and Mr A Japple, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

By JOHN MOJAPelo
Pretoria Bureau

THE former president of the National Union of South African Students, Mr Aurret van Heerden, could have brought the R113 000 action for damages against the Security Police within the prescribed period because he had not been held incommunicado during the latter period of his 289-day detention, it was submitted in the Pretoria Supreme Court yesterday.

Mr Van Heerden, 29, of Johannesburg, who was detained from September 24, 1981, and released on July 9, 1982, is bringing the action for alleged torture and maltreatment against 10 security policemen.

He instituted the action on January 3 last year. Mr J Gautschi, counsel for the security policemen, asked the court to reject Mr Van Heerden's plea that it was impossible for him to institute the action while he was in detention.

The Police Act provides that a civil action against the police must be instituted within six months after the cause of the action arises.

Mr Gautschi said Mr Van Heerden could not rely on the appeal court judgment involving the former Soweto student leader, Mr Sechaba Montsisi. In that case the court ruled that Mr Montsisi, who had been held under the Terrorism Act, could bring an action for torture against the Security Police despite

the expiry of the six month-restriction.

Mr Montsisi alleged police torture while he was in detention. He argued that it was impossible for him to have instituted the action as he had been held incommunicado.

Mr Gautschi said Mr Van Heerden had been held under Section 12b of the Internal Security Act since March 26, 1982, until his release.

"Mr Van Heerden was therefore not held incommunicado but was, subject to such conditions as were determined by the Attorney-General, able to consult with and instruct his legal representatives to take any necessary steps to protect his interests," Mr Gautschi said.

He said Mr Van Heerden had, in fact, consulted his attorneys on June 9 and 14, 1982, and had had the opportunity of furnishing his lawyers with all the relevant particulars required to give the necessary notices to institute action.

Mr Gautschi said the only alleged threat falling within the six-month prescription period was by Lieutenant-Colonel Arthur Cronwright and Captain Andries Struwig on July 9, 1982.

Mr Van Heerden testified

earlier that before he was released he had been called to the office of Lieut-Col Cronwright, where he found Capt Struwig.

He was allegedly warned not to inform newspapers or other organisations about what happened to him while in detention.

"It is difficult to imagine that this constitutes a threat capable of being interpreted as an assault," Mr Gautschi said.

In reply to the arguments of counsel for the security policemen, Mr W H Trengove (for Mr Van Heerden), said he would deal with the fundamental weakness and criticisms of the case of the Security Police.

Mr Trengove said counsel for the policemen had played down the evidence that Mr Van Heerden had broken down after being interrogated at Benoni Police Station and told more to the Security Police than he did at Pretoria and Sandton.

He said it was improbable for Mr Van Heerden to have "gratuitously" offered the Security Police more information about his knowledge of the activities of the African National Congress and of its connections inside the country.

Mr Trengove said there were four main flaws in the case of the 10 security policemen.

Firstly, the defendants' case was never put properly to Mr Van Heerden despite the "skilful and searching" cross-examination by Mr Slomowitz.

Secondly, the little that was put to Mr Van Heerden under cross-examination was contradicted in material aspects.

Thirdly, there were unsatisfactory features in the evidence of the security policemen of what happened at Benoni. The security policemen bungled in the evidence concerning the shifts they worked during the interrogation.

Lastly, Mr Van Heerden was not interrogated much on labour matters at Benoni, whereas the main reason why he had been transferred from John Vorster Square on November 17, 1981, was to be questioned on labour matters by two labour specialists, Major Stephanus J P Abrie and Warrant-Officer Lawrence Prince.

Mr Trengove argued that the failure of Lieut-Col Cronwright, Capt Struwig and Major P P Olivier to give evidence or be called as wit-

nesses left many unanswered questions in the case.

"Colonel Cronwright, who controlled and directed Mr Van Heerden's interrogation, was the only one who could explain and give crucial evidence on vital issues," Mr Trengove said.

Instead Brigadier Hennie Muller, the former head of the Security Police at John Vorster Square, was called to give the evidence Lieut-Col Cronwright could have given, said Mr Trengove.

Mr Trengove said it was not correct to say that Major Olivier was Mr Van Heerden's "chief tormentor". Major Olivier was the most "brutal" of the interrogators and torturers of Mr Van Heerden at the Benoni offices of the Security Police on the nights of November 18 and 19, 1981.

"He was at all times at the heart of it all. It is inconceivable that an innocent man who was a standby could not come forward to deny those allegations," Mr Trengove said.

Capt Struwig was not called to testify on crucial issues of the weekend of November 20 to 22, 1981.

(329) ~~Star~~ D-Dispatch 18/4/84

PE colonel's trip explained

PORT ELIZABETH — A high-ranking Port Elizabeth security policeman took a ten-hour round trip to Aliwal North to fetch one of 11 men appearing in the Grahamstown treason trial, and arranged from the North East Cape town for a pre-dawn interrogation session, the Supreme Court heard here yesterday.

Colonel N. J. J. van Rensburg, now second in command of the Security Police in the Eastern Cape, said he went personally to fetch Mr Rufus Nzo from Aliwal North because a message he had received about his detention via the chief investigating officer, Major H. B. du Plessis, was vague.

He denied that during

the five-hour drive back to Port Elizabeth Mr Nzo was subject to sporadic questioning interspersed with assaults. He said a Captain Roelofse had asked Mr Nzo a few questions after they had left Aliwal North but he had ordered that this be stopped because Mr Nzo was speaking so softly they could hardly hear him.

They arrived in Port Elizabeth at about 4 am and found Major Du Plessis waiting for them, he said.

He took no further part in the investigation of the case but visited some of the accused during their detention to see if they had any complaints to lodge about their treatment.

Mr P. Langa for the

defence, put it to the witness that Mr Nzo would say he was assaulted by Captain Roelofse on the way to Port Elizabeth.

He was asked, the defence counsel continued, if he knew who had killed Steve Biko, the former black consciousness leader, and told that he would find out when they got to the Security Police offices in Port Elizabeth.

Mr Langa also put it to Col Van Rensburg that before the three security policemen (Van Rensburg, Roelofse and Du Plessis) arrived at their office, Mr Nzo's head was covered with his own jacket, making it difficult for him to breathe.

He was assaulted further in a lift when

they got to the building, and the jacket was only removed from his head in an office on the building's upper floor, Mr Langa said.

The trial continues today.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Siphos Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Siphos Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumnege, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the state and that they took part in the activities of banned organisations. —

DDC

'Torture': Judgment reserved

Argus Correspondent
PRETORIA. — Judgment has been reserved in former detainee Mr Auret van Heerden's R113 000 damages claim against 10 security policemen.

The nine-week trial drew to a close in the Supreme Court here yesterday.

Mr van Heerden, political activist and twice president of the National Union of South African Students, has claimed that security policemen

tortured and threatened him during his 289 days in detention.

He said he was forced to stand manacled wrist to ankle for about 10 hours and was given electric shocks while his head was covered with a wet bag.

The policemen have denied all allegations of ill-treatment and threats.

One of the arguments in support of Mr van Heerden's claim that he was physically tortured during two days in Ben-

oni was that the statement he made after those two days contained significant new information about the African National Congress and its activities, which Mr van Heerden had withheld until then.

TIME-BARRED

On the last day of the hearing Mr Wim Trengrove, for Mr van Heerden, replied to the security policemen's special plea for the court to find the action time-barred in terms of the Police Act, which determines that an action against a policeman must be instituted within six months of the alleged offence.

For the special plea to succeed the policemen had to show their wrongful deeds were done in the honest belief that they were acting in pursuance of the Police Act, Mr Trengrove said.

The authorities seemed to indicate that the Police Act gave special protection only to bona fide policemen who believed they were acting in pursuance of their functions as policemen.

If one looked at the way Mr van Heerden went about instituting the action after his release, it was an indication of what he would have done during his detention if he had been a free agent, he said.

Those cited in the action are Colonel Arthur Benoni Cronwright, Major S J P Abrie, Major J N Visser, Major P P Olivier, Warrant Officer LCP Prince, Lieutenant Hendrik Pitout, now retired, Captain P Botes, Warrant Officer J Fourie, Major A A Struwig and former security policeman Mr Johan van Aswegen.

Judgment is reserved in 'torture' case

By JOHN MOJAPelo
Pretoria Bureau

JUDGMENT in the R113 000 damage action instituted by the former president of the National Union of South African Students against 10 security policemen for alleged torture and maltreatment was reserved in the Pretoria Supreme Court yesterday.

Counsel for both parties completed argument shortly after lunch.

Former Nusas president Mr Auret Dennis van Heerden, 29, brought the action before Mr Justice C F Eloff.

Mr Van Heerden, who was detained at Pretoria Central Prison, Sandton Police Station, John Vorster Square and Benoni Police Station under security legislation from September 24, 1981, to July 9, 1982, said he was tortured and maltreated while in detention.

Mr W H Trengove, counsel for Mr Van Heerden, said the Security Police had to show that their wrongful acts were done in pursuance of the Police Act if they have to rely on the Act to have their special plea succeed.

"Not everything done by a policeman on duty is necessarily done in pursuance of the Act," Mr Trengove said.

The security policemen being sued by Mr Van Heerden could claim they were pursuing their work within the Police Act if they were interrogating Mr Van Heerden as permitted by Section Six of the Terrorism Act.

"This section authorises policemen in certain circumstances to detain a person and ask him questions — nothing more. It does not authorise attempts to make a suspect incriminate himself," Mr Trengove said.

Mr Trengove said the security policemen sent to Benoni Police Station on November 17, 1981, to interrogate Mr Van Heerden were "peculiarly ill-equipped and unsuited" for the interrogation.

Mr Van Heerden had alleged he had been sent to Benoni Police Station where he had been tortured on November 18 and 19, 1981.

The argument by Mr H Z Slomowitz, SC — the leader of the team for the security policemen — that Mr Van Heerden's description of his torture methods at Benoni could have been learned at Benoni from reported court cases must be dismissed, Mr Trengove said.

Mr Trengove said it was naive to suggest that if the Security Police had not tortured Mr Van Heerden at Benoni it would be pointless for them to have threatened him while detained at John Vorster Square later.

The argument by Mr Slomowitz that the "watershed" for Mr Van Heerden was the death of Dr Neil Aggett in detention fell on its face, said Mr Trengove.

The suggestion by Mr Slomowitz that the cross-examination of the Security Police witnesses showed that Mr Van Heerden had other motives for bringing the action was also criticised by Mr Trengove.

Mr Trengove said that line of cross-examination was to prove the high degree of the tolerance of unlawful and even violent methods of some members of the Security Police.

He cited the case of Captain Andries Struwig (one of the defendants) who has been allowed to continue his duties without any action taken against him after the Appellate court found that he had assaulted a detainee.

The evidence of Captain V H Beukes that he saw Mr Van Heerden having tea with Major Craig Williamson in a Pretoria coffee bar in December 1980 was said to be flimsy and based on a "fleeing and fortuitous" meeting.

"Captain Beukes cannot remember the date of a meeting he said he had with Mr Van Heerden at John Vorster Square and not even the year when the meeting took place, but can remember the chance meeting of Mr Van Heerden and Major Williamson," Mr Trengove said.

Auret's R113 000 torture claim

Judgment is reserved in marathon trial

Own Correspondent

Judgment has been reserved by the Pretoria Supreme Court in the R113 000 damages claim by former detainee Mr Auret van Heerden's against 10 security policemen.

The marathon trial yesterday drew to a close after nine weeks in court.

Mr van Heerden, political activist and twice president of the students' organisation Nusas, claimed the security policemen tortured and threatened him during his 289 days in detention.

Giving evidence, he told the court that he was forced to stand, manacled wrist to ankle, for about 10 hours and that he was given electric shocks while his head was covered with a wet bag.

The security policemen consistently denied all allegations of ill treatment and threatening Mr van Heerden.

One argument in support of Mr van Heerden's claim of physical torture was that the statement he had made after those two days in Benoni had contained significant new information about the African National Congress (ANC) and its activities. He withheld the information until then.

On the last day of the hearing, Mr Wim Trengrove, appearing for Mr van Heerden, replied to the special plea by the security policemen for the court to find the action time-barred in terms of the Police Act, which determines that an action against a policeman must be instituted within six months of the alleged offence.

For the special plea to succeed, the policemen had to show that their wrongful deeds were done in the honest belief that they were acting in pursuance of the Police Act, Mr Trengrove said.

The law did not not allow for excessive force to be used during interrogations to extract a statement from a detainee.

The existence of a theoretical possibility to institute the action while in detention did not mean it was, in fact, possible to institute the action, he said.

TORTURE TALE

Replying to the counsel for the policemen's argument that psychiatrist Dr Louis West usurped the court's function in accepting Mr van Heerden's version of the torture tale, Mr Trengrove said Dr West's experience in assessing complaints of this kind made his evidence important.

Mr van Heerden and his father, Mr Dennis van Heerden, were present virtually every day of the long trial.

The 10 policemen cited in the action are Colonel Arthur Benoni Cronwright, Major S J P Abrie, Major J N Visser, Major P P Olivier, Warrant Officer L C P Prince, retired Lieutenant Hendrik Pitout, Captain P Botes, Warrant Officer J Fourie, Major A A Struwig and former Security Policeman Mr Johan van Aswegen.

Mr van Heerden was represented by Mr Sydney Kentridge SC, Mr Jules Browde SC and Mr Trengrove. The policemen were represented by Mr H Z Slomowitz SC, Mr Johann Gautschi and Mr Schalk Burger.

Mr Justice Eloff was on the Bench.

Committee of 10 chairman detained

MDANTSANE — The chairman of the Committee of Ten here, Mr Zwandile Mampunye, 32, has been detained by the Ciskei authorities.

Mr Mampunye's detention was confirmed yesterday by the Ciskei police liaison officer, Colonel A. Ngaki.

The Committee of Ten

was established following the boycott of CTC buses by Mdantsane commuters to act as a commuters' interest group.

Colonel Ngaki confirmed that Mr Mampunye was detained by Ciskei security police last Thursday evening.

— DDR.

Accused says policeman set up mock trial

By CLARE
PICKARD-CAMBRIDGE
GRAHAMSTOWN

Laughter rippled through the courtroom during the Grahamstown treason case today when a mock trial was described at which an accused claimed a Port Elizabeth security policeman had set himself up as a magistrate.

Mr R L Selvan, SC, for the defence, said the accused, Mr Mzayifani William Kame, 57, claimed he had been held under Section 29 of the Internal Security Act when the policeman, Warrant Officer F V Coetzee, took him out of the cells at the Kinkelbos police station to the small courtroom behind it.

He alleged WO Coetzee had set himself up as a magistrate with another security policeman, a WO Ndiyane, acting as interpreter on May 18, 1983.

He said WO Coetzee had tried to force him to make a confession and had told him not to tell the real magistrate that he had been "coached with his statement" or that he had been

ordered to make a statement.

He said Mr Kame also alleged that another security policeman, Lieutenant W S Dennis, had told him he could tear a strip of blanket and hang himself in his cell if he did not want to make a statement.

WO Coetzee acknowledged under cross-examination that he had questioned Mr Kame in the empty courtroom, but denied ever pretending to be a magistrate. He said it was "quite untrue" that Mr Kame had been mistreated or induced in any way to make a statement.

WO Coetzee confirmed that another accused, Mr Rufus Nzo, had been manacled to a bed to prevent him escaping from the Jeffreys Bay police station when he was brought there for questioning on May 9, 1983.

He said Mr Nzo had not been assaulted and said he had been very relaxed, enjoying a braai with them at which he drank two beers.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54,

Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

(329)

(329)

O. Anpatch 27/1/82

Court told accused tortured

GRAHAMSTOWN — One of the 11 men appearing in the Grahamstown treason trial did not mention the name of the security policeman who had allegedly assaulted him in his statement because his assailant had asked him not to as it would jeopardise his career, it was claimed yesterday.

As a result of the alleged request by Lieutenant C. Smuts, a member of the security police investigating team, Mr Nceba Faku, also did not point out the security policeman during an identification parade held after Mr Faku had complained about being assaulted on the

night of his arrest last year.

Cross-examining Lt Smuts, Mr R. L. Selvan, SC for the defence, said Mr Faku was punched in the face by the witness and was hit with the flat side of a spade by another police officer.

Mr Selvan further alleged that Lt Smuts later requested Mr Faku not to mention his name when he made a statement to the magistrate as it would place his young career in the police force in jeopardy.

Putting several allegations of security police assault and torture to the witness, Mr Selvan said Lt Smuts had also asked Mr Faku to under-

stand that he was working under pressure and had to be on duty for long hours.

Lt Smuts denied ever making such a request to Mr Faku. As more allegations were put to him, he said he had no knowledge of any of the accused being assaulted by the security police in his presence.

Lt Smuts is one of a number of security policemen who have so far been called by the state to testify in a trial within a trial to prove the admissibility of confessions made by the accused while in detention under Section 29 of the Internal Security Act.

Mr Douglas Tyutyu

alleges that he was handcuffed behind his back by Captain Du Plessis in the presence of Lt Smuts. He was made to raise his arms behind his back to the level of his shoulders.

He says he was pulled by the beard, hit in the face and his head was banged against a wall. He was also transported to the security police headquarters in Port Elizabeth in the boot of a car.

At a later stage his head was covered in a black canvas bag which was pulled tight. He was told to tap his feet when he was ready to talk.

Lt Smuts said his specific task was to interro-

gate Mr Tyutyu about the whereabouts of AK rifles after police had found AK magazines in a wooden table in Kwazakele. The trial continues today. — DDC

Malicious persecution
Compensation in respect
of vehicle and property
sold by public auction
Loss of support

3
3
1

(ii) In one case of unlawful arrest judgment was given in favour of the claimant, while 29 cases of damage to vehicles, unlawful arrest or detention, assault, slander or defamation and malicious persecution were settled out-of-court. In the other 23 cases the lawsuits were withdrawn.

(2) Yes.

(a) R1 750.

(b) R40 729.80.

NOTE: The figures furnished only represent the number of actions actually instituted and concluded in 1983.

Knobel Commission

*7. Mr. D. J. N. MALCOMESS asked the Minister of Transport Affairs:

(1) Whether, with reference to his reply to Question No. 9 on 21 March 1984, his Department has finished studying the report of the Knobel Commission; if not, why not; if so,

(2) whether the report has been considered by the Cabinet; if not, when will it be considered; if so,

(3) whether his Department intends to issue a White Paper in connection with the report; if not, why not; if so, when,

(4) whether he is contemplating introducing any legislation as a result of the report; if so, (a) what legislation and (b) when?

*THE MINISTER OF TRANSPORT AFFAIRS:

(1) Yes.

(2) No. As is customary in cases of the relevant nature a symposium will be held in Cape Town on 11 June 1984 to discuss the report with interested parties thereafter recommendations will be submitted to the Cabinet.

(3) and (4) These matters will be considered after consultation with interested parties at the symposium.

(329) *Craddock Dealings*
Hansard
Q. 61.980 25/4/84
*8. Mrs. H. SUZMAN asked the Minister of Law and Order:

(1) Whether any persons in the Craddock magisterial district were detained under the Internal Security Act, No. 74 of 1982, during March and April 1984, if so, (a) how many persons, (b) on what date and (c) (i) in terms of what section of the said Act, (ii) where are they being detained, and (iii) why were they detained, in each case;

(2) whether any of these persons were under the age of 18 years at the time of being detained; if so, how many?

THE MINISTER OF LAW AND ORDER:

(1) Yes.

(a) 4.

(b) All of them on 30 March 1984.

(c) (i) In terms of section 28.

(ii) Two at Pollsmoor and two in the Johannesburg prison.

(iii) Because they engaged in activities which endangered or were calculated to endanger the maintenance of law and order.

(2) No.

Children's allowances
Q. 61.981
*9. Dr. H. J. SNYMAN asked the Minister of Internal Affairs:†

(a) What retail amount was paid out by the State in the 1983-84 financial year in respect of Coloured persons in the form of children's allowances and (b) how many children were involved in payments of this nature?

*THE MINISTER OF INTERNAL AFFAIRS:

(a) and (b) Children's allowances in respect of 102 274 children: R26 791 638; Foster parent allowances in respect of 15 518 children: R13 907 118.

The abovementioned are only approximate figures as separate statistics of the exact amounts in respect of each type of allowance are not available due to the composition of the computer programme. *Q. 61.981*
Lebowa Development Corporation
Q. 61.982
*10. Dr. H. J. SNYMAN asked the Minister of Co-operation and Development:†

(1) Whether, with reference to his reply to Question No. 25, standing over, on 11 April 1984, he intends to lay upon the Table the report of the authors on matters relating to the Lebowa Development Corporation; if not, why not;

(2) whether he will make a statement on the matter;

*THE MINISTER OF CO-OPERATION AND DEVELOPMENT:

(1) Yes, if it is found necessary.

(2) Yes, if necessary.

Hansard
Q. 61.981
and well Tybosch extradition
Q. 61.984
*12. Mr. D. J. N. MALCOMESS asked the Minister of Justice:

(1) Whether one Stowell Tybosch was

extradited from the Republic to Ciskei recently; if so, (a) on what date, (b) what offence he was committed, (c) what are the circumstances surrounding the extradition and (d) what is the age of this person.

(2) whether the Republic has entered into an agreement relating to extraditions with Ciskei; if so, when;

(3) whether the formalities prescribed in this agreement were observed; if not, why not; if so, (a) on what date was the written request received from the Ciskei authorities, (b) who received the request and (c) what member of the Ciskei Government made the request?

THE MINISTER OF JUSTICE:

(1) No.

(2) Yes, the agreement was published under Proclamation R. 85 of 1982 published in *Government Gazette* No. 8204 on 14 May 1982.

(3) Falls away.

Supplies People Project
Q. 61.982
25/4/84
*13. Mr. R. A. F. SWART asked the Minister of Co-operation and Development:

(1) Whether, with reference to his reply to Question No. 11 on 7 March 1984, he or his Department has now acquired a full set of the volumes of the *Supplies People Project*, if not, why not; if so, when were the remaining volumes acquired;

(2) whether the information on the resettlement of persons in the Republic contained in this publication accords with records on removals kept by his Department; if not, what is the nature of the differences?

*THE MINISTER OF CO-OPERATION AND DEVELOPMENT:

(1) Yes, I have in the meantime acquired the full report.

Adoption
843. Mr A B WIDMAN asked the Minister Internal Affairs:

How many Coloured children were placed in adoption in terms of the Children's Act in 1983?

The MINISTER OF INTERNAL AFFAIRS:

573.

Adoption

844. Mr A B WIDMAN asked the Minister of Internal Affairs:

How many Indian children were placed in adoption in terms of the Children's Act in 1983?

The MINISTER OF INTERNAL AFFAIRS:

179.

WEDNESDAY, 25 APRIL 1984

Indicates translated version.

For oral reply:

25/4/84
Heuns and O.G.I. 975

Members of Police Force: charges of assault

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

(1) Whether (a) Warrant Officer Gert Johannes Coetzee, (b) Warrant Officer Christo Hattingh and (c) Constable Dirk Kruger were recently convicted in Volkskrant on charges of assault; if so.

(2) whether these persons are still members of the South African Police; if not, (a) when and (b) why did they leave the Police Force; if so.

(3) whether any steps are to be taken against these persons following their conviction; if not, why not; if so, (a) what steps and (b) when.

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

The MINISTER OF LAW AND ORDER:

(1) (a), (b) and (c) Yes.

(2) Yes.

(3) Yes, (a) and (b) Boards of Enquiry in terms of section 17 of the Police Act, No 7 of 1958, have already been convened. The members have been suspended from duty.

(4) No.

Persons killed/wounded by Police

*2. Mr D J N MALCOMESS asked the Minister of Law and Order:

Whether any persons were shot by the South African Police in February 1984; if so, how many persons were shot and (a) killed and (b) wounded in that month?

The MINISTER OF LAW AND ORDER:

Yes, 56 persons.

(a) 17.

(b) 39.

Umkhambani area: sale of plots

*3. Mr P C CRONJÉ asked the Minister of Community Development:

(1) Whether, with reference to his reply to Question No 9 on 9 March 1984, any further plots in the Umkhambani area of Carro Manor have been or are being offered for sale to the public; if so, (a) how many plots and (b) on what basis will they be sold;

(2) whether the South African Indian Council has been informed of the sale of this land; if so.

(3) whether the said Council commented on the (a) method of sale of the land and (b) prices charged; if so, what was the purport of its comments in each case?

The MINISTER OF COMMUNITY DEVELOPMENT:

(1) Yes.

(a) 67 Sites.

(b) The sites are being offered at determined prices to families who have to be resettled.

(2) Yes.

(3) Yes, the Council has requested that sales be held in abeyance until the Council is in a position to submit further representations.

(a) and (b) Fall away.

*4. Mr A SAYAGIE — Foreign Affairs
(Withdrawn.) *(229)*
Heuns and O.G.I. 977
Guguletu: case of alleged murder

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

(1) Whether, with reference to his reply to Question No 17 on 24 February 1984, the investigation into the case of alleged murder in Guguletu on 19 February 1984 has been completed; if not, (a) why not and (b) when is it anticipated that it will be completed; if so, what were the findings;

(2) whether any persons have been charged as a result of the investigation; if not, why not; if so, (a) who and (b) what are the charges;

(3) whether any action has been taken by the South African Police against the

police man concerned; if not, why not; if so, what action?

The MINISTER OF LAW AND ORDER:

(1) No.

(a) Because the statement of a witness and the ballistic report are being awaited.

(b) It is anticipated that the investigation will be completed within the next few weeks.

(2) No. Because the investigation has not yet been completed.

(3) No. Whether or not steps will be taken will be determined by the outcome of any legal process which may result from the incident.

Lawsuits against Minister

*6. Mr P H P GASTROW asked the Minister of Law and Order:

(1) Whether any lawsuits were brought against him in his capacity as Minister of Law and Order in 1983 by members of the public; if so, (a) how many and (b) what (i) were the circumstances of the lawsuit, and (ii) was the outcome, in each case;

(2) whether he paid out any money (a) as a result of successful lawsuits brought against him and (b) in out-of-court settlements; if so, what total amount?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) 53.

(b) (i) The causes of action were as follows: 28
Damage to vehicles
Unlawful arrest or
detention 8
Assault 7
Slander or defamation 3

Call in assault trial for end to 'police torture'

329 26/4/87 Stav

Torture by police during interrogation should be exposed and brought to an end, a Johannesburg magistrate was told yesterday.

At the trial of four policemen charged with assault and torture, Mr Asherif Valli said he had filed a civil damages claim of R60 000 against the Minister of Law and Order.

"I am not interested in the money, but what is important to me is for torture of this nature to be exposed and brought to an end," he said in reply to questions by defence advocate Mr W Vermeulen.

The policemen have denied assaulting and subjecting four detainees to electric torture at Brixton police station on May 17 last year.

Mr Valli, Mr Mohammed Rashid Valli, Mr Mohammed Ebrahim and Mr

Stavros Costa Kremmos were being held in connection with the murder of Mr Sahmed Bulbulia.

Mr Valli told the court that during the alleged assault police had covered his mouth with a cloth to prevent him from screaming.

"My tongue was so painful that I could not eat or speak properly after being tortured."

He said he saw Mr Kremmos and Mr Rashid Valli being assaulted by police in a Brixton cell.

The policemen charged are: Sergeant Robert Edmund van der Merwe (26), of Acasia Court, Lindburgh Park, Sergeant Abraham van Zyl (22), of Knoppieslaagte, police reservist Sergeant Ralph Levi (32), of Andrew Street, Birdhaven, and Sergeant Anton Poley (25), no address given.

- 4 for 14 days
3 for 16 days
2 for 17 days
1 for 18 days
1 for 19 days
1 for 20 days
1 for 21 days
2 for 22 days
1 for 25 days
1 for 31 days
1 for 33 days
1 for 75 days
3 for 87 days
1 for 109 days

(2) Yes.

(a) 25.

(b) 7.

The trials of 11 persons have not yet been concluded.

(3) No.

Handwritten: Howard Q.G. 10/11/84
Internal Security Act

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

How many persons were being detained in terms of section 31(1) of the Internal Security Act, No 74 of 1982, as at 31 December 1983?

The MINISTER OF LAW AND ORDER:

5 persons.

Internal Security Act

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

(a) How many persons were detained in 1983 in terms of section 50 of the Internal Security Act, No 74 of 1982, and (b) for what period was each detained before being released?

The MINISTER OF LAW AND ORDER:

(a) 36 persons.

- (b) 21 for 1 day
5 for 8 days
2 for 9 days
2 for 11 days
3 for 12 days
2 for 13 days
3 for 14 days.

Internal Security Act

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

(1) Whether any notices in terms of section 5(1)(e) of the Internal Security Act, No 74 of 1982, (a) were issued, (b) were withdrawn and (c) expired in 1983; if so, (i) how many in each case and (ii) how many such notices were of effect as at 31 December 1983;

(2) whether any notices which expired were renewed; if so, how many?

The MINISTER OF LAW AND ORDER:

(1) (a), (b) and (c) No.

(2) Falls away.

Handwritten: Howard Q.G. 10/11/84
Internal Security Act

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

How many persons in the Republic were arrested in 1983 for offences in terms of curfew regulations?

The MINISTER OF LAW AND ORDER:

10 757 persons.

Assault on Infants

842. Mr A B WIDMANN asked the Minister of Law and Order:

(1) How many cases of assault on infants by parents were reported in respect of each race group in each province

during the period 1 July 1982 to 30 June 1983;

(2) in how many cases in respect of each race group did the infant (a) die and (b) suffer serious injury as a result of the assault?

The MINISTER OF LAW AND ORDER:

Although statistics as required by the hon member are not normally kept, the particulars furnished were specially collected.

	(1)	(2)(a)	(b)
Cape Province	10	3	2
White	10	3	2
Coloured	42	4	11
Black	22	5	2
Natal	8	—	—
White	12	—	—
Coloured	1	—	—
Black	51	1	30
Orange Free State	13	—	6
White	2	—	2
Coloured	2	—	1
Black	2	—	2
Transvaal	44	1	10
White	2	—	—
Coloured	22	1	6
Black	31	9	16

FRIDAY, 27 APRIL 1984

†Indicates translated version.

For oral reply: *Handwritten: Howard Q.G. 10/13*

Handwritten: Robben Island 27/4/84

*1. Mrs H SUZMAN asked the Minister of Justice:

(1) Whether any applications were made in 1983 by prisoners on Robben Island to consult with lawyers; if so, (a) how many, (b) what are the names of

the prisoners concerned and (c) what were the reasons for the applications in each case;

(2) whether these applications were granted; if not, why not, in each case?

†THE MINISTER OF JUSTICE:

(1) Yes.

(a) 132. Applications which were made by 91 prisoners.

(b) It is not in the interest of prisoners in general, or of their families or other relatives that the names of prisoners or other associates, which may be of personal interest to them, should be released for general information.

(c) Falls away in view of the reply given at (b).

(2) Yes. Prison Regulation 123 stipulates that a prisoner who is a party to civil proceedings or intends to institute such proceedings, or is accused in a criminal action, may consult his legal representative in connection with such proceedings or action.

Where an application to consult a legal representative is not considered to be in terms of Prison Regulation 123, the visit is considered to be a normal visit which is part of the allotted quota applicable to the visiting privileges of different categories of prisoners.

A total of 243 visits by legal representatives, including follow-up visits, were received by prisoners on Robben Island during 1983.

Handwritten: Howard Q.G. 10/14
2. Mrs H SUZMAN asked the Minister of Law and Order:

How many policemen, excluding policemen killed or injured in vehicle accidents or outside the Republic, were (a) killed

3298 *St. Col. CIO* *26/4/84*
Howard

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

- (1) Whether any persons were detained in 1983 for interrogation in terms of section 13 of the Abuse of Dependence-producing Substances and Rehabilitation Centres Act, No 41 of 1971; if so, (a) how many and (b) for what period was each detained;

- (2) whether any of these persons were subsequently (a) charged with and (b) convicted of peddling drugs; if so, how many in each case;

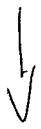
- (3) whether any of the persons arrested in 1983 are still in detention for interrogation; if so, (a) how many and (b) for what period has each been so detained?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) 41.

- (b) 1 for 2 days
 3 for 3 days
 2 for 4 days
 1 for 5 days
 1 for 6 days
 1 for 7 days
 2 for 8 days
 1 for 9 days
 3 for 12 days



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- (b) 21 for 1 day
 5 for 8 days
 2 for 9 days
 2 for 11 days
 3 for 12 days
 2 for 13 days
 3 for 14 days.

Internal Security Act

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

- (1) Whether any notices in terms of section 5(1)(c) of the Internal Security Act, No 74 of 1982, (a) were issued (b) were withdrawn and (c) expired in 1983; if so, (i) how many in each case and (ii) how many such notices were of effect as at 31 December 1983;

- (2) whether any notices which expired

1013 FRIDAY, 27 APRIL 1984 1014

during the period 1 July 1982 to 30 June 1983;

- (2) in how many cases in respect of each race group did the infant (a) die and (b) suffer serious injury as a result of the assault?

The MINISTER OF LAW AND ORDER:

Although statistics as required by the hon member are not normally kept, the particulars furnished were specially collected.

Cape Province	(1)	(2)(a)	(b)
White	10	3	2
Coloured	42	4	11
Black	22	5	2
Natal			
White	8		

the prisoners concerned and (c) what were the reasons for the applications in each case;

- (2) whether these applications were granted; if not, why not, in each case?

The MINISTER OF JUSTICE:

(1) Yes.

- (a) 132. Applications which were made by 91 prisoners.

(b) It is not in the interest of prisoners in general, or of their families, or other relatives that the names of prisoners or other aspects, which may be of personal interest to them, should be released for general information.

Accused says police preyed on his family

By CLAIRE

PICKARD-CAMBRIDGE GRAHAMSTOWN — An accused in the Grahams-town trial who took six weeks to make a confession has alleged that security police pressured him into doing so by threatening to ill-treat his family.

Mr P Langa, for the defence, said Mr Sipho Hina, 44, would say security police had brought his wife to him at the Algoa Park Police Station at 5am one morning to prove she was being ill-treated.

Mr Langa said Mr Hina's wife had been brought to the police station for questioning so frequently that she had eventually lost her job.

Mr Langa said Mr Hina also alleged that a security policeman, Captain I P Du Plessis, had pressured him by asking if he knew the names of Neil Aggett and Steve Biko, who had died in detention.

It is alleged that Captain Du Plessis asked Mr Hina if he would like to be buried at Zwide cemetery and that if he did not tell the truth in his statement he would be shot.

Capt Du Plessis denied pressuring Mr Hina in any way during questioning last

year.

Mr W Kingsley, for the State, objected to Mr Langa's use of the word "torture" while cross-examining Capt Du Plessis.

Mr Kingsley said he was not used to hearing such a strong word in court and felt it had medieval associations with devices like the thumb screw.

Mr Justice Howie ruled that the word could be used in the context of persistent ill-treatment.

Mr Langa said an example of what he meant by torture was the allegation by an accused, Mr Rufus Nzo, that Capt Du Plessis had put soap on his face and tied a wet towel round his face which had the affect of suffocating him.

He said Mr Nzo had fallen down several times and on each occasion his arms had been wrenched up behind his back in what was known as the "arm exercise".

Captain Du Plessis denied the allegation. He also denied the allegation yesterday that he had told another accused, Mr Sipho Nodlawu, that he would be thrown off Van Stadens River bridge if he did not co-operate during questioning.

The 11 accused are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 49, Mr Sipho Hina, 44, Mr James Ngondela, 54, Mr Mzayitani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machineguns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

BREYTEN'S ACCUSATIONS GO ON SALE

ASTONISHING accusations of torture in South African cells and interrogation rooms have gone on sale in South Africa in Breyten Breytenbach's latest book, 'The True Confessions of an Albino Terrorist'.

It is the first time — except for court reports — that such an account has escaped censorship or banning and been made freely available to the public.

The police have dismissed his accusations as fantasy (see accompanying report).

However, Breytenbach has such a towering literary reputation that the government is thought to be hesitant about banning his works.

This week alone he has dominated the South African literary scene, rejecting the Hertzog Prize for Afrikaans literature, and refusing to come to South Africa to accept the CNA Literary Award. Both prizes were awarded for his 1983 volume of poetry 'VK'.

Unlike 'VK', 'True Confessions' is in English, which assures it of a wide international circulation.

It is bound to provide ammunition to the anti-apartheid movement abroad.

Written in France after his release from prison in December, 1982, it purports to be based on his own experiences after his arrest while on a clandestine visit to South Africa in 1975 to promote the anti-apartheid organisation, Okhela.

Convicted

He was convicted of terrorism and served seven years of a nine-year prison sentence for terrorism.

In a chapter entitled 'A Note about Torture in South African Cells and Interrogation Rooms', Breytenbach writes that torture in South Africa is spreading.

He says it involves the criminal and security police, and the defence force.

Claims rejected as just 'fantasy'

THE South African Police dismissed in scathing terms this week the allegations of torture made in Breyten Breytenbach's book which is on sale in South Africa.

The SAP public relations division commented:

"The South African Police will not dignify Breytenbach's allegations, derived from an obvious background of fantasy, with answers to any of his far-fetched, malicious and unsubstantiated allegations.

"His latest book, 'The True Confessions of an Albino Terrorist' reminds one of the comments made by the New York Times writer John Leonard on one of Breytenbach's previous literary productions, 'A Season in Paradise', which he described as "... a hodge-podge of poems, theory, dreams, parables, puns, neologisms, self-interviews, travelogue, nature-writing, childhood reminiscences, politics and vapours".

"Breyten Breytenbach has, since the 1960s, been closely identified by his own admission, as well as by evidence in court, with ultra-Leftwing terrorist groups and individuals, including the late KGB agent Henri Curiel, the ANC and various other ultra-Left elements. He has been involved during his terrorist career in planning a missile attack on a Rhodesian airliner, an attack on Beit Bridge and the freeing of Nelson Mandela from Robben Island by submarine.

"In 1975 he was convicted in the Cape Supreme Court for, amongst other things, planning to smuggle arms into South Africa for the use of terrorists. During this time Breytenbach apologised sincerely to the then Prime Minister, the late Honourable Mr B J Vorster, and offered his services to South Africa as a secret agent. The court record also

Torture charges slip censor's net

By STEPHANIE VENTER

It is also used with "enthusiastic abandon" by some of the independent homelands, he says.

It is used, he says, to extract information, to obtain false confessions and for "fun".

"By now it is sadly no longer necessary to prove that torture is practised by South Africa's police and security agents. There have been too many deaths they could not camouflage, or did not want to hide," he writes.

"The methods employed (as they have been described repeatedly) will be anything

from sheer brutality and bestiality — hitting with fists and batons and anything that will concuss but not burst the skin, kicking, stomping, burning with cigarettes, pushing down stairs or out of windows — to the more 'refined' ones employed elsewhere in the world too."

These, he says, "are strangulation by pulling a wet sack or a plastic bag over the subject's head, holding the subject's head under water until he drowns or loses consciousness (the submarine), beating the subject

while he is being twirled handcuffed from a stick in the fold of his elbows or his knees (the 'aeroplane ride'), beating the soles of his feet with batons and with canes, applying repeated electrical shocks by electrodes attached to the subject's extremities or his nipples ('telephoning' or 'playing radio') — to the more patient and slower forms — depriving him of sleep and/or physical relief, having him stand in a certain posture for hours on end, having him squat on his haunches or sit with legs outstretched for days and nights."

Breytenbach adds to this list various forms of "mental coercion — isolation, calculated confusion, false confessions, etc."

"More horrifying reports," he writes, "were filtering down from 'the border' (Namibia, Angola and other neighbouring countries subject to incursions from the South African Defence Force) of military intelligence interrogators, aided by medics, using drugs or in some cases, the withholding of painkillers from the wounded, 'to break' their captives."

The "brutality, police assault and torture" which, he says, are used "more widely and freely than we ever thought", is "standard procedure" among murder and robbery squads.

Beaten

In particular he mentions those in Brixton in Johannesburg and Woodstock and Athlone in the Cape.

"Time and again have I met prisoners who were beaten, shocked, half-smothered, half drowned — sometimes in a nearly off-hand fashion, some times because the police wanted information quickly," he writes.

He cites an example of the "casual horror" in which he was told by an ex-sergeant in the SAP, "now a prisoner", how he assisted in torturing a black detainee one Sunday afternoon.

"Not because they wanted any information from him, but because the men on duty were bored, maybe also because the kaffir had to be kept in his place.

"They had the prisoner undressed completely; they then emptied the cell of everything except a blanket; the cell was hosed down, the blanket soaked in water too. The naked prisoner was then locked in the wet cell and the blanket, through the bars of the door, connected to an electric current. The fun was to see the man trying to climb up the electrified walls."

According to Breytenbach, there is nothing, "no ethics, no moral or religious code" restraining political or criminal police in their "absolute power to do with, and to the detainees what they want to."

He says the "siege mentality" of having to oppose a "total onslaught" against South Africa exacerbates

these actions. They are justified by a "crusade" against communism, Marxism, nihilism, atheism, permissiveness, liberalism, immorality and pornography.

This policy, he says, is covered up by the "feigned ignorance" of the "hogene mense" (the higher-ups).

"The only impediment the torturers do have — and they are unhappy about that — is the bother of red tape in the case of a death.

"Magistrates," he says,

"do not allocate blame to the torturers when they preside over an inquest. Whom should they believe? Dead men don't talk and survivors — being 'terrorists' are ipso facto 'unreliable witnesses'.

Masters

"Torture is spreading in South Africa. Security forces in the supposedly independent bantustans have been taught well v their masters. The same is 'hods are now part of the a. enal of police

and army units in the Transkei and particularly the Ciskei — and used there with enthusiastic abandon," writes Breytenbach.

"The only people who could oblige the South African torturers to scale down their actions to within 'defensible limits' would be the 'sympathetic' foreign powers — the United States, Britain, West Germany, Canada perhaps, France maybe.

"No pressure in that direction could reasonably be expected from South Africa's allies — Taiwan, Israel, some Latin American countries."

According to a spokesman for the publishers, Taurus, the book is selling "quite well".

It is being sold at most leading bookstores.



Flashback: Breytenbach is brought to the Supreme Court in Pretoria



Breyten Breytenbach with wife Yolande in Paris

shows that he praised the security authorities and denounced his revolutionary comrades.

"We must reiterate that the SA Police are totally opposed to any illegal, cruel or inhuman treatment of prisoners. Torture and abuse in any form is forbidden, and stringent measures are taken, not only to prevent acts of this nature, but also to punish possible perpetrators thereof. The convictions of persons for just such offences in the courts of the land, proves this point.

"The SA Police cannot comment on allegations concerning alleged malprac-

tices which may or may not have occurred in any prison as these institutions fall within the jurisdiction of the Department of Prisons."

A spokesman for the SA Prison Service commented that it was unaware of a particular case mentioned by Breytenbach, adding: "Generally irregular conduct of any nature against prisoners is not tolerated by the Prison Service."

"In isolated cases where the bounds are exceeded whether by prisoners or staff, the law will take its course. This can be supported by ample examples," the spokesman said.



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(329) City Press
29/4/84

Six East Cape students held

SIX students have been held by security cops after Tuesday's violence at Graaff-Reinet's Ngweba Secondary School, according to sources in the area.

Graaff-Reinet Youth Congress publicity secretary Tobile Mbotya said those detained on Wednesday are Silumko Louw, Mpumelelo Passe, Ntsikelelo Panti, Noma-hlubi Giyose, Boniswa Bitterhout and Nomvuyo Yeyana.

A seventh student, Mzivukile Bottoman, was released after being questioned.

During the violence

By MONO BADELA

two vehicles were set alight and completely destroyed. The vehicles belonged to circuit in-

spector H K Blackie, who is in charge of schools in Cradock, and school principal M M Mankayi.

Two houses were also stoned and police had to

escort three white female teachers to safety

Trouble started at the school last Monday when Mr Blackie expelled Mpumelelo Passe because he allegedly tried to force pupils to attend a meeting at the school last month.

Violence broke out when police ordered pupils to disperse after Mr Blackie informed a crowd of 300 pupils gathered in the school grounds that the school would be closed until next Monday.

Petrol bomb blasts Cradock man's home

PETROL bombs were thrown through windows of the homes of six prominent llingelihle residents in Cradock this week.

Two dud petrol bombs were thrown through the lounge window of the llingelihle mayor, Mrs Doris Hermaans.

None of the bombs ignited.

Early on Wednesday morning a petrol bomb flung into the home of the acting chairman of the Cradock Residents' Association, Mr Gladwell Makawula, caused damage estimated at R4 000. Mr Makawula's lounge was gutted.

Calata's spirit lives — Page 4



MONWABISI MAKAULA:
Home attacked

Post Correspondent
JOHANNESBURG — Astonishing accusations of torture in South African cells and interrogation rooms have gone on sale in South Africa in Breytenbach's latest book, *The True Confessions of an Albino Terrorist*.

It is the first time — except for court reports — that such an account has escaped censorship or banning and been made freely available to the public.

The police have dismissed his accusations as fantasy.

Last week he rejected the Herzog Prize for Afrikaans literature. He has also refused to come to South Africa to accept the CNA Literary Award. Both prizes were awarded for his 1983 volume of poetry, *Yk*.

Unlike *Yk*, his *True Confessions* is in English which assesses it of a wide international circulation.

It is bound to provide ammunition to the Anti-Apartheid Movement abroad.

Written in France after his release from prison in December, 1982, it purports to be based on his own experiences after his arrest while on a clandestine visit to South Africa in 1975 to promote the anti-apartheid

SA torture is commonplace, Breytenbach claims in book

organisation, Ohlola.

He was convicted of terrorism and served seven years of a nine-year prison sentence for terrorism.

In a chapter entitled "A Note about Torture in South African Cells and Interrogation Rooms", Breytenbach writes that torture in South Africa is spread the criminal and security police and the defence force.

It is also used with "enthusiastic abandon" by some of the independent homeland, he says.

It is used he says to extract information to obtain false confessions and for "other" reasons.

"By now it is sadly no longer necessary to prove that torture is practised by South Africa's police and security agencies. There have been too many deaths they could not properly disguise, or did not want to hide," he

writes.

"The methods employed (as they have been described repeatedly) will be anything from sheer brutality and bestiality — hitting with fists and batons and anything that will concuss, but not burst the skin, kicking, stomping, burning with cigarettes, pushing down stairs or out of windows — to the more 'refined' ones employed elsewhere in the world, too."

These, he says, "are stratagems by pulling a wet sock or a plastic bag over the subject's head holding the subject's head under water until he drowns or loses consciousness (the submarine) beating the subject while he is being twisted handcuffed from a stick in the fold of his elbows or his knees (the 'aeroplane ride'), beating the soles of his feet with batons and with canes, applying repeated electrical

shocks by electrodes attached to the subject's extremities or his nipples ('telephoning' or 'playing radio') — to the more patient and slower forms — depriving him of sleep and/or other physical relief, having him stand in a certain posture for hours on end, having him squat on his haunches or sit with legs outstretched for days and nights."

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from the wounded, 'to break their captives'."

The "brutality, police assault and torture" which, he says, are used "more widely and freely than we ever thought", is "standard procedure" among murder and robbery squads.

In particular, he mentions those in Brixton in Johannesburg and Woodstock and Albino in the Cape.

"Time and again have I met prisoners who were beaten, shocked, half-smothered, half-drowned — sometimes in a nearly off-hand fashion, sometimes because the police wanted information quickly," he writes.

He cites an example of the "casual horror" in which he was told by an ex-sergeant in the SAP, "how a prisoner", how he assisted in torturing a black detainee one Sunday afternoon. "Not because they

wanted any information from him but because the men on duty were bored. The knife also because the knife had to be kept in his place."

"They had the prisoner undressed completely, they then emptied the cell of everything except a blanket, the cell was sealed in water, the blacked prisoner too. The soaked prisoner was then tucked in the wet well and the blanket, though the bars of the door, connected to an electric current. The fun was to see the man trying to climb up the electrified walls."

According to Breytenbach, there is nothing, "no ethics, no moral or religious code" restricting political or criminal police in their "absolute power to do with and to the detainees what they want for."

Booksellers report that *True Confessions* is selling "quite well."

**BREYTEN
BREYTENBACH**



P.T.O.

'Fantastic, malicious' allegations anger SAP

Post Correspondent

JOHANNESBURG — The South African Police has dismissed in seathing terms the allegations of torture made in Breyten Breytenbach's newest book.

"The South African Police will not dignify Breytenbach's allegations, derived from an obvious background of fantasy, with answers to any of his far-fetched, malicious and unsubstantiated allegations," an SA Police public relations spokesman said.

He said Breytenbach's book, *The True Confessions of an Albino Terrorist*, "reminds one of the comments made by the New York Times writer, John Leonard, on one of Breytenbach's previous literary productions, *A Season In Paradise*, which he described as: '...a hodgepodge of poems, theory, dreams, parables, puns, neologisms, self-interviews, travelogue, nature-writing, childhood reminiscences, politics and vapours.'

"Breytenbach has, since the 1960s, been closely identified by his own admission, as well as by evidence in court, with ultra-leftwing terrorist groups and individuals, including the late KGB agent, Henri Curiel, the ANC and various other ultra-left elements.

"He has been involved during his terrorist career in planning a missile attack on a Rhodesian airliner, an attack on Beit Bridge and the freeing of Nelson Mandela from Robben Island by

submarine.

"In 1975 he was convicted in the Cape Supreme Court for, among other things, planning to smuggle arms into South Africa for the use of terrorists. During this time Breytenbach apologised sincerely to the then Prime Minister, the late Honourable Mr B J Vorster, and offered his services to South Africa as a secret agent. The court record also shows that he praised the security authorities and denounced his revolutionary comrades.

"We must reiterate that the police are totally opposed to any illegal, cruel or inhuman treatment of prisoners. Torture and abuse in any form is forbidden, and stringent measures are taken, not only to prevent acts of this nature, but also to punish possible perpetrators thereof. The convictions of persons for just such offences in the courts of the land, proves this point.

"The SA Police cannot comment on allegations concerning alleged malpractices which may or may not have occurred in any prison as this falls within the jurisdiction of the Department of Prisons."

A spokesman for the SA Prison Service commented that it was unaware of a particular case mentioned by Breytenbach, adding: "Generally irregular conduct of any nature against prisoners is not tolerated by the Prison Service."

Treason trial hears of 'torture on beach'

15/7/84
329 E. Post

By CLAIRE PICKARD-CAMBRIDGE

GRAHAMSTOWN — A lonely, wind-swept stretch of beach at St George's Strand, near Port Elizabeth, provided the scenario in the Grahamstown treason trial today for the latest allegation of security police torture.

Mr P Langa, for the defence, said while cross-examining Warrant Officer P J Nel, of the Port Elizabeth murder and robbery squad, that an accused, Mr Ntomi Kame, 22, would say he was driven to St George's Strand a short while after his arrest on May 19, 1983.

He said Mr Kame claimed he had initially been taken to the Algoa Park police station where two security policemen, Captain I P du Plessis and Sergeant M A Tungata, had beaten him and twisted his arms, demanding to know the whereabouts of a guerilla called "Joe".

Mr Kame would say that during the assault his lip had burst open and he had lost consciousness when he was kicked on the head.

When he came to he was being driven to a deserted part of St George's Strand with Lieutenant W S Dennis and WO G P Bezuidenhout, of the security police, and WO Nel, of the murder and robbery squad.

Mr Langa said Mr Kame alleged that when they got to St George's Strand, WO Nel said to him: "Look my boy, you are going to get hurt. These chaps are going to bury you."

Mr Kame also claimed that WO Bezuidenhout and Lt Dennis had each taken one of his arms and twisted them until he fell on his face in the sand.

He said Mr Kame alleged WO Nel had told him he would "rot in detention" if he did not make a statement and that he should "go to a magistrate and cleanse his heart because he had done wrong".

WO Nel denied all the allegations and said he had never gone to St George's Strand with Mr Kame.

He said he had "nothing against any of the accused" and would not have pressured them in any way.

He said Mr Kame had stopped denying the charges against him when he met another accused, Mr James Ngqondela, at the Alexandria police station, on May 20.

He said Mr Kame had then changed his mind.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekena, 27, Mr Wellington Gumenge, 29, and Mr Ncepe Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machineguns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R F Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Court told of policeman's tea with accused

GRAHAMSTOWN — The Supreme Court here was told yesterday that a policeman investigating a murder unwittingly had tea with one of the accused, then arrested him later.

This emerged in evidence by a member of the Port Elizabeth Murder and Robbery Squad during the trial of 11 men appearing on charges ranging from high treason to murder.

Warrant Officer P. J. Nel, the officer investigating Mr Nonkosi Tshiwula's alleged murder on May 8 last year, admitted that he had had tea with one of the accused, Mr James Ngqondela, in a house pointed out by another accused, Mr Rufus Ntato Nzo, while unaware that Mr Ngqondela was wanted by the police.

W/O Nel said he had even thanked Mr Ngqondela for doing him a favour — referring to an incident earlier that day when he had asked Mr Ngqondela to take a police officer to the Kwazakele police station so that they could phone Major H. B. du Plessis of the Security Police as they were without transport.

He realised that he had been speaking to the

accused only when they entered Mr Ngqondela's house later that day and saw his photograph in his reference book.

The court heard that W/O Nel was present when a wooden table with a concealed compartment containing explosives, timing mechanisms, detonators, limpet mines, a number of magazines containing ammunition and hand grenades, was found.

He was also present during several interrogations, and denied any knowledge of threats or assaults against any of the accused.

Another witness, Warrant Officer G. P. Bezuidenhout, denied all allegations put to him by Mr A. Jappie, for the defence.

W/O Bezuidenhout denied that Mr Ngqondela was made to lie on the floor face downwards, that an act referred to as "the arm exercise" was carried out twice and that the accused was also assaulted by three black policemen in his presence.

He also denied any knowledge of Captain I. P. du Plessis entering the room and saying: "Please chaps, no blood." — DDC.

Charles Sebe pleads not guilty

Argus Bureau

EAST LONDON. — Mr Charles Sebe, Ciskei's former security chief, pleaded not guilty in the Supreme Court, Bisho today to charges of terrorism.

Mr Sebe, younger brother of President Lennox Sebe, remained calm and subdued during the brief hearing which was postponed to Monday.

After pleading, Mr Sebe said he would make no admissions and that the onus to prove guilt lay with the State.

Relatives and members of the public crowded the small courtroom to see the former lieutenant-general who was detained in July last year.

INCITEMENT

It is alleged that Mr Sebe incited a group of police and army officers to release his former deputy, Brigadier Harvey Tamsanqa, from detention by force on July 14 last year.

It is further alleged that Mr Sebe ordered the withdrawal of the President's guards from the ministerial complex and summoned the special anti-terrorist unit Sword of the Nation to Zwelitsha on July 14.

Mr Justice Pickard is on the Bench. Mr Piet Oosthuizen, SC, and Mr Jan van Jaarsveld appear for the State. Mr Paul Avenant appears for Mr Sebe.

9 million visitors

PEKING. — More than nine million people visited China last year as tourists or on business, bringing in R1 101-million in foreign exchange, according to the State Statistical Bureau. — Sapa-Reuter.

Educationist dies

Argus Correspondent DUBBAN. — Retired educationist Mr Maurice "Buzz" Pennington, who captained Natal at hockey and cricket and played rugby for the province, has died here.



Daisy in her flower-box home...



...and the route her ducklings face in order to survive.

Nine may go out for a duck

Argus Foreign Service LONDON. — Daisy the roody mallard duck with the high-flying instinct is expected to drop out any day now — and when she does nine new-born ducklings will go with her.

It will be downhill all the way — from the flower box where the daffy duck is nesting to the bright water

to put a feather in her cap.

Mallards usually keep their feet closer to the ground when they are expecting, and residents in London's Barbican fear that Daisy may not have all the answers to her dilemma.

Dave Price, warden of the Wildfowl Trust in Gloucestershire, said: "It is rushing it a bit

make it if they land on the water."

He suggests the best way to save Daisy's bacon is for residents to form a sort of Flying Ducktor Service.

"Maybe they can ferry the duck and ducklings to the lake," he said.

is not possible to provide the figure per magisterial district as the members were employed in unit context.

Question standing over from Friday, 27 April 1984:

Vredeloek: Police called to private residence

*14. Mr P H P GASTROW asked the Minister of Law and Order:

- (1) Whether the South African Police were called to a private residence in Beitar Road, Vredeloek, on or about 13 April 1984; if so, (a) by whom and (b) how many policemen answered the call;

- (2) whether any action was taken by the South African Police on this occasion; if so, (a) what action and (b) what were the circumstances leading to this action being taken;

- (3) whether any persons were (a) injured and (b) arrested in connection with this matter; if so, what was the (i) (aa) cause and (bb) nature of the injuries and (ii) reason for the arrests in each case?

THE MINISTER OF LAW AND ORDER:

- (1) Yes. The police were at 21h17 and again at 23h45 on 13 April 1984 called to 64 Belair Road, Vredeloek, to deal with complaints of disturbance of the peace.

- (a) People living in the neighbourhood.

- (b) The first call was answered by two policemen, the second call by four, and after it became apparent that they were unable to deal properly with a noisy crowd of approximately 200 people, a further six members were sent to the scene.

- (2) Yes.

- (a) and (b) When the police first arrived at the address in question,

it appeared that a very lively party was full swing with a band playing at full blast in the backyard. A woman reputed to be hosting the party was informed that complaints of disturbance of the peace were received and she was requested to ask her guests to be less noisy. This request was accepted to and the policemen left.

At their second visit as a result of further complaints the police again requested those present to be less noisy, but this was ignored and instead the police were abused in an unsavoury manner.

As it became apparent that the party-goers had no intention of responding to the request of the police, the musical instruments of the band were disconnected at approximately midnight, and the guests requested to leave. This request was met with further abuse, while some of the guests even became obstreperous.

For the purpose of restoring from teargas canisters was squirted inside and outside the house, which eventually had the desired effect. At about 01h00 the matter was settled and it became quiet, thanks to the involvement of the police.

- (3) (a) and (b) No.

For written reply:

Amount borrowed by public sector/Central Government

804. Mr A SAVAGE asked the Minister of Finance:

What was the total amount of (a) public sector and (b) Central Government borrowing as at the end of the 1980-81, 1981-82 and 1982-83 financial years, respectively?

THE MINISTER OF FINANCE:

Total accumulated loan debt (R millions):

Year	Central Government	Other public sector*	Total
31 March			
1981	19 853	15 427	35 280
1982	22 065	18 140	40 205
1983	26 467	24 134	50 601

* Amounts reflected under "Other public sector"—that is local authorities and public corporations (such as Escom and Iscor) as well as S.A. Transport Services and Posts and Telecommunications—represent foreign loan debt and domestic non-redeemable stock debt only.

Foreign debt has been adjusted for exchange rate changes so as to reflect the amount repayable at the relevant date.

825. Mrs H SUZMAN asked the Minister of Justice:

Whether any persons were detained in 1983 in terms of section 185 of the Criminal Procedure Act, No 51 of 1977; if so, (a) how many were being detained as at 31 December 1983 and (b) (i) how many were detained in the course of that year, (ii) for what period was each of them detained and (iii) in respect of what crime in each case?

THE MINISTER OF JUSTICE:

Yes.

- (a) None.

- (b) (i) Four persons.

- (ii) One person was detained for 3 days and three persons were detained for 163 days each.

- (iii) One person was a witness in a case where the accused was charged with murder. Three persons were witnesses in a case where the accused were charged with 2 counts of robbery and 1 count of attempted murder.

Intimidation Act

830. Mrs H SUZMAN asked the Minister of Justice:

Whether any persons were convicted in 1983 of offences under the Intimidation Act, No 72 of 1982; if so, how many persons in each race group?

THE MINISTER OF JUSTICE:

The required information is unfortunately not readily available.

THE MINISTER OF LAW AND ORDER:

(a) How many (i) males and (ii) females in each race group were detained in terms of security legislation (aa) in 1983 and (bb) from 1 January 1984 to the latest specified date for which figures are available and (b) how many persons in each of the above categories were under the age of 20 years?

THE MINISTER OF LAW AND ORDER:

Detentions in terms of section 29 of Act No 74 of 1982.

	(i)	(ii)
(a) Whites	16	5
Asians	1	—
Coloureds	5	2
Blacks	107	13

is not possible to provide the figure per magisterial district as the members were employed in unit context.

Question standing over from Friday, 27 April 1984:

Vredehoek: Police called to private residence

*14. Mr P H P GASTROW asked the Minister of Law and Order:

(1) Whether the South African Police were called to a private residence in Belair Road, Vredehoek, on or about 13 April 1984; if so, (a) by whom and (b) how many policemen answered the call;

(2) Whether any action was taken by the South African Police on this occasion; if so, (a) what action and (b) what were the circumstances leading to this action being taken;

(3) whether any persons were (a) injured and (b) arrested in connection with this matter; if so, what was the (i) (aa) cause and (bb) nature of the injuries and (ii) reason for the arrests in each case?

DER:
THE MINISTER OF LAW AND ORDER:

(1) Yes. The police were at 21h17 and again at 23h45 on 13 April 1984 called to 64 Belair Road, Vredehoek, to deal with complaints of disturbance of the peace.

(a) People living in the neighbourhood.

(b) The first call was answered by two policemen, the second call by four, and after it became apparent that they were unable to deal properly with a noisy crowd of approximately 200 people, a further six members were sent to the scene.

(2) Yes.

(a) and (b) When the police first arrived at the address in question,

it appeared that a very lively party was full swing with a band playing at full blast in the backyard. A woman reputed to be hosting the party was informed that complaints of disturbance of the peace were received and she was requested to ask her guests to be less noisy. This request was acceded to and the policemen left.

At their second visit as a result of further complaints the police again requested those present to be less noisy, but this was ignored and instead the police were abused in an unsavoury manner.

As it became apparent that the party-goers had no intention of responding to the request of the police, the musical instruments of the band were disconnected at approximately midnight, and the guests requested to leave. This request was met with further abuse, while some of the guests even became obstreperous.

For the purpose of restoring and maintaining order, teargas was squirted inside and outside the house, which eventually had the desired effect. At about 01h00 the matter was settled and it became quiet, thanks to the involvement of the police.

(3) (a) and (b) No.

For written reply:

Amount borrowed by public sector/Central Government

804. Mr A SAVAGE asked the Minister of Finance:

What was the total amount of (a) public sector and (b) Central Government borrowing as at the end of the 1980-81, 1981-82 and 1982-83 financial years, respectively?

THE MINISTER OF FINANCE:

Total accumulated loan debt (R millions):

Year	Central Government	Other public sector*	Total
31 March			
1981	19 853	15 427	35 280
1982	22 065	18 140	40 205
1983	26 467	24 134	50 601

* Amounts reflected under "Other public sector"—that is local authorities and public corporations (such as Escom and Iscor) as well as S.A. Transport Services and Fosts and Telecommunications—represent foreign loan debt and domestic marketable stock debt only.

Foreign debt has been adjusted for exchange rate changes so as to reflect the amount repayable at the relevant date.

825. Mrs H SUZMAN asked the Minister of Justice:

Whether any persons were detained in 1983 in terms of section 185 of the Criminal Procedure Act, No 51 of 1977; if so, (a) how many were being detained as at 31 December 1983 and (b)(i) how many were detained in the course of that year, (ii) for what period was each of them detained and (iii) in respect of what crime in each case?

THE MINISTER OF JUSTICE:

Yes.

(a) None.

(b) (i) Four persons.

(ii) One person was detained for 3 days and three persons were detained for 163 days each.

(iii) One person was a witness in a case where the accused was charged with murder. Three persons were witnesses in a case where the accused were charged with 2 counts of robbery and 1 count of attempted murder.

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THE MINISTER OF JUSTICE:
The required information is unfortunately not readily available.

DER:

(a) How many (i) males and (ii) females in each race group were detained in terms of security legislation (aa) in 1983 and (bb) from 1 January 1984 to the latest specified date for which figures are available and (b) how many persons in each of the above categories were under the age of 20 years?

THE MINISTER OF LAW AND ORDER:

Detentions in terms of section 29 of Act No 74 of 1982.

	(i)	(ii)
(a) (aa) Whites	16	5
Asians	1	—
Coloureds	5	2
Blacks	107	13

329 Star 2/5/84
Sithebe freed

from detention

Former Transvaal flyweight champion Johannes Sithebe and his wife, Letta, have been released from detention.

The Sithebe couple arrived home last Friday after spending more than a month in detention.

They were stopped while returning from Zimbabwe and detained in Messina.

Mrs Sithebe said she had sleepless nights, worrying about her children.

The Sithebe children — Jabulani (14), Sman-gele (13), Sipho (12) and Bongani (11) — were looked after by their unemployed grandmother and the Child Welfare Society.

CID (329)

detain men in Karoo town

By WENDY FRAENKEL

THE acting chairman of the Cradock Residents' Committee (Cradora), Mr Gladwell Makwaula, and several others were detained for questioning by an investigating team from the Criminal Investigation Division (CID) at 2am today.

Already four members of the association have been detained in the past few weeks — Mr Matthew Goniwe, chairman of Cradora, and Mr Madola Jacobs, both of whom are now at Pollsmoor Prison in the Cape, and Mr Fort Calata and Mr Mbulelo Goniwe, who are being held in the Johannesburg Prison.

According to the police liaison officer in the Eastern Cape, Lieutenant-Colonel Gerrie van Rooyen, the men picked up today were taken in for questioning in connection with the recent spate of public violence and arson in which petrol bombs were thrown into the homes of six people in the township of Inlingelile in Cradock.

He said the men detained would either be released or charged.

Mrs Molly Blackburn, MPC for Walmer, was phoned early today by Mrs Louisa Makwaula who told her about her husband's plight.

Mrs Blackburn said she was upset as she felt the police were "attempting to create an atmosphere of fear" in Cradock.

"No person could consider Mr Makwaula an instigator of organised violence," she said.

"Anyway, I can't understand why the police should find it necessary to take someone in at 2am. Day-time is a far more civilised time."

Sebe 'a vicious tyrant', says Suzman

Political Staff

HOUSE OF ASSEMBLY — President Lennox Sebe of the Ciskei was yesterday called a "vicious tyrant" by Mrs Helen Suzman, the Progressive Federal Party MP for Hongkong.

In a scathing attack on detentions without trial in South Africa and the homelands, Mrs Suzman also called the President of Ciskei, Abapuh of Venda an "imposter and petty demagogue".

Mrs Suzman said the unofficial total for the number of people detained last year of the In-



Mrs Helen Suzman



President Lennox Sebe

Apart from those detainees, more than 200 people were held last year in the independent homelands — "whose rulers, I must say have learned it well from their masters in Pretoria" — under various laws promulgated for the purpose.

She said as at the end of February 1984, 27 were in detention in Ciskei, ten in the Transkei and two in Venda.

In Ciskei "a great deal of State violence" followed the bus boycott and many were killed.

"I have to say I believe that when the history of these times is written, I believe a major indictment against the National Party Government will be their subjecting millions of blacks in Ciskei to violent measures like Sobu and hundreds of thousands of people in Venda



Mrs Helen Suzman



President Lennox Sebe

abuses of power by the police unit Koovee, Mr Le Grange had said in reply to a question that no board of inquiry had been instituted.

"I believe it is very important that the minister ensures there are no abuses."

She said it was disturbing to find that the security police were now detaining people in terms of the Criminal Procedure Act, as had been the case with Paris Mantle and she urged him to take steps to prevent more of these cases and to ensure that the interrogation code applied to these detainees.

Mrs Suzman said the lack of due process of the law was one of the reasons why steps were considered against South Africa in the West.

"This is a fundamental reason why South Africa continues to be ostracised by the West," Mrs Suzman said.

She said well over

4,000 people had been detained in South Africa since the 1960s without trial provisions in 1967 and some 46 of these people had died as had another ten in terms of its predecessor, the 90-day detention law.

According to figures given her by the Minister of Law and Order, Mr Louis le Grange, in February 1984 149 people had been detained under section 29 of the Internal Security Act in 1983, of these 42 had been charged 16 found guilty on charges ranging from treason to illegal possession of firearms and 15 had been acquitted.

to the authority of an imposter — he did not win an election — and with a demagogue like Abapuh, Mrs Suzman said, the people had been deceived under the provisions of proclamation 103 of KwaZulu, which had been passed in 1973 in an attempt to curb faction fighting in

the Mbashe and Kili Rivers. These detentions had been to no avail, "since only last month, some 32 people died in clashes in the district."

Mrs Suzman also wanted to know whether the code for interrogation applied in Namibia.

Although a number of gory cases had revealed

Suzman slates Sebe and Mphephu

Police will take 'tough action'

Parliamentary Staff

A MAJOR indictment against the Nationalist Government was its subjecting millions of blacks in Ciskei "to the tender mercies of a vicious tyrant like Sebe", the Assembly heard.

Speaking during the Law and Order vote, Mrs Helen Suzman (PFP Houghton) said the rulers in the independent homelands had learnt well from their masters in Pretoria with regard to detentions.

Last year more than 200 people were in detention in the independent homelands. At the end of February this year 27 were in detention in Ciskei, 10 in Transkei and two in Venda.

"I believe that when the history of these times is written a major indictment against the Nationalist Government will be their subjecting millions of blacks in Ciskei to the tender mercies of a vicious tyrant like Sebe and hundreds of thousands of people in Venda to the authority of an impostor and petty demagogue like Mphephu.

"Nor should we forget the special-declaration proclamation 103 of Kwazulu passed in 1973 in an attempt to curb faction fighting in the Mzingu and Klip River areas.

"Detentions can bring no peace to a hopelessly overcrowded, poverty-stricken area into which more and more people are being pushed as a result of 'black spot' removals and the abolition of the farm labour tenant system," she said.

Turning to the code regulating the interrogation of detainees, Mrs Suzman said it was "disturbing" that security police were using section 50 of the Criminal Procedures Act in cases of security suspects.

"A lot can happen in 48 hours to a security suspect being interrogated in these circumstances — and indeed a lot did happen to Paris Malatji.

"He died after being shot in the head by a security policeman who was sentenced to 10 years for culpable homicide."



Mrs Helen Suzman

Right wingers condemn Accord

Political Staff

THE Nkomati Accord with Mozambique has been slammed by the leaders of South Africa's far-right political parties.

Dr Andries Treurnicht (Conservative Party) and Mr Jaap Marais (Hersstigste Nasionale Party) attacked the accord in a joint statement issued in Cape Town.

They rejected the call made to Mozambique by the Prime Minister, Mr P W Botha, to "pool resources".

The joint statement said: "If it is planned to conclude similar treaties with other African countries as well, with a view to the National Party's proposed constellation or confederation of Southern African states, the implications are catastrophic.

"This will surrender our country's sovereignty, destroy us economically and especially forfeit white political power."

Parliamentary Staff

THE Minister of Law and Order, Mr Louis le Grange, has warned that police will take tough action in school unrest.

He said the police had "bent over backwards" to accommodate pupils where illegal meetings were being held.

"I want to say unambiguously to all concerned that no further exceptions or concessions will be made to violators of the law.

"There will be no hesitation in taking action against instigators."

There were cries of "Hear, hear" from Nationalist benches and Mrs Helen Suzman (PFP Houghton) interjected: "Have a look at the reasons for the unrest."

Earlier, Mr le Grange said organisations and individuals had exploited the situation.

Property had been damaged and teachers assaulted. Petrol bombs were thrown.

Mr le Grange said he was satisfied that all possible steps had been taken to solve reasonable grievances.

● More Parliamentary reports Page 14.

'Stop enforced removals'

Parliamentary Staff

IT was time for the Government to call a halt to enforced population removals motivated by political ideology, Mr Ray Swart (PFP Berea) said.

Speaking in the Assembly debate on the Co-operation and Development budget vote, he said this would bring relief to hundreds of thousands of South Africans.

It would restore some measure of security to those concerned and would go a long way towards relieving racial tension.

In addition, such a step by the Government would remove a major point of criticism and condemnation of South Africa from the rest of the civilised world.

In spite of assurances by the Minister of Co-operation and Development, Dr Piet Koornhof, tens of thousands of black South Africans were living under the threat of forced removals.

Week after week during the present session of Parliament the minister or his deputy had told of more and more

contemplated removals when they replied to Opposition questions.

Mr Swart accused Dr Koornhof of having failed to change the unfavourable image of his department.

In recent times there had been more signs that Dr Koornhof's "empire" was being whittled away systematically and that the department's responsibilities were drastically reduced.

One example was that the functions of labour recruitment had been taken away from the department and given to the Department of Manpower.

Another was that black taxation had been taken away and given to the Department of Finance.

The Hoexter Commission had recommended removing the commissioners' courts from the department and giving responsibility for those courts, or matters dealt with by them, to the Department of Justice.

"So what is to be the future of the Department of Co-operation and Development?" Mr Swart asked.

Health Minister ²⁹ urged to improve ^{4/13/84} care of detainees

By Sue Leeman, Pretoria Bureau

Increased safeguards for the psychological care of detainees are among proposals being considered by the Minister of Health, Dr Nak van der Merwe, after his recent talks with the visiting chairman of the World Medical Association, Dr Lionel Wilson.

At a Press conference in Pretoria today, Australian Dr Wilson said he had expressed to the Minister his desire for a system of detainee care "that will ensure the tragic death of Steve Biko is not repeated".

He described the death in detention of the Black Consciousness leader during 1977 as "an affront to the conscience of civilised society."

There has to be a guarantee that detainees will receive better care in future.

Dr van der Merwe has agreed to consider favourably the implementation of a system based on the proposals of an ad-hoc committee of the Medical Association of South Africa (MASA) in 1983."

However, Dr Wilson said, one of the areas where these proposals fell short was in the field of psychological care and he had made specific recommendations to the Minister in this regard.

He declined to give further details of the talks.

Dr Wilson said the main purpose of his visit was to look into the circumstances surrounding Mr Biko's death as well as the medical care of South African detainees in general.

He had spent two weeks in the country talking to "a broad range of leaders in the medical and political fields".

He had spoken to black medical practitioners, but had not consulted detainees' support groups. He had come as a guest of Masa.

Dr Wilson said that, in his view, Masa had done all it could in terms of its constitution to probe the causes of Mr Biko's death and had, in fact, "done much more than many medical associations would have".

He said Masa had "spoken out very forcefully in support of improving the medical care of detainees and, on many occasions, it did so under difficult circumstances, and despite the fact that opposing views were held by the Government at the time."

9/1/87 (329)
**Pupils
detained
by police**

PORT ELIZABETH — Nine pupils of the Mqweba Secondary School in the Graaff-Reinet township have been detained, according to a public relations spokesman for police headquarters in Pretoria, Colonel Vic Heyns.

It was confirmed in Port Elizabeth yesterday that Mr Gladwell Makaula, acting chairman of the Cradock Residents' Association, and other well-known residents of Lingelihle, were being held for questioning by the police.

Mr Makaula took over as chairman of the Cradock Residents' Association after Mr Matthew Goniwe was detained on March 31 in terms of the Internal Security Act.

Other Cradock residents detained are Mr Mbulelo Goniwe, a nephew of Mr Goniwe and the organiser of the Cradock Residents' Association; Mr Fort Galata, chairman of the Cradock Youth Association and treasurer of the Residents' Association; and Mr Madoda Jacobs, headboy of the Lingelihle Secondary School.

On Wednesday, the Minister of Law and Order, Mr Louis le Grange, warned in Parliament that action in terms of the Internal Security Act would be taken without hesitation against instigators of unrest at black schools. — DDC.

915/84
329

Officer tells court police used force

GRAHAMSTOWN — The head of the South African Police reaction unit in Port Elizabeth yesterday conceded during cross-examination in the Grahamstown Supreme Court treason trial that members of his unit had become excited during an investigation of alleged high treason and that a tense atmosphere had prevailed.

Captain Roelof F. Berg also admitted during cross-examination by Mr A. Jappie for the defence, that an element of surprise and speed were essential for the penetration group of the reaction unit to enter premises.

He conceded that in this haste "niceties" were left behind. Force was sometimes used, he said.

Captain Berg described how a sniffer dog was used by the reaction unit to detect explosives found in a false-bottomed home-made table in a Kwazekele home on May, last year.

He said surprise had played an important role in the operation and members had scaled a high fence surrounding the house, forced open the door and found the table.

Firearms could also be heard rattling inside the false bottom of the

table, he said.

The unit had then gone to the home of two of the accused, Mr Mzayifani Kame and Mr Ntemi Kame in Veeplaas, where they searched for firearms or explosives.

They had not found any there and had gone to the home of another accused, Mr James Ngqondela. Capt Berg said everyone in the house, including the children had been taken away by the police.

At a previous hearing, Warrant Officer P. J. Nel, of the Port Elizabeth murder and robbery squad, denied that the children had been present and that they had been taken for questioning. He said only young women had been at Mr Ngqondela's house.

Warrant Officer Willem Johannes van Loterenberg who led the penetration group during the investigation, yesterday said an allegation that he had hit Mr Nceba Faku, another of the accused, on the head with the flat side of a spade a number of times and that he had used a bright red bolt cutter to intimidate Mr Faku by "snapping" it in front of his face was both laughable and an outrageous lie.

The trial continues today. — DDC-SAPA.

Biko death: 'Masa did all in its power'

Argus Correspondent

PRETORIA. — The Medical Association of South Africa had done as much as it was able to do within the terms of its constitution regarding the death of black consciousness leader Steve Biko, the chairman of the council of the World Medical Association said today.

Dr Lionel Wilson, who is visiting South Africa, said he was concerned about continuing attempts, both within South Africa and internationally, to damage the standing and credibility of the medical profession of South Africa, and in particular the Medical Association of South Africa (Masa).

He said although he did not want to interfere in political events in South Africa he was still anxious to emphasise that the proper standing of the medical profession, and of Masa internationally, should be a matter of great concern to the South African community and Government.

"The main focal point continues to be the issues surrounding the unfortunate death of Steve Biko in detention in 1977, and the medical care of detainees in general."

Discrepancy

There was also a continuing apprehension among international medical communities that there remained a significant discrepancy in South Africa between the medical care available to the white and the non-white populations.

During his visit from Australia, Dr Wilson said he had investigated the attitude of MASA, medical care of the non-white population, and the training of non-white medical students.

Dr Wilson said he was satisfied that there was widespread evidence that a serious effort was being made to eliminate existing discrepancies.

Referring to the death of Steve Biko, he said Masa had done much more than many medical associations might have done in other countries.

It was not a statutory body and the establishment of its own committee of inquiry to investigate the medical care of detainees was a demonstration of its deep concern.

There was no doubt that this action on the part of Masa played a considerable part in government measures to improve the regulation dealing with the medical care of detainees.

Dr Wilson said that during discussions with the Minister of Health and Welfare, Dr Nak van der Merwe, and the Director-General of Health, Dr Francois Retief, the Minister had agreed to consider implementing a system based on the proposals made last year by Masa's ad hoc committee.

spectors and principals SI and PI; if not, why not?

THE MINISTER OF INTERNAL AFFAIRS:

The gradings to which the hon member refers and which fall in post levels 6 and 5 of the structure for teachers, are included in the investigation into the service dispensation of fully qualified teachers which is presently under way. Teachers on gradings which are included in the top structure will receive dispensation improvement with retrospective effect from the same date as that which applied to the rest of the top structure, ie 1 January 1984. The reason why the top structure improvements in respect of teachers have not yet been implemented, is because of the need to follow a unitary approach in respect of fully qualified teachers to ensure that the vertical relation between gradings on all levels is taken into account.

Klip River Irrigation

*18. Mr W L VAN DER MERWE asked the Minister of Environment Affairs and Fisheries:†

- (1) Whether the flow of the Klip River between Johannesburg and Vereeniging weakened during the past year, if so, to what extent;
- (2) whether any restrictions have been placed on irrigation from the river; if so, what is the nature of the restrictions?

THE MINISTER OF ENVIRONMENT AFFAIRS AND FISHERIES:

- (1) Yes, from 242 million cubic metres for the 1981/82 hydrological year extending from 1 October 1981 to 30 September 1982, to 192 million cubic metres for the 1982/83 hydrological year, which represents a decrease of approximately 20 per cent.

- (2) Yes. In terms of Government Notice 183 of 1984 the abstraction of water for irrigation purposes from the Vaal River and its tributaries during the period 1 April to 30 September 1984 is restricted to 10 per cent of the quantity of water actually and legally abstracted during 1982. This in effect implies abstraction being restricted to 25 per cent of the winter quota as 40 per cent of the annual abstraction normally takes place during the period 1 April to 30 September.

For written reply:
 South West Africa persons held
 G. 6.1. 1120 4/57 84
 Minister: Mrs H SUZMAN asked the Prime Minister:

Whether any persons are being held in South West Africa under (a) section 6 of the Terrorism Act, (b) Proclamation AG 26 and (c) Proclamation AG 9; if so, how many persons in each case as at the latest specified date for which figures are available?

THE PRIME MINISTER:

- (a) No.
- (b) No.
- (c) Yes, 31 under section 4(2)(d) and 174 under section 5b(1) as on 25 April 1984.

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16 held
without
trial' (329)
in
April

By ANTON HARBER
Political Reporter

SIXTEEN people were detained under security legislation during April, bringing to 55 the number of people currently held without trial, according to the Detainees' Parents Support Committee.

In its monthly report the DPSC said the number of detainees had increased by three in the last month.

Although a number of people had been released, 16 new detentions had taken place during April, mostly in the Eastern Cape.

One of these had been released within 48 hours, while the rest were still being held, the report said.

At least 10 of those held in April were students, scholars or teachers, many from the strife-torn Eastern Cape town of Cradock.

So far this year 123 people have been detained, 60% of whom were released without being charged.

A total of 19 are awaiting trial, one has been convicted and two acquitted.

Mr Abel Dube has begun his third year in the hands of the Security Police.

He has been held in preventive detention since April 1982.

The Minister of Law and Order, Mr Louis le Grange, recently extended his detention until November 1984.

(329) ~~(328)~~ O. Bupatich
5/5/82
Fort Hare student held

EAST LONDON — A student at Fort Hare University was detained on May 1 during a boycott of lectures.

Colonel A. Ngaki, the Ciskei Police liaison officer, said yesterday the student had been held under Section 26 of the Terrorism Act and that investigations were continuing.

He said the student's name would be released

next week.

Meanwhile, the rector of the university, Professor J. Lamprecht, said yesterday that the "Labour Day" boycott of an exam had been "resolved internally."

He said there "had not been any violence" during the boycott to demonstrate solidarity with workers on May 1.

"A few students were intimidated into not

writing the exam," he said. The exam formed a part of the students end of year mark.

"The various deans of the faculties involved have resolved the problem of the students writing the test.

"I have a letter from the student council stating they are happy with the way the matter has been resolved." — DDR.

Eyewitness tells of ANC

CITY Press has obtained an eyewitness account of the mysterious kidnapping of four ANC cadres by unknown foreign agents from a Swazi police station.

The eyewitness account bolsters suspicion of complicity in the abduction by at least one senior Swazi police officer.

The eyewitness, another ANC cadre, who was also being held at the Bhunya Police Station when his four comrades were dragged off still in leg-irons, has since escaped to tell the story.

ANC sources have meanwhile confirmed that the movement was not involved in springing the men.

The whereabouts of the four has been a mystery since their abduction on April 14 from the remote police station which is only 15 mi-

nutes drive from the South African border.

The eyewitness, whose identity is being withheld, told City Press the men were transferred to the remote police station at Bhunya after the shootout in the Manzini suburb of Ngwani Park, in which one Swazi policeman was killed.

Shortly after the chained and manacled men had arrived, Bhunya Station Commander, a Mr Mamba, sent all his other staff to

the Bhunya football ground, saying there was another incident involving the ANC there.

Station Commander Mamba also told his men not to return until he instructed them to over the police radio.

The eyewitness told City Press, Mamba then took the four men, still in leg irons, into his office where he started taking down their particulars.

The eyewitness, who was in a nearby cell, said: "While this was taking place, a strange car pulled up outside the station and strange people invaded the station.

"Mr Mamba started screaming: 'The ANC is coming to kill me!'

"The next thing, I heard the sound of leg-irons leaving the station.

"The car then sped off."

kidnap

CP Correspondent

Another news report has meanwhile quoted a Swazi police source as saying he suspects that some senior Swazi police officers worked hand-in-hand with the foreign agents,

Wrong diagnosis

Azapo tells visiting doctor



STEVE BIKO: His death recalled.

THE president of the World Medical Association, Dr Lionel Wilson, came to South Africa to "whitewash" the Medical Association of South Africa (Masa).

So says a statement released by the National Health Secretariat of Azapo yesterday. It claims that Dr Wilson's utterances, like those of his predecessor, Dr Maartens, were biased.

Dr Wilson had said among other things, that while the focus locally and internationally on Steve Biko's death was unfortunate, he believed, after speaking to a wide range of leaders and personalities in the medical and political field over the past two weeks, that the Medical Association of South Africa had spoken out very forcefully in support of improving the medical care of detainees.

Health

Masa, he said, had done as much as it was able to do within the terms of its constitution and indeed much more than many medical associations might have done in other countries.

Dr Wilson's "limited

mandate," the Azapo statement says, "conveniently sidesteps the fundamental and central issues in health care and delivery. If Dr Wilson had cared to investigate the influence and effects of apartheid medicine (of which Masa is an integral component) he would have come to no other conclusion but that a blatant violation of the Geneva Declaration prevails in South Africa.

"The Geneva Declaration on medical ethics, adopted by the General Assembly of the World Medical Association in 1948, holds that considerations of race, nationality, social status, etc, shall not intervene in health care.

"In direct contravention of the spirit of his own organisation's central policy document, Dr Wilson makes the naively favourable judgment which is intended to justify Masa's continued membership of the world body as well as the holding of the forthcoming World Medical Association conference in South Africa," the Azapo statement says.

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'More held' after unrest at Cradock

Staff Reporter

POLICE have arrested more people — most of them schoolchildren — after further unrest in Cradock in the Eastern Cape.

Police have confirmed that nine people were held for questioning last Thursday and are due to be charged and brought before court today.

In an interview in Cape Town yesterday Mrs Molly Blackburn, PFP MPC for Walmer, said she had been told that 18 people — most of them schoolchildren — had been arrested in a police swoop at and before the weekend.

Most of the arrests were said to have taken place early on Saturday morning, she said.

Last night Major Vic Haynes, of the SA Police Directorate of Public Relations, said from Pretoria that he was aware of only one further arrest at the weekend. Further inquiries regarding incidents in the township could only be answered today.

Earlier, Major Haynes confirmed that the hall of the Ascension Church in Llingelihle, the African township of Cradock, and the house adjacent to the hall had been stoned on Friday night.

Later in the evening a police van on patrol was stoned and a 14-year-old youth arrested.

Mrs Blackburn said yesterday two detained youths, Mziwoxilo Plaatjies and Lingeile Fose, both aged about 17, had been released after allegedly being badly beaten, according to an informant.

She said she had been told that both boys had been taken to the doctor to get certificates concerning their injuries.

Last night, Major Haynes could not confirm that the two allegedly beaten youths had been arrested or detained for questioning. He said no charges of assault arising from police action had been received.

Those arrested on Thursday include Mr Gladwell Makauala, acting chairman of the Cradock Residents' Association, who will appear on a charge of attempted arson.

The unrest has accompanied a boycott in seven Cradock schools which started on March 27. Since then, there have been smaller boycotts in schools in Humansdorp, Uitenhage and Graaff-Reinet.

Allegations of assaults by police are denied

By CLARE
PICKARD-CAMBRIDGE

A CAPTAIN of the Ciskeian police, a Captain Genda, and a Port Elizabeth security policeman, Sergeant M. A. Tungata, are alleged to have jointly interrogated one of the Grahamstown treason trialists at Jeffreys Bay, the Grahamstown Supreme Court heard today.

Mr P Langa, for the defence, was cross-questioning Sgt Tungata, when he said an accused, Mr Douglas Tyutyu, would say this interrogation took place in May last year.

This was denied by Sgt Tungata, who said he didn't remember such an event and claimed he had never interrogated any of the accused.

Mr Langa said another accused, Mr James Ngqondela, claimed that while Sgt Tungata was assaulting him on May 17, 1983, he boasted that he was "Lookout Masuku", a commander of Zipra, the former military wing of Zapu.

Sgt Tungata denied both allegations.

Mr Langa said Mr Ngqondela would also say Sgt Tungata was assaulting him one day when a security policeman, Lieutenant G C F Smuts, had entered and said: "Please chaps, I

want no blood."

Mr Ngqondela also claimed that during this incident another security policeman, WOS Mene, had pinched his stomach so often that the skin had later peeled and he had been sent to see a doctor.

Sgt Tungata denied this.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngqondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Sipho Nodlew, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 29, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

Disturbing role of security police in community affairs

A feature of the last few months has been the dramatic increase in detentions of community leaders. Our figures show that such detentions represented 70 percent of all detentions in the first quarter of this year, as opposed to 30 percent for the whole of 1983.

Many of these community leaders have been giving expression to residents' opposition to the spiralling cost of living. The intensity of this opposition can only be understood in the context of rising unemployment and a real decline in the income of township households.

Workers' pay packets are being decimated by soaring rents, massive rises in the cost of basic foodstuffs, transport cost increases, etc. Observers have noted this pattern for some time now.

What is fairly new, however, is the countrywide growth of civic organisations, elected by township communities to represent their interests and to fight against the systematic imposition of undemocratic and unpopular measures. In this context the DPSC is extremely disturbed by the role the security police are playing in community matters.

The security police have repeatedly shown that they are not prepared to tolerate any opposition in the townships, no matter how legitimate the grievance. Established institutions can rest easy in the knowledge that no matter how oppressive or undemocratic their actions, they have the might of the security police on their side.

We do not make this claim lightly. Recent events have shown how the security police act to bolster the rulers of the townships when they clash with township residents.

One needs to look no further than the small town of Cradock in the Eastern Cape. In August last year, rents in Cradock were increased from R19 to R29 a month. Residents felt that the increases were unfair both because they were unable to afford them and because they were unilaterally imposed on them.

They made submissions to the Eastern Cape Administration Board, which were ignored. In October, they formed the Cradock Residents' Association (Cradora) to take up the rent and other issues.

The response of the Government was quite peculiar. Instead of sitting down with the residents' association and discussing the rent problem, its solution was to transfer the principal of Cradock's secondary school, Mr Mathew Goniwe, to

OUR VIEW



The Detainees' Parents Support Committee

Graaff-Reinet, Mr Goniwe and other members of Cradora had reported constant harassment by the security police, including pressure to act as informers. Thousands of smear pamphlets were distributed and church venues were suddenly withdrawn.

The residents of Cradock immediately assumed that Mr Goniwe's transfer was engineered by the security police to terminate opposition to the rent increases. According to the United Democratic Front, of which Cradora is an affiliate, this impression was confirmed by the fact that "there was not a single complaint from either the school authorities or the Cradock community regarding Mr Goniwe." Furthermore, students at the school were left without a maths or science teacher after his transfer.

Residents and students were so unhappy with the transfer that it sparked off a boycott of all Cradock and Graaff-Reinet schools. Students' grievances which had been simmering under the surface were brought to the fore by this high-handed action.

The Government's response to this community outcry was not to reinstate Mr Goniwe, but to unleash its repressive arm with full force. All meetings of Cradora or the Cradock Youth Association were banned for three months.

On March 25, students from seven schools held a meeting, on legal advice, to discuss an ultimatum from the department. Police converged on the venue and ordered students to disperse, but before this could be done, police shot teargas canisters into the hall and chaos ensued.

From March 28 to April 5, 25 people were detained, including two students under the age of 13. Four leaders from Cradock, including Mathew Goniwe, were held under section 28 of the Internal Security Act, the section designed to remove activists from the communities (see "Our View" April 16).

To emphasise this isolation, the state has removed the Cradock leaders hundreds of kilometres from the families and community: to Cape Town in the case of Mathew Goniwe and Madoda Jacob and to Johannesburg in the case of Fort Calata and Mbulelo Goniwe.

Security police intervention has sparked off a spiral of violence and counter-violence in Cradock. The grievances remain.

Graaff-Reinet! The apparently bizarre connection between the two issues is revealed when we learn that Mr Goniwe not only heads the school, but the residents' association as well.

Before his unsolicited transfer to

16 people detained ³²⁷

in April

Cape Times 8/5/84
Own Correspondent

JOHANNESBURG. — Sixteen people were detained under security legislation during April, bringing to 55 the number of people being held without trial, according to the Detainees Parents Support Committee (DPSC).

In their monthly report, the DPSC said the number of detainees had increased by three in the last month.

Although a number of people had been released, there were 16 new detentions in April, mostly in the Eastern Cape.

One of these had been released within 48 hours, while the rest were still being held.

At least 10 of those detained in April were students, scholars or teachers, many from the strife-torn Eastern Cape town of Cradock.

So far this year, 123 people have been detained.

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Examinations on trialists are described

By SHIRLEY PRESSLY
GRAHAMSTOWN — The principal district surgeon for Port Elizabeth, Dr Benjamin Tucker, today gave details in the Grahamstown Supreme Court of medical examinations he had made of most of the treason trialists when they were detainees.

According to his evidence he visited one of the then-detainees, Mr Siphó Hina, 11 times.

He said the first examination of each detainee was from "head to toe" and they were stripped to their underpants.

On follow-up visits, a physical examination was made only when the detainee made a specific complaint.

Dr Tucker said he regarded the relationship between himself and the detainee as a "normal doctor-patient relationship", and did not consider it his duty "to look into every orifice to see if there was an injury".

He said he had specifically asked each detainee if they had sustained injuries caused by the police.

He saw Mr Nzo for the

first time on June 19, after a telephone call from the district surgeon of Humansdorp, where Mr Nzo was in detention.

He saw Mr Nzo at the Humansdorp hospital that afternoon and arranged for his transfer to the Provincial Hospital in Port Elizabeth.

He saw Mr Nzo again on May 27, two days after his discharge from hospital. Mr Nzo's headwounds were still scabbed, but there was no septicaemia.

Mr Nzo communicated only in monosyllables when questioned and walked normally.

Mr Kingsley, appearing for the State, in reply to a question by Mr Justice Howie as to the origin of Mr Nzo's injuries, said it did not appear to have anything to do with the proceedings.

Dr Tucker said Mr Douglas Tyutyu complained of nose-bleeds when he examined him for the first time on May 13. There were no injuries visible on his body.

Mr Siphó Hina was visited 11 times in all, according to evidence given by Dr Tucker. Mr Hina asked for

his remaining teeth to be removed and dentures fitted. This was done.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Siphó Hina, 44, Mr James Ngondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Siphó Nodiewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekana, 27, Mr Wellington Gumenge, 23, and Mr Ncepa Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

ARGUS 11/5/84

Ciskei officer feared detention, court is told

East London Bureau
BISHO. — A Ciskei intelligence officer feared that Mr Charles Sebe would detain him if he did not agree that Brigadier Harvey Tamsanqa be released from detention.

Colonel Louis Nonhonho, former divisional commander of the intelligence service, told the Supreme Court here yesterday he had agreed that Mr Sebe's former deputy be released because he had not known what would happen to him if he did not.

He was testifying at the trial of Mr Sebe, former Commander General of State Security, who has pleaded not guilty to charges of terrorism.

"Mr Sebe was my superior and he is also physically strong. I thought I might be detained if I disagreed."

Colonel Nonhonho said that all the police, army and intelligence officers Mr Sebe had called to his office on July 14 last year to discuss the detention agreed that Brigadier Tamsanqa should be freed.

Brigadier Tamsanqa was detained on July 13

without Mr Sebe being informed.

Colonel Nonhonho said he had not known whether Mr Sebe had the authority to order Brigadier Tamsanqa's release because some of Mr Sebe's powers had been cut.

"It was difficult to ask Mr Sebe questions. You didn't ask him questions. He gave orders and the person carried them out," Colonel Nonhonho said.

"INCITEMENT"

It is alleged that Mr Sebe endangered the security of the State by inciting a group of security officers to free Brigadier Tamsanqa by force from detention in Mdantsane.

The alleged plan to free Brigadier Tamsanqa was dropped after Brigadier A Nell, Commander of the Ciskei Defence Force, and General Johan Coetzee, the South African Commissioner of Police, urged Mr Sebe not to proceed with it, Colonel Nonhonho said.

Mr Justice Pickard is on the bench. Mr Piet Oosthuizen, SC, and Mr Jan van Jaarsveld appear for the State. Mr Paul Avenant appears for Mr Sebe.

(Proceeding)

the B-degree includes at least one course in chemistry. (Only the B-degree is recognised for category purposes as M-degrees are obtained at Oxford University without any further study).

(b) Scale: R7 833 × 621—10 317 × 780—13 437. Notch: R7 833 plus a 12% pensionable allowance of R942 payable as from 1 January 1984.

(iii) Category D.

(b) Scale: R7 833 × 621—10 317 × 780—13 437. Notch: R7 833 plus a 12% pensionable allowance of R942 payable as from 1 January 1984.

(iv) (a) Category D.

(b) Scale: R9075 × 621—10 317 × 780—14 997. Notch: R10 317 plus a 12% pensionable allowance of R1 239 payable as from 1 January 1984.

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

(a) How many persons were charged with offences relating to sabotage in 1982, (b) how many of them were (i) acquitted, (ii) convicted of sabotage, (iii) convicted of lesser offences and (iv) still awaiting trial at the end of 1983 and (c) for what period was each of these persons detained before being charged?

The MINISTER OF LAW AND ORDER:

- (a) One.
(b) (i) None.

(ii) One.
(iii) and (iv) Fall away.

(c) 233 days.

Amrsonc office building
899 Mr B B GOODALL asked the Minister of Defence:

(1) Whether Amrsonc intends to construct or acquire a new office building. If so, (a) where, (b) when is it anticipated that it will be completed or acquired, (c) what will be the total cost involved and (d) how many (i) officers will be provided and (ii) employees will be accommodated in this building;

(2) whether there will be any surplus office space in this building; if so, what will be done with this space?

The MINISTER OF DEFENCE:

(1) Yes.

(a) On the site known as Portion 81 of the farm WATERKLOOF 378-JR and Portion 329 (a portion of Portion 17 of the farm GARSTFONTEIN 374-JR and ERASMUSHUIS, situated on the Eastern side of Pretoria.

(b), (c) and (d) The project is still in the initial planning stage and the date of completion, total cost and exact number of offices have not yet been determined. Approximately 1 500 employees will be accommodated in the building.

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Talks on rehabilitation of 'torture victims'

By CLIFF FOSTER

TWO meetings are being held in Port Elizabeth this weekend to dispense advice on the rehabilitation of so-called "torture victims".

The organisers said "torture victims" included people who had been in solitary confinement.

The meetings will be addressed by Dr Don Foster, clinical psychologist at the University of Cape Town.

Asked if the meetings would imply that various types of torture were being used in South Africa, the organisers said that certain research had been carried out overseas but that some

areas studied related directly to the South African situation — in particular, solitary confinement.

Asked if the workshop was essentially concerned with the rehabilitation of detainees, the spokesman said: "It's actually to do with torture victims."

"It's not the rehabilitation of detainees into the work and social spheres."

From Cape Town, Dr Foster told Weekend Post: "We will be talking about the rehabilitation of torture victims, from very much a medical and psychological point of view."

"I attended a workshop

in Europe where we discussed examples of torture overseas. I don't intend to suggest all these types of torture are being used in South Africa.

"Solitary confinement is one of the main areas we will be discussing this weekend. This is something that is faced by detainees in this country."

And organiser of the workshop explained: "Solitary confinement affects different people in different ways."

"Sometimes there is a feeling of guilt. If under torture anyone reveals anything about his friends, he

can't get over it at all.

"We have to get him to face this."

"Sometimes there is total withdrawal from social contact."

Guidelines developed by the International Rehabilitation and Research Centre for Torture Victims have been examined and will probably be explained at this weekend's meetings.

The centre recognises that torture is a neglected area of medical and psychological knowledge and so torture victims are a neglected group of patients.

"The guidelines point out that rehabilitation begins

with a thorough reconstruction of torture events — not only what but why. This involves a discussion of the goals of torture and the effects.

"Victims need to be told that they are not sick, mad or bad."

"Often there is a considerable fear expressed that they are damaged, mad or disturbed."

"It is necessary to stress instead that symptoms/feelings are a normal reaction to an abnormal situation."

"It is also necessary to stress that there was never any choice in the situation."

Body of climber found in the Berg

Weekend Post Correspondent

DURBAN — The body of Mr M Gilmour, a British citizen, was found today in the lower reaches of the Royal Natal National Park area in the Drakensberg.

His body was found by a search party. He had been missing since Wednesday.

A spokesman for the Natal Parks Board said it was believed that Mr Gilmour slipped and fell, injuring his head while climbing in the Little Berg area.

His body was taken back to the hotel where he had been staying.

Four search parties and a South African Air Force helicopter of 40 Squadron in Durban began a search for him at dawn.

Mr Gilmour, who worked on a Northern Transvaal tea estate, was unmarried.

Weather Forecast

FORECAST for the coastal belt from Pieterburg Bay to Port Alfred for the period ending 6pm tomorrow:

CONDITIONS: Partly cloudy and mild, becoming cloudy overnight with showers.

WIND: Strong west to south-westerly.

EXPECTED TEMPERATURES

Maximum 20C
Minimum 12C

TODAY'S CONDITIONS (4pm)
See Tomorrow's page



The Sacta plaque finds a permanent home once again. Mr NEVILLE THOMAS (right), national president of the association, hands the plaque to the general manager of Port Elizabeth's Hotel Elizabeth, Mr GODFREY GRATZEL. The plaque will hang in the foyer of the hotel.

Travellers plaque in new home in foyer of beachfront hotel

Weekend Post Reporter

A PLAQUE commemorating the founding of the South African Commercial Travellers' Association — lost in Port Elizabeth

original plaque but the City Council decided it could not hang in its old position because it looked out of place with the new

Postword prize rises to R310

There was no correct entry for Postword No 1 095, so prize for No 1 096 is increased by R20 to R310.

The solution to No 1 095: Grotty — dirty; Bear — late; Heavy — serious; Troublesome; Quarrel — to fall out with; Wake vigil commemorating dedication; Hawk — bird of prey; Dicker — thieving; Jovial — convivial; Dicky — false shirt; Cordial — friendly.

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of the representations and (ii) his response thereto;

- (3) whether he intends to approve the recommendation of the Meat Board; if so, why?

*THE MINISTER OF AGRICULTURE:

- (1) I understand that the Meat Board took such a decision and submitted it to the National Marketing Council on 7 May 1984. The Council will in due course and in terms of the legally prescribed procedure transmit the Meat Board's decision to me together with the Council's report and recommendations thereon. Consequently, the required particulars are not yet at my disposal.

- (2) Yes.

- (a) On 17 April 1984, 7 May 1984 and 14 May 1984.

- (b) Mr M. Roux, Beaufort West; Cape Wholesale Butchers, Association, Cape Town; and Messrs D. P. de Klerk and Van Oord, Attorneys, Cape Town.

- (c) (i) Representations opposing the decision of the Meat Board on the grounds of disadvantages for the producers, increased costs for consumers and failure to consult all interested persons.

- (ii) Since the decision of the Meat Board and the report and recommendations of the Marketing Council have not yet been submitted to me, I have only taken note of the representations and have not replied thereto.

- (3) I am not yet in a position to give an indication.

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(i) when and (ii) what was the (aa) nature of the complaints and (bb) response thereto in each case?

*THE MINISTER OF DEFENCE:

- (1) No.

- (a), (b) and (c) and (2) and (3) fall away.

Trinity High School, Lenasia

*9. Mr P. C. CROONÉ asked the Minister of Internal Affairs:

- (1) Whether he or any member of his Department has received any representations or complaints concerning a teacher at Trinity High School in Lenasia; if so, (a) when, (b) from whom and (c) what was (i) the nature of the representations or complaints and (ii) his response thereto;

- (2) whether he has held an inquiry into his matter; if not, why not; if so, what were the findings;

- (3) whether he has taken any action as a result; if not, why not; if so, (a) what action and (b) when?

*THE MINISTER OF INTERNAL AFFAIRS:

- (1) I have received no representations or complaints. The school principal has, however, received complaints.

- (a) 2 May 1984.

- (b) The parents of three pupils.

- (c) (i) The complaints were submitted in writing and mainly refer to the way in which punishment was supposed to have been administered.

- (ii) The parents would have sent copies of the complaints to the Chief Inspector and the Director of Education. As yet nothing has been received. As a result of a newspaper report the matter came to the notice of the Director. He is now having the matter investigated by two circuit inspectors. When they have reported, it will be considered whether any steps are appropriate.

- (2) and (3) Fall away.

*10. Mr A. SAAVAGE asked the Minister of Law and Order:

- (1) Whether (a) Mziwoxile Paafties and (b) Lingekle Fose were detained by the South African Police in the Cradock magisterial district during April or May 1984; if so, (i) when and (ii) why;

- (2) whether any (a) staff members of any Black schools and (b) other persons in the area were detained during this period; if so, (i) when, (ii) in terms of what statutory provisions, and (iii) why, in each case;

- (3) whether any of the persons detained were under the age of 18 years; if so, how many;

- (4) whether these persons have been charged; if so, in terms of what statutory provision; if not,

- (5) whether they have been released; if not, why not; if so, (a) how many and (b) when?

THE MINISTER OF LAW AND ORDER:

- (1) (a) and (b) No, not in the Cradock magisterial district.

- (2) (a) No.

- (b) Yes.

- (1), (ii) and (iii) During the period 2 April to 13 May 1984 87 persons were arrested and initially detained in terms of section 50 of the Criminal Procedure Act, 1977, in connection with the following alleged offences:

2 for intimidation
15 for attempted arson
70 for public violence

(3) Yes, 49.

(4) Yes, 81 have been charged as follows:

2 with intimidation
15 with attempted arson
64 with public violence

(5) (a) and (b) Six have been released within 48 hours of their arrest by reason that no charges have been brought against them.

Mr D J N MALCOMESS, Mr Speaker, arising out of the reply of the hon the Minister, can he tell us whether the two individuals mentioned in paragraph (1) of the question were detained in any magisterial district other than the Craiook magisterial district?

The MINISTER: Mr Speaker, I do not know at this stage, I do not have the information readily available but I shall go into the matter.

Suburban railway stations: automatic ticket control systems

*11. Mr P C CROONÉ asked the Minister of Transport Affairs:

- (1) Whether consideration has been given to ways of enabling persons without tickets to cross suburban railway lines once the automatic ticket control system has been installed at suburban railway stations; if not, why not; if so, with what results;

(2) whether he or any member of his De-

partment has received any representations concerning this matter; if not, (a) from whom, (b) when and (c) what was (i) the nature of the representations and (ii) his response thereto?

*THE MINISTER OF TRANSPORT AFFAIRS:

- (1) Access to and from station platforms are provided only for commuters. Street-to-street access over existing lines is the responsibility of the local authorities. If street-to-street access is required for the use of commuters as well as the general public, such facilities are provided on a shared cost basis between Transport Services and the local authority concerned. S.A. Transport Services is, however, prepared to consider cases on merit where the closing of the cross-over facilities will adversely affect the community.

(2) Yes.

(a) Cape Town Metropolitan Transport Advisory Board and Mr D H Marais, Wynberg.

(b) 16 March 1984 and 30 April 1984 respectively.

(c) (i) Cape Metropolitan Transport Advisory Board in respect of street-to-street access at Retreat Station, and Mr D H Marais in respect of the closing of the steps leading from the subway in Broad Road to the platforms at Wynberg Station.

(ii) These matters are still being investigated.

Ship *Johan Hugo*

*12. Mr D J N MALCOMESS asked the Minister of Transport Affairs:

- (1) Whether, with reference to his reply to Question No 10 on 24 February

1984, the ship *Johan Hugo* has been sold; if so, (a) when, (b) to whom and (c) for what amount; if not, why not;

(2) whether it is still the intention to sell this ship; if not, why not; if so, (a) in what manner and (b) when;

(3) whether any survey or safety certificates in respect of this ship have expired; if so, what is the estimated cost of validating these certificates?

THE MINISTER OF TRANSPORT AFFAIRS:

(1) Yes.

(a) 9 May 1984.

(b) Messrs South View Navigation Corporation, Monrovia, Liberia.

(c) R336 747.

The vessel was sold on an "as is where is" basis.

(2) and (3) Fall away.

Convention on the Law of the Sea

*13. Mr D J N MALCOMESS asked the Minister of Foreign Affairs:

Whether, with reference to his reply to Question No 4 on 3 June 1983, the Government has taken a decision on signing the United Nations Convention on the Law of the Sea; if not, why not; if so, (a) what is the nature of the decision and (b) when will it be implemented?

*THE DEPUTY MINISTER OF FOREIGN AFFAIRS:

The Convention on the Law of the Sea is one of the most comprehensive documents of International Law which took decades to negotiate. As a result of its implications on various fields, representatives of 12 Government Departments have already held a series of meetings to consider whether or not it is in the interest of South Africa to sign the Convention. A

decision has not yet been reached specifically as it is particularly difficult for South Africa to evaluate the situation in view of the fact that, as the House is aware, South Africa since 1974 was barred from attending the Law of the Sea Conference.

I should point out that the Convention on the Law of the Sea has not yet been implemented since, while 132 countries signed the Convention, only 10 of the 60 countries required to do so, have ratified it.

Towing of drydock casison

*14. Mr D J N MALCOMESS asked the Minister of Transport Affairs:

(1) Whether, with reference to his replies to Questions Nos 10 and 11 on 11 May 1984, the captain of the tug which undertook the towing of the East London drydock casison had any previous experience of long-distance towing; if not, (a) why not and (b) what towing experience did he have; if so, what (i) was the nature of his long-distance towing experience and (ii) are his qualifications.

(2) whether any special steps were taken regarding the tow to prevent towing problems on the return journey to East London; if not, why not; if so, what steps.

(3) whether the tug had a work boat available to re-attach the tow in the event of its parting; if not, why not; if so, what action was taken to re-attach the tow which was parted for the (a) first and (b) second time on the return journey;

(4) whether the investigation into the reasons for the (a) parting of the tow and (b) running aground of the casison has been completed; if not, when is it anticipated that it will be completed; if so, what were the findings;

(5) whether the (a) extent of the damage and (b) estimated cost of repairs has been determined as yet; if not, (i) why not and (ii) when is it anticipated

Teacher will be
paid if not guilty

HOUSE OF ASSEMBLY. — A Graaff-Reinet schoolteacher detained by the security police will only be paid his salary for April and May if he is not found guilty of any charge.

This was disclosed yesterday by the Minister of Education and Training, Mr Barend du Plessis, in reply to a question from the Opposition Spokesman on Education and Training, Mr Ken Andrew.

The minister said Mr Fort Calata had been employed by the department since April 1981 and was a teacher at the Sam Xhallie Junior Secondary School at Graaff-Reinet.

Mr Du Plessis said he had not been paid a salary since the end of March because he had been detained in terms of security legislation and had not rendered any service to the department since then.

He added that the salary for April and May would be paid if and when he was released without being charged or if he was acquitted or any charge against him withdrawn.

Just skinny arms giving clenched fist salutes

Cape Times 19/5/80
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IF IT has been the Government's intention to politicize every man, woman and child in the Cradock Township of Lingelihle — then I would say that without doubt they have achieved their goal.

Even the smallest children no longer wave in greeting ... instead, skinny arms are raised in a clenched fist salute.

We were told by a great number of people that the spirit of the children was growing "higher and higher". Although their anger is not to be seen on the surface, it is real.

Tragedy

Many sinister aspects appear in this tragic situation. We met the father of young Senelzile Jacobs — stabbed to death a fortnight ago at the age of 18. We tried to convey our sympathy — Mr Jacobs still cannot speak of the tragedy and his face was a mask of grief. There is much concern and anger in the community that as

SOUTH Africa could face a major crisis unless the government takes quick action to defuse the unrest in black schools, the Opposition has warned in Parliament.

In this article the PFP Member of the Provincial Council for Walmer, MOLLY BLACKBURN, discusses the situation in a black township at Cradock in the Eastern Cape, where a school boycott affecting seven schools has been in progress since March 27 and there have been stoning incidents and adults and school children have been arrested.

yet no arrests have been made in connection with this killing. "Why?" they ask, when there were so many witnesses.

How is it — the people ask — that those residents who are often dubbed "stooges" had dummy bombs tossed into their houses while Mr Makaula, (one of the Cradock Residents' Association Executive members) was — together with his family — almost annihilated by a petrol bomb. We visited his blackened lounge and front bedroom where the unmistakable odour of tear-gas still lingers ... it is thought this was sprayed on the outside of the window just before the attack.

During the morning we waited outside the magistrate's court with some families while 20 youngsters — imprisoned since their arrest — appeared in court. Their application for bail was being heard.

We were meticulous in our observance of regulations which prevent political gatherings. It was therefore with shocked disbelief that, as we moved off to get into our car, we saw Mr Wekens Soga, one of our group, being frogmarched down the pavement by a member of the Security Police and a uniformed policeman.

"They will be taking him to Sanlam," the mothers who were with

us said. Fears were expressed for his well-being and a spontaneous prayer was said. Today, just a week later, he is still being held. The effect of this incident on the people in the street needs no amplification.

An early call relayed the not unexpected news that Mr Makaula had been detained at 2am. "Why then?" I wanted to shout. "Why at all!" This brave man had for the past month tried single-handed to carry on to fill the void left by those in detention.

He had seen to it that the children had legal representation, helped the mothers to follow the intricacies of the le-

gal procedures, tried as best he could to arrange some sort of welfare for those families.

His wife, a teacher, is distracted with worry because he suffers from Burger's disease ... with one leg amputated he is not a strong man.

"He only has his short socks with him," she kept saying. "I know they will make his leg so uncomfortable ... Somehow the mind clings to trivialities at a time like this.

Corner

In this once peaceful Karoo town we now see the effects of a complete breakdown in even the desire to negotiate between two groups of people. The Government has painted itself into a corner. It has succeeded in convincing the people that they now have nothing to lose. When things reach this pitch is it still possible to call a halt to violence ... both the institutionalized and the unorthodox kind?

CAP 6 T415, 19/5/84
**Township's rental
inquiry nightmare**

By HILARY VENABLES

A PICTURE of simmering resentment caused by police action against community leaders and residents in the Cradock township of Lingelihle was painted in yesterday's no-confidence debate in the Provincial Council.

An angry Mrs Molly Blackburn, PFP Walmer, related how an inquiry by the local black residents' association, Cradora, into rentals and service charges had escalated into a nightmare of detentions, assaults and intimidation.

Mrs Blackburn said that from the beginning of the inquiry the security police had made it "quite clear" that they were watching the chairman of Cradora, school vice-principal Mr Matthew Goniwe.

Mr Goniwe was soon after transferred out of Cradock by the Department of National Education.

"This high-handed decision obviously had strong political implications and the tragic sequence of events that followed were completely predictable.

"It is important to realize and accept the fact that no outside forces of political agitators could have persuaded this basically rural community to suffer in the way it has done these last months."

She claimed that during the past two months:

- Cradora Executive Committee member, Mr Wakens Soga — who was standing quietly with a group outside the Cradock Magistrate's Court discussing the welfare of detainees' families — was "frog-marched" away by security police and detained.

- A few nights later, Mr Gladwell Makaula, an elderly man in frail health (he has Burger's disease and has already had one leg amputated) was taken from his home at Zam and detained in Somerset East, where his wife cannot visit him.

- On May 8 the police tried to apprehend a six-year-old child. The child took fright and ran into his grandmother's house, bolting the front door behind him. The police apparently climbed in the window and used a sjambok on the child and his grandmother who is 86 years old and blind.

- A domestic worker, Mrs S Calata, whose husband is an executive member of Cradora, was fired from Cradock Hospital for wearing a Free Mandela tee-shirt under a jersey, under her uniform.

- 40 other residents were arrested and are now either in detention without trial or held under "an all-embracing charge of public violence".

- A banning order prohibiting gatherings has been imposed on the district.

"But if those members of the National Party ... think oppression will smash this group they are mistaken," she said.

- Just skinny arms giving clenched fist salutes, page 10

Death in custody: R10 500 damages

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Pretoria Correspondent

Stan
22/5/84

The Pretoria Supreme Court has awarded R10 500 damages to the children of a man who died in police custody.

Giving judgment yesterday, Mr Justice Myburgh said Constable April Tshwaedi and Constable Smit Fourie had used force exceeding their authority to prevent a person from escaping.

Mr Peter Themba was held for questioning in August 1982 by Klerksdorp police in connection with the apparent theft of a co-worker's wages.

Mr Themba tried to escape when the two constables took him to show them where the money was allegedly hidden. The police claimed they had to use violence to prevent him from fleeing. He died the same day of his injuries.

Mr Justice Myburgh awarded the full amount claimed, plus costs.

Held student leader: Police speak

Sowetan
23/5/84 329
AN Alexandra student leader was detained last week following class boycotts where teachers allegedly carried weapons to protect themselves against student attacks.

The Police Directorate of Police Public Relations confirmed yesterday that Mr Peter Makhoba was detained last Friday and that he is being held in terms of Section 15 of Act 74 of 1982.

It is believed that two students were involved

in a physical clash with two teachers at Minerva High School about two weeks ago, and subsequently, a decision was taken by the teaching body that teachers would have to carry weapons to protect themselves.

The SOWETAN's informant, who would not be named, said he knew of a teacher who armed himself with a knife and that on Friday, the Students' Council, of which Mr Makhoba is president, called for a class

boycott in protest against the carrying of weapons by teachers.

Later the same day, Mr Makhoba was picked up by Security Police while on his way home. Five other students who were taken with him were later released after being questioned on their involvement in the boycott.

At the time of going to press last night, no comment could be obtained from education authorities on the matter.

Fears grow for Venda SP detainee

By Carolyn Dempster

A 50-year-old Venda man is still in detention — four days after he was due to be released by the Venda Security Police. His wife and five children have not been told about his fate and his lawyer has been unable to find out why he is still being held.

Eighteen days ago Mr Frank Rasha Ratshitanga, a superintendent at the University of Venda, was detained by Venda Security Police — leaving his family without any money.

He was due to be released last Friday when the 14-day detention order expired under section 22 of the General

Laws Amendment Act, but this did not happen.

Up until yesterday his lawyer had still not been able to find out from the Venda authorities whether Mr Ratshitanga had been transferred and was being held under another section of the security legislation, or whether he was still due to be released.

It is within the powers of the Venda authorities to extend his incarceration for an indefinite period.

Repeated attempts by The Star to contact Venda's chief of Security Police for comment were unsuccessful. The chief was unavailable when The Star phoned the Security Police department



Mr Frank Rasha Ratshitanga.

and he failed to reply to messages left with his assistants.

Close friends fear for the safety of Mr Ratshitanga, who is the brother of Robert Ratshitanga — recently sentenced to five years for assisting African National Congress members.

Their fears are based on the history of the detention-without-trial record of the Venda Security

Police since the homeland achieved independence in 1981.

● Last year, three Venda Ministers received an out-of-court settlement of R13 500 from the Venda National Force after suing it for assault and torture during their detention in 1981/2.

● In November, Mr Samuel Mugivhela Tshikudo was detained. He died in hospital in January while still in detention. A post-mortem revealed that he had been subjected to gross neglect — and this was established as one of the major causes of death. His lawyer reported that Mr Tshikudo had died of an illness similar in nature to typhoid.

200 Transkei students spend night locked up

UMTATA. — Two hundred University of Transkei students who were arrested during a gathering in a park here yesterday were still being held at security police headquarters late last night.

Mr Mike Sodo, sportswriter of the Xhosa bi-monthly newspaper Intsimbi, who is a part-time student at the university, was among those detained. He was reporting the meeting for the newspaper.

quels

Spent the night

The editor of Intsimbi, Father Michiël Riedner, said he was told by a security police captain at the security police offices that he would not be allowed to see Mr Sodo until today.

The students, who were taken by lorry to the security police offices, were expected to spend the night there.

A spokesman at the university said that re-registration continued yesterday and that about 1 000 students had re-registered by signing an undertaking to attend lectures and not to hold meetings.

The principal, Professor B van der Merwe, said it had been quiet on the campus since Monday and that lectures had begun yesterday, though they were not full because the bulk of the students had not yet returned.

He declined to comment on the position of four lecturers deported last week and said it was a matter for the Government to decide.

Asked what the attitude of the university would be if the Government were to reverse the deportation of the four lecturers, Professor van der Merwe said it would then be for the university council to decide.

Not confirmed

He would not confirm reports that four other lecturers had resigned in the wake of the deportation of their colleagues.

All attempts to get in touch with either the head of the security police, Brigadier Leonard Kawe, or the Commissioner of the Transkei Police, General J Matutle, for comment on yesterday's events, were fruitless.

In terms of the State of Emergency regulations under the Transkei security laws, students are prohibited from holding or attending unauthorised meetings. — Sapa.

Fort Hare boycott 'not linked'

Argus Bureau

EAST LONDON. — A three-day boycott of lectures at Fort Hare University was not linked to unrest at the University of Transkei (Unitra), Mr Norman Holliday, Fort Hare public relations officer, said.

"The Fort Hare boycott is an internal matter between the rector and the students," he said.

Mr Holliday refused to say what was behind the total boycott which, he said, had ended yesterday.

The rector, Professor John Lamprecht, was "consulting" this morning, according to his secretary, and could not speak to the Press.

Mr Holliday said the boycott had been peaceful and students had stayed in their hostels. They had returned to lectures this morning, he said.

AK65 23/5/84

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Police torture claims by treason trialist

Court Reporter

GRAHAMSTOWN — One of the accused in the treason trial here, Mr Mzayisami William Kame, 57, today described to the Grahamstown Supreme Court how he had been forced to hold a chair above his head for a long time, struck across the face, slapped on the buttocks, and pinched by members of the security police.

Mr Kame, who was the first witness called by the defence in the trial-within-a-trial, said he was arrested at his home on May 10 last year. He was taken to the Algoa Park Police Station and questioned.

Mr Kame said he was struck with the open hand several times, bumping his head against the wall. "At times I was struck with a fist on my stomach. They made me sit as if I was sitting on a chair and put a tool box on my thighs."

On May 12 he was questioned about a hole and where "Joe" was, he said.

Later, he was made to hold a chair above his head for a long time. A Warrant Officer Coetzee stuck a ballpoint pen up his nose.

"After lunch he was told to go and was kicked in the back by WO Coetzee."

He was arrested again on May 17.

He was later told to face a wall and close his eyes and ears. A man was brought to him and he was asked if this was Joe. Two men disguised in balaclavas then pinched him.

A Warrant Office Bezuidenhout hit him with his fist in his stomach and also slapped him with an open hand, he said.

On May 19, he was taken to Algoa Park and again questioned about the hole.

"I said I dug it for compost."

He was then taken to Dr B Tucker (the district surgeon) for an examination, but said nothing to Dr Tucker about the assaults.

Mr Kame said on June 3, WO Coetzee arrived and

told him that he was to make a statement that day.

Mr Kame said he was told that if he did not make a statement additional charges would be brought against him. He was also told that all the other people had made statements.

Mr Kame said he was made to recite a statement three times which was written by WO Coetzee.

He was then brought before a magistrate where he repeated the statement.

In reply to a question by Mr A Jappie, for the defence, as to why he made the statement, Mr Kame replied: "I knew I would be in more trouble if I did not make a statement."

Mr Kame said he later complained to the inspector of detainees, because he had realised it was wrong that he had been forced to make a statement.

"I did it because I was afraid of the enemy outside," he said.

The 11 accused are Mr Rufus

Nzo, 54, Mr Douglas Tyutyu, 48, Mr Sipho Hina, 44, Mr James Ngondela, 54, Mr Mzayisami Kame, 57, Mr Kame, 22, Mr Sipho Nodiewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekanana, 27, Mr Wellington Gumenge, 29, and Mr Ncepha Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench, with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr Jappie, instructed by T Majodina and Co, of Port Elizabeth, appeared for the defence.

SWA lawyers call for security law changes

ARGUS 24/5/86

Argus Africa News Service

WINDHOEK. — The SWA Bar Council has asked a judicial inquiry to drastically revise existing detention laws and probe activities of Koevoet police squads.

"The abuse of power is apparent in the application of security laws and practices in our country today," the council says in a 54-page memorandum.

The document was handed to Mr Justice Henk van Dyk's commission of inquiry into SWA/Namibia's security legislation, which has heard evidence in camera here during the last two weeks.

The memorandum, studded with summaries and comment on several major security trials of the past nine years, was released to the media by Mr Justice van Dyk last night at the request of the Bar Council.

The judge said several allegations made by the council were being investigated and, for that reason, could not be published.

In addition to Supreme Court judgments, the memorandum lists cases of people disappearing without trace; of burials in unmarked graves, and allegations in court of murders and tortures which, after years, remain unprobed by the authorities.

The advocates focus particularly on activities of the counter-insurgency police unit, Koevoet, and asked the commission to investigate "as a matter of urgency" allegations concerning this unit.

The memorandum calls for "drastic" revision of SWA/Namibia's principal detention proclamations, AG9 and AG26, as well as the provisions of Section 103 (Ter) of the Defence Act, which provides immunity from prosecution to members of the security forces acting "in good faith" against "terrorism".

Beaten to death

The council also notes that in spite of a Supreme Court finding that a Kaokoland farmer, Mr Johannes Kakuva, had been beaten before his death in detention in 1981, no members of the security police had been brought to trial.

The present security laws "are inadequate, unfair and ineffective and may undermine internal security rather than protect it".

The council also criticises the terms of reference of the commission, which it says are too restrictive, and assume that SWA/Namibia is assailed by a "revolutionary onslaught".

The commission has received evidence from the Law Society, the South African and SWA police, the SWA Territory Force, the Council of Churches in Namibia and has consulted members of the International Red Cross.

Mystery as freed detainee goes 'missing'

By PHILLIP VAN NIEKERK
Mail Reporter

ALBERT NKOMO, an 18-year-old South African black who was detained in February, has been deported to Zimbabwe or is still in custody awaiting deportation, a Johannesburg attorney said yesterday.

The attorney contacted the Rand Daily Mail following newspaper reports that South African blacks are being detained for long periods to make them confess they are aliens so they can be deported to Zimbabwe.

He said Nkomo — who was born in Soweto, whose parents were both South African-born and who has a legal South African reference book — appeared in the Alexandra Commissioner's Court on February 23, but charges against him for being in the area illegally were dropped.

"Then the passport control officer, a Mr Van Wyk, said he was going to hold my client, Mr Nkomo, under the Immigration Act, which provides for indefinite detention," the attorney said.

"On March 30, after a lengthy interrogation, Mr Van Wyk informed me that he had come to the conclusion that my client was

a Zimbabwean and that he was going to deport him as a prohibited immigrant.

"We have heard nothing since and have been told he is not at Modderbee or Johannesburg prisons. Neither I nor his family have any idea where he is, and if he has been deported this has happened without him even going home to collect his belongings."

The attorney said Mr Van Wyk had told him that about 5 000 "so-called" Zimbabweans were being detained at Modderbee Prison and that when they were deported they were driven in trucks to Beit Bridge, where they were dropped before having to make their way "home" on foot.

He said the reason Nkomo was suspected of being a prohibited immigrant was because, as a child, he had spent a few years in Zimbabwe and spoke Kalanga better than local languages.

A spokesman for the Department of Co-operation and Development, which has launched a "top-level investigation" into the allegations, has denied that people are taken to Beit Bridge where they have to make their way home on foot.

He said they were repatriated through their local representatives and supplied with the necessary documents to re-enter Zimbabwe.

*The PRIME MINISTER: Horace, you may land there with your Boeing. [Interjections.]

Lime: transport rebate

*13. Dr F HARTZENBERG asked the Minister of Industries, Commerce and Tourism:†

- (a) How many tons of lime produced since 1 January 1984 by a company the name of which has been furnished to the Minister's Department for the purposes of his reply, qualify for a transport rebate,
- (b) what does this rebate amount to and
- (c) what is the name of the company?

THE MINISTER OF INDUSTRIES, COMMERCE AND TOURISM:

- (a) and (b) Information pertaining to individual business undertakings is of a confidential nature and cannot be divulged without the consent of the applicant. I wish to refer the hon member to paragraph 3(e) of the Manual on the implementation of the regional development incentives.

(c) Spitskaik (Edms) Bpk.

*14. Mr D J N MALCOMES—Environment Affairs and Fisheries—Reply standing over.

*15. Mr D J N MALCOMES—Posts and Telecommunications—Reply standing over.

Mossel Bay: detention of persons

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

- (1) Whether any persons were detained by any branch of the South African Police at or near Mossel Bay on or about 20 May 1984 in connection with the distribution of pamphlets re-

lating to a meeting of the United Democratic Front; if so, (a) (i) by which branch of the South African Police and (ii) why were they detained and (b) what are their names;

- (2) whether these persons have been charged; if so, in terms of what statutory provision; if not,

- (3) whether they have been released; if not, why not; if so, when;

- (4) whether the South African Police have taken any steps in respect of these pamphlets; if so, (a) what steps and (b) why?

*The MINISTER OF DEFENCE (for the Minister of Law and Order):

- (1) No. No person was detained. The person who distributed the pamphlets voluntarily accompanied the police to the police station where routine questions were put to him and thereafter he was allowed to go.

- (2) and (3) Fall away.

- (4) Yes.

- (a) and (b) The contents of the pamphlets were perused to determine whether or not it constitutes a contravention of a law.

*17. Mr S S VAN DER MERWE asked the Minister of Internal Affairs:†

Whether any teachers of the Humansdorp Senior Secondary School other than those to whom he referred in his reply to Question No 19 of 25 April 1984, were transferred in 1984; if so, (a) how many, (b) (i) why and (ii) where; in each case, (c) who succeeded each such teacher and (d) what, in each case, are the qualifications of (i) the transferred teacher and (ii) his successor?

THE DEPUTY MINISTER OF INTERNAL AFFAIRS:

No. *Howard*
Mossel Bay: distribution of pamphlets
*18. Mr S S VAN DER MERWE asked the Minister of Law and Order:

- (1) Whether the South African Police took any steps on or about 20 May 1984 in respect of any pamphlets relating to a meeting of the United Democratic Front in Mossel Bay; if so, (a) why, (b) how many pamphlets were involved and (c) what were the contents of the pamphlets;

- (2) whether the pamphlets were referred to a publications committee; if not, why not; if so, what were the findings;

- (3) whether the pamphlets have been returned to the United Democratic Front; if not, why not; if so, when;

- (4) whether any person or persons have been charged with (a) issuing, (b) possessing and/or (c) distributing these pamphlets?

*The MINISTER OF DEFENCE (for the Minister of Law and Order):

- (1) Yes.

- (a) Because initially it was on reasonable grounds suspected that the contents could possibly constitute a contravention of a law.

- (b) 88.

- (c) In general terms an inflammatory condemnation and rejection of the new constitutional dispensation and the forthcoming Coloured and Indian elections.

- (2) No, because after careful perusal it was decided that the pamphlet did not now warrant such a step.

- (3) Yes. The pamphlets were on 21 May 1984 returned to the person from whom they were taken.

- (4) No.

Kadodistoot squatter camp

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

- (1) Whether, with reference to his reply to Question No 5 on 9 May 1984, the South African Police have investigated the statements made to the police at the Hout Bay police station on 1 May 1984 as a result of alleged incidents at the Kadodistoot squatter camp; if not, why not; if so,

- (2) whether the investigation has been completed; if not, when is it anticipated that it will be completed; if so, (a) when was it completed and (b) what were the findings;

- (3) whether any action has been taken as a result; if not, why not; if so, what action?

The MINISTER OF DEFENCE (for the Minister of Law and Order):

- (1) Yes.

- (2) No. It is anticipated that the investigations will be completed within the next few days.

- (3) The outcome of the investigations will determine whether any action will be taken.

Port Alfred

*20. Mr E K MOORROFT asked the Minister of Co-operation and Development:

Whether any progress has been made in the surveying of the Back (township of Port Alfred); if not, why not; if so, when will the survey be completed?

GRAHAMSTOWN — One of the 11 accused in the treason trial alleged yesterday that he was assaulted by police during his detention.

Mr Mzayifani William Kame, 57, was the first accused to step into the witness box at the start of the defence council's case in the trial-within-a-trial in the Supreme Court here.

Mr Kame said Warrant Officer F. V. Coetzee, of the Security Police, had forced him to make a statement before a magistrate and threatened to lay more charge against him if he did not comply.

W/O Coetzee allegedly wrote out the statement without Mr Kame's assistance.

Mr Kame denied he had known "the child", only known as Joe, was a freedom fighter. He confirmed that Joe had stayed with him in April last year, because he believed Joe had arrived in Port Elizabeth to look for work and could find no other accommodation.

In reply to a question by Mr W. Kingsley, for the state, Mr Kame said he had dug a hole in his

backyard for compost and denied that it was to hide weapons as alleged by the state.

Asked by Mr Kingsley why he referred to the police as enemies, Mr Kame said it was a term generally used as the police were not his friends.

Mr Kingsley then pointed out that Mr Kame had even made certain requests to the police whom he had regarded as enemies. He asked why this was so. Mr Kame replied that he had no choice as the police controlled him during his detention.

Mr Kame said he did not prosecute the policemen whom he pointed out at an identity parade as those who had forced him into making a statement before a magistrate and had assaulted

him because the case would not succeed and he would be bankrupt as a result.

The trial continues today.

The 11 accused are Mr Rufus Nzo, 24, Mr Douglas Tyutyu, 48, Mr Siphos Hina, 44, Mr James Ngqondela, 54, Mr William Kame, 57, Mr Mzimkulu Kame, 22, Mr Siphos

Nodlawu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbelekanana, 27, Mr Wellington Bumnege, 29, and Mr Nceba Faku.

It is alleged that they conspired in an attempt to overthrow the state and that they took part in the activities of banned organisations. They have also pleaded not guilty to numerous other charges, including murder, fraud and possession of firearms.

They are appearing before Mr Justice Howie. With him on the bench as assessors are Mr R. P. Barnes and Mr E. A. Logie. Mr P. J. Strauss, SC, assisted by Mr W. Kingsley, is appearing for the state. Mr R. L. Selvan, SC, Mr P. Langa and Mr A. Jappie, appearing for the accused, were instructed by Thole Majodina and Company of Port Elizabeth and N. N. Dullabh of Grahamstown. — DDC.

KOM 26/5/84 (329)

'Missing' man is freed by courts

By PHILLIP VAN NIEKERK

MR ALBERT NKOMO, the 18-year-old South African man who was detained in February on suspicion of being a prohibited immigrant, was released yesterday — a day after a Rand Daily Mail report highlighted his 'disappearance'.

Mr Nkomo's attorney told the Mail Mr Nkomo appeared in the Alexandra Commissioner's Court yesterday and was discharged after he produced his reference book and testified he had been born in Soweto.

The attorney contacted the Mail following newspaper reports which claimed that South African blacks were being detained for long periods to make them confess to being aliens so they could be deported to Zimbabwe.

The Department of Co-operation and Development said in a statement earlier this week it had launched a

"top-level investigation" into the claims.

It added that to "ensure justice is done in the long run each case must be thoroughly investigated and this, on occasion, may necessitate fairly lengthy periods in detention".

According to his attorney, Mr Nkomo was arrested in late February and was discharged after he appeared in the Alexandra Commissioner's Court on a charge of being in the area "illegally".

However, Mr Nkomo was redetained on suspicion of being a prohibited immigrant by a passport control officer, a Mr Van Wyk.

When the attorney contacted the Mail on Wednesday, he said neither he nor Mr Nkomo's family had any idea of where Mr Nkomo was.

He said Mr Nkomo's family feared that he could already have been deported to Zimbabwe, although he had not been home to collect his belongings.

Detained students in court soon

26/5/84

UMTATA — With a fifth lecturer given an hour to quit the country yesterday, security police here have said 128 detained students from the troubled University of Transkei will appear in court next week.

And one of two men in Unitra's administration at the heart of the row, the Academic Registrar, Mr S D Majokweni, says he has received anonymous letters containing death threats. He declined to give details.

In an act of defiance, Unitra's staff association yesterday re-elected the deported Sociology Department head, Professor Herbert Vilakazi, as chairman.

He was the only member of the outgoing committee to be re-elected at the association's annual meeting.

Observers see the move as an act of solidarity with the five deportees.

At about the time of the meeting an American sociology lecturer, Mrs Thaele-Rifkin, was contacted by police and given an hour to pack her bags and leave the country.

Mrs Thaele-Rifkin, recruited by Prof Vilakazi two years ago, left via Lesotho.

Earlier this week the staff association demanded the suspension of the Principal, Prof B de V van der Merwe and Mr Majokweni, pending an independent inquiry into Unitra's administration.

The staff association also resolved that year-end examinations should be postponed to January and that the university should close next week until the end of the mid-year vacation.

Academic staff have alleged serious financial mismanagement at Unitra and have implied that senior administrative staff are involved.

It has also been alleged by students that Mr Majokweni, who was appointed registrar a few years ago, aided the security police by allowing them to fetch four students from the campus. The four are still in detention.

Mr Majokweni has reportedly admitted authorising the police to remove the students in order to prevent "an ugly situation" in which they might have been removed by force.

A local attorney, Mr Prince Madikizela, who represents some of the detained students, said he had

been advised that they would all appear in court either on Tuesday or Wednesday next week.

The security police have given him a list of 128 students held.

Twenty-eight of them are from the Faculty of Science, 33 from the Faculty of Arts, 33 from the Faculty of Economic Sciences, 20 from the Faculty of Law and 14 from the Department of Education.

He has been told that the students were being held under Section 4 of the Transkei Emergency Regulations promulgated under the Transkei Public Security Act.

This empowers the police to arrest without a warrant and detain any person who commits an offence or whom the police believe may commit an offence under the regulations.

● In Cape Town yesterday about 200 students at the University of the Western Cape boycotted lectures in sympathy with the detained Transkei students and deported staff.

The Unitra campus turmoil has drawn strong protests from several other organisations and universities. — Sapa

Hotel employee is charged over strike

29/5/84 Star 329

By Andrew Beattie

An employee of the Landdrost Hotel appeared in the Johannesburg Regional Court yesterday charged with intimidating workers at the hotel to go on strike on February 3.

Mr Robert Mkhize (31), address given as Senaone South, Soweto, denied the charge.

A State witness, Mr Nelson Ndhlovu, who worked in the scullery, told the court that Mr Mkhize "dragged him into the canteen" where a Commercial, Catering and Allied Workers' Union meeting regarding a strike for higher wages was taking place. Mr Ndhlovu said he was also threatened with assault.

The magistrate, Mr S J Badenhorst, rejected the prosecutor's application that Mr Ndhlovu's evidence be rejected because of contradictions. He said the court "reserved its decision on this to

a later stage".

Another State witness, Mr David Tshabalala, had a self-admitted "slip of the tongue" when he contradicted himself several times over what time he had reported the alleged intimidation to his supervisor.

Mr Tshabalala claimed that Mr Mkhize had threatened him with assault if he did not join the strike.

He pointed out that he had not himself laid charges against Mr Mkhize, but that this had been done by the general manager of the hotel.

He said that he had only joined the hotel two weeks before the strike and knew nothing about CCAWUSA.

"I had heard that people who boycotted strikes were beaten up, and I was scared," said Mr Tshabalala.

The hearing continues today. Mr Mkhize is on bail of R400.

Mr M F Miller prosecuted and Mr R Sutherland defended.

Parliament and Politics

Call Times 29/5/84 *1985 3/29* 'Vicious tyrant' invites Suzman

Political Staff

VETERAN civil rights campaigner Mrs Helen Suzman (PFP Houghton) has accepted an invitation to visit Ciskei from the man she called "a vicious tyrant", President Lennox Sebe.

President Sebe invited Mrs Suzman to visit Ciskei after she had made a scathing attack on detention without trial in South Africa, particularly in the homelands, in Parliament earlier this year.

Mrs Suzman strongly criticized the Ciskei Government's actions during the Mdantsane bus boycott, describing them as "a great deal of state violence".

In the same speech, she also called President Patrick Mphahlele of Venda "an imposter and petty demagogue".

Soon after, President Sebe announced in Bisho, Ciskei's capital, that he would invite Mrs Suzman to visit the homeland to see for herself.

Last week, Mrs Suzman wrote back to President Sebe accepting his invitation.

In an interview yesterday, Mrs Suzman said: "I have in fact visited Ciskei before in order to see the resettlement camps."

"This time I want to talk to people about the whole administration and to ascertain what went on in the bus boycott."

She said that depending on the dates of the visit, she would be accompanied by the leader of the PFP, Dr Van Zyl Slabbert, as well as two of the party's Eastern Cape MPs, Mr Errol Moorcroft, MP for Albany, and Mr Andrew Savage, MP for Walmer.

She hoped they would be able to visit Mdantsane.

"I also hope to find out what is going with detainees in Ciskei and to look at the conditions under which they have to live," Mrs. Suzman said.

She was one of a group of PFP MPs who were called "snakes in the grass" by President Sebe after they visited resettlement camps in Ciskei two years ago. They had gone to the camps without obtaining prior permission from the Ciskei authorities.

CAPL. TRAILS 29/5/84

Mariental 'ban' illegal, court told

329

From TONY WEAVER

WINDHOEK. — A full bench of the Windhoek Supreme Court yesterday heard one of the most formidable legal teams yet assembled in SWA/Namibia argue that the State President and the Minister of Justice had acted illegally in "banning" a court application for the release of 37 Mariental internees.

And, counsel argued, the 37 were detained for more than a year without proper warrants being issued before security legislation in SWA was amended so as to make their detention "legal".

Mr Justices Hans Berker, Chris Mouton and Johan Strydom reserved judgment in the case, regarded as "constitutionally crucial" by lawyers in Windhoek.

Virtually the entire executive of Swapo inside SWA/Namibia observed the case, as well as almost every top church leader in the country, a large number of lawyers and Ms Debbie Mallack, political officer at the United States Embassy in Pretoria, who was there in her official capacity as an observer.

The original hearing

to secure the release of the 37, all of whom were seized in Angola during a South African Defence Force raid on Swapo's Cassinga training and refugee camp on May 4, 1978, was banned by the Minister of Justice.

Mr Kobie Coetsee issued a certificate on April 17 this year ordering that the hearing could not continue as it was "not in the national interest" that it be heard.

The certificate spelt out that in terms of section 103 ter of the Defence Act, court actions could be ordered to be discontinued if they arose out of actions of members of the SADF carried out "in good faith" in the "prevention or suppression of terrorism in an operational area".

The banning of the case, which is being funded by an influential US legal group, The Lawyers Committee for Civil Rights Under Law, caused an international outcry.

Yesterday's argument revolved around only five of the original 37, as 31 of them were released suddenly on Friday, and one of the 37 was found to be on the list under two names.

SA policemen are given unwarranted protection by law

(324) Star
29/5/84

Although the South African Police are not above the law, they enjoy special protections denied to ordinary citizens. It is true that if a policeman commits a crime he may be held criminally responsible like anybody else. If, however, a policeman unlawfully injures or kills a person, an action for damages may be instituted only with considerable difficulty.

The main obstacle lies in Section 32 of the Police Act which provides that "any civil action against the State or any person in respect of anything done in pursuance of this Act, shall be commenced within six months after the course of action has arisen." Furthermore, written notice of the intention to sue for damages must be given at least one month before the start of the action.

It is not unusual for a legal system to lay down maximum time periods within which actions are to be instituted. Were this not so, it could mean that actions could be instituted many years after the event. Most legal systems therefore require an action for damages to be instituted within three years.

The Police Act, however, deviates radically from the norm. In addition to the shortness of the time period and the requirement of written notice, the six-month limitation is absolute, permitting no exceptions.

Many cases which have come before the Supreme Court reveal how the strict requirements of the Police Act have been used to defeat claims.

Indeed every conceivable technicality seems to have been raised, whether it be a negligible delay beyond the six-month period or insufficient compliance with the requirements of the written notice or the failure to address the notice to the correct official.

In most of these cases the Minister, as the person statutorily responsible for the wrongful acts of the police, could not have been prejudiced by the technical non-compliance with the Act.

It is by no means unusual for security detainees to allege that they have been tortured while in detention. It is unusual, however, for the Minister to be sued for damages arising out of the alleged torture.

The paucity of actions against the Minister is not at all surprising. Security detainees are effectively cut off from the outside world. They are denied access to their family, lawyers and doctors of their choosing.

OUR VIEW



If a detainee is assaulted in detention there are generally no witnesses apart from the perpetrators of the assault.

In addition, it has long been recognised that one need not spill blood to commit an assault. Sophisticated methods of torture such as sleep deprivation do not leave marks. Accordingly, the lack of corroborative evidence is often the reason why actions for damages are not instituted or successfully pursued.

Until recently, detainees held for more than six months faced a seemingly insuperable obstacle in suing the security police for unlawful assault. If the assault occurred during the early period of detention a detainee who was deprived of access to a lawyer would have been unable to comply with the strict time limit laid down in the Police Act.

This was precisely the problem faced by Dan Montsisi. He alleged that while being held under Section 6 of the Terrorism Act (now replaced by Section 29 of the Internal Security Act) he was twice assaulted by the police.

He was not released until more than six months after the alleged assaults. He was thus unable to institute action within the period prescribed by the Police Act.

The Appellate Division of the Supreme Court has now ruled that it was impossible for Montsisi to comply with the time periods because he was detained during the crucial period. In the circumstances, the court held that the time limits did not apply for so long as he was held in detention.

While the decision is welcome, the provisions of the Police Act afford the police unwarranted protection. There is no reason why those who are meant to protect society should be treated differently from others.

On the contrary public confidence in the police is undermined when the police are allowed to hide behind technicalities and abuses are not exposed in open court.

Court told of alleged police threats

By SHIRLEY PRESSLY

GRAHAMSTOWN — One of the 11 accused in the treason trial being heard by the Grahamstown Supreme Court, Mr Siphon Fielden Hina, 45, today alleged that security police had threatened to detain his pregnant wife and other family members unless he implicated himself.

Mr Hina was the fourth witness to give evidence for the defence in a trial within a trial. He said he was arrested at his home on May 10, last year.

He said Mr Douglas Mnyizile Tyutyu, 48, one of the accused, was brought into his house by the police. He was handcuffed, crying, and appeared to have been assaulted. Mr Tyutyu told him "help me with that stuff. The one I gave you".

From there they went to the house of Mr Toli Bobo.

"They just kicked open the door and went straight into the bedroom where Mr Bobo and his wife were sleeping. They pulled the mattress off the bed and threw Mr Bobo and his pregnant wife on the floor.

"They assaulted Mr Bobo and a young boy sleeping on a couch had a rifle pressed against his neck by a policeman."

"I realised there would be very bad treatment for me and that I would be questioned and would not be let sleep. In 1977 I experienced such a thing. It was very bad. I was assaulted," Mr Hina said.

He said he was told on May 12, that he was being detained under Section 29. He complained that his blankets were stinking, full of lice and that the sleeping mats smelt of urine. His diet had been cold coffee and a quarter loaf of bread for the previous three days.

"I was sleeping badly and was nervous. In solitary confinement if you are a person with a weak nervous system you can even get mad in that cell."

Mr Hina said that in the first week of

June he was threatened by security police that his wife and family would be taken and pressure put on them until he spoke and admitted that the things the police asked him about were so.

A week later he saw his wife being interrogated.

Mr Hina said a security policeman had told him: "Look here, if the police say a thing then they mean it. Security police are above the law. South Africa is surviving because of security. We are going to take your wife again".

Mr Hina said at a later date his wife was brought to his cell and he was told by Lt Smuts, "through your silence we have decided to pick up your wife. We are going to lock her up".

He complained to a magistrate and asked for protection for himself and his family from the police.

The 11 men are Mr Rufus Nzo, 54, Mr Douglas Tyutyu, 48, Mr Hina, 44, Mr James Ngondela, 54, Mr Mzayifani Kame, 57, Mr Mzimkulu Kame, 22, Mr Siphon Nodlewu, 35, Mr Vukile Tshiwula, 43, Mr Lindile Mbeleka, 27, Mr Wellington Gumenge, 29, and Mr Neepe Faku, 27.

They face charges including high treason, alternatively participation in acts of terrorism, sabotage, undergoing military training, possession of military explosives, harbouring persons, participating in the activities of unlawful organisations, possession of unlawful literature, possession of machine guns, hand grenades and ammunition and leaving the country without a passport.

There is also a charge of murder, four counts of attempted murder, nine counts of malicious damage to property and a charge of fraud.

(Proceeding)

Mr Justice Howie was on the Bench with two assessors, Mr E A Logie and Mr R P Barnes. Mr P J Strauss, SC, the Deputy Attorney-General, assisted by Mr W Kingsley, appeared for the State. Mr R L Selvan, SC, assisted by Mr P N Langa, and Mr A Jappie, instructed by T Majodina and Co., of Port Elizabeth, appeared for the defence.

Now doctors can read telltale signs of torture

329 Jan 30/5/84
Experts in forensic medicine have announced in New York that they have developed techniques to discover if a person has been tortured by detecting chemicals released by the body during injury.

Dr Luke Tedeschi of the Boston University school of medicine told the annual meeting of the American Association for the Advancement of Science that the techniques will help doctors discover whether a government is telling the truth when it claims that a victim was not tortured or abused.

"We must show those engaged in torture that they cannot do their work and remain undetected," Dr Tedeschi said. People who engage in

torture can now be told, "We can prove it."

Dr Tedeschi said one technique allows doctors to pinpoint wounds caused when electricity is used for torture. When an electrical charge injures the skin, a special type of calcium salt remains at the site of the injury for up to six months.

He said additional tests can now measure other chemicals released by the body during injury. Those chemicals eventually show up in urine or blood.

If the blood has decomposed after death, he said, doctors can look for the chemicals in the fluid of the eye. The chemical analysis of hair can also provide evidence of torture.

Dr Tedeschi said the tests were particularly useful for confirming or disproving official accounts of how a death or injury occurred.

But Dr Jorgen Thomsen, a specialist in forensic medicine at the University of Copenhagen, said the problem of access to torture victims would remain because governments responsible for human rights violations kept out investigators.

Dr Christian Orrego of the National Institute of Health in Maryland said an estimated 60 countries were using torture against dissidents. — Sapa-Reuter.