

TOTALITARIANISM - DETENTION

1986 - JUNE

Probe into cell death

By BENITO PHILLIPS

THE inquest into the death in custody of Ciskei civil servant Mbulelo Boltini – less than 24 hours after he was arrested – will be heard in Mdantsane Magistrate's Court on June 19.

Mdantsane senior public prosecutor TM Maru has confirmed the date.

Boltini, 31, and his girlfriend, Nomhalubi Caga, were arrested by Ciskei cops on January 27 in connection with the alleged theft of an SA cop's firearm. Caga was released, but Boltini died within 24 hours of his arrest.

Ciskei state pathologist Dr M Terrension found Boltini's death was due to cardiac failure.

Within a week, two independent pathologists – Dr J

Gluckman of Johannesburg and East London principal district surgeon Dr Basil Wingreen – did a private autopsy on behalf of the family and found Boltini's death had been caused by body injuries.

Ciskei police have opened a murder docket.

● Prosecutor Maru also confirmed that an inquest will be held in June into the Mount Ruth railway station shootings on August 4, 1983 – when cops and soldiers fired on commuters taking the train during the Ciskei bus boycott.

At the time, Ciskei cops said at least six people had died – but Mdantsane residents claim up to 90 commuters were killed.

The deaths of only four commuters will be probed.

COPS SWOOP ON ACTIVISTS

AT least four people have been detained by police over the past four days in a continuing police clampdown on activists in Mahwelereng township, near Potgietersrus.

The four are the secretary of the Mahwelereng branch of Azanian People's Organisation (Azapo), Mr Perry Kekana; president of the Confederation of Mahwelereng Student Representative Councils, and chairman of the Mahwelereng branch of the Azanian Student Movement (Azasm); Mr Paledi Selolo; Mr Kagiso Mogale and Mr George Mpya, both Azasm members. The detentions came during raids by police and army units on various homes of prominent personalities including a day-long occupation of the local hotel's roof by SADF soldiers.

Mr Selolo was detained at the surgery of Dr T F Hlahla on Thursday night after a raid on the doctor's house. Mr Kekana and Mr Mogale were detained on Friday

**By MATHATHA
TSEDU**

at the magistrate's court after an appearance arising from Mr Makonpo Kutumela's death. Mr Mpya was detained at a funeral on Saturday afternoon.

This is Mr Kekana's third detention in the past two months.

Among those also raided were the chairman of the Mahwelereng Parents' Crisis Committee, the Rev M Mehlape of the Lutheran Church, and the chairman of Azapo, Mr Tswaledi Thobejane.

The owner of the Mahwelereng Hotel, Mr G Molala, yesterday condemned the occupation of the hotel's roof by soldiers on Friday and said his business was suffering as a result.

"They just came into the reception and

cocked their rifles before passing through to upstairs where they opened the trap door leading to the roof. They stayed there from 8am till 1am on Saturday morning. They did not talk to anyone.

Business

"This sort of thing is killing my business, as people no longer come to the hotel," he said.

Last Saturday, the police again surrounded the hotel, ordered all customers out and detained a number of people, including local attorney, Mr Richard Ramodipa.

Residents talk of an undeclared curfew in the township. People found walking in the streets after 9pm are summarily detained, they said. Police could not be reached for comment yesterday.

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Wits students and academics in court today

The Argus Correspondent

JOHANNESBURG. — The 43 students and five academics from the University of the Witwatersrand who were arrested on Friday after they tried to march to Hillbrow police station are due to appear in Hillbrow Magistrate's Court today.

They were released on Saturday after the deputy vice-chancellor of student affairs at Wits, Professor Mervyn Shear, filed an urgent application to the Rand Supreme Court.

Last week was one of the most violent in the history of Wits and police converged on the campus on three successive days.

On Saturday a heavy contingent of police broke up an education charter campaign rally being held on the campus and declared it an illegal gathering.

Goyt makes concessions on changes to security legislation

By TOS WENTZEL
Political Correspondent

A NUMBER of changes to the controversial security legislation involving detention and states of emergency will be proposed by the Minister of Law and Order, Mr Louis le Grange, in the Assembly today.

The other two Houses will deal with them later this week.

The first Bill provides for the declaration of "unrest areas" and the second for detention without trial for periods of up to 180 days.

The Government is determined to push through the two measures in spite of the objections of coloured and Indian MPs.

AMENDMENTS

The Minister has, however, agreed to a number of significant amendments.

The main one, in the Public Safety Amendment Bill, is the dropping of a clause which prohibits courts from ruling on proclamations or regulations or notices about the detentions.

In the Internal Security Amendment Bill a clause that would have made it possible to re-detain a person indefinitely — a provision which has become known as the "Sobukwe clause" — has been scrapped.

LEGAL ADVICE

The Minister has apparently undertaken to investigate detainees' access to doctors and legal advice and to family and ministers of religion. The Labour Party has pressed for this.

There are still considerable misgivings in the Labour Party on whether it should support the detention-without-trial provisions.

If the House of Representatives and the House of Delegates reject the Bills the Government will have to refer them to the President's Council to try to push them through before the end of the session of Parliament in three weeks.

SAFEGUARDS

The Rev Allan Hendrickse, leader of the Labour Party and the chairman of the Ministers' Council of the House of Representatives, said today that the party remained opposed to the principle of detention without trial.

It would, however, look at present circumstances and possible safeguards.

The party would also wait to see what happened in the Assembly today when the Minister introduced the legislation before taking a final decision on its stand.

Courts to get power returned?

By David Braun, Political Correspondent

PARLIAMENT — The right of the courts to inquire into and decide on the validity of proclamations, notices and regulations in terms of proposed security legislation is likely to be restored in the Public Safety Amendment Bill.

However, proposed legislation to give the police power to detain without trial for up to 180 days has been somewhat tightened.

The previous version of the Internal Security Amendment Bill said 180-day detention was justified if it contributed to the termination, combating or prevention of public disturbance, disorder, riot or public violence.

Now, under an amendment proposed by Minister of Law and Order Mr Louis le Grange, it also provides for such detention to prevent threats to the safety of any person or damage to property.

Mr Le Grange also proposed the amendment softening the Public Safety Amendment Bill.

GOVERNMENT ANXIOUS

The amendments were published in today's order papers of the various Houses and are likely to be accepted. They are believed to be part of a deal between the Government and the majority parties in the houses of Representatives and Delegates, both opposed to detention without trial.

The Government is anxious for the legislation to be passed as swiftly as possible.

Labour Party sources said today a further amendment to the Internal Security Amendment Bill accepted by the Minister has great significance.

The wording of the Bill is to be changed to read that no person shall be detained in terms of the relevant section for more than 180 days. Previously, it said no person "on any particular occasion" shall be so detained.

It is further understood that detention regulations will be amended to provide easier access to detainees by family, lawyers and priests.

● The Public Safety Amendment Bill empowers the Minister of Law and Order to declare "areas of unrest" in which he can apply emergency regulations giving the police extraordinary powers.

PFP says era of martial law ahead

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By ANTHONY JOHNSON
Political Correspondent

HOUSE OF ASSEMBLY. — South Africa is being forced into an era of permanent martial law, of more detentions without trial and of rule by police and the military, the Progressive Federal Party claimed yesterday.

The charges came during a day of heated debate in the controversial Public Safety Amendment Bill which gives sweeping new powers to the Minister of Law and Order, including the ability to declare "unrest areas".

While the PFP charged that the proposed law was "nothing more than a ministerial do-it-yourself emergency kit", government speakers defended the extraordinary police powers as necessary to preserve law and order.

The PFP's justice spokesman, Mr Dave Dalling, said that after 38 years in power the government found itself

so estranged from the majority of South Africans that only by "enacting horrendously authoritarian legislation" could it continue in power.

In ignoring the ANC it had been forced to use powers which would enable it to rule by "physical and violent repression".

Its track record was likely to result in the passing of regulations that added up to a "government-approved licence to beat up and kill, a licence to organize vigilante groups, a licence to terrorize entire communities ... as in Crossroads and as in Alexandra".

He said the proposed law would "kill off permanently" press freedom in South Africa by "grossly impinging on the right of the public to know what is going on".

The PFP's spokesman on law and order, Mr Tian van der Merwe, turning to Mr Louis le Grange, said it was "stupid in the extreme for reasons of political vanity to suggest that the situation can be put right by laws like this and violence of the state".

Mr Van der Merwe said the Bill would lead to the suspension of important functions of courts and sideline Parliament's role in making laws.

"Once this is done, how can we morally claim Parliament is a relevant institution?"

Introducing the debate, Mr Le Grange said the government realized "only too well" that the Bill contained far-reaching provisions, "but we can no longer delay in conferring upon the security forces adequate powers to enable them to restore law and order as soon as possible".

"If certain events since the 1985 (parliamentary) session are viewed, there can be no doubt about the necessity of the powers as embodied in the Bill."

He denied that it was the government's intention to create an undeclared state of emergency and said the government hoped it would not be necessary to apply these measures on a large scale.

The minister said he was prepared to accept amendment to the original draft Bill which removed the jurisdiction of courts and prevented access to detainees by medical practitioners, legal representatives and family members.

Mr Vause Raw of the New Republic Party said the abnormal unrest situation made it necessary to grant the police abnormal powers.

Mr Louis Theunissen of the Conservative Party said that unless the police and the Minister were given extraordinary powers to deal with an extraordinary situation, the country would be turned into an "ash heap".




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Wright, Mpofu among 49 university people in court at Hillbrow



Wits University students arrested on Friday following clashes with police on campus and in Braamfontein left Hillbrow Magistrate's Court yesterday singing and chanting, with TV cameras much in evidence.

Staff Reporters

Forty-nine University of the Witwatersrand students and staff members appeared in a Hillbrow magistrate's court yesterday in connection with allegations of attending an illegal gathering.

Among them were Wits Students Representative Council (SRC) president Ms Claire Wright and Wits Black Students Society president Mr Daluxolo Mpofu.

Mr Ronnie Makhosi appeared in connection with allegations of organising and addressing an illegal gathering.

Charges against reporter Ms Charlotte Bauer were withdrawn.

The allegations stem from clashes between police and students on university campus and in Braamfontein on Friday.

No charges were put to the accused. All were

released on warning, except Mr Makhosi, who was released on R250 bail.

The hearing was postponed to July 9.

The other accused were: Mr J Payne; Mr T Mosenke; Mr S Bulbulia; Mr A Paizes; Ms T Gqubule; Mr A Mayet; Ms N Ridgeway; Ms L McKenna; Ms D Low; Mr R Lessem; Mr T April; Mr S Johnson; Mr L Mokhesi; Ms S Smuts; Mr C Merckel; Ms L Bricker; Ms K Heller; Ms E Elk; Mr P Sadie; Ms V Barolsky; Mr E Marais; Mr N Mogorosi; Mr Azaar Bham; Ms K Miller; Ms L Kaplan; Mr M Mashaishi; Mr A Metriken; Mr J Evans; Ms X Mangcu; Mr D Heldsinger; Mr J Maseko; Mr A Bara; Mr A Goetsch; Ms C Ceruti; Mr K Geers; Mr M Mpatso; Mr R Young; Mr J Maleko; Mr M Patterton; Mr J McCormick; Ms C Ramphamane; Mr Mohammed Bham; Mr M Swilling; Mr D Hindson; Ms J Hawarden; Ms T Sacco and Ms F Connell.

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Parliament and Politics

Credibility at stake over security bills

HOUSE OF ASSEMBLY. — By voting for the Public Safety Amendment Bill, majority parties in the other Houses would forfeit "any credibility they may claim in their own communities", Mr Dave Dalling (PFP Sandton) said yesterday.

Speaking in the second reading debate on the bill — which provides for the declaration of "unrest areas" for three months or more — he said besides the Progressive Federal Party, the Labour Party and National People's Party were also apparently opposed to the bill, but this was not certain.

'Whipped'

"We shall yet see if the finger-pointing, brow-beating of the State President last week has whipped them into line ... if he has succeeded,

and either or both of those Houses vote for this bill, they will have forfeited forever any credibility they may claim in their own communities," he said.

On the other hand, if the bill was rejected by the coloured and Indian Houses, but was forced into law through the built-in Nationalist majority in the President's Council, "it would mean that majority rejection is translated into minority acceptance".

'Contempt'

Also, if the government used its President's Council majority to enact the bill, it would display "a supreme contempt for all non-white opinion".

"It will telegraph to the whole world that those who sit in the House of Representa-

tives and the House of Delegates are no more than tokens of white paternalism, tolerated only so long as they remain compliant."

Mr Dalling said South Africa was being "forcibly jettisoned into a new era of permanent martial law, more detentions without trial, and rule by police and the military".

'Democratic'

"The Nationalist government — in power for 38 years — has finally announced it can no longer govern the Republic in a normal, democratic and peaceful manner."

Whether amended or not, approval of the bill, as well as the Internal Security Amendment Bill, would forcibly jettison the country into a new era of permanent martial law.

"Our white citizenry will be kept ignorant of the violent activities of the police and will be led to believe that unrest is but a passing phase," he said.

"The regulations will grant special powers of search, arrest or detention and interrogation to the police ... there will be more deaths in custo-



dy ... and of course they will ensure indemnity to the police in respect of whatever actions they take."

The Minister of Law and Order, Mr Louis le Grange, interjected, saying this was untrue.

The amendments to the bill, which Mr Le Grange announced, did not change the PFP's attitude.

'Not binding'

The assurances given by the minister on the detainees' rights were not binding on his successor and should have been included in the legislation.

The deletion of the clause excluding courts of law's jurisdiction was welcome, "but the right of intervention is still in fact very limited".

"The courts are once again being rendered almost powerless to intervene on behalf of aggrieved individual citizens," Mr Dalling said. — Sapa

in custody

Police deny they abuse children

CAPE TIMES 3/6/86

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Staff Reporter

A MEMORANDUM on the treatment of children in police custody has been released by the Black Sash in Cape Town.

The publication, entitled "The Suffering of Children", lists allegations of electric shocks, sjamboking, beatings and unprovoked shooting by police and is based on 30 affidavits as well as signed and unsigned statements from children.

In a statement yesterday, the police public relations directorate in Pretoria emphatically denied that children in custody were abused.

One 17-year-old describes in an affidavit how he "felt metal clips being attached to each of my wrists".

"There followed a series of electric shocks which ran up my arms and

caused great pain. This treatment lasted for five minutes."

In another sworn statement a 16-year-old describes how, while in Diepkloof prison, he was "hit on the back with a baton, I was kicked, I was sworn at and verbally abused ..."

A 15-year-old alleged in a signed statement that he was "beaten up with sjamboks and batons by about six policemen. They hit me in my face over my head and chest. I was thereafter taken to Mamelodi police station ..."

A 13-year-old said in a signed statement that he was sent by his mother to buy mealie meal and meat at about 5pm on July 31 last year.

"When I was finished at the butcher the man who works there asked me to go

and buy him a newspaper. While I was buying the newspaper some black policemen came to me, held me and started beating me, saying that I am one of those breaking up the buses ..."

"While we were in custody we were beaten up continuously until some of us finally agreed to make statement admitting having stoned buses."

The Black Sash has compiled the affidavits under the headings of Detention and Torture, Intimidation and Abuse, Unprovoked Shootings, Disappearances, Involvement of the SADF and Court Interdicts.

The memorandum concludes that it does not uphold the premise that all children abused and maltreated are necessarily innocent of any misdeeds.

But Black Sash national vice president

Mrs Joyce Harris said, "The kind of treatment to which children are subjected by the authorities is utterly reprehensible, totally unacceptable and indiscriminately applied irrespective of any possible guilt."

"Our children are revolting against years and years of differentiation, discrimination and oppression. The authorities deal with this by meeting justifiable anger with increasingly harsh, restrictive measures and terrifying bully-boy tactics," she said.

The memorandum has been published as part of a focus on Children at Risk for the International Children's Day held last Sunday.

● The police statement said:

"Many visits to those in custody by a number of different officials ensure that

the scope for ill-treatment is non-existent or, at the worst, very limited indeed.

"The Black Sash must have realized that the police would not be able to test the allegations, due to the fact that they were made anonymously and that other details such as places, dates and times were totally lacking.

"The theme is nothing new. In the past, other organizations have endeavoured to discredit the SAP by making unsubstantiated allegations about police ill-treatment of children in custody ..."

"We reiterate our statements of the past, that if anybody is of the opinion that there is legal cause for complaint, affidavits can be made available to the police for proper investigation."

Cops' denial on Boesak

THE Police Public Relations Division in Pretoria last night emphatically denied that United Democratic Front patron the Rev

SOVETIA
Allan Boesak was detained yesterday. 329
Major C P Crafford said last night Dr Boesak was not in detention and had in fact left the country for Holland at 5.30 pm yesterday. 416/86

He said Railway Police and Security Police at the airport confirmed Dr Boesak's departure.

"As far as we are concerned this is purely a private affair. He has not broken any law or bail conditions and was definitely not arrested," Maj Crafford said.

Earlier reports, which the *Sowetan* confirmed with the UDF in Johannesburg, said Dr Boesak had been detained by police in Johannesburg.

Spokesmen of the UDF in Johannesburg and Cape Town said they had no details on the circumstances of the detention but police later denied the claim.

STMT 1/16

Grenade blasts: seven in court

Seven youths who were injured in grenade blasts in the East Rand townships of Duduza and Tsakane last June appeared briefly in the Pretoria Supreme Court on Monday. Their hearing was set for August 11.

By that time the youths — two of whom have lost the lower part of the right arm — will have spent nearly 14 months behind bars as incommunicado detainees and awaiting-trial prisoners.

They are to be charged with attempted murder and terrorism.

The courts have been prohibited from considering bail in terms of certificates issued by the Attorney-General under the Internal Security Act.

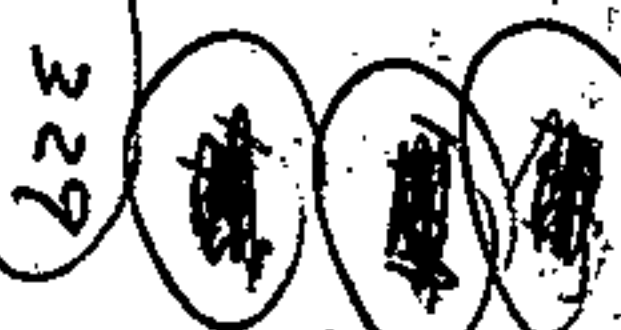
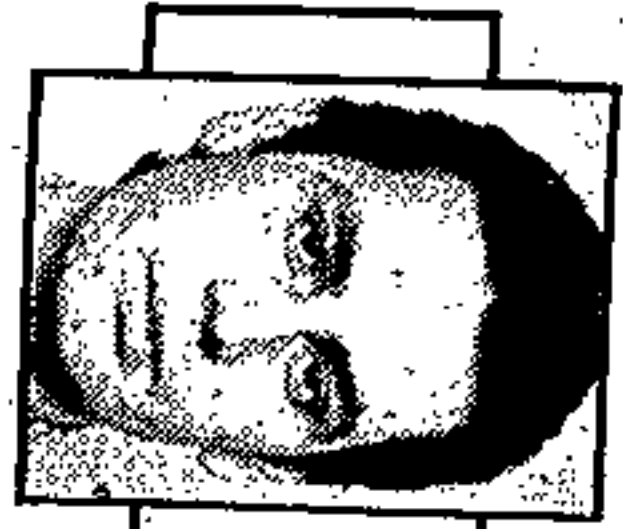
The trialists are Mr Joseph Mazibuko (18), Mr John Mlangeni (21), Mr Samuel Lekhatsa (18), Mr Humphrey Tshabalana (18), and a minor, all of Duduza; and Mr Hosea Lengosane (19) and Mr Cedric Dladla (18) of Tsakane.

Seven other young people died in grenade blasts on the night the seven accused were hurt, and an eighth was blown up by a limpet mine.

Emergency strains labour relations

Cape Times 4/7/86

BY PHILLIP VAN NIEKERK



held". It is clear that there is a large body of employers who want peace and quiet in the country to get on with business.

However, there is genuine anxiety among many other employers who see that peaceful change in South Africa depends on negotiation. They believe that in the labour arena they have been talking to the genuine representatives of their workers for seven years — a difficult and educative process.

Instead of extending this example to the political arena, the government has squashed the labour movement and jailed the very people employers believe they should be talking to.

Several sections have been excised from this column to comply with the emergency regulations.

Philip van Niekerk is a former labour correspondent for the Cape Times and the Rand Daily Mail and now writes for the Boston Globe, the Weekly Mail and other publications.

ready taken action by sitting in or sleeping in at their stores.

To add to a litany of woes for employers, a wage dispute has been declared between the National Union of Mineworkers (NUM) and the Chamber of Mines and a crucial meeting of the metal industrial council could decide whether the metal industry faces a legal strike.

In these political times routine negotiations have been bedevilled by a climate of mistrust, disputes have been more difficult to resolve

In the weeks ahead tough choices confront both the labour movement and employers.

For the labour movement, the issue is how to survive the onslaught intact.

The Labour Monitoring Group notes three ways in which the unions are coping with the high number of detentions and unionists on the run: shop-floor workers have stepped into the breach left by officials and administrative staff; shop-floor workers have become directly responsible for important negotiations; and office bearers are taking leave to fill the gaps left in negotiating teams.

With many other activist organizations crippled by the detentions, an onerous responsibility has fallen on the still-functioning unions.

Workers at more than 100 chain stores in the Transvaal have al-

THE most severe crackdown on the labour movement in a decade has jeopardized one of the genuine areas of change in an undemocratic society — industrial relations between largely white employers and predominantly black workers.

According to figures compiled by the University of the Witwatersrand's Labour Monitoring Group (LMG), at least 186 unionists have been detained since the declaration of the emergency on June 12 out of the thousands of people believed to be held throughout the country.

About 85 percent of those being held are from the Congress of South African Trade Unions (Cosatu), the country's largest union federation, which has taken an increasingly high-profile political stand this year.

Eight detainees — including a senior official of the Council of Unions of South Africa (Cusa) — were released last week. Hundreds more unionists, fearing detention, are in hiding.

Urgent call for probe of children in police custody

Durban — The National Council of Women has called for an immediate in-depth inquiry into the conditions under which children in police custody are being held, especially those being held under the Internal Security Act.

The request, addressed to the State President, was presented as an urgent motion at the NCW's 50th annual conference in Durban yesterday and called for special emphasis on the need for access to children in custody by social workers.

Also, it asked for an investigation into the use of existing buildings as emergency places of safety, as required under the Children's Act, so that children would not have to be detained in police cells and that a central register be kept of all children detained, so that parents and guardians could "quickly and easily" establish where children were being held.

"We are concerned about conditions under which children are being held under the Internal Security Act. Complaints of ill-treatment of children in police cells continue to be received by lawyers and concerned organisations," said Mrs Elinda Bramwell, NCW's liaison officer with the Committee of Concern for Children.

Mrs Bramwell referred to a recent memorandum submitted to the Minister of Law and Order by the Committee of Concern for Children.

VIOLATED

This stated security legislation and alleged conditions of detention violated the spirit and intention of the Children's Act.

Mrs Bramwell said a distinction should be made between children in prisons and children in police cells awaiting trial.

"What we are dealing with here are children in police cells, which are being used instead of properly instituted places of safety.

"The State President owes it to the country to institute an inquiry into these conditions, to make adequate provision for children being held under security legislation and to improve machinery for keeping parents informed," she said.

Referring to a recent survey of prisons in the Cape, she said it seemed most alleged intimidation of children was taking place in custody. — Sapa.

'Two bills aimed at June 16'

By LANGA SKOSANA

THE Government is aiming at pushing through Parliament two Bills, before June 16 which will effect a state of emergency without it having to be declared officially, Mr Murphy Morobe said yesterday.

At a Press conference in Johannesburg hosted by the Detainees' Parents Support Committee, the United Democratic Front and other anti-apartheid groups, Mr Morobe, a UDF spokesman, said the proposed Public

Safety Amendment Bill and the Internal Security Amendment Bill, currently before Parliament, were aimed at muzzling any dissent on the wake of the June 16 commemoration day.

He said when the Government declared a state of emergency last year, a number of people were rounded up before its official declaration and became state of emergency detainees later.

The Government, he said, was aiming at pushing these two Bills through so that it silences people before and after the commemoration.

The Detainees' Parents Support Committee has come out strongly against the Bills.

The new Public Safety Bill will give the Minister of Law and Order the power to declare an "unrest area" on the basis of his opinion that disturbance is occurring or may be occurring on that area.

TERN PROVINCE Extended

St. The declaration can continue for three months and can be extended thereafter by the State President.

E. New powers of detention will be included in the regulations and detainees may be held outside the unrest area.

rit The DPSC in a special report said the new Bill will have a detrimental effect to all sectors of South African life.

The black communities will bear the brunt of the return to the intense repression of the state of emergency. Occupation of the townships by the army and police, curfews, endless funerals, detentions muffling any protest will be their daily lot.

"The white communities will see their sons in the continuing role of occupying and policing the township," said the DPSC.

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By David Braun,

Political Correspondent

CAPE TOWN — The coloured and Indian parties have effectively thrown a spanner into the parliamentary works through indecision over whether to support two draft security laws giving the police wider emergency powers.

In doing so, they have frustrated Government attempts to push the two measures through Parliament in good time to become law before June 16 Soweto Day, commemorating the 1976 riots.

The coloured and Indian parties have reached a political crossroads.

They came into the tricameral Parliament in 1984 because, they said, they wanted to dismantle apartheid from within.

The Bills in question may not have anything directly to do with segregation or discrimination but as they are regarded by the Government as essential to quell unrest, so their opponents are resisting them as instruments to prop up apartheid.

Coloured and Indian MPs are painfully aware of the connotations of their support — that is why many resist them even though, privately, they may agree they are necessary.

Others, who have had personal experience of detention without trial, are totally against any measures.

The problem for the Labour Party and the National Peo-
ple's Party, majority parties respectively in the House of Representatives and the House

Opposition moves thwart fast action on Security Bills



Mr Louis le Grange

of Delegates, is that they are also part of the Government.

As such, they have been able to wrest numerous concessions on a variety of Bills in private negotiations when all parties get together to hammer out mutually acceptable legislation by consensus.

Solid group

A solid group of MPs in both parties believes if it fails to support the security laws the President's Council will push them through anyway.

The measures are the Public Safety Amendment Bill and the Internal Security Amendment Bill.

The first seeks to grant the Minister of Law and Order power to declare "areas of unrest" for up to three months, renewable on the authority of the State President.

In such areas the Minister would have the authority to frame regulations he believed necessary to prevent or curb unrest.

They would give the security forces powers similar to those in a state of emergency.

The Minister of Law and Order, Mr Louis le Grange, has already said the media would be restricted in unrest areas and the security forces would be indemnified against legal action in carrying out their duties.

The Internal Security Amendment Bill provides for the police to detain for up to 180 days without trial people whose removal from society would, in their opinion, contribute to preventing or quelling unrest or violence.

From the day they were published the Bills ran into trouble. Various organisations outside Parliament have con-

demned them. Several Labour Party politicians have said privately they could never vote for them.

An intense debate within the Labour Party and the NPP ensued and no clear decision could be taken by the time it came to consider them in the Joint Standing Committee on Law and Order.

Walked out

In an effort to buy time both parties walked out of the standing committee in the belief that it would not function without them. However the Speaker, Mr Johan Greeff, ruled that the necessary quorum remained.

The result was the National Party-dominated committee passed the Bills and they were tabled for a second reading in all three Houses.

A flurry of meetings between the coloured and Indian leaders and senior members of the Government, including Mr le Grange and President Botha, followed. At one stage some Labour MPs were under the impression the Government would reimpose a state of emergency if the Bills were not passed.

By last Friday, after much

wheeling and dealing, the Government believed impression that if it accepted certain amendments to the Bills the coloured and Indian parties would support them.

On Monday the House of Assembly started to debate the Public Safety Amendment Bill.

Mr le Grange tabled the amendments he was prepared to accept, the most important being the scrapping of the section which expressly denied the courts the right to consider or make any findings on any proclamation, notice or regulation made in terms of the legislation.

'Softened'

The Minister also gave the assurance in his speech that detainees would be given certain protection, including access to their legal advisers, family, doctors and priests.

The Progressive Federal Party fought the Bill, moving it be read "this day six months", one of the strongest forms of censure available to parliamentarians because it means never.

The Conservative and Herstigte Nasionale parties said the Government had softened the Bill.

After more than two days debate the Assembly voted and the Bill was carried.

Throughout the week, while the Assembly was debating the Bill, the coloured and Indian parties had second thoughts about the deal with the Government. After a series of caucus meetings the NPP, Labour Party and Democratic Workers Party (minus opposition in the House of Representatives) issued a statement yesterday that they would refer the Bills back to the Joint Standing Committee for further consideration.

In terms of the rules of Parliament, if two Houses make such a request a Bill must be referred back.

The Government was clearly angry that the deal had been reneged on and that, in effect, the Assembly had spent more than two days debating the Bill to no avail.

The Labour Party now has a list of 15 further amendments to the Internal Security Amendment Bill and 11 to the Public Safety Amendment Bill (most of which are fairly minor).

If the Bills are cleared by the committee they will be read for the second time in each House where they will be debated and voted upon (including, again, in the Assembly).

If the committee cannot produce a mutually acceptable Bill by consensus the legislation will be deadlocked.

In that event the Government may either decide to drop them altogether or refer them to the President's Council.

Counterfeit

1015. Mr P R C ROGERS asked the Minister of Law and Order:

- (1) How many cases of circulation of counterfeit (a) notes, (b) travellers' cheques, (c) R1 coins and (d) any other coins were reported in each of the latest specified 12 months for which figures are available;
- (2) (a) how many cases were solved, (b) how many arrests were made and (c) what was the total value of the counterfeit money and travellers' cheques seized in that period?

The MINISTER OF LAW AND ORDER:

(1)	(a)	(b)	(c)	(d)
March 1985	13	0	5	1
April 1985	5	0	0	0
May 1985	13	0	1	0
June 1985	9	0	1	0
July 1985	54	0	0	1
August 1985	137	0	0	0
September 1985	18	0	0	0
October 1985	17	0	1	0
November 1985	6	0	1	0
December 1985	22	1	0	1
January 1986	10	1	11	4
February 1986	40	1	2	0

- (2) (a) 33 cases.
- (b) 35 arrests.

(c) R14,376.30.

Alfred N Dyanti

1019. Mr S S VAN DER MERWE asked the Minister of Law and Order:

- (1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was detained by the police on or about 31 March 1986; if so, (a) when, (b) where, (c) why, (d) in terms of what statutory provision, (e) where was this person held after

his initial detention and (f) what is his name;

- (2) whether this person has been released; if so, when; if not, where was he being held as at the latest specified date for which information is available;

- (3) whether this person has been charged; if so, (a) when and (b) with what offence;

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

The MINISTER OF LAW AND ORDER:

- (1) Yes.

(a) 1 April 1986.

(b) Cape Town.

(c) For questioning and investigation.

(d) Section 29(1) of the Internal Security Act, 1982 (Act 74 of 1982).

(e) Police cells, Parow.

(f) Alfred N Dyanti.

- (2) Yes, on 28 April 1986.

- (3) No.

(a) and (b) Fall away.

- (4) No.

Melford M Yantle

1020. Mr S S VAN DER MERWE asked the Minister of Law and Order:

- (1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was detained by the police on or about 31 March 1986; if

so, (a) when, (b) where, (c) why, (d) in terms of what statutory provision, (e) where was this person held after his initial detention and (f) what is his name;

- (2) whether this person has been released; if so, when; if not, where was he being held as at the latest specified date for which information is available;

- (3) whether this person has been charged; if so, (a) when and (b) with what offence;

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

The MINISTER OF LAW AND ORDER:

- (1) Yes.

(a) 1 April 1986.

(b) Cape Town.

(c) For questioning and investigation.

(d) Section 29(1) of the Internal Security Act, 1982 (Act 74 of 1982).

(e) Police cells, Table View.

(f) Melford M Yantle.

- (2) Yes, on 28 April 1986.

- (3) No.

(a) and (b) Fall away.

- (4) No.

Zwellisha M Mhluthwa

1021. Mr S S VAN DER MERWE asked the Minister of Law and Order:

- (1) Whether a certain person, whose name has been furnished to the South

African Police for the purpose of the Minister's reply, was detained by the police on or about 31 March 1986; if so, (a) when, (b) where, (c) why, (d) in terms of what statutory provision, (e) where was this person held after his initial detention and (f) what is his name;

- (2) whether this person has been released; if so, when; if not, where was he being held as at the latest specified date for which information is available;

- (3) whether this person has been charged; if so, (a) when and (b) with what offence;

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

The MINISTER OF LAW AND ORDER:

- (1) Yes.

(a) 1 April 1986.

(b) Cape Town.

(c) For questioning and investigation.

(d) Section 29(1) of the Internal Security Act, 1982 (Act 74 of 1982).

(e) Police cells, Wynberg (C).

(f) Zwellisha M Mhluthwa.

- (2) Yes, on 28 April 1986.

- (3) No. (a) and (b) Fall away.

- (4) No.

Detainee

1022. Mr S S VAN DER MERWE asked the Minister of Law and Order:

- (1) Whether a certain person, whose name has been furnished to the South

African Police for the purpose of the Minister's reply, was detained by the police on or about 31 March 1986; if so, (a) when, (b) where, (c) why, (d) in terms of what statutory provision, (e) where was this person held after his initial detention and (f) what is his name;

- (2) whether this person has been released; if so, when; if not, where was he being held as at the latest specified date for which information is available;

- (3) whether this person has been charged; if so, (a) when and (b) with what offence;

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

The MINISTER OF LAW AND ORDER:

- (1) No.

(a) to (f) Fall away.

- (2) to (3) Fall away.

- (4) No.

Masimndisi Yoyi

1023. Mr S S VAN DER MERWE asked the Minister of Law and Order:

- (1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was detained by the police on or about 31 March 1986; if so, (a) when, (b) where, (c) why, (d) in terms of what statutory provision, (e) where was this person held after his initial detention and (f) what is his name;

- (2) whether this person has been released; if so, when; if not, where was he being held as at the latest specified date for which information is available;

- (3) whether this person has been charged; if so, (a) when and (b) with what offence;

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

The MINISTER OF LAW AND ORDER:

- (1) Yes.

(a) 2 April 1986.

(b) Cape Town.

(c) For questioning and investigation.

(d) Section 29(1) of the Internal Security Act, 1982 (Act 74 of 1982).

(e) Police cells, Table View.

(f) Masimndisi Yoyi.

- (2) Yes, on 28 April 1986.

- (3) No.

(a) and (b) Fall away.

- (4) No.

Robert Manxwa

1024. Mr S S VAN DER MERWE asked the Minister of Law and Order:

- (1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was detained by the police on or about 31 March 1986; if so, (a) when, (b) where, (c) why, (d) in terms of what statutory provision, (e) where was this person held after his initial detention and (f) what is his name;

- (2) whether this person has been released; if so, when; if not, where was he being held as at the latest specified

date for which information is available;

- (3) whether this person has been charged; if so, (a) when and (b) with what offence;

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

The MINISTER OF LAW AND ORDER:

- (1) Yes.

(a) 1 April 1986.

(b) Cape Town.

(c) For questioning and investigation.

(d) Section 29(1) of the Internal Security Act, 1982 (Act 74 of 1982).

(e) Police cells, Kensington.

(f) Robert Manxwa.

- (2) Yes, on 28 April 1986.

- (3) No.

(a) and (b) Fall away.

- (4) No.

Detainee

1025. Mr S S VAN DER MERWE asked the Minister of Law and Order:

- (1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was detained by the police on or about 31 March 1986; if so, (a) when, (b) where, (c) why, (d) in terms of what statutory provision, (e) where was this person held after his initial detention and (f) what is his name;

- (2) whether this person has been released; if so, when; if not, where was he being held as at the latest specified date for which information is available;

- (3) whether this person has been charged; if so, (a) when and (b) with what offence;

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

The MINISTER OF LAW AND ORDER:

- (1) No.

(a) to (f) Fall away.

- (2) to (3) Fall away.

- (4) No.

Grahamstown: person shot/wounded

1037. Mr E K MOORCROFT asked the Minister of Law and Order:

- (1) Whether a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was shot and wounded by the police in or near Grahamstown on or about 13 April 1986; if so, (a) at what time was he shot and (b) when was he admitted to hospital;

- (2) whether he died as a result of his wounds; if so, (a) on what date and (b) what was the cause of his death?

The MINISTER OF LAW AND ORDER:

- (1) Yes.

(a) At 15h20 during an incident of stonethrowing at and a petrol-bomb attack on the police.

(b) At 16h00 on 13 April 1986.

- (2) Yes.

(a) On 13 April 1986.

(b) Traumatic bleeding in left upper leg due to a gunshot wound.

Duncan Village: detainees

1038. Mr E K MOORCROFT asked the Minister of Law and Order:

(1) Whether certain persons from Duncan Village near East London, whose names have been furnished to the South African Police for the purpose of the Minister's reply, were detained by the police on or about 24 April 1986; if so, (a) where, (b) in terms of what statutory provisions, and (c) where are they being held at present, in each case;

(2) whether the families of these persons were informed of their detention; if not, why not; if so, (a) when and (b) by whom;

(3) whether any member of the South African Police has received representations regarding these persons; if so, (a) when, (b) from whom and (c) what was the (i) nature of the representations and (ii) response thereto?

THE MINISTER OF LAW AND ORDER:

(1) Yes.

(a) Duncan Village.

(b) Section 50(1) of the Internal Security Act, 1982 (Act 74 of 1982).

(c) They have already been released.

(2) Yes.

(a) At the time of their detention.

(b) By members of the South African Police.

(3) No.

(a) to (c) Fall away.

HoA

RSA/Bophuthatswana: joint operations

1071. Mr P G SOAL asked the Minister of Law and Order:

(1) Whether the police forces of South Africa and Bophuthatswana have undertaken any joint operations since the independence of Bophuthatswana; if so, (a) on what dates, (b) where and (c) what (i) was the purpose and (ii) were the results of each joint operation;

(2) whether any persons were arrested or detained on these occasions; if so, (a) how many, (b) by whom, (c) where, (d) when, and (e) in terms of what statutory provision, in each case?

THE MINISTER OF LAW AND ORDER:

(1) and (2) I am not prepared to make known any information of this nature.

Annual reports

1084. Mr P G SOAL asked the Minister of Law and Order:

(a) How many annual reports were produced by the South African Police during the latest specified period of 12 months for which information is available, (b) in respect of what bodies were these reports produced, (c) what was the cost of producing each such report and (d) who did the printing of each report?

THE MINISTER OF LAW AND ORDER:

(a) One.

(b) The South African Police.

(c) R4 259,92.

(d) The Government Printer.

Annual reports

1094. Mr P G SOAL asked the Minister of Agricultural Economics:

(a) How many annual reports were pro-

duced by the Department of Agricultural Economics and Marketing during the latest specified period of 12 months for which information is available, (b) in respect of what bodies were these reports produced, (c) what was the cost of producing each such report and (d) who did the printing of each report?

THE MINISTER OF AGRICULTURAL ECONOMICS:

(a) One (only the Department's own annual report).

(b)

(b) Department of Agricultural Economics and Marketing.

(c) R1 767,19.

(d) Government Printer.

I have also tabled annual reports in respect of the following bodies, but these reports were produced by the relevant bodies themselves.

	(c) (R)	(d)
Abattoir Corporation	11 065,04	Kirstenberg Press
Banana Board	1 904,00	V & R Press
Canning Fruit Board	1 480,00	Paarl Press
Chicory Board	3 083,74	Nasionale Koerante
Citrus Board	760,00	Self
Cotton Board	2 790,00	Wentzel Coetzter
Dairy Board	8 965,00	Berea Press
Deciduous Fruit Board	2 468,00	A B C Press
Dry Bean Board	1 923,00	Co-operative Press
Dried Fruit Board	2 950,00	Paarl Press
Egg Board	16 456,00	Pieter Roos Studios
Karakul Board	991,90	Ultra Press
Lucerne Seed Board	614,80	Bros. Bowles
Maize Board (2)	4 280,00	Self
Meat Board	6 437,08	Self
Mohair Board	2 105,60	Nasionale Koerante
Oilseeds Board	3 333,00	Hooftstad Pers
Potato Board	5 001,00	Promedie
Rooibos Tea Board	2 285,78	Boland Pers
Tobacco Board	7 200,00	K R Litho
Wheat Board	1 125,00	Self
Wool Board	14 239,00	Berea Press

Information is for the period 85.04.01—86.03.31.

Cheese/full-cream milk/skim-milk powder: Imports

THE MINISTER OF AGRICULTURAL ECONOMICS:

(a) Yes.

1106. Mr R W HARDINGHAM asked the Minister of Agricultural Economics:

Whether the Republic imported any (a) cheese, (b) full-cream milk and (c) skim-milk powder in 1985; if so, (i) what quantity, and (ii) at what total cost, in each case?

(i) 1 336 ton exotic cheese which are either not manufactured at all or manufactured in insufficient quantities in the RSA.

(ii) R6 346 000.

(b) No.

(c) No.

HoA

the purpose and (ii) were the results of each joint operation:

- (2) whether any persons were arrested or detained on these occasions; if so, (a) how many, (b) by whom, (c) where, (d) when, and (e) in terms of what statutory provision, in each case?

The MINISTER OF LAW AND ORDER:

- (1) to (2) I am not prepared to make know any information of this nature.

Tumabole Township

1001. Mr S S VANDER MERWE asked the Minister of Law and Order

- (1) Whether a certain person from Tumabole Township near Parys, whose name has been furnished to the South African Police for the purpose of the Minister's reply, was arrested or detained by the South African Police on or about 18 April 1986; if so, (a) why and (b) what is the name of this person;

- (2) whether this person died while in police custody; if so, (a) when and (b) what were the circumstances surrounding this matter;

- (3) whether a post-mortem has been carried out; if not, why not; if so, (a) when and (b) what were the findings;

- (4) whether a pathologist representing the family of the deceased was present at the post-mortem; if not, why not;

- (5) whether an investigation has been held into the death of this person; if not, why not; if so, what were the findings?

The MINISTER OF LAW AND ORDER:

- (1) Yes.

- (a) As a suspect in a case of alleged housebreaking and theft.

- (b) Johannes Mashigo

- (2) Yes.

- (a) 19 April 1986.

- (b) During questioning the deceased complained that he was not feeling well and went to lie on the floor. His condition worsened and mouth to mouth resuscitation was performed, while a physician was sent for. He was, however, already deceased at the physician's arrival.

- (3) Yes.

- (a) 22 April 1986.

- (b) Heart attack.

- (4) No, no reason is known. The deceased's family was already notified on 20 April 1986 about when and where the post-mortem was to be performed.

- (5) No, it was a natural death.

Petrol bomb attacks on certain schools

1004. Mr R M BURROWS asked the Minister of Law and Order:

- (1) Whether the South African Police have received any complaints or representations concerning petrol bomb attacks and/or attacks involving the use of any other weapons during the course of the current year on certain schools situated in the Durban area and falling under the Natal Education Department; if so, (a) on what dates, (b) what was the nature of these complaints or representations and (c) what are the names of the schools concerned;

- (2) whether the South African Police were involved in security operations

in respect of these schools at the time of these attacks; if not, why not; if so, what was the nature of these operations;

- (3) whether any such security operations are currently being carried out in respect of (a) these and (b) any other schools falling under the Natal Education Department; if so, (i) in respect of what other schools and (ii) what is the nature of these operations?

The MINISTER OF LAW AND ORDER:

- (1) No.

- (a) to (c) Fall away.

- (2) No, since no complaints have been received.

- (3) (a) and (b) Yes.

- (i) and (ii) With regard to all schools falling under the Natal Educa-

tion Department patrols are carried out on a regular basis.

1013. Mr P R C ROGERS asked the Minister of Law and Order:

- (1) What are the latest available statistics in respect of juvenile rape by (a) White males of (i) White, (ii) Coloured, (iii) Asian and (iv) Black girls and (b) (i) Coloured, (ii) Asian and (iii) Black males of White girls and (c) non-White males of non-White girls reported in (aa) each province of the Republic and (bb) the Western Cape;

- (2) in respect of what date are these statistics furnished?

The MINISTER OF LAW AND ORDER:

(1)	(a)				(b)				(c)
	(aa)	(ii)	(iii)	(iv)	(i)	(ii)	(iii)	(iv)	
Cape Province	15	6	—	3	9	2	1	1	185
Natal	9	—	—	6	—	2	1	1	713
Orange Free State	9	—	—	—	—	—	1	1	302
Transvaal	55	1	—	23	11	1	10	1	1443
(bb)	7	5	—	—	3	—	—	—	473

- (2) 1 July 1984 until 30 June 1985.

Referenced books/influx control

1014. Mr P R C ROGERS asked the Minister of Law and Order:

How many Black (a) males and (b) females were arrested by the South African Police for offences relating to reference books and influx control in the magisterial districts of (i) East London, (ii) King Wil-

liam's Town, (iii) Queenstown and (iv) Stutterheim in 1985?

The MINISTER OF LAW AND ORDER:

	(a)	(b)
(i) East London	2 509	477
(ii) King Williams Town	279	128
(iii) Queenstown	2 815	77
(iv) Stutterheim	—	—

Child detainees: Call for probe

SOWETAN
5/6/86
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THE National Council of Women has called for an immediate in-depth inquiry into the conditions under which children in police custody were being held, with special emphasis on those being held under the Internal Security Act.

The request, addressed to the State President, was presented as an urgent motion for resolution at the NCW's 50th annual conference in Durban on Tuesday and called for special emphasis on the need for access to such children by social workers.

In addition, it requested an investigation into the use of existing buildings as emergency places of safety, as required under the Children's Act, so that children would not have to be detained in police cells and that a central register be kept of all children detained, so that parents and guardians could "quickly and easily" establish where children were being held.

"We are concerned about conditions under which children are being held under the Internal Security Act. Complaints of ill treatment of children in police cells continue to be received by lawyers and concerned organisations," said Mrs Elinda Bramwell, NOW's Liaison Officer with the Committee of Concern for Children.

Referring to a recent memorandum submitted

SOWETAN CORRESPONDENT

to the Minister of Law and Order by the Committee of Concern for Children, which stated that it was believed that the security legislation and the alleged conditions of detention violated the spirit and intention of the Children's Act, Mrs Bramwell said that in submitting the requests, a strong line of distinction should be drawn between children in prisons and children in police cells awaiting trial.

Survey

"What we are dealing with here are children in police cells, which are being used instead of properly instituted places of safety. Allegations of child abuse by police are severe and becoming more and more frequent. The State President owes it to the country to institute an inquiry into these conditions, to make adequate provision for children being held under security legislation and to improve machinery for keeping parents informed," she said.

Mrs Bramwell referred to recently released results of a survey of prisons in the Cape, on the invitation of the Director of Prisons, saying it appeared that the majority of incidents of alleged intimidation of children were taking place while they were in police custody.

"The Minister of Law and Order, in a recent Press statement, denied what he referred to as unsubstantiated allega-

tions and claims and said that it was unfair that the South African Police should be subjected to such serious allegations and asked that they be stopped.

"These allegations

are too widespread and too serious to be ignored. It is in the interests of the whole country, including the police force, that there be an open investigation, particularly where women and children are involved," she said.

PETER WALLINGTON

PREMIER Milling chairman Tony Bloom joined a wide range of political, religious, legal and community organisations yesterday to condemn the Public Safety Amendment Bill and the Internal Security Amendment Bill currently before Parliament.

The United Democratic Front (UDF) and the Detainees Parents Support Committee (DPSC) have declared next Monday a "day of action", and plan to hold protest actions around the country.

At a Press conference in Johannesburg, statements from 46 organisations were issued protesting the

Wide condemnation of security measures

BUSINESS DAY, Thursday, June 6 1986

Bills.

The UDF warned that if the Bills became law, and were used to arrest activists and community leaders before June 16, the consequences would rest on governments shoulders.

Spokesman Murphy Morobe told the conference the proposed Bills were a sign of governments "degeneration".

Fink Hayson of the Centre for Applied Legal Studies said the Bills were "a further erosion of legal institutions" and "a serious invasion of civil liberties".

Bloom said in a statement that detention without trial was "an absolute anathema and completely opposed to the concept of the rule of law".

The DPSC warned that SA would be plunged into a permanent state of emergency if the Bills became law.

Assessing the implications of the amendments to the Public Safety Amendment Bill, the DPSC said the Minister of Law and Order would have the power to declare any area an unrest area and impose any regulations on that area.

It notes Parliament would have no power to annul the declaration of an unrest area, and would only be able to annul regulations made for that area if all three Houses agreed.

Dealing with the Internal Security Act Amendment Bill, the DPSC said the introduction of Section 50A was to provide for long-term "preventive" detention, much longer than the 14 days provided for by Section 50.

The introduction of Section 50A "avoids the messy necessity of having to give reasons or to account to

the courts in any way".

Other organisations which issued statements yesterday included the Congress of SA Trade Unions (Cosatu), various community organisations including the Soweto Civic Association (SCA), rural organisations, media organisations including the SA Society of Journalists, education organisations including the National Education Crisis Committee (NECC), religious leaders, political organisations including the Transvaal Indian Congress (TIC) and the Black Sash, and legal organisations.

UDF spearheads outcry against Le Grange's 'formula for conflict'

By Jo-Anne Collinge

As the controversial "Le Grange laws" were stalled in Parliament yesterday, a concerted campaign against them was launched simultaneously in Johannesburg, Durban and Cape Town.

The campaign is spearheaded by the United Democratic Front and claims the support of about 40 organisations representing "a couple of million people" — trade unions, civic and youth organisations and associations of lawyers, journalists and educationists. Leading churchmen have also added their voices to the outcry raised by the Public Safety Amendment Bill and the Internal Security Amendment Bill.

Comments on the Bills included:

United Democratic Front: "Only a government reluctant to accept the pace of change forced upon it and devoid of any moral standing can want to confer more repressive powers on its police and army. The Government must be warned that, if the Bills become law, the consequences will rest squarely on their shoulders."

Congress of South African Trade Unions: "If the Government passes Le Grange's Bills it will be declaring war on Cosatu and all democratic organisations. History has shown that the smashing of mass democratic organisation has paved the way for all-out fascism and martial law. We will not allow this to happen."

Anglican Archbishop Philip Russell: "The abrogation of the rule of law — with the removal of the right of the individual to a fair open trial and the policy of detention without trial — is an example of violence. The Government frequently accuses others of acts of violence but steadfastly refuses to acknowledge its own violence."

Southern African Catholic Bishops' Conference head Archbishop Denis Hurley: "Such significant numbers of black people have been caught up in the great liberation wave that noth-

ing can quell it. These prescriptions are not likely to quell it. They are far more likely to provoke greater vigour and determination on the part of those involved in it. Steps toward total war on one side will be met by comparable steps on the other."

National Education Crisis Committee: "The passage of these Bills will place our country finally and firmly under the rule of fascism. If we don't oppose them our dreams for a non-racial democracy will be shattered and our children will inherit the ashes."

Transvaal Students' Congress: "We see this as another way of intimidating our people to stop them joining the struggle against this sadistic regime. But all this will not silence us."

Youth and civic organisations in Soweto, Alexandra, Dennilton and on the East Rand, as well as the Federation of Transvaal Women have pledged to fight the Bills in a joint statement: "These measures are no solution to South Africa's problems. They can only intensify the war raging in our country at the moment between the forces of progress and democracy and the forces of reaction and barbarism."

End Conscription Campaign: "It will mean that conscripts will not only be compelled to enter townships to defend apartheid but to detain and arrest people without warrant, prevent news coverage of unrest areas, enforce curfews, search people's houses and seize their possessions."

Finally, Premier Group chairman Mr Tony Bloom has warned pragmatically: "A legacy of bitterness is certain to be created if people like trade union leaders are detained and released without trial. They are the people with whom South African managements have to negotiate — and a surer formula for conflict would be hard to devise."

Le Grange bans meetings

Security stalling angers Govt

5/6/86 STAR

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By David Braun, Political Correspondent

CAPE TOWN — Coloured and Indian MPs are throwing awry Government plans to force through tough new security measures as the Soweto Day anniversary on June 16 comes closer.

Minister of Law and Order Mr Louis le Grange is believed to be angry at coloured and Indian stalling tactics after the Government went some way to meet their objections.

Meanwhile, he has banned until the end of June all meetings commemorating the 10th anniversary of the Soweto riots and the signing of the Freedom Charter on June 25 1954.

The Progressive Federal Party has urged the Government to drop the security laws amendments.

Opposition to the Bills outside Parliament is also growing.

'Closer to martial law'

At a Press conference in Cape Town yesterday, an organisation calling itself the Ad-Hoc Committee Against New Repression Bills said that the draft laws would entrench the concentration of dictatorial powers in the hands of the police, and in particular the SADF, bringing the country a step closer to martial law.

A statement put out by the group was endorsed by 23 other organisations, including the UDF, Black Sash and End Conscription Campaign.

Mrs Helen Suzman, the PFP spokesman on Law and Order, called for the amendments to be dropped after the House of Delegates last night referred the Public Safety Amendment Bill and the Internal Security Amendment Bill back to the Joint Standing Committee on Law and Order for further consideration. The House of Representatives is to make a similar decision today.

In terms of parliamentary rules, if two Houses request that legislation be sent back to the Joint Standing Committee for further consideration, the third House is deemed automatically to have endorsed the decision.

The House of Assembly has already debated and voted in favour of the Public Safety Amendment Bill — a process it might have to repeat if a new version of the Bill comes out of the committee.

The decision by the coloured and Indian parties to refer the Bills back to the committee has thwarted Government plans to guide the controversial legislation through Parliament before the end of the sitting on June 20.

The Government was anxious to get the powers the Bills would provide in order to suppress mounting unrest.

Mrs Suzman said the fact that the Bills had been ordered back to the committee meant it was likely the Government would have to force them through Parliament by means of the President's Council.

In terms of the constitution, the President's Council may be asked to arbitrate on deadlocked legislation. Because the Government controls the council, it could effectively ensure that its own version of any legislation goes through Parliament.

The embarrassment for the Government in doing this is that it would anger the coloured and Indian parties while highlighting that, at the end of the day, power-sharing still means white control.

● See Pages 4 and 17.

APARTHEID BAROMETER

DEFENCE

THE government has given the Transvaal Provincial Administration R3,5-million for security measures in the northern border region. Part of the money will be spent on security for 12 schools in the north-western border region.

WHIPPINGS

According to Minister of Justice Koble Coetsee, between July 1984 and July 1985 a total of 40 288 people were sentenced to corporal punishment in South Africa not coupled with other sentences.

The Criminal Procedure Amendment Law, passed last month, gives greater flexibility to magistrates to sentence people to whippings. According to Dave Dalling (PFF Sandton) the new law made it possible "for every youngster who had thrown a stone during the unrest to be flogged for his indiscretion". He added that the law would quadruple the number of people sentenced to corporal punishment in South Africa and would "further enhance the status of violence among our population".

FORCED REMOVALS

According to the Surplus Peoples Project, 3 521 900 people were forcibly removed from their homes by the government between 1960 and 1982.

According to the former Minister of Cooperation and Development, Dr Piet Koornhof, 1 593 794 people were moved between January 1960 and March 1984, but only 456 860 for "ideological" reasons (from "black spots"). The remainder comprised: 979 034 Africans moved within white-designated areas from old townships to newer ones; 487 321 to "homelands" from white-designated areas; and African areas including 46 693 squatters; 48 693 Africans moved by chief commissioners, mainly from rural areas; 17 746 Africans moved for infrastructural development schemes; and 4 140 Africans moved for strategic or military purposes. According to Koornhof's figures 77 577 people were moved between 1981 and 1983.

His figures do not include the 834 400 people estimated by the SPP to have been moved in terms of the Group Areas Act or the 730 000 who found themselves in homelands when borders were redrawn. According to the SPP 1 129 000 people were removed from rural areas as a result of commissioners' actions.

DISINVESTMENT

According to the Investor Responsibility Research Centre, a Washington Research group, 48 American companies pulled out of South Africa or made plans to leave between January 1985 and April this year.

VETERINARIAN TRAINING

There are 587 whites, 3 Indians, one coloured person and no blacks undergoing training as veterinarians at Pretoria University, South Africa's only university teaching veterinary science, according to Minister of Education and Culture Piet Claase.

DEVELOPMENT BOARD LIQUOR SALES

The 13 Development Boards in South Africa sold more than R365-million in liquor and sorghum beer during the 1984/5 financial year, according to Minister of Constitutional Affairs Chris Heunis.

BANNED BOOKS, PUBLICATIONS AND OBJECTS (May 23)

Apartheid, The United Nations and the International Community (E S Reddy); Trotsky - The Class, The Party and The Leadership (Militant, London); Amor, South Africa's largest confidential mail order specialists (pamphlet) (not stated); 1985 Calendar Protective Packaging (Pty) Ltd (not stated); Das Frohliche Ratsel Nos 269 and 281 (Gustav H Lubbe GMBH and Co); New Africa News No 56 Jan/Feb 1986 (New Africa News Collective, Australia); Worker's Liberty Sept 1985 (Specialist Organiser, London); SALEP Study Notes for Workers - Siluna Konke (Not Stated); Apartheid: Cosmetics Exposed (Not Stated); Black Sections - Spring 1986 (Black Sections National Committee, London); The Junius Pamphlet (Merlin Press, London) and The Unquestionable Right to be Free (Skotaville Publishers, Johannesburg). Unbanned: Sharpeville, March 21 1960 (SDA); Wichahn - Exposing the Contradictions (National Union of South African Students, Rondebosch); SLR Camera, June 1985 (and all future editions) (Haymarket Publications Ltd, London); The Liberation of Guinea (Basil Davidson); and Rich and Poor in New Zealand (David Bedggood) (both still banned for distribution but unbanned for possession).

CHILDREN UNDER APARTHEID: GILI WILLIAM NYATHELA, 11

Nyathela, of Zwane Street, Tumahole, Parys, said in an affidavit that on at 7am on a Wednesday in March, two policemen came to his house and forcibly took him from his mother to the police station. He said, a uniformed policeman asked him if he had stoned the bottle store and he said he had done this with others. He was then taken to a room, a sack was put over his head, he was handcuffed and given electric shocks on his fingers. He lost control of his bodily functions and was forced to clean up the mess. He was then shocked on his genitals, he said. The next day he was taken into a room with corpses and told to kiss the corpse of an old white person. He said he eventually kissed it. On the Friday he was beaten while making a statement, he said. On the Tuesday he was released in the custody of his parents. He was later sjambokked in the street by one of the policemen who arrested him, but managed to run away, he said. His trial for public violence is pending.

PRISONER OF CONSCIENCE: WALTER SISULU

Sisulu, 72, former ANC Secretary General, is serving a life sentence with Nelson Mandela at Pollsmoor prison. In July 1963 he was detained and in June 1964 he was convicted of sabotage and spent the next 18 years on Robben Island.

Sisulu was raised in Encobo in the Transkei and at the age of 15 went to work in a gold mine in Johannesburg. He later worked as a domestic servant in East London and a factory worker in Johannesburg. During this period he had contact with the Industrial and Commercial Workers Union. In 1940 he was fired after organising a strike at a bakery where he was working. He then joined the ANC and was elected treasurer of the Youth League, becoming one of the militant Africanists within the movement. In 1949, after the Youth League's Programme of Action was accepted at the ANC National Conference, Sisulu was elected secretary general. He was one of the key leaders of the Defiance Campaign and was arrested and imprisoned before being banned under the Suppression of Communism Act. In 1956 he was one of 156 people arrested for high treason. The trial lasted until 1961 when all were acquitted. He was again detained under the State of Emergency in 1960. On April 20, 1963 he went underground to play an active role in Umkhonto we Sizwe and was detained three months later. His wife, Albertina, is UDF national president, and Zwelake, one of his five children, is editor of New Nation.

The Tigress comes out of jail

AMONG the many detainees who have suffered through prolonged imprisonment is Khethiwe Mboweni, a tiny woman from Tzaneen whom the Security Police nick-named the "Tigress of the North".

A 28-year-old divorcee with two children, Khethiwe has spent seven of the last nine months in detention without being charged. She insists that she has suffered far less than many other detainees.

While studying social work at the strife-torn University of the North, Khethiwe was one of several activists in the Azanian Students Organisation (Azaso) imprisoned last year; in October she was held under Section 28 of the Internal Security Act, which allows for indefinite "preventive" detention.

In February, in her fifth month of solitary confinement, Khethiwe was admitted to the Johannesburg Hospital and treated for depression. When — on the strength of an Appeal Court ruling ordering the Minister of Law and Order to give reasons for issuing detention orders — lawyers secured her release in March, Khethiwe was too weak to sign the authorising papers.

On April 23, one month after her release, she was redetained, this time under Section 29 which allows for

A former Weekly Mail 'prisoner of conscience', freed last week after lobbying by her lawyers, tells of the psychological scars detention has left her with.
JO-ANN BEKKER reports



Khethiwe Mboweni

indefinite detention for the purpose of interrogation. She was released last Friday after intensive lobbying by her friends and lawyers.

Khethiwe said she found her second spell "inside" easier to bear than the first.

"Under Section 28 you are just dropped in the cell and left on your own," she said. "Somehow interrogation was better, you could at least let out your bitterness against the police, but when you are in solitary

confinement all your anger is directed against yourself."

Khethiwe said months in solitary confinement left her feeling worthless. "You begin thinking: 'If only I'd left an indelible mark against the system. But here I am and for what? — I've hardly made a scratch.' I think that's what drives people to suicide," she said.

Although she was not tortured during her detention under Section 29, Khethiwe said she had been threatened with electrocution and the police had taunted her, asking if she knew how many people had died or gone missing while in detention.

"I told them I was more dangerous to them dead than alive," she said.

Khethiwe still suffers from deep depression and disorientation. An added burden is her guilt about her sons Mlunglisi, 11, and Nkunuleko, 6, who are living with her mother in Tzaneen while she begins a new job.

"I feel a total failure as far as taking care of my children is concerned. I was so terribly worried about them when I was in detention. I haven't been able to support them or give them enough love and guidance.

"They understand to some extent. They are growing up with a hatred of a government which detains their mother and so many others," she said.

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THE PAPER FOR A CHANGING SOUTH AFRICA

Volume 2, Number 22. FRIDAY JUNE 6 to THURSDAY JUNE 12, 1986

MPs block attempts to ram through Bills

Parliament's Young Turks challenge Le Grange Bills

ING BOOKLET INCLUDES THIS MANDELA PICTURE:



1964
this

It is only legal because permission was given by the Department of Prisons. All other pictures, drawings or representations of the man are still illegal.

See "UDF calls for ANC unbanning", page 3

By JEAN LE MAY in Cape Town and WEEKLY MAIL REPORTERS in Johannesburg and Durban
A SUDDEN surge of opposition by "Young Turks" among coloured and Indian MPs to the two security Bills now before Parliament indicates a leadership crisis for the two Ministers Without Portfolio, the Rev Allan Hendrickse and Amichand Rajbansi.

By deciding to send the two Bills back to the Standing Committee on Law and Order, the (coloured) House of Representatives and the (Indian) House of Delegates have probably stymied Law and Order Minister Louis le Grange's attempts to ram the Bills through parliament before June 16.

But even if the two Bills go back to the standing committee on Monday, there is a chance they could come up for debate again the following week, if they get through the committee in a mutually acceptable form. If they don't, there could be another deadlock. And given the present mood of the Labour Party and the National People's Party caucuses, this could be on the cards.

If that happens, the Bills could still be sent to the President's Council. But then the government would, in effect, be bypassing parliament altogether — and the National Party would have to decide whether it can afford to do this in the present crisis situation.

The Bills are the Public Safety Amendment Bill, which would enable the Minister to declare "unrest areas", and the Internal Security Amendment Bill, which extends the present 14-day detention of Section 50 to 180 days on the order of a police officer above the rank of Lieutenant-Colonel.

Le Grange's urgency to get the Bills passed, and his banning of indoor commemorative meetings up to the end of June, indicates that he expects an upsurge of violence at mid-month and has given rise to fears of an imminent clampdown on anti-apartheid organisations.

Earlier the Labour Party had earlier tabled several "softening" amendments dealing with access of detainees to relatives and lawyers, proposing judicial supervision of detainees and writing in a safeguard on any indemnity which may be included in regulations which the Minister may gazette.

Solidarity, the opposition party in the House of Delegates, however, joined the Progressive Federal Party opposition in the House of Assembly in refusing to accept the principles of the two Bills.

Solidarity spokesmen said they would propose, when the Bills came up in the House of Delegates, that they should be read "this day six months" — that is, never. It is the strongest form of disapprobation possible, and a considerable body of MPs in both houses, and particularly in the House of Representatives, urged that line be taken.

The point was strongly put in caucus that the Labour Party and the National People's Party had gone into the tricameral system on the platform of destroying apartheid from within, and that what they had achieved so far had been minimal.

Although the two Bills were not apartheid Bills *per se*, speakers emphasised that if they got any support at all from the coloured and Indian houses, the credibility of MPs would sink lower than it had ever been and there would be no chance of restoring it.

JUNE 16 BANS

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The man who ordered police to shoot tells why

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Three angry days as campus erupts

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THE FAR-RIGHT

The AWB's anti-semitic streak

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Detainee guarantees could head off crisis

By TOS WENTZEL, Political Correspondent

A CONSTITUTIONAL crisis will be averted if the Government is prepared to include guarantees on detentions in the controversial Internal Security Amendment Bill.

This Bill and the Public Safety Amendment Bill will be reviewed by the parliamentary standing committee on law and order next week after the House of Representatives and the House of Delegates referred them back.

Hard bargaining is expected at a meeting of the committee on Tuesday but informal contact has already started among the parties, mainly the Labour Party, the National Party and the National People's Party.

The legislation could still go through in the present session of parliament.

UNREST AREAS

So far the Minister of Law and Order, Mr Louis le Grange, has only promised that some guarantees can be given in regulations on detentions.

The Labour Party in the House of Representatives and the NPP in the House of Delegates will probably find it easier to support the Public Safety Amendment Bill which provides for the declaration of unrest areas.

This is because the Minister has accepted an amendment enabling the courts to test the validity of proclamations, notices or regulations concerning such a declaration.

Mr Don Mateman, MP, the Labour Party's spokesman on law and order, said today he was hopeful that a compromise could be reached if safeguards on detentions were given.

SERIOUS

The Labour Party's proposals are, among others, that detainees must be treated as awaiting-trial prisoners; that they must be detained for the purposes of prevention and not interrogation and that they must have access to legal advice, family and clergy.

Mr Mateman said the Labour Party remained opposed to the principle of detention without trial. It also realised that there was a serious security situation in the country. It would, under these circumstances, be prepared to vote for the Bills provided its amendments were accepted.

If this was not done the party would reject the measures when they came back from the committee, Mr Mateman said. The attitude of the NPP is similar.

In such a case President P W Botha would have to refer the Bills to the President's Council.

Meetings ban: Exemption for church services

BONA fide church services are exempt from the June ban on public meetings.

This was announced by a spokesman for the Ministry of Law and Order today following Bishop Desmond Tutu's warning that he would hold services on June 16, the 10th anniversary of the Soweto riots, in defiance of the ban.

The Azanian People's Organisation and the United Democratic Front say they will challenge the ban in court.

An advocate and Azapo member, Mr Imrann Moosa, said he was instructed by Azapo president, Mr Saths Cooper, to prepare papers today for the Supreme Court. UDF attorney Mr Krish Naidoo said the ban would be challenged in the Supreme Court next week.

STAYAWAYS

Other organisations say they will stage services, meetings and rallies.

One of the presidents of the Congress of South African Trade Unions, Mr Ephah Barayi, said: "We are going ahead with our call for stayaways from work and we are planning meetings."

The chairman of the Black Sash in Cape Town, Mrs Ann Colvin, said it was the Sash's policy to defy unjust laws.

She said: "I cannot see many progressive organisations abiding by the ban — and if there are any meetings and rallies we would be glad to participate." — Political Staff and The Argus Correspondent.

Safeguards for detainees urged

By PETER FABRICIUS
Parliamentary Staff

TWO security laws before Parliament have finally been referred back to the joint standing committee on law and order.

But there are indications the committee will reconsider them swiftly and return them to Parliament for passing.

The Public Safety Amendment Bill alters the State of Emergency legislation to enable "unrest areas" to be declared, and the Internal Security Amendment Bill extends periods of detention without trial to 180 days.

The House of Representatives yesterday followed the House of Delegates in voting for the Bills to be referred back. But the Rev Allan Hendrickse, leader of the Labour Party, suggested they should be considered by the standing committee as soon as possible.

The Minister of Law and Order, Mr Louis le Grange, agreed and appealed to members to expedite the passing of the Bills because "the people are tired of unrest".

Mr le Grange complained that he had not received even a telephone call to indicate the Labour Party had changed its mind on the Bills since meeting him last Friday when he accepted certain amendments.

But Labour Party MPs claimed they had made it clear they opposed the principles contained in the Bills.

Built in

Mr Hendrickse said the Labour Party would support the legislation only once safeguards for detainees had been built in.

The detainee's rights should be restored at certain stages, for example after 48 hours and then 14 days, he should appear before a magistrate and then a judge.

The decision to send the Bill back was not a delaying tactic but an attempt to improve the law.

Members in the house had experienced detention without trial and were concerned to avoid any further hardship caused by this measure.

Young Turks challenge Bills

● From PAGE 1

Faced with near-revolt in their caucuses, Hendrickse and Rajbansi apparently agreed on a joint strategy, which was to propose, as soon as the second reading debates came up in their respective houses, that the Bills should go back to the standing committees.

There is a view that both were stalling for time and have hopes of persuading their caucuses to instruct members of standing committees to go along with amendments.

But considerable opposition to this course has built up — possibly thanks to the PFP, which proposed "this day six months" and fought the Bill through every stage of the second reading.

That Solidarity, whose leader Dr Jaagaram Reddy is a member of the Ministers Council in the House of Delegates, took the same line as the PFP has not gone unnoticed.

So the men in the middle are Hendrickse and Rajbansi.

The two Ministers Without Portfolio will come under considerable pressure from Cabinet colleagues. But that pressure will have to be weighed against pressure from their respective caucuses, which have the power to decide whether the two men will remain in office as chairmen

of Ministers Councils and hence *ex officio* as Cabinet Ministers.

This week also saw the launch of a major national "Stop the Le Grange Bills" campaign, launched at simultaneous press conferences around the country on Wednesday.

The campaign will focus around a "day of action" on Monday, when meetings, pickets and other protests will be held around the country by a wide range of organisations.

Supporters of the campaign who issued statements this week included political, youth, church, trade union and journalistic organisations.

"The most serious setback in civil liberties for a long time," was how lawyer Nicholas Haysom described the new Bills at a press conference this week.

"These Bills will plunge this country into levels of police action we have not seen before," the Detainees Parents Support Committee said.

"Whatever avenues of peaceful legitimate protest still remain are about to be blocked off completely with the introduction of the Public Safety and Internal Security Amendment Bills," it said.

The DPSC, drawing on the

experience of the recent State of Emergency, listed four effects it thought the Public Safety Amendment Bill would have:

● Black communities will bear the brunt of the return of the intense repression of the Emergency: occupation of their townships by army and police, curfews, endless funerals and detentions.

● White communities will see their sons in the continuing role of occupying and policing the townships.

● Business communities could expect a further deterioration in the economy as township communities hit back with boycotts and work stoppages and international business loses further confidence in South Africa.

● The media will face a repeat of the Emergency restrictions and harassment.

In Durban, the Natal Indian Congress has turned down an invitation from Rajbansi to "advise the NPP" on possible amendments to the Bills.

Rajbansi had asked the NIC to formulate suggested amendments. He later received an NIC telegram, stressing the latter's disapproval of the Bills and calling for both to be scrapped.

Court okays 'torture' search of cells

THE Cape Supreme Court has granted four alleged torture victims an order allowing them and their attorneys to search two Peninsula police stations for torture instruments.

The judgement, handed down by a full bench of the Cape Division, is believed to set a legal precedent in South Africa.

The four Cape Town men, Alfred Siphika, Mxolisi Howard Stofile, Zwelisha Malinge Mhluthwa and Alfred Moyishikile Dyantyi, applied for an "Anton Pillar" order allowing them to search the Guguletu and

Bishop Lavis police stations without prior warning to the police.

According to Stephan Raubenheimer, attorney for Siphika and Stofile, the "Anton Pillar" order is often used in Britain in breaches of copyright and pirate video cases. It entitles applicants to bring a secret application before a judge to search the premises of the opposing party without notification. The order, if it is granted, is kept secret until the search has taken place.

The application by the four men followed spells in detention during

By PIPPA GREEN
Cape Town

which they claimed they had been subjected to various forms of torture, including suffocation and electric shock treatment. Siphika and Stofile applied for an order to search the Guguletu Police Station, where they had been held, while Mhluthwa and Dyantyi applied to search the Bishop Lavis Police Station, where they had been detained.

Siphika is the leader of the Nyanga Extension squatter camp and

Mhluthwa and Dyantyi are from the Nyanga bush camp — both of which were destroyed in the recent Crossroads clashes. Stofile is a New Crossroads youth.

Advocate J J Gauntlett, who represented Siphika and Stofile, said in argument that the order was directed "merely at the recording of the existence of evidence in substantiation of the applicants' cause". He added that the applicants intended instituting actions for damages against the Minister of Law and Order and needed independent

observation of the existence of certain items allegedly used against them.

The only other "Anton Pillar" order sought in a civil rights case in South Africa was refused by the East Cape Local Division of the Supreme Court after Judge D Kannemeyer ruled there was enough medical and corroborative evidence to support the claims of six alleged torture victims in East London.

However, in the Cape Town case, evidence from medical doctors was that examinations of the alleged victims were inconclusive. Furthermore, a pathologist testified that conclusive tests of electric shock treatment must be carried out within three or four days of the alleged assault.

Granting the order, on May 23, Judge President of the Cape, J P Munnik and Justices Leonara van den Heever and P Baker ordered that all facts pertaining to the application be kept secret until the police stations had been searched and an inventory of items found filed with the court. The judges ruled that the applicants might search the rooms in which they had allegedly been tortured with the assistance of the sheriff of the Supreme Court, his assistants and their attorneys. The attorneys and the sheriff were empowered to search other rooms in the police stations, unless entry to a particular room conflicted with provisions in the Police Act. In that case, the sheriff would be empowered to search the room.

The court also ruled that the sheriff file an inventory of items found within three days of the searches. This inventory cannot be disclosed until civil claims are instituted.

The court made no finding about the truth of the allegations against the police which were contained in the applicants' affidavits.

It ordered that unless a civil action against the Minister of Law and Order was instituted within 12 weeks, any items confiscated from the police stations would have to be returned.

Siphika and Stofile were represented by Adv J J Gauntlett, instructed by S Raubenheimer of C and A Friedlander; Mhluthwa and Dyantyi were represented by Adv J Whitehead instructed by J Murphy of Mallinck, Röss, Richman and Closenber.

W-Mail 6/6/8

Applicant sent to Valkenberg

CAPE TOWN squatter leader, Alfred Siphika, an applicant in the recent "Anton Pillar" order, has been sent to Valkenberg for 30 days' observation after a court appearance this week.

Siphika, who is the leader of the Nyanga Extension squatter camp, which was devastated in the recent fighting at Crossroads, appeared in the Langa Court on Wednesday on a charge of attempted murder.

He was arrested minutes after he and his attorneys, accompanied by Supreme Court officials, had searched the Guguletu Police Station for alleged instruments of torture. Siphika and three other men were granted an order by the Cape Supreme Court about two weeks ago, allowing them to search the Guguletu and Bishop Lavis Police Stations without prior notice.

Siphika was arrested last week, immediately after the search had ended.

His attorney, Stephan Raubenheimer, said he was concerned about Siphika's welfare in the light of the squatter leader's previous allegations that he had been tortured by the police. An *in camera* bail application on May 30 was postponed after Siphika had collapsed in court, Raubenheimer said.

At a subsequent hearing on Monday this week, the magistrate D J Visagie ordered that Siphika be sent to Valkenberg for 30 days' observation. The hearing was postponed to June 27.

Cape Times 6/6/46
**Minister
defends
detention**

HOUSE OF REPRESENTATIVES. — Detainees held under security legislation had sufficient safeguards, the Minister of Law and Order, Mr Louis le Grange, said yesterday.

Speaking in a second reading debate on the Internal Security Amendment Bill, he said every detainee had the right to make representations to a review board chaired by a Supreme Court judge.

The detainee could be assisted by a legal representative and there was provision for periodic visits by a judge.

During the state of emergency last year, only a small percentage of complaints about ill-treatment had been received when detainees were visited.

Replying to descriptions of their detention by members of the House, he said that many famous parliamentarians had been detained without trial.

One of these was former prime minister Mr John Vorster, who had gone on a hunger strike while in detention because he had not been told why he was being held. — Sapa

Rajbansi and NIC talks ³²⁹ at weekend?

Political Staff *news 6/6/66*

CABINET Minister Mr Amichand Rajbansi has appealed to the Natal Indian Congress — a United Democratic Front affiliate — to hold talks with him this weekend over strategies for tackling the security legislation.

Mr Rajbansi sent a telegram asking the NIC leaders to meet him to discuss the best approach to adopt towards the Public Safety Amendment Bill and the Internal Security Amendment Bill.

NIC president Mr George Sewpershad said the invitation would be discussed today by the NIC executive.

This week there has been a thaw in the icy relationship between Mr Rajbansi's National People's Party and the NIC, which has campaigned against the tricameral system.

Mr Rajbansi revealed that Mr Sewpershad contacted him expressing extreme concern over the Bills.



Mr Peter Soal, PFP Johannesburg North (left), and Mr Philip Myburgh, PFP Wynberg (right), with the late President Kenneth Kaunda, in Lusaka this week.

LP wants safeguards for detainees in bill

HOUSE OF REPRESENTATIVES. — The Labour Party would only approve the Internal Security Amendment Bill once safeguards for detainees had been included in the legislation, the Chairman of the Ministers Council, Mr Allan

Hendrickse, said yesterday.

Speaking in second-reading debate on the Internal Security Amendment Bill, he said there should be safeguards which would allow the detainee to have his rights restored at certain stages during his detention. For example after periods of 48 hours and then 14 days the detainee should appear before a magistrate and then a judge.

The decision to send the bill back to the standing committee was an attempt to improve the law.

Christian

Detention without trial was practised in the United States, Britain, France and other Western countries and everyone accepted that something had to be done about the security situation in South Africa.

● The leader of the Opposition, Mr Dennis de la Cruz, said during the debate detention without trial was a violation of democracy and human dignity and unacceptable in a Christian society.

"The ghost of Steve Biko stalks our society and haunts us inside and outside the country. This is what we have done to people in detention without trial."

● Mr Peter Mopp (LP Border) said it was true there was a situation of unrest in the country but it was the result of NP policy. After years of indoctrination, people had

developed a "hate syndrome" against the police.

"Too many people have died in detention and we do not want one more person to die in this way."

The police projected a bad image and there appeared to be different laws for different people.

Sjambokking

"One sees a picture of a burly policeman sjambokking a woman lying on the ground giving the impression that a policeman can charge, convict and summarily punish someone."

"Children are sjambokked for taking part in a demonstration but the AWB can break up a meeting without any action being taken."

He said everyone should be treated the same in the eyes of the law.

● Moving an amendment that the Public Safety Amendment Bill be referred back to the Standing Committee on Law and Order at the start of second reading debate on the bill, Mr Don Mateman (LP Eldorado Park) said it was "about time" a security law came out of Parliament with the support of all three Houses and was subjected to the scrutiny of the world.

The House could not abandon its responsibility to making this bill and the Internal Security Amendment Bill democratic in as humane a manner as possible. — Sapa

SECURITY LEGISLATION

~~FINAL~~ 6/6/86
Using the stick

This week's fiery parliamentary debates on two tough security measures gave the distinct impression that government firmly believes that, if it cracks down hard enough on its opponents, negotiation — on its terms — will eventually succeed.

But, as the Progressive Federal Party's (PFP) spokesman on justice, David Dalling, pointed out, on every occasion that new security laws have been brought in since 1950, government has pleaded "special circumstances" — but never repealed them when the "circumstances" passed. The debate was continuing as the FM went to press.

The two new measures are the Public Safety Amendment Bill, which gives the Minister of Law and Order powers to declare "unrest areas" and effectively govern them as if they were under a State of Emergency; and the Internal Security Amendment Bill, giving police new powers to detain people without trial for up to 180 days if they suspect they may be involved in unrest.

Law and Order Minister Louis le Grange believes the new measures will go a long way towards stopping the 20-month cycle of countrywide civil unrest. But Dalling sees them as little more than a "licence to kill."

The two Bills are also a major test for the tri-cameral parliamentary system. The coloured and Indian Houses are unhappy with the measures and, if they decide to block them (although it seems unlikely after consultations between the majority leaders and President Botha last week), the Nationalist-dominated President's Council may be needed to force them through.

Despite slight concessions, including access by detainees to lawyers, and a review function for courts, the PFP is rejecting the measures without reservation. ■

Submitted suggestions have been kept confidential. and in circumstances between all parties

UDF to fight June 16 meeting ban

By CLARE HARPER

THE UDF and Azapo (Azanian People's Organization) will challenge the government's ban on June 16 commemorations in the Rand Supreme Court next week.

Numerous organizations have expressed anger over the ban which the Archbishop-elect of Cape Town, Bishop Desmond Tutu, and the South African Catholic Bishops' Conference have pledged to defy.

Church services were understood to be illegal as the ban includes indoor gatherings, but a spokesman for the Minister of Law and Order said yesterday that "bona fide church services are obviously not affected by the ban".

UDF national publicity secretary Mr Murphy Morobe said last night that a meeting at Orlando Stadium, Soweto, had been planned for June 16 and expressed fears that the ban could increase tension and the potential for violence.

National president of the Black Sash, Mrs Mary Burton, said the bannings were "insulting and provocative".

"The denial of our right to participate in events organized around the country makes us angry and arouses in millions of South Africans a spirit of defiance," she said.

Azapo publicity secretary Mr Muntu Myeza said Azapo had instructed an advocate to prepare papers opposing the ban and they would take legal advice on whether to go ahead with planned meetings.

He said that services and meetings had been planned countrywide along with a 10-day programme, with each day representing a year from 1976.

South African Catholic Bishops' Conference general secretary Father Mangaliso Mkhathshwa, said the church would "not even consider seeking legal advice on the legality of holding church services".

Security move: No decision

Political Correspondent

NO decision has yet been taken on whether to declare a general state of emergency in South Africa, a senior government source disclosed yesterday.

Fears have been expressed that an emergency might be declared as early as next week.

This follows the government's failure to rush two highly controversial security bills through Parliament and warnings by the Minister of Law and Order, Mr le Grange, that the government was prepared to smash the UDF.

On Thursday the Deputy Minister of Information, Mr Louis Nel, said the government was aware of extensive plans by "radical elements" to create unrest on June 16.

Yesterday one top source indicated that the declaration of an emergency was still a possibility but that a final decision would depend on developments in the next few days.

ONE TIME
7/6/86

Order against police

JOHANNESBURG. — A prominent trade unionist was granted an interdict in the Rand Supreme Court yesterday restraining the police from unlawfully arresting or assaulting him or his parents.

Mr Sam Ntuli of Thokoza, Alberton, and his parents Mr James Ntuli and Mrs Jeanette Ntuli, obtained the order against the Minister of Law and Order, the station commander of the Katlehong police station near Germiston and two policemen, named as officers Masangu and Masingi.

Mr Ntuli said in papers before Mr Justice D O Vermooten that he had been assaulted outside his home on May 28 and then arrested by men he recognized as Katlehong policemen.

The men were in plain clothes but were known to be policemen.

After the arrest, he was taken to Katlehong police station and the policemen, officers Masangu and Masingi, punched him. He was also assaulted by other policemen, whom he did not know, and lost consciousness a number of times.

During his detention he was questioned about arson, calls for work stay-aways and other unrest-related incidents. He denied he had taken part in illegal activities.

The return date is June 24, 1986. — Sapa

Social workers, clergy condemn bills

Cape Times 7/6/86 329

Staff Reporters
Own Correspondents
and Sapa

DETENTION of community leaders and scholars under proposed security legislation would lead to a direct rise in the crime rate, social workers at the National Institute for Crime Prevention and Rehabilitation of Offenders (Nicro) said yesterday.

The social workers, all from the Cape Town branch, said in a statement released late yesterday that proposing detention without trial for 180 days would cause families to lose breadwinners and increase demands on welfare sources. In the case of scholars it would aggravate the school drop-out rate. By removing community leaders it would cause the breakdown of social relationships.

● The Public Safety Amendment Bill and the Internal Security Amendment Bill have

been "unequivocally" condemned by the Lawyers for Human Rights in Johannesburg.

"The former bill confers powers on the Minister of Law and Order usually reserved for times of war," said the resolution, released to Sapa yesterday.

Landmark

Commenting on the Internal Security Amendment Bill, it said the 180-day detention measure would "nullify a recent landmark decision by the Appellate Division of the Supreme Court (Ndonko vs the Minister of Law and Order)".

● Social workers in Port Elizabeth yesterday passed a resolution expressing opposition to the proposed bills and calling for their withdrawal.

The resolution was passed by members of the Society for Social Workers of South Africa, holding their annual general meeting.

Social workers present supported a motion to send a telegram to the State President rejecting the proposed new security measures.

● The Methodist Church Cape Synod yesterday strongly condemned the proposed bills.

In a unanimous resolution the clergymen said they believed "these proposed laws will nullify the power of the judiciary, jeopardise media freedom and interfere with the freedom of association and the freedom of the individual".

The issue of disinvestment caused division within the Synod and it was resolved that churches would review a study document on disinvestment and report back to the annual conference in October.

Concern was expressed over ministering to young people in the South African Defence Force from within the official structures of the SADF.

CITY PRESS
329

Mutsi's inquest postponed

9/6/76
By DAN DHLAMINI

THE family of former Congress of SA Students organiser Sipho Mutsi - who died in police custody on May 5 last year - and hundreds of students waited in vain for the inquest to resume at the Odendaalsrus Magistrates' Court this week.

The Mutsi family only learnt from *City Press* that the inquest had been postponed to September 1 on agreement by lawyers for the family and the police.

According to the previous postponement, the inquest was to resume on June 2.

Mutsi was allegedly arrested on May 4 last year for wearing a police cap. At the police station he was accused of being connected with the bombing of a cop's home and the local administration offices.

Cops claimed he fell twice from a chair "from convulsions" while being interrogated by Odendaalsrus detectives - and died in Pelonomi Hospital on May 5.

2 The Argus, Tuesday June 10 1986

NATIONAL/CITY

Final bid 329 to break deadlock on Security Bills

By DAVID BRAUN, Political Staff

THE parliamentary joint standing committee on law and order meets today in a final effort to break the deadlock on security legislation.

The draft laws are the Public Safety Amendment Bill and the Internal Security Amendment Bill.

In terms of the first the Minister of Law and Order will be empowered to declare areas of unrest in which a state of emergency can be applied.

The second empowers the police to detain for up to 180 days without trial people whose removal from society they would consider to be essential to preventing or suppressing unrest.

It is believed that if the Bills are not passed by Parliament by the weekend the Government will use every other means at its disposal to clamp down on dissent before next Monday, the 10th anniversary of the 1976 Soweto riots.

Indications are that the Labour Party and the National People's Party will not agree to the Bills unless the Government makes substantial changes to them.

It is understood that the major differences between the Government and the other Houses of Parliament include the granting of an indemnity for security forces in areas of unrest, and legally prescribed protections for detainees.

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16: Laubscher
00 10/6/86
EL protest: nuns questioned (329)

Dispatch Reporter

EAST LONDON — A priest, two nuns, two members of the Justice and Reconciliation Commission and a Detainee Support Committee member were taken to the Cambridge Police Station for questioning yesterday in connection with a placard stand in Oxford Street.

A member of the Justice and Reconciliation Commission, Mr Tim Wigley, said last night that the placard demonstration had been in protest against the new security bills proposed by the Minister of Law and Order, Mr Louis le Grange.

"We were approached by members of the security police who told us to accompany them to the Cambridge Police Station. When I asked why they said they would be arresting us for protesting without a permit and for refusing to answer questions.

"I told them that I had not refused to answer any questions, yet they still bundled the six of us into cars and took us to the police station.

"The colonel there told them to take down our names and addresses and our posters were confiscated. We were given a receipt for the posters which would be submitted to the attorney general for him to decide whether he thought we were breaking the law," Mr Wigley said.

A spokesman for the security police confirmed that six people had been taken to the Cambridge Police Station for questioning yesterday afternoon.

Members of the Border region of the Black Sash held a similar placard protest stand at the City Hall.

See also page 2
Protest meeting page 9

BUS DAY 10/2/88 329

Security Bill reintroduced



● SUZMAN

MINISTER of Law and Order Louis le Grange has reintroduced the Public Safety Amendment Bill for Second Reading in the Assembly but has withdrawn his amendments.

The Minister had submitted amendments, some of them similar to those of Helen Suzman (PFP Houghton) and other PFP members, when the Bill was submitted for Second Reading the first time.

Introducing the Second Reading yesterday, he said the Bill had already been approved by the House of Assembly on June 4, but was referred back to the Standing Committee on Law and Order after rejection by the House of Delegates and House of Representatives.

"The Standing Committee considered the Bill but could not reach consensus.

"The circumstances leading to the drafting of the legislation and the motivation for the Bill is in the

speech delivered (by him) on June 2 in the Assembly and tabled in the other Houses.

"That speech was recorded in Hansard and it would be mere duplication to repeat it.

"I stand by it, with this one reservation that I withdraw the amendments under my name on the Order Paper.

"The Bill will have to be reconsidered in its unamended form," Le Grange said.

In reply, Helen Suzman said Le Grange had treated the House with "utter contempt" by refusing to offer arguments as to why the Public Safety Amendment Bill should be passed.

She said it made no difference that the Bill had been debated before being sent back to the Standing Committee.

"He (Le Grange) has not even bothered to advance the same arguments... it is no excuse to say they still apply," Suzman said.

Her reasons for opposing the Bill still applied and she moved that the Bill "be read this day six months" — the strongest form of parliamen-

tary opposition to proposed legislation.

She added the Bill would move SA further from the Rule of Law and was being introduced at a time when government's reform initiatives, especially the abolition of the pass laws, should be making an impact abroad.

This Bill would attract world condemnation but government did not appear to care about world opinion, "a sinking economy and a low rand value".

"All government cares about is staying in power and retaining its position of domination," Suzman said.

She said the PFP could not support the principle of detention without trial and hoped the same attitude would prevail in the other Houses.

If the Bill became law, it would make 180-day detention without trial a permanent part of the country's legislation. It also gave the Minister the right to delegate "wide powers to junior officers" without any control on the abuse of such powers. — Sapa.

Suzman: anarchy at KTC

THE KTC, Crossroads and Nyanga Bush areas were being given over to anarchy as a result of certain people being given the right to drive residents out by burning and killing. Helen Suzman (PFP Houghton) said yesterday. She said the police were "openly flouting the law and a court order restraining them from harassing the residents". — Sapa.

Mr P G SOAL: Mr Speaker, arising from the hon the Minister's reply, as he advised that no instructions were given regarding flags and banners, is it not standard procedure that when permission is requested for meetings to be held that permission is refused for banners and flags to be used at such gatherings?

The MINISTER: Mr Speaker, the answer to the question is no.

Inter-departmental Committee on Political Affairs

*11. Maj R SIVE asked the Minister of Defence:

With reference to his reply to Question No 20 on 8 April 1986, what matters are dealt with by the Inter-departmental Committee on Political Affairs?

THE MINISTER OF AGRICULTURAL ECONOMICS AND OF WATER AFFAIRS (for the Minister of Defence):

The Political Committee provides advice to the Secretariat of the State Security Council on matters pertaining to national security arising from international, interstate and internal political developments. The term "political" has the same meaning as in "political science", and has no bearing on party political activities.

Bethlehem/Warden: police reinforcements

*12. Mr J H HOON asked the Minister of Law and Order:†

- (1) Whether police reinforcements were summoned from Bethlehem and/or elsewhere to Warden on 23 May 1986; if so, (a) from where were reinforcements summoned, (b)(i) on whose instructions and/or at whose request and (ii) why were the reinforcements summoned and (c) how many policemen from (i) Warden and (ii) elsewhere were on duty in Warden on that day;

- (2) whether the police were instructed to patrol the Warden town hall with cer-

tain vehicles; if so, (a) with what types of vehicles, (b) why and (c) who gave this instruction?

†The MINISTER OF LAW AND ORDER:

- (1) Yes.

- (a) From neighbouring police stations.

- (b) (i) The District Commandant, Bethlehem.

- (ii) To maintain law and order.

- (c) (i) 5.

- (ii) 25.

- (2) Yes.

- (a) Unrest vehicles of the South African Police.

- (b) To create a visible police presence.

- (c) The District Commandant, Bethlehem.

†Mr J H HOON: Mr Speaker, arising out of the hon the Minister's reply, can he tell us whether there were also Black constables on the Casspir vehicles? [Interjections.]

†The MINISTER: Mr Speaker, unfortunately I do not have the relevant information at my disposal.

Ellisras: National Party meeting
*13. Mr J H HOON asked the Minister of Law and Order:†

- (1) Whether members of the South African Police attended a political meeting of the National Party in Ellisras on 24 May 1986; if so, (a) how many and (b)(i) what was the rank of the most senior police officer who attended the meeting and (ii) why did this officer attend the meeting;

- (2) whether these members were instructed to attend the meeting; if so, (a) by whom and (b) why;

- (3) whether all these members were stationed in Ellisras on 24 May 1986; if not, from what other police stations did they come?

The MINISTER OF LAW AND ORDER:

- (1) Yes.

- (a) 122 members were deployed in and in the vicinity of the hall.

- (b) (i) Lieutenant-Colonel.

- (ii) To be in command of the members on duty.

- (2) Yes.

- (a) The Commissioner of the South African Police.

- (b) After information was received and as was confirmed by a member of the Conservative Party in later reports in the press that more than 3 000 right-wingers had been mustered to bear down on Ellisras and that it was intended to let the meeting deteriorate into bigger chaos than the one at Pietersburg.

- (3) No, they were summoned from neighbouring police stations.

†Mr J H VAN DER MERWE: Mr Speaker, arising out of the hon the Minister's reply, can he tell us how many members of the NP turned out and who addressed them? [Interjections.]

Ellisras: National Party meeting

*14. Mr P G SOAL asked the Minister of Law and Order:

- (1) Whether any persons were arrested by members of the South African Police at a National Party meeting in

Ellisras on or about 24 May 1986; if so, (a) how many, (b) for what alleged offences, (c) what were the circumstances surrounding the arrest of these persons and (d)(i) what equipment had been issued to these members of this occasion and (ii) what use did they make of such equipment at this meeting;

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

†The MINISTER OF LAW AND ORDER:

- (1) No, but during the afternoon, however, persons were arrested at an entrance gate which is situated at a few hundred meters from the schoolbuilding, where the meeting was held, which persons were not at all involved with the meeting inside the schoolbuilding.

- (a) 5.

- (b) Drunkenness—1.
Illegal gathering—4.

- (c) These persons congregated and without the necessary authority held a meeting.

- (d) (i) Side-arms.

- (ii) None.

- (2) No.

Xolani Ngamane/Nomathokazi Mini

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

- (1) Whether two persons from Mdantsane, whose names and addresses have been furnished to the South African Police for the purpose of the Minister's reply, were arrested or detained by any branch of the South African Police on or about 15 April 1986; if so, (a) what are their names, (b) where were they arrested or detained, (c)(i) at what time, (ii) why and (iii)

in terms of what statutory provision were they arrested or detained and (d) where were they being held as at the latest specified date for which information is available;

- (2) whether any representations have been received concerning these persons; if so, (a) when, (b) from whom and (c) what was the (i) nature of the representations and (ii) response thereto;

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

†The MINISTER OF LAW AND ORDER:

- (1) Yes, in co-operation with the Ciskei Police.

(a) Xolani Ngamane;
Nomathokazi Mini.

(b) Mdantsane Black township.

(c) (i) 04h30.

(ii) Suspects on a charge of murder.

(iii) In terms of section 50 of the Criminal Procedure Act, 1977 (Act 51 of 1977).

(d) East London Prison.

- (2) Yes, with regard to one of the detainees.

(a) 30 April 1986.

(b) Nomathokazi Mini.

(c) (i) That she be released.

(ii) The representations were refused.

(3) No.

HAN S VANDER MERWAT
Moesien Abrahams

*16. Mr S S VAN DER MERWAT asked the Minister of Law and Order:

HoA

- (1) Whether the South African Police are holding an investigation into the death of a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply, after a political meeting held in Westridge, Mitchells Plain, on or about 25 May 1986; if so,

(a) what (i) were the circumstances surrounding, and (ii) was the cause of, the death of this person and (b) what was his name;

- (2) whether any persons have been arrested in connection with the death of this person; if so, how many;

- (3) whether the investigation has been completed; if so, (a) when and (b) what were the findings?

The MINISTER OF LAW AND ORDER:

- (1) Yes.

(a) (i) While deceased attended a UDF meeting on 25 May 1986 in Westridge, Mitchells Plain, he was identified by those present as a police informer, after which he was assaulted and his clothes were torn. After this he was guided through a backdoor of the hall and fled to a house while he was pursued by persons. At the house he was stabbed with a knife and presumably chopped with bricks by these persons and he died.

(ii) The cause of the death is not known yet.

(b) Moesien Abrahams.

(2) No.

(3) No.

(a) and (b) Fall away.

Criminal Procedure Act

*17. Mrs H SUZMAN asked the Minister of Justice:

Whether any persons have been sentenced to be whipped in terms of the Criminal Procedure Act of 1977 since the commencement of the Criminal Procedure Amendment Act, No 33 of 1986; if so, (a) how many persons over the age of 20 years have been so sentenced and (b) in respect of what specified period is this information furnished?

The MINISTER OF JUSTICE:

The information is not readily available because it can only be obtained by examining the court records of all courts country-wide, which is not economically feasible.

Cosmo City, Zandspruit

*18. Mr J C B SCHOEMAN asked the Minister of Constitutional Development and Planning:†

- (1) Whether his Department is contemplating the development of a township called Cosmo City at Zandspruit in the district of Krugersdorp; if so, when will the development be commenced;

- (2) for what population group is Zandspruit zoned at present;

- (3) whether all population groups will be able to live in the proposed township; if not, what population groups will be excluded;

- (4) whether the area concerned has already been declared an urban area; if so, (a) when and (b) who applied for this?

†The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING:

(1) No.

(2) The farm Zandspruit 191-JQ is situated in the area of jurisdiction of the Transvaal Board for the Development of Peri-urban Areas and is a controlled area in terms of the Group Areas Act, 1966.

ated in the area of jurisdiction of the Transvaal Board for the Development of Peri-urban Areas and is a controlled area in terms of the Group Areas Act, 1966.

- (3) and (4) Fall away.

Knoppielaagte

*19. Mr J C B SCHOEMAN asked the Minister of Constitutional Development and Planning:†

Whether his Department is considering changing the composition of the rural population of Knoppielaagte, in the district of Pretoria; if so, (a) in what respects and (b) when?

The MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING:

It has already been finalised—

- (a) the Greater Pretoria Guide Plan has been amended to provide for agricultural holdings of 1 ha each; and

- (b) by virtue of Notice No. 923 dated 16 May 1986.

HAN S VANDER MERWAT
Ambassador to London
*20. Mr J C B SCHOEMAN asked the Minister of Foreign Affairs:†

- (1) Whether the Republic's ambassador in London recently participated in television discussion programmes in South Africa; if so,

- (2) whether this participation took place with his (a) knowledge and/or (b) permission; if not, why not;

- (3) whether he will make a statement on the statements made by the ambassador on the relevant occasions?

The DEPUTY MINISTER OF FOREIGN AFFAIRS:

- (1) Yes.

HoA

Security LP divided

CHRIS CAIRNCROSS

THERE was no clear indication last night of how the Parliamentary Standing Committee on Law and Order would handle the two controversial security Bills today.

It is understood the Labour Party, the dominant group in the House of Representatives, is still divided on the issue. Its study group on Law and Order ended a meeting undecided yesterday.

Allan Hendrickse, chairman of the Minister's Council in the House of Representatives, is expected to issue a statement relating to the security legislation early today, before the standing committee meets.

The balance of opinion favours a capitulation by both the Labour Party and the National People's Party — with the standing committee finally reaching consensus on the two Bills.

Members of Parliament confirmed they were left in no doubt by Law and Order Minister Louis le Grange that harsher steps would be taken — such as the reintroduction of a state of emergency or the introduction of martial law — if the Bills were not passed this week.

Necklace³²⁹ death: ~~man~~ man in court 00 11/6/86

QUEENSTOWN — A former branch organiser for the South African Allied Workers' Union (Saawu) in Queenstown, Mr Mongezi Sihlahla, 25, appeared in the magistrate's court in connection with the death of a person who was necklaced.

Mr Sihlahla was detained at the Saawu offices in Durban in February this year. He was not asked to plead and no charges were put to him.

The case was postponed to July 3 and Mr Sihlahla was remanded. — DDR.

Mr Nick Stassen was on the bench and Miss Rene Garman prosecuted.

SOWETAN
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Police detain Vaal leader

A VAAL Civic Association executive member, Mr Litau Litau, has been detained by the police in terms of Section 50 of the Internal Security Act.

A spokesman for the Police Public Relations Division in Pretoria yesterday confirmed Mr Litau's detention.

A spokesman for the VCA told the *Sowetan* that Mr Litau of Zone 14, Sebokeng, was detained by security police on May 29. He was picked up at the offices of the Vaal Advice Centre in Zone 13, Sebokeng.

March

His detention coincided with a march earlier that morning by some Vaal residents to the Houtkop administration offices. They were protesting against the arrest of rent defaulters who have not been paying since the outbreak of violence in the area during September, 1984.

The spokesman said the VCA condemned Mr Litau's detention and those of other "comrades" in the Vaal Triangle. The association demanded Mr Litau's immediate release and also called on the Government to stop harassing residents in the area, the spokesman said.

PFP effort a beacon of hope in the gloom

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By JOHN MACLENNAN
Political Staff

came from people of all races and from all over the country. And most of them felt the bureau was the last avenue they could approach for help.

Mr McIntosh was able to tell callers which officials to approach and how to do it ("If you want to visit then you have to apply in writing and hand it to Colonel So and So") and he could tell them what they were allowed to send — money and clothing.

That was about it. But he and other PFP members are using information gleaned from callers to read the names of missing people into the privileged record of Parliament.

He caused a furore at question time when he demanded to know of the Deputy Minister of Law and Order — Mr Adrian Vlok — whether 20 people, who Mr McIntosh named as "missing", had been charged. The PFP plans to use this tactic at every available opportunity.

The bureau will also act as a monitor and central clearing house of information which is channelled to it from PFP sources and MPs in various parts of the country.

Mr McIntosh notes: "We already probably know more about what is happening in the townships than anybody else."

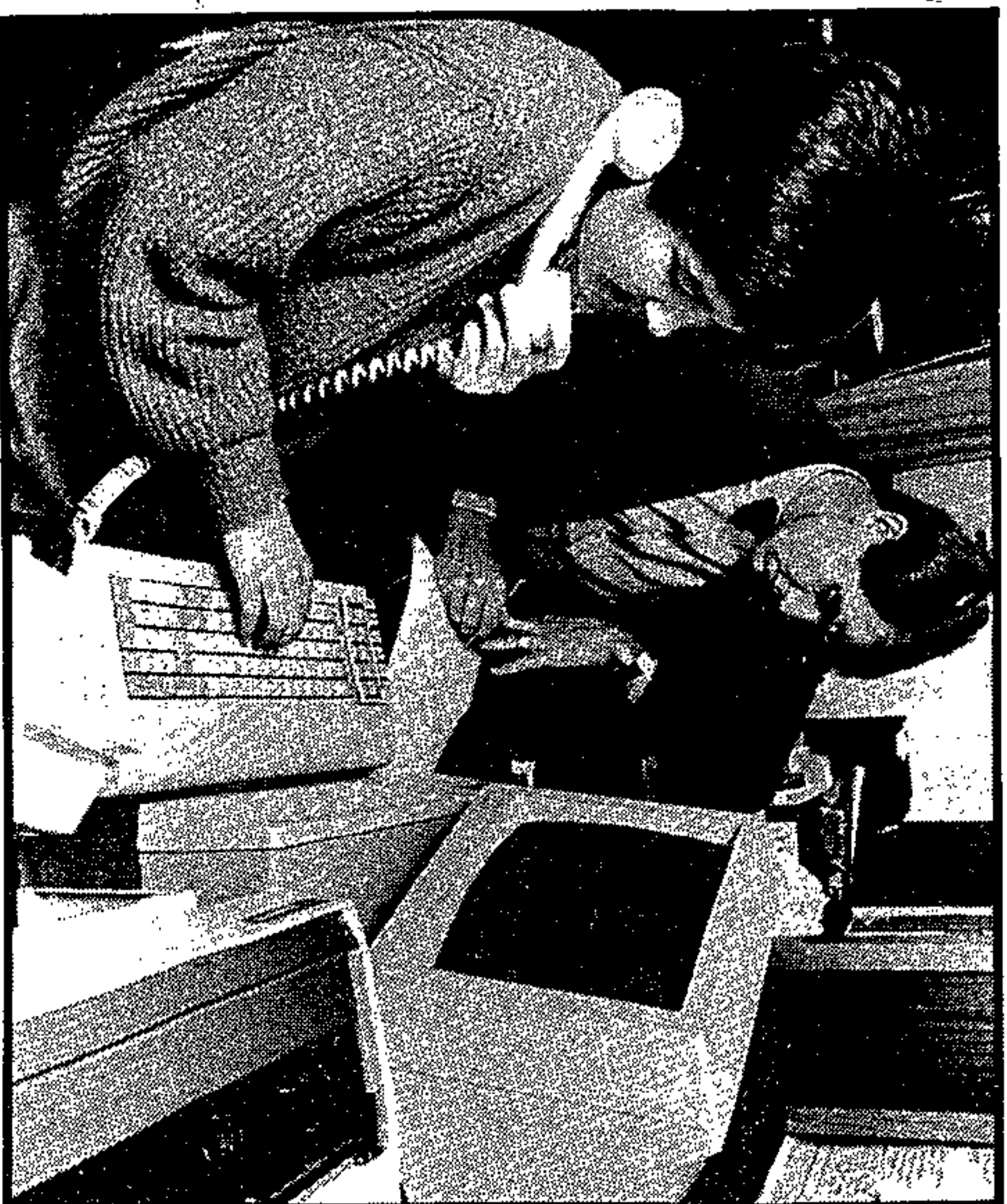
The calls they have been receiving do not relate only to missing people. He and other MPs regularly receive calls in the small hours of the morning from people who complain that they are in danger of attack from other black factions.

"They are killing us. Please help. But don't tell the police," is a typical cry for help received by Mr McIntosh.

This, he believes, is where the PFP now has a vital role to play in trying to bring groups together. Some of the groups involved do not want it known that they have approached a parliamentary party. He says that others, especially the hard left who are involved in clashes, show the least interest in sitting down around a negotiating table.

No official figure on the number of detentions has been released and Mrs Helen Suzman has told Parliament that rumour puts the number in excess of 2 000.

Mr McIntosh says evidence reaching the bureau suggests the authorities are involved "in a massive trawling exercise".



Missing Persons Bureau

Caroline Knott and Graham McIntosh (MP) take calls at the PFP's Missing Persons Bureau.

Fears for detained children

By Estelle Trengove

329
The Johannesburg Child Welfare Society has strongly opposed proposed new security legislation, saying 180 days' detention could be devastating to children.

Altogether, 2 016 children under the age of 16 were detained during the state of emergency from July last year until February this year. Some were held with adult criminals, some in solitary confinement and many were beaten, abused and intimidated, Mrs Elaine Walker of the Child Welfare Society said.

"Detentions are breeding a generation of children who are violated, angry, defiant, militant and frightened," said the assistant director of the society's Johannesburg section, Miss Jacqui Michael said.

Under the Public Safety Amendment Bill, the Minister of Law and Order could confer emergency powers on anybody and protection under the Children's Act fell away.

The manager of Soweto and Alexandra's social work services, Mrs Shirley Mabusela, said some children who had been detained during the state of emergency had to be admitted to hospitals for

psychiatric treatment, because the experience had been so traumatic.

She had also received reports that children were held in solitary confinement.

"Solitary confinement creates a great deal of anxiety in children," she said.

Some children had adjustment problems after they were released. One mother reported that her daughter had become extremely moody and was sometimes withdrawn and forgetful.

She would, for example, send the child shopping, but after a while the child would return forgetting what she had set out to do.

Because there were no facilities for children, they were treated like adults. Detention violated children and could expose them to all kinds of emotional problems, she said.

Ideally, children who were arrested should be placed in the care of their parents who would be responsible for the the children appearing in court, Miss Michael said.

The society would also like courts to recommend that a social worker be informed of such cases. "It goes against human rights to detain children," Miss Michael added.

Anglican bishop, RC priest held

cmk 12/6/86 329

PRETORIA. — The Anglican Bishop Suffragan of Johannesburg West and a Roman Catholic priest of the Klerksdorp diocese have been detained.

Anglican Bishop Sigisbert Ndwardwe was arrested at his home at 4am yesterday, the church said.

Last month he was held under the Internal Security Act for 10 days. After his release he appeared in court thrice on charges of public violence. They were later withdrawn.

Father Motsiri Mosai was detained on Tuesday, the general secre-

tariat of the Catholic Bishops' Conference said yesterday in a statement.

Father Mosai, who works in the Stilfontein township of Khuma, was detained about 7am. No reasons were given, the statement said.

Another Catholic priest of the Klerksdorp diocese, Father Louis Vanderbroeck, was detained on May 22 and released on June 4 without being charged.

A spokesman for the police public relations division in Pretoria was unable to confirm the two detentions. — Sapa

10 held after demo

By CLARE HARPER

TEN people — including a CBS cameraman — were arrested and three other newsmen held for questioning yesterday afternoon after police dispersed a placard demonstration in the City.

The protest was organized by pupils of Manenberg High School, Athlone, and members of the Bonteheuvel Inter-Student Congress (Bisco).

Cameraman Mr Wim de Vos is being held at Caledon Square police station and faces charges under the Police Act, said police liaison officer for the Western Cape Lieutenant Attie Laubscher late yesterday.

He confirmed that two women and seven men between the ages of 15 and 28 were detained by police in connection with the "illegal gathering".

Other CBS newsmen, Mr Anton van der Merwe

and Mr Mike Gavshon, as well as Associated Press photographer Mr Greg English, were taken for questioning, but later released without charges.

The 10 were arrested soon after police ordered the demonstration to disperse at 1.55pm and the gathering was splitting up.

The CBS crew were filming the pupils dispersing when Mr De Vos was grabbed by a policeman. His glasses were broken in the ensuing tussle.

A while later, a lone woman demonstrator was chased by police along Darling Street where she was arrested.

Police swarmed around the City along Darling Street outside the Post Office towards the bus terminus searching for, and arresting, fleeing demonstrators.

The pupils were protesting at the detention of teachers Mr Quintin

Michaels and Mr Neville van de Rhee, who have been held under Section 29 of the Internal Security Act for over a month.

The 25-person procession moved up Adderley Street towards Darling Street, singing and chanting until a group of policemen arrived.

A police officer using a loudspeaker ordered them to disperse as the gathering was illegal in terms of the Internal Security Act.

Small groups of people moved away towards the City bus terminus. About a dozen policemen swarmed around the terminus for over half-an-hour looking for demonstrators.

A police spokesman said: "The group was warned to disperse and no violence was used on the part of the police."

He said they were there specifically to arrest demonstrators.

CATHOLIC PRIEST IN DETENTION

A CATHOLIC priest, Father Motsiri Mosai who works in the Stilfontein township of Khuma has been detained in terms of Section 50 of the Internal Security Act, the South African Catholics Bishops Conference announced in Pretoria yesterday.

Father Mosai was arrested on June 10 at about 7 am, the SABC

said in a statement.

Father Mosai became the second Catholic priest from the diocese of Klerksdorp to be detained under the same Act within a period of six weeks. On May 22 Father Louis van den Broeck was detained under the same section and released on June 4 without being charged.

Sowetan 12/6/86

329

Parliament and Politics

Assembly told of torture

By BARRY STREEK
Political Staff

HOUSE OF ASSEMBLY. — Affidavits about the use of electric shocks and assaults on detainees by police and attacks on two young children were read out in Parliament yesterday by Mr David Dalling, Progressive Federal Party MP for Sandton.

Mr Dalling, who was speaking in the second reading debate on the Public Safety Amendment Bill, said he had read out the affidavits because the Minister of Law and Order, Mr Louis le Grange, had challenged him to bring facts of alleged police malpractice to Parliament.

He later said he had 150 other affidavits which he was prepared to show to Nationalist MPs because he wanted to know whether they supported this type of action.

"When Nuremberg-type trials are held in this country, I don't want any Member to say they did not know.

'Kicked and punched me'

"The government has given up its obligation to govern in terms of ordinary law," Mr Dalling said.

In one of the affidavits he read out, Mr Fundisile Matshini of East London said three policemen assaulted him after he had been detained.

"They kicked me and punched me on the cheek and ribs and in the groin. I doubled up in an attempt to protect myself and to hold my genitals and in doing so I collapsed on to the chair."

Mr Matshini said he was then ordered to strip and "after I was forced into the chair, one of the policemen took hold of my penis and pulled it forward so that my hips moved forward in the chair".

The chair, which was made of metal and seemed to be heavy, smelt strongly of urine. He was handcuffed to the chair after a cloth was wound around his wrists.



His hands were pulled as far apart as the handcuffs would allow and a metal bar inserted between his wrists. "This was very painful."

An object, which felt like a balaclava, was pulled over his head and two objects were placed high up on his inner thighs.

He was then asked in Xhosa why he was burning their houses and where the petrol bombs were.

"Because of the hood I was unable to speak clearly, but I attempted to say that I did not know the answers to these questions."

"I then felt a sudden and intense pain throughout my body. It was most severe around the genitals and stomach."

He had not experienced a severe electric shock before but "the sensation I felt was what I would expect a severe electric shock to feel like."

'My legs thrashed around'

"I screamed, and it seemed that I was screaming loudly and shrilly. At first I tried to control myself but I was then shocked on the front and back of my left shoulder, and I was unable to stop myself from screaming. The sensation was extremely painful."

"My knees were being held together by a policeman in front."

"When the shocks started, they began to shake violently, they shook in jerks so much that the policeman standing on my feet and holding my knees lost his grip."

"My legs, when they were free, kicked about and thrashed around violently, as I could not control them."

"My head felt as though it was being cut in two, right around the forehead area. It was very painful."

"At the same time I had the feeling of water flowing through my head. I lost consciousness, and I woke up being being shaken by one of the policemen."

'The shocks started again'

"The shocks had stopped but I could still feel pain throughout my body and especially in the groin area, the head and the back," Mr Matshini said.

When he regained consciousness, he could not make out what was being said and he also felt blows landing on his head.

Then a second, tighter hood was put over his head and the shocks started again.

"I felt my penis being gripped by someone, and then felt an intense pain. It felt as though my penis shrank and it was being pushed inside me."

"I felt pain shoot into my lower stomach and tremors and trembling in my chest, I also felt pain going down my legs."

"My legs were not being held and they involuntarily shook and kicked."

"I tried to get away from the pain by moving my body further back into the chair but I was held by the strap around my chest and couldn't move."

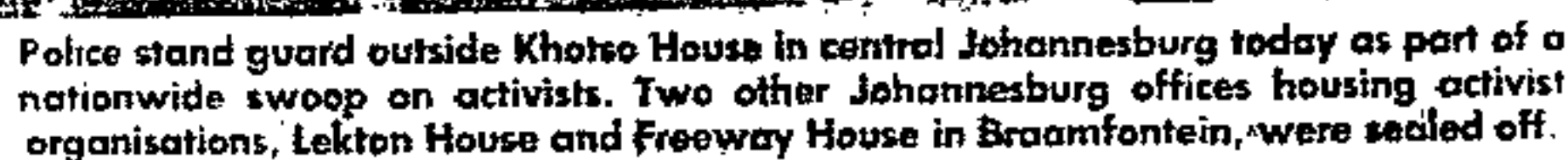
"When I started struggling in this way, I felt more shocks being administered to the upper left-hand side of the body, on the front and back."

"While they did this, I was screaming, but as soon as I felt the water falling on my head, I again lost consciousness," Mr Matshini said.

SAP hold scores in nationwide swoop

Unconfirmed reports also listed the following as being "taken by police": Ms Sandy Jonson, of the University of Natal SRC, Mr John Jeffries, Jacques Boule, A S Chetty, Dr Vusok Chetty, Dr S Motale, the Rev Theo Knudtel, the Hon Larry Kaufmann, Mr Peter Kirshoff, Ms Jean Manning, Mr Eric Appelgren, Gill de Vlieg, Sheila Brokensha, Dr Abe Nkomo, the Rev Lucas Maseela, and Mr Gregory Malebo.

Most businesses in Natal are expected to stay open.



Mr Malcolm Fraser of Australia and General Olusegun Obasanjo of Nigeria are expected to tell her that she was wrong to oppose the list of sweeping sanctions drawn up at last October's Commonwealth summit.

130 000-strong Greek community in South Africa to consider.

See Page 23

SOWETAN, Friday, June 13, 1986

Outcry over Govt moves

THERE has been a local and international outcry over the Government's nationwide swoop on activists and the declaration of the state of emergency.

The countrywide arrests and the re-imposition of the state of emergency, come three days before Monday, the 10th anniversary of the Soweto uprisings.

The British Government said yesterday it was very disappointed that South Africa had re-imposed the state of emergency. A foreign office spokesman said:

"Its re-imposition will only make more difficult the achievement of genuine dialogue in South Africa."

Bishop Desmond Tutu said only intervention by the outside world could avoid armageddon in South Africa.

"What is the world waiting for? The emergency makes it clear that the country has a government that is 'not in control of

SOWETAN Reporter

things". Business confidence will take a tumble", he said.

The National Forum said the detentions were a frustrated attempt by the "racist and capitalist Government to prevent the oppressed from commemorating their martyrs of 1976".

"This attempt will fail. The historical significance of June 16 will never be erased," the Forum said.

A Sharpeville Civic Association spokesman said the raids in the Vaal Triangle were seen not only as a clampdown on community leaders, but also as an attempt by the Government to break the successful rent boycott in the area.

"This action is a miscalculation on the part of the authorities. As long as the Government does not address itself to genuine demands of the people, detentions and

other forms of harassment will not stop them to fight for their rights," he said.

The Azanian Students' Movement (Azasm) publicity secretary, Mr Gomolemo Mokae, said the detention of its members and allies, as well as the emergency were geared towards preempting their programmes for June 16.

The national executive committee of the Azanian Students' Organisation (Azaso) said:

"June 16 should be given the 'necessary impact it deserves'. We also condemn the police raids on various campuses as well as the detentions of students and academics," the committee said.

Mr Brendan Barry, president of National Union of South African Students (Nusas), said:

"The mass detentions of the very people the Government should be negotiating with, is nothing less than an act of lunacy."

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New president will push for action

NCW to help detained children

By Kate McKinnell

Children in detention will be a focus of Mrs Elinda Bramwell's energy in her new role as National President of the SA National Council of Women (NCW).

Her recent election to the three-year position was 'unexpected, and she is still trying to adjust to her new role. But her concern for South Africa, particularly its women and children, should well qualify her for the work.

"Our greatest worry at the moment is about children in detention and the flood of allegations about their mistreatment," says Mrs Bramwell.

Security laws

She says the Children's Act states that children should not be held in prisons, and that they should always have access to social workers. It also provides that parents should be kept fully informed about their children.

"But the security laws have pushed these provisions aside," she says.

She says the NCW has and will continue to petition the Minister of Police to provide for the safety of children in detention.

Places of safety where children can be held are urgently needed, and the NCW suggests that already existing

buildings should hastily be converted to house detained children.

Mrs Bramwell says that with the acute crisis in South Africa at present, women's organisations can no longer stay out of the political field.

"The NCW has been known as a very moderate organisation, but at the moment there is no time for being moderate. We will try to listen, and in this way find out how and where best we can serve the community," she says.

Mrs Bramwell, who now has 10 grandchildren, has been involved in child welfare since she first started work as a social worker and probation officer for young girls out of control.

Then in 1979, she joined the NCW to head a Year of the Child committee, which later became the Committee of Concern for Children, and worked in day care.

Under Mrs Bramwell's guidance, the committee produced a detailed booklet on day care facilities in South Africa.

"There is a desperate need for care of children with working mothers in the white and particularly in the black communities," says Mrs Bramwell.

As a member of the national executive of the South African Association for Early Childhood Education, she stresses the importance of high quality pre-school education for children from disadvantaged homes.



ELINDA BRAMWELL: "Women's organisations today cannot be non-political."

WHERE POLICE SWOOPED

THE following are amongst those organisations affected by detentions yesterday:

13/06/86 WEEKN 11
 Atteridgeville/Saulsville Residents Action Committee; Azanian Peoples Organisation; Brits Action Committee; Detainee Support Committees; End Conscription Campaign; Krugersdorp Residents' Organisation; Mamelodi Parents' Crisis Committee; Mbekweni Civic Association; Leandra Action Committee; Natal Indian Congress; Paarl Advice Office; Port Elizabeth Consumer Boycott Committee; Soweto Civic Association; Transvaal Indian Congress; Uitenhage Residents' Association; United Committee of Concern; United Democratic Front.

TRADE UNIONS

Offices of the Congress of SA Trade Unions, Cusa and the National Union of Mineworkers were raided and officials detained.

Additionally members of the following unions were detained:

BTR Sarmcol strikers; Chemical Workers Industrial Union; Clothing Workers Union; Commercial, Catering and Allied Workers Union of SA; Food and Allied Workers Union; General and Allied Workers Union; Metal and Allied Workers Union and a smaller metal union soon to merge with Mawu — Nismawu; Motor, Assembly and Component Workers Union of SA; National Automobile and Allied Workers Union; Num; National Union of Textile Workers; Paper Wood and Allied Workers Union; South African Allied Workers Union;

Transport and General Workers Union.

CHURCH ORGANISATIONS

Catholic Dominican Community; Institute of Contextual Theology; Midlands Council of Churches; North Cape Council of Churches; Pretoria Council of Churches; South African Catholic Bishops Conference; South African Council of Churches; Young Catholic Workers.

STUDENTS

Various universities, Student Representative Councils and student organisations, including the Azanian Students Movement, Azanian Students Organisation and the National Union of SA Students were also affected.

MEDIA

Various media organisations were raided including Afrapix; Afrascope; Grassroots community newspaper; the New Nation newspaper and the South African Labour Bulletin.

Youth, student and community organisations in many smaller centres were also affected. Areas involved included: Barberton; Benoni; Bethuli; Bloemfontein; Brits; Carolina; Daveyton; Dennilton; Dordrecht; Ermelo; Grahamstown; Heidelberg; KaNgwane; Katlehong; Kimberley; King Williamstown; Klipspruit; Munsieville; Nelspruit; Paarl; Pietersburg; Queenstown; Randfontein; Sasolberg; Sebokeng; Theunissen; Vosloorus; Welkom; White River; Worcester.

0013/6/82 (329)

UDF organiser in hospital after being released from custody

Dispatch Reporter

EAST LONDON — A United Democratic Front organiser and executive member of the Duncan Village Residents' Association (DVRA), Mr Joe Thethinene Jordan, is in hospital here after being released from detention on Wednesday morning.

Mr Jordan obtained a Supreme Court interdict last year against police assaults while in detention.

The Border police liaison officer, Lieutenant Dot van der Vyver, confirmed yesterday that Mr Jordan had been released at 11 am on Wednesday.

He had been detained under Section 50 of the Internal Security Act in Duncan Village by the South African Defence Force on Tuesday night.

The medical superintendent of Frere Hospital, Dr Peter Mitchell, confirmed that Mr Jordan was still being treated at the hospital yesterday.

Mrs Andromeda Mbalu, Mr Jordan's mother, said her son was stopped by SADF personnel on Tuesday night. He and other occupants of the car in which he had been travelling were searched and UDF pamphlets were found on them.

Mrs Mbalu said she went to the Cambridge police station late on Tuesday night in the company of a lawyer and was allowed to see her son. He allegedly had a big bump on his forehead which was bleeding.

Mrs Mbalu said she was shocked when she found her son in hospital on Wednesday morning in what seemed to be a worse condition than he was in on Tuesday night.

"He was hardly conscious and I struggled to get any response out of him. He could only lie on his stomach because he said it was too painful to lie on his back," she said.

APARTHEID BAROMETER

DETENTIONS (Detainees' Parents' Support Committee figures)

Total Number of People Detained Jan-May, 1986: 2349

Total Security Detentions Jan-May, 1986: 1718 (613 known)

Emergency Detentions Jan-March: 631

Number still in Detention on May 31: 451 (155 known)

According to the DPSC the number of detentions under security legislation is nearly nine times the number in the same period last year (when 190 people were detained). The names of two-thirds of those detained are not known to the DPSC.

DETENTIONS BY LEGISLATION

Section 29, Internal Security Act: 136

Section 31, Internal Security Act: 22 (1 known)

Section 50, Internal Security Act: 1105 (373 known)

Homelands: 22

FATE OF 1986 DETAINEES AS AT MAY 31, 1986

Released without charge within 48 hours: 11 (24)

Released without charge after longer period: 139 (418)

Charged, awaiting trial: 1 (24)

Charged and acquitted: 0 (4)

Charged and convicted: 0 (0)

Died in detention: 0 (2)

Still in detention: 61 (141)

APARTHEID EDUCATION

According to FPP spokesman on education Ken Andrew, there are places for only 5 269 students at Department of Education and Training teachers' training colleges, while there are 2 967 vacancies at white teachers' training colleges. He said the most recent figures (1985/6) showed that total education expenditure was up by R937-million compared with the previous year. Of that, whites received R536-million (56 percent) and blacks R272-million (29 percent). He said there were 2.4-million white pupils (21 percent) and 4.2-million black pupils (63 percent). He added the DET had a shortage of classrooms for 193 575 pupils, while the Department of Education and Culture (whites) had vacancies for 205 000 pupils at its schools. These figures do not include shortages in the independent homelands.

LIQUIDATIONS

There were 341 insolvencies between January and March this year, compared with 602 in the same period last year. The number of liquidations was 674 compared with 828 between January and March last year.

CHILDREN UNDER APARTHEID: SIDWELL DLEPU, 14

On May 28, Sidwell and all the other students from Hlengwele High School in Soweto left in three buses for Klerksdorp, where they were to attend the funeral of a fellow student. The trip had been organised by the school and some of the teachers accompanied the students.

That night they went to the home of the deceased's parents to attend the vigil. Fifteen minutes after they arrived the police moved in and arrested the students and some of the teachers and allegedly struck them with sjamboks and batons. They were then made to lie down on the street where they were beaten again, before being taken to the Klerksdorp charge office and later to Sillfontein where they were kept in an open cell without food, blankets or water until the next day. In the morning they were hosed down with cold water and told they were being held under the Internal Security Act and that they could be detained for up to two years. They were then moved to another cell.

According to Sidwell they were given two meals a day (porridge, tea and soup) and were visited four times a day, twice by black policemen and twice by white policemen. Sidwell said that every time they were visited by the white policemen they were sjambokked and beaten severely. They were refused any other visits.

Sidwell's father visited the DPSC to find out about his son. He had not been officially informed about the detention. They were released after a week after the intervention of the school principal.

BANNED BOOKS, PUBLICATIONS AND OBJECTS (May 30)

Scope, Vol 21, No 21, May 23, 1986 (Republican Press, Durban); Catalogue of photostats and videos, Rina Cooper (not stated); Rhapsody, No 3697, De Luxe Falcon Puzzle (Falcon Games Ltd, England); Guan No 18, The Golden Lady (Jory Sherman); Soft Warm Rain (Roberta Latow); Praxis, Vol 2, No 1 (The Ecumenical Action Movement, Athlone); Een stuk van mijn ziel (Winnie Mandela); COSATU, Workers of the World "Build direct links" says COSATU (Southern African Labour Education Project, London); AZANIA Frontline, No 12, January 1986 (Azania Liberation Support Committee, London); Azania Worker, Vol 2, No 1, Spring 1985; Azania Worker, Double Issue, Vol 1, No 2/3 Summer 1984.

The bannings on the following publications for possession as well as distribution has been confirmed by the Publications Appeal Board: Crysis (Cassette) (Not stated); Spring into Passion (Mark Simmons); Community Board (Roxanne Rollins); Black Consciousness Movement of Azania, New Year Message (pamphlet) (Not stated); Kill the Oppressors not the Oppressed (pamphlet) (Africanist Patriotic Front); Dad, why are the soldiers here? (Counter-Propaganda Committee, Mitchell's Plain); Arise and Bear Witness (QIBLA, Athlone); AFRICA 1986 Calendar (Vakalisa Art Associates, Lansdowne); High Flying Fantasies (Michael Wayne); ANC of SA, Fight for Mandela's Freedom (not stated); Student Struggle News Bulletin No 6, Vol 1, Jan/Feb 1986 (South African Students Association, Crawford).

UNBANNED:

Trade Union Action on Namibian Uranium (SWAPO of Namibia, London) (For possession - still banned for distribution); The Second Lady (Irving Wallace); Bunny Girl, March/April 1986 (Republican Press, Mobeni); Gazette, Vol 1, No 5, April/May 1986 (Violen Promotions (Pty) Ltd, Turrfontein); Stern, No 10, Feb 27 1986 (Gruner and Jahr AG and Co, Hamburg).

PRISONER OF CONSCIENCE

AHMED KATHRADA, 57, former Transvaal Indian Congress general secretary, was one of the eight Rivonia trialists who, with Nelson Mandela, was sentenced to life imprisonment on Robben Island. Coming from an activist family, Kathrada first became politically involved at the age of 11. In the late 1940s he joined the then-legal Communist Party of SA and became chairman of the Transvaal Indian Youth Congress.

He was one of the key Indian activists involved in forging closer links between the Indian congresses and the ANC. He played a prominent role in the 1952 Defiance Campaign and was one of 156 Congress Movement leaders charged with treason in December 1956. All were acquitted five years later.

During the 1950's and early-1960's he was tried, jailed and detained on several occasions. In October 1962, Kathrada, then TIC general secretary, became secretary of the first Free Mandela Committee. Shortly afterwards, when he was under house arrest, he went underground and joined the Umkhonto we Sizwe high command. Six months later, in July 1963, he was one of 17 ANC leaders arrested in Rivonia.

In 1964, at the age of 35, he was sentenced to life imprisonment. He is currently in Pollsmoor Prison.

VETERINARY SCIENCE:

The Apartheid Barometer last week quoted Minister of Education and Culture Plet Claase as stating there were no black students studying veterinary science at Pretoria University, which he characterised as the only South African university offering that course of study.

In fact there are 52 black and two Indian undergraduates undergoing training in veterinary science at the Medical University of SA (Medunsa) near Ga-Rankuwa and one black student who is registered at Medunsa for a PhD. The veterinary complex also includes an animal hospital treating 1000 patients a month and a farm animal unit.

Torture claims man injured again

By FRANZ KRÜGER,
East London

A FEW hours after being detained by members of the South African Defence Force, an East London United Democratic Front organiser was in hospital with serious injuries — and was then released again less than 18 hours after his detention.

On Tuesday this week, Joe Jordan was stopped by an SADF patrol in Duncan Village. During a search, UDF stickers were found on him, his mother, Adromeda Mbalu, said. According to her, Jordan was then beaten and kicked.

Jordan's sister was in the area and heard her brother's cries for help. When she reached him she saw him being assaulted while he was lying on the ground. Soldiers had then chased her away, Mbalu said.

Mbalu said she had gone to look for her son, and found him at the Cambridge Police Station. An

attorney had gone with her, but police at first refused them access to Jordan.

The lawyer said he had at first been told Jordan was being held on suspicion of possessing a firearm, then that he had resisted arrest and then that he was being detained under section 50 of the Internal Security Act. They were then allowed to see him.

The next morning, Mbalu said, she had found her son at Frere Hospital, where she works. She said: "I was shocked by his condition," which was much worse than the night before when she had seen him at the police station.

He had been hardly conscious and could communicate only with great difficulty. It appeared he had a serious

back injury.

Later on Wednesday morning, two policemen served a notice on Jordan in his hospital bed that he was no longer in detention.

The police spokesperson for the Border area, Lieutenant Dot van der Vyver, confirmed that Jordan had been detained and then released, but would not comment on the assault claims because, she said, they involved members of the Defence Force.

A Defence Force spokesman referred inquiries back to the police.

In September last year, Jordan was granted an interim interdict by the Grahamstown Supreme Court against the South African Police and South African Defence Force, prohibiting them from torturing or assaulting him while he was in detention. In affidavits before court, he gave details of the tortures he alleged he had suffered.

HUNDREDS HELD

HUNDREDS of political activists and trade union leaders were detained yesterday in massive swoops throughout the country as the Government announced a state of emergency affecting all of South Africa.

Last night police set up roadblocks in townships and major roads nationwide.

Organisations affected in the swoops included the United Democratic Front (UDF) and its affiliates, the Azanian People's Organisation, the Black Sash, End Conscription Campaign, South African Council for Higher Education (Sached) and other

community and student organisations, including trade unions.

At least two buildings in Johannesburg city, Khotso House and Lekton Building, were surrounded by security forces and searched. The two buildings house the offices of community organisations and trade unions.

Soweto police yesterday barred non-residents — including journalists — from entering the complex.

Yesterday's crack-down sent the rand tumbling down to 35.45 US cents — close to its historic low of 34.75 US cents reached in October last year.

New detentions condemned

By CHRIS STEYN and CLARE HARPER

THE nation-wide security swoop on hundreds of offices and homes was yesterday strongly condemned by opposition leaders and organizations.

According to South African Council of Churches leader Dr Beyers Naude, early indications were that up to 1200 people were detained in swoops that began before dawn yesterday in Cape Town, Johannesburg, Port Elizabeth, Durban and country areas.

280 names

The Cape Times has submitted a list of about 280 names of those arrested to the Bureau for Information for confirmation. In terms of the emergency regulations, there can be no identification in the media until the detentions have been confirmed by police.

The Bureau for Information yesterday confirmed the detentions of "several" people in the wake of the declaration of a state of emergency. "No individual names will be confirmed. The next-of-kin of those detained will be informed," a spokesman for the bureau said.

According to a Police Public Relations Directorate spokesman, Major Steve van Rooyen, the detentions were in terms of Section 50 of the Internal Security Act and people could be held for

up to 14 days. This period can be extended by order of the minister.

Hardest hit by the arrests and detentions were the United Democratic Front and its affiliates, Azapo, progressive trade unions and church organizations.

Many Azanian Peoples' Organization officials have gone into hiding and could not be reached for comment yesterday.

The crackdown started about midnight when the state of emergency was imposed, apparently intended to pre-empt civil disobedience on June 16.

Roadblocks were thrown up in most major cities and all non-residents of Soweto, including the media, were barred from entering. Several rallies had been planned there to commemorate June 16 — the 10th anniversary of the 1976 riots.

'Less responsible'

The Progressive Federal Party's Mrs Helen Suzman said she hoped the government realized that the removal of responsible leaders might result in less responsible leaders coming to the fore.

The newly-formed Fruit and Allied Workers' Union (Fawu) has expressed "outrage" at the detention of six of its officials and warned that the harassment of progressive organizations would aggravate the political crisis.

The Vicar-General to Archbishop Denis Hurley, Monsignor Paul Nadal, strongly protested at the detention of Roman Catholics and other detainees. "I do not believe detentions or legislation can contain the struggle for liberation taking place at the moment," he said.

The crackdown on opposition groups vindicated his party's total opposition to the new security Bills, the Solidarity spokesman on law and order, Mr Mahmoud Rajab, said.

Deplored

The rector of the University of the Western Cape, Professor Richard van der Ross, said the university deplored South Africa's system of detention without trial, especially where it effected the university's students and staff.

The University of Cape Town's Law Students' Council strongly condemned the detentions.

A spokesman for the Minister of Law and Order, Mr Louis le Grange, said the minister would not comment on the detentions at this stage.

Several roadblocks, manned jointly by South African Police, Railway Police and Defence Force personnel, were yesterday set up throughout the Peninsula.

A police liaison officer for the Western Province, Captain Jan Calitz, confirmed that several roadblocks had been erected but said they had been part of routine police operations to maintain law and order.

Cordoned off

In Johannesburg Khotso House, which houses a number of religious organizations, UDF affiliates and black trade unions, was cordoned off by police. A worker at Khotso House said police were raiding the whole building.

Police carrying shotguns also stood guard outside Lekton House, home of a number of trade unions, including the country's biggest trade union, the National Union of Mineworkers.

A police roadblock was set up at Jan Smuts Airport yesterday morning and all cars were searched. Airport workers said there had been an unusually heavy police presence there all week.

At Melle House in Braamfontein, Johannesburg, in which the Health Information Centre, the SA Labour Bulletin and the community newspaper Speak have offices, people entering the building were held for questioning by policemen with machineguns.

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NEW SECURITY BILLS

Emergency time

The declaration of a State of Emergency to deal with expected "unrest" on June 16 appeared inevitable as the FM went to press.

The two new security measures which would have given police additional powers of detention without trial, and allowed the Minister of Law and Order to declare "unrest areas," were still bogged down in the parliamentary standing committee on law and order.

The (coloured) Labour Party (LP) and the Indian National People's Party (NPP) thwarted government's efforts to ram the measures through parliament last week in time for June 16.

President P W Botha and other government leaders have repeatedly warned that drastic steps may be necessary to deal with the expected problems on Monday. A State of Emergency seems the most probable action in the absence of the two new measures.

Despite government ban on meetings to

JUNE 16



PEOPLES' EDUCATION FOR PEOPLES' POWER!

commemorate June 16, black organisations seemed set to go ahead anyway.

In spite of pressures on the LP and the NPP to compromise and allow the measures swift passage through parliament, their caucuses appeared to be standing firm. Unless Law and Order Minister Louis le Grange agrees to extensive amendments to the Bill, the President's Council may have to break the deadlock between the three Houses. If this occurs, there seems little doubt that government's version of the measures will be approved.

310 detained in security swoop

BUD. DAY 13/11/86

329

IN a nationwide swoop yesterday on anti-apartheid activists — including churchmen, journalists, doctors, lawyers, educationists, students, politicians and unionists — at least 310 people were detained.

Scores of others went into hiding.

SA Council of Churches (SACC) leader Beyers Naude said early indications were that up to 1 200 people had been detained.

Reports indicated that others still unidentified by their communities had been arrested or detained.

No confirmation had been received late yesterday afternoon from the State Bureau for Information of a list of names submitted to it. In terms of emergency regulations, those detained cannot be identified until their names are confirmed.

The entire staff of the *New Nation* newspaper of the Catholic Bishops' Con-

DOMINIQUE GILBERT
and Own Correspondents

ference (SACBC) was detained yesterday morning, including the secretary-general of the SACBC and a number of prominent Catholics.

Members of the Dutch Reformed Church, Catholic Church, Pietermaritzburg Church Agency (PACSA), the Cedara Oblate Scholasticate and a Dominican priest were among those detained. All rooms at the Roman Catholic Family Centre, Victory Park, Johannesburg, were searched.

Reports on a series of midnight and pre-dawn raids said people were woken in the early hours by security forces, who searched every corner of their homes and gardens and then detained them.

A police roadblock was set up at the

● To Page 2 ➡

P.T.O.

CITY PR. 15/6/86

Hundreds detained in nationwide arrests

THE following are among those detained in the government's nationwide crackdown yesterday (Thursday).

In Pretoria the following were believed detained:

Arthur Mkhwanazi, a UDF member; Dr AB Nkomo, an executive member of the Atteridgeville-Saulville Residents' Organisation; Titus Mofolo (UDF); Thabo Masuku, Saulville-Atteridgeville Youth Organisation; Rami Dau and Kgoro Dau, both of Asro; Nathi Lekgoro, Mpho Lekgoro, Ronnie Mamoepe and Jackie Mase-mola, all of Sayo, and the Rev Lukas Mabusela.

In the Western Cape:

Elizabeth Erasmus, secretary general of Clowu; Noel Williams, vice-president of Cosatu Western Cape and chairman, Atlantis Residents' Association; Lesley Liddle, ecumenical officer Western Province Council of Churches; Rev Howard Magua, Tandgwu organiser; Victor Steyn, UCT student and member of Students for a Young Azania; Leslie Maasdorp, SRC member at Western Cape University; Alfred Stuurman, Western Cape Civic Association in Gugulethu; Mike Evans, ECC.

In the Reef area:

Piroshaw Camay, Council of Unions of SA; Sister Bernard Neube, Krugersdorp Residents' Association; Joe Makgotlho; Lawrence Ntloko, KRO secretary; Ashwin Shah (TIC); Azir Cachalia; Aubrey Mokoena, Release Mandela Campaign; Bishop Ndawanda, Johannesburg West Anglican Bishop Suffragan; Frank Chikane; Adrian Bird, Mawu education officer; Chris Bonner, TVI secretary CWIU; Ray Suttner (UDF); Peter Masala, Jack Phahlamohaka; Hans Alalashwa; Philip Theophilus; Jill Wellbeloved (Cric); Gill de Vlieg; Vester Smith; Ms Mogase (Kagiso); Ronnie Mamoepe; David Makasi; Dr Ribiero; Martha Mashangu; Saths Cooper; Ishmael Mkhabela; Haroon Patel; Lindo Ngcobo; George Mgizi; Dominique Nzaca.

In Natal:

Jean Manning and Eric Applegryn both of United Committee of Concern; Sandy Josslyn and John Jeffreys (both Natal

University SRC); AF Chetty, NIC, Peter Kerchov, Fr Larry Korfman, Fr Theo Kniffel, Nasisa Ballim, Rachid Abed, Rowena Halim; AS Chetty, Natal Midlands UDF chairman; Nita Ravjee, Azapo member from Merebank; Peter Kerchoff and Gay Spiller, Maritzburg Church Agency; Fr Larry, parish priest at Howick; Oome Jhetami, president Natal Medical School SRC; Dr Theo Kniffel, lecturer at St Joseph's Scholasticate at Cedara; Dr Vau Chetty and Dr C Motola, from the Natal Indian Congress; AS Chetty, chairman of the Natal Midlands Region of the United Democratic Front, and a member Joe Vadwa; Denis Dickson, from the National Education Union of SA; Yunus Karrim, a sociology lecturer on the Maritzburg campus; Bently Davids, Maritzburg Council of Churches.

In the Eastern Cape:

Port Elizabeth: UDF president Edgar Ngoyi, PE Women's Organisation president Ivy Gcina, Dennis Neer, Themba Duze, Jackson Mdungwe. In Uitenhage: Friday Frans, Vuyisile Thole, and Lizo Mthana.

24 activists in Duncan Village, five in Middelburg, 13 in Dordrecht.

ECC members:

Maritzburg chairman Jacqui Boule detained. In Johannesburg, homes of ECC spokesman David Shandler and organiser Claire Verbeek raided. Nobody taken as no-one there. ECC offices in Khotso House raided - videos and posters taken. Krugersdorp, Potch and Stillfontein: Rev LP Masupha, Rev IM Moloabi, Rev SS Kodisang, Father Gerald van den Somple, Father M. Mdsiri, taximen S Motedi, J Marumule, P Konyana, J Tshabangu, and schoolteacher S Majowa.

In Kutlwanong near Odendaalsrus:

Patrick Machidi, Kenneth Kume, Tumanne Phondoyi, Thabo Hlabahlaba, Sello Dithube, Soso Morothodi, Pule Mokgobo, Mokgadi Ntatenyana, Molatsa Mokgobo, Abraham Moshodi, Daddy Take, Thabo Pule, Buti Mbele, Mpotoke Mhlongo and two others. Seiso and Setopo (no surnames given) - all members of the Kutlwanong Students' Congress. NUM organisers in the Free State are also believed to have been detained.

● This list is not complete.

Reporter held in police raid

Staff Reporter

A CAPE TIMES reporter and a University of the Western Cape professor are among 200 men, women and children detained by police during a church service in Elsie's River yesterday afternoon.

Relatives of the reporter, sent by the Cape Times to cover the service at St Nicolas Anglican Church in Halt Road, said he had been able to get a message to them that he was being held at Bellville police station.

The professor's wife last night said that as far as she was aware, yesterday's service was not political and was "a straightforward church service". She said she had gone to Bellville police station and had seen many women and children, several of whom were crying.

Under the emergency regulations, names of detainees may not be published unless their names and detention are confirmed by the Bureau for Information in Pretoria.

Asked to comment, a spokesman for the bureau in Pretoria said in a statement: "The bureau does not react to every alleged incident or security forces action. We have a press conference every morning at 11am where information is made available."

The reporter's father and brother told the Cape Times yesterday that they had seen the reporter at the police station, but were not given a reason for his detention.

6/16/86
STAL

Documents returned after police raid

The Detainees' Parents Support Committee has successfully gone to court to claim back documents confiscated from its Johannesburg office.

They were seized by security police on Thursday as the state of emergency dawned.

Counsel for the Minister of Law and Order, Mr J Coetsee SC, tendered the return of the documents before Mr Justice R Goldstone in the Rand Supreme Court on Friday.

The offer was made in response to an urgent application by the DPSC for the court to declare the seizure of the documents unlawful and to have them returned.

Dr Max Coleman of the DPSC stated in papers that the documents included statements prepared by people who could be parties to or witnesses in future court action against the Minister of Law and Order.

PRIVILEGED

They were intended for legal advisors and, it was argued, therefore constituted privileged information.

Captain Petrus F Jansen van Rensburg said in a supplementary affidavit, filed after a short adjournment, that he had been advised the documents were privileged and he offered to return them.

Mr Justice Goldstone noted the police had also agreed to return any copies they might have made.

It emerged, from papers, that police had informed Dr Coleman that they were acting under section 50 of the Internal Security Act (while in fact they were operating in terms of emergency provisions) because they had been instructed not to reveal that a state of emergency had been declared.

Mr J M Suttner represented the DPSC.

CPPL Times 16/6/86

Bonn angered by detentions

BONN (AP) — The Bonn government yesterday called in South Africa's ambassador, Mr. Willem Retief, and demanded that South Africa release three West Germans held under the nationwide state of emergency and called their detention a "violation of human rights".

Two of the West Germans are members of a Roman Catholic order active in South Africa, and the third was connected with the group, a statement said.

Meanwhile, our London correspondent reports that information reaching Anglican and Roman Catholic church circles in London at the weekend was that most senior churchmen in South Africa were still at liberty, but that many of their deputies and parish priests working at grassroots level had been arrested in the security clampdown. — Sapa-AP.

^{EVEPOST 17/6/86 329X}
Orr application is withdrawn

THE application brought by Dr Wendy Pauline Orr and others in the Port Elizabeth Supreme Court against the Minister of Law and Order and others has been withdrawn.

In November last year, Miss Orr obtained a temporary interdict prohibiting the police from assaulting or interrogating

certain detainees held under the emergency regulations.

In February, the matter was set down for hearing of oral evidence later

Today, it was agreed between the parties that as the application related to emergency regulations which no longer applied, and none of the people

were still in detention, the only issue that remained was that of costs.

It was agreed the matter no longer needed to be referred for oral evidence; that the interim interdict be lifted and the *rule nisi* be discharged.

The hearing on the question of costs was postponed.

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CAP TMB 17/6/66 0327

3 Germans released

BONN. — South African authorities have released three of five West Germans who were detained in connection with the state of emergency, the Foreign Ministry said yesterday.

Ministry spokesman Mr Hans Gnodtke said the three were told they would have to leave South Africa as soon as possible, but could appeal against the ruling within the next 24 hours.

Mr Gnodtke said it was unclear why they were detained last week.

He said the other two detained Germans were still in custody in South Africa.

Those released were associated with a German Roman Catholic relief organization active in South Africa.

The West German Foreign Minister, Mr Hans-Dietrich Genscher, summoned the South African Ambassador, Mr Willem Retief, on Sunday to protest against the arrests and demand the immediate release of the West Germans.

The head of the Catholic Church in West Germany, Joseph Cardinal Hoeffner, has sent a message of support to his counterpart in South Africa, Archbishop Denis Hurley. — Sapa-AP-Reuter

Detainees: MP reads out names

Own Correspondent
JOHANNESBURG. — Government secrecy about detainees was cracked yesterday as the names of some of the 2 000 said to be in detention started to emerge.

The Progressive Federal Party MP for Maritzburg North, Mr Graham McIntosh, surprised Parliament yesterday when he read out names and asked if they had been detained in the past five days.

The Deputy Minister of Law and Order, Mr Adriaan Vlok, had just replied to a question by Mr Ken Andrew (PFP Gardens), who wanted to know whether any people under the age of 20 had been arrested on charges of public violence in the Western Cape in the first six months of last year.

Arrested

Mr McIntosh rose and said: "Mr Speaker, arising from the Deputy Minister's reply relating to people arrested for public violence, I wonder whether he could tell us whether Bantu Julius Fuzile, Nabel Swart of the Alexander Sinton School, Khalieb Desai of the Alexander Sinton School, Eric Applegreen, Janet Applegreen, Peter Kershoff,

Martin Wittenberg, Mr C Merret, Mr S C Jocelyn, Professor Colin Garner, a number of people from Mpolweni, Moses Mkhize, Edna Mkhize, Nora Mkhize, Nkosinathi Mkhize, Swart Mkhize, Nkululeko Mkhize, Mondli Ndlovu, Simo Bhengu and Xoli Mngadi ..."

Mr Vlok: "Mr Speaker, on a point of order ..."

Mr McIntosh: "Mr Speaker, I have nearly finished. Have all these people who have gone missing during the last five days been arrested on charges of public violence?"

Mr Vlok took another point of order and explained that he had replied to a question relating to the period January 1 to June 30 last year. Mr McIntosh was dealing with people who, according to him, had been detained in the past five days.

Mr McIntosh said his aim was to find out who had been arrested on charges of public violence.

"That is the question. The dates are not important. The question is whether these people, in view of the fact that they are missing, have been

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CAPE TIMES 18/6/86
From page 1

arrested on charges of public violence." The exchange ended amid loud interjections.

● Charges of illegal possession of a firearm against Father Sman-galisio Mkhathshwa, secretary-general of the South African Catholic Bishops Conference, were withdrawn in the Pretoria Regional Court yesterday because, it was revealed in court, he is being detained.

● Four Americans were arrested in Cape Town over the weekend under emergency regulations, a State Department spokesman told Sapa-AP in Washington.

One was identified as an Lutheran pastor, who was later released. Another was detained at a Sunday church service.

● Four foreigners were told to leave South Africa by midnight last night. They are Maritzburg clerics Professor Theobald Kneifel and Brother Heinz Alex Bernhard Ernst, both West Germans, a tourist, Mr Walter Hattig, and a Johannesburg teacher, Mr Eckhard Krallmann. Father Kneifel was a lecturer at St Joseph's Oblate Scholasticate at Cedara and served as chaplain to the University of Natal.

A spokesman for the scholasticate said both men were due to fly to Rome late yesterday.

● Another person known to have been detained recently is University of Witwatersrand law lecturer Mr Raymond Suttner. An urgent Rand Supreme Court application by Mr Suttner was postponed indefinitely last week after the Witwatersrand Divisional Commissioner of Police gave his assurance that Mr Suttner would not and had not been assaulted by policemen under his command.

● Many union offices were operating at reduced levels following the detention or absence of some key personnel.

Assault interdict on minister withdrawn

Own Correspondent

PORT ELIZABETH. — The application brought by Dr Wendy Orr against the Minister of Law and Order last year, restraining the police from assaulting detainees, was withdrawn in the Port Elizabeth Supreme Court yesterday.

In September last year Dr Orr, who was then employed in the district surgeon's office in Port Elizabeth, obtained a temporary interdict against the Minister of Law and Order and others, prohibiting the police from assaulting or threatening certain detainees held under the emergency regulations.

In February the matter, which was contested by the minister, was set down for the hearing of oral evidence later this year.

Yesterday it was agreed between the parties to abandon the matter, as the application related to detentions made in terms of emergency regulations introduced at that time, and because none of the people concerned were still in detention.

It was agreed that the matter no longer be referred for oral evidence and that the interdict be lifted.

The hearing on the question of costs was postponed to a date to be arranged.

Mr Justice Jennett was on the Bench. Mr JJ Nepgen, instructed by the deputy state attorney, Mr Johan Coetzee, appeared for the Minister of Law and Order. Mr Wim Tengove, instructed by Cheadle, Thompson and Haysom, appeared for Dr Orr and others.

PFP to trace missing persons

Political Correspondent
HOUSE OF ASSEMBLY

— The Progressive Federal Party's Missing Persons Bureau aimed to help the public trace the hundreds of people "disappearing" under the state of emergency, Mr Graham McIntosh (PFP Maritzburg North) said last night.

"Hundreds of people have in the last five days disappeared and almost all, we suspect, have been detained under emergency regulations," he said during the third

reading of the budget debate in the House.

"No person may even tell another that somebody is detained."

Parliament was the only place where names could be publicized and possible abuses monitored "to an extent", he said.

● Any person with information or questions about missing persons should contact any PFP office or Mr McIntosh at (021) 45-8311 or Ms Caroline Knott at (021) 46-5995.

June 1986

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Priest detained, Charge withdrawn

PRETORIA. — A charge of illegal possession of a firearm against a Roman Catholic priest was withdrawn yesterday because he is being detained in terms of emergency regulations.

The secretary-general of the South African Catholic Bishops' Conference, Father Smangalis Mkhathshwa, was to have appeared in the Regional Court here with co-accused Mr Samuel Mkhabela, who was present.

Their lawyer, Mr Brian Currin, told the court that in view of the emergency regulations he had been unable to ascertain the whereabouts of Father Mkhathshwa.

He said he had been advised by a Colonel Ros on Thursday that Father Mkhathshwa had been detained in terms of Section 50. He was later advised that the priest had been detained in terms of the emergency regulations.

Mr Currin said that because he would not be able to determine when Father Mkhathshwa would be released "it would be rather silly to postpone the case to an unknown date".

He said it would prejudice Father Mkhathshwa financially should his lawyer have to appear without him again.

"The fairest thing to do would be to withdraw the charges against him and perhaps recharge him when he is released," Mr Currin said.

After a short adjournment, the magistrate, Mr J Carstens, said the charges would be withdrawn provisionally against both men. — Sapa

Criminal charge against detained priest withdrawn

18/6/86 Pretoria Bureau

A charge of unlawful possession of a firearm against the Secretary General of the South African Catholic Bishops' Conference (SACBC), Father Smangalis Mkhathshwa, was withdrawn by a Pretoria magistrate yesterday.

Father Mkhathshwa, who is in detention, was arrested with Mr Samuel Mkhabela at his vicarage at the St Charles Llwanga Catholic Church about a month ago.

Mr Brian Currin, attorney for both Father Mkhathshwa and Mr Mkhabela, submitted that Father Mkhathshwa could not appear in court because he was detained under the emergency regulations.

CLIENT DETAINED

He said he was told by a senior police officer last Thursday his client had been detained under Section 50 of the security laws.

He added that the next day he was told that Father Mkhathshwa was now detained under the emergency regulations.

Mr Currin told the court it would be "silly to postpone the case to another date since we do not know when he will be released from detention".

He also asked the court to withdraw the charge against both his clients because it could not be ascertained — in view of the emergency regulations — when Father Mkhathshwa would be released. He said the State could charge the two again after Father Mkhathshwa's release from detention.

Mr J Carstens complied with Mr Currin's request and withdrew charges.

+ + EMERGENCY UPDATE + +

Argus 12/6/86

US asks for details on held Americans

The Argus Foreign Service

WASHINGTON. — The United States Government has asked for details of four American citizens arrested in South Africa, including two at a Soweto Day church service near Cape Town.

One was still being held at Pollsmoor Prison after being arrested on Sunday afternoon.

American consular officials in Cape Town had not, until late yesterday, been given permission to visit the man in jail. But the State Department said later permission had been granted for officials to see him today.

Detainees treated with care, says bureau

1. Pretoria Bureau

2. Detainees seized under the new state of emergency are being treated "responsibly and with care" according to the Prisons Service. It is still not known how many people are currently in detention.

3. A statement issued through the Bureau for Information today said detainees were treated in accordance with international minimum standards.

4. There were adequate channels for detainees to air their grievances. Judges and magistrates had access to detainees and could report on what they found.

5. The director of internal media liaison, Mr Leon Mellet, could not say if foreign embassies in South Africa would have access to detained nationals.

6. He could not say how many detainees were under 18 and if the Children's Act applied to them.

7. A Government Gazette published when the emer-

gency was declared promulgated strict regulations governing what detainees arrested under the emergency may or may not do, and provided for them to be subjected to corporal or dietary punishment.

8. A person may be detained by the security forces without a warrant of arrest and be held for a period of up to 14 days. This may be extended by the Minister of Law and Order, Mr Louis le Grange.

9. About 12 hours before the public had been told a state of emergency existed, the security forces in a nationwide swoop made at least 450 arrests.

10. The bureau has repeatedly refused to say how many people are being held.

11. Banned are singing, whistling, reading, talking, visits by family members and lawyers.

12. Information may only be released by the Commissioner of Police or a person designated by him.

13. On admission, a detainee will be searched and

he/she will not be allowed visitors unless permission is obtained from the prison commander acting in consultation with the Commissioner of Police.

14. A legal representative must obtain permission from the Minister of Law and Order and the Commissioner to visit a detainee.

15. A detainee may also not write letters without permission and the only reading matter allowed is a bible. He/she may not receive food parcels or articles. No studying is allowed. Radios, television sets, record players or musical instruments are banned.

16. An hour of exercise a day must be granted.

17. Detainees will contravene disciplinary regulations if they furnish a false reply, are insolent or disrespectful, idle, careless or negligent, swear or use indecent, slanderous or insulting language.

18. Detainees contravening the regulations may be fined, warned or kept in solitary confinement.

18/6/86. BUS DAY. Secrecy crumbles

Business Day Reporters

GOVERNMENT secrecy about detainees began to crumble yesterday, as the names of some of the 2 000 said to be in detention began to emerge.

In separate developments:

□ Graham McIntosh, PFP MP for Maritzburg North, surprised Parliament yesterday by reading out the names of people and asking if they had been detained in the last five days.

McIntosh asked Adrian Vlok, Deputy Minister of Law and Order, if he could "tell us whether Bantu Julius Fuzile, Nabel Swart of the Alexander Sinton School, Khalieb Desai of the Alexander Sinton School, Eric Applegreen, Janet Applegreen, Peter Kershoff, Martin Wittenberg, Mr C Merret, Mr S C Jocelyn, Prof Colin Garner, a number of people from Mpolweni, Moses Mkhize, Edna Mkhize, Nora Mkhize, Nkosinathi Mkhize, Swart Mkhize, Nkululeko Mkhize, Mondli Ndlovu, Simo Bhengu and Xoli Mngadi ..."

McIntosh said his aim was to find out who had been arrested on charges of public violence. The exchange ended amid loud interjections.

□ Charges of illegal possession of a firearm against Father Smangaliso Mkhathshwa, secretary-general of the SA

THIS newspaper has been produced under conditions amounting to censorship.

Permission to publish certain items of news has been sought from government's information bureau and refused. In other cases, officials would neither confirm nor deny reports put to them.

The bureau spokesman yesterday denied that it had "willfully withheld information". But he added: "The bureau cannot comment on every incident and the daily Press conferences will clarify possible questions in this regard."

Business Day stands by its report that in some cases it has been unable to obtain confirmation or denial of information which, but for the restrictions, it would check for itself.

Catholic Bishops Conference, were withdrawn in the Pretoria Regional Court yesterday because, it was revealed in court, he is being detained.

□ Four Americans were arrested in Cape Town over the weekend under emergency regulations, a State Department spokesman said in Washington.

One, a Lutheran pastor, was later released. Another was detained at church services on Sunday.

US diplomats had not been allowed to see the two men. There were few details

● To Page 2

18/6/86. BUS DAY. Govt secrecy crumbles

about the other two, but US consular officials have been allowed to visit them. "We have raised the detention of these American citizens with South African authorities".

□ Four foreigners were told to leave SA by midnight last night. They are Maritzburg clerics Prof Theobald Kneifel and Brother Heinz Alex Bernhard Ernst, both West Germans; Walter Hattig, a tourist; and Eckhard Krallmann, a Johannesburg teacher.

□ Another person known to be detained is University of Witwatersrand law lec-

turer Raymond Suttner. An urgent Rand Supreme Court application by Suttner was postponed indefinitely last week after the Witwatersrand Divisional Commissioner of Police gave his assurance that Suttner would not and had not been assaulted by policemen under his command.

□ Many union offices were operating at reduced levels following the detention or absence of some key personnel.

● From Page 1

Thirteen detained in Venda

By Mudi Malyha

Thirteen residents of Vleifontein township near Louis Trichardt in the Northern Transvaal have been detained by the Venda security police.

Vleifontein residents are resisting their incorporation into Venda.

Mr Edward Makgatu, Mr Daniel Ramahlapa, Mr Steven Nemavhide, Mr Russel Molefe, Mr Peter Tshikota, Mr Ronald Mashau, Mr Livingstone Phul-

wana, Mr Abel Mudau, Mr Sonnyboy Mulaudzi, Mr Stephen Mokoditso, Mr Bethwell Mudau, Mr Benedict Mahladife and Mr Joseph Mudau are being detained under section 28 (1) of Act 13 of 1985 — the Maintenance of Law and Order Act. The section aims to prevent persons from committing certain offences.

Their detentions were confirmed by the chief of the Venda Security Police, Brigadier Gerson Ramabulana.

German detention protest

STAL

The State's Foreign News Service

329

18/6/85
BONN — The West German Foreign Ministry protested in Bonn and Pretoria yesterday over the continued detention of a woman student detained in Johannesburg since the emergency.

The Ministry telephoned South African Ambassador Mr Willem Retief to urge the immediate release of the woman — who may not be named in terms of the emergency regulations. The West German Embassy in Pretoria made a similar approach to the South African Department of Foreign Affairs.

The Ministry spokesman said two German Catholic priests and a man arrested in Maritzburg were released on Monday, but ordered to leave South Africa. Two other Germans detained in Johannesburg were also released.

Strikers demand release of leaders

AT LEAST six retail chains and a major dairy on the Reef have been hit by strikes, with hundreds of workers demanding the release of detained Commercial Catering and Allied Workers' Union (Ccawusa) leaders.

Milk deliveries to homes in the northern and eastern suburbs of Johannesburg have been disrupted by a strike by 350 workers at Nel's Dairy in Victory Park. Many are Ccawusa members.

Dairy owner Hans Nel said the workers were dismissed yesterday.

Most of the sit-in, retail strikes began on Friday — the day after the unionists were detained — and have continued sporadically. The number on strike has fluctuated, according to employers.

OK Bazaars, Frasers Ltd, CNA Gallo Ltd, Pick 'n Pay, Checkers and Woolworths have been affected.

It is understood employers in the commercial and distributive trade have sent urgent requests to Law and Order Minister Louis Le Grange to charge or release detained union leaders.

A union member at the Ccawusa offices said yesterday there were no offi-

CLAIRE PICKARD-CAMBRIDGE

cials there who could comment on the strike.

OK Bazaars personnel director Richard Blackwell said 12 branches had been affected since Friday, when workers began an illegal strike. He did not know how many workers were on strike, but said store managers were negotiating with them.

No details of the strikes at Woolworths and Checkers could be obtained last night. It is believed a total of more than 20 stores of the two companies have been affected.

Frasers Ltd chairman Donald Campbell said about 120 workers at seven Frasers stores on the Reef had been engaged in sporadic strikes since Friday.

Michael Wright of CNA said 300 workers in two warehouses and seven CNA stores in Johannesburg had been on strike since Tuesday.

Pick 'n Pay's store at Steeldale, south of Johannesburg, has also been affected. Its Bloemfontein store was affected only on Friday.

There are sectors of the retail industry which have not been affected.

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189 arrested at church meeting

BU DAY 19/6/86

329

THE Bureau of Information yesterday confirmed the arrest of an entire church congregation attending a meeting at Elsie's River, Cape, on Sunday. Security police arrested two whites and 187 coloureds on Sunday afternoon at the church in Holt Road.

"It was a political gathering, not a religious meeting," said bureau spokesman Dave Steward. He was unable to confirm how many of those arrested were still in detention.

Journalists asked Steward why they had not been informed of the incident earlier. "We are still in the process of perfecting the free flow of information," he replied.

Steward confirmed, however, the bureau had a report of the incident on Monday, but was unable clearly to explain why this had not been included in the bureau's unrest bulletin the next day.

No arrests had been made over the Durban bomb blast, despite widespread speculation, the bureau said.

It reported a sharp drop in unrest incidents on Tuesday as the state of emergency entered its fifth day.

"The death toll was one of the lowest for many months and is proof of the effectiveness of the emergency measures," said bureau spokesman Leon Mellet.

Security police fatally wounded a black man when a mob armed with petrol bombs attacked a bus at Soshanguve, Northern Transvaal.

Police killed a black man and arrested 12 others when a police vehicle was attacked near Nelspruit, Eastern Transvaal.

The body of a black man was found at Almansdrift, KwaNdebele.

Mellet said police were able to prevent several public executions — including a man who had just been set alight in Tembisa.

Business Day Reporter

Steward fielded Press questions yesterday, but was unable to comment on alleged killings in Soweto by vigilantes wearing balaclavas or the alleged beating to death of 10 people in KwaNdebele late last week.

He reported:
 □ An alleged petrol bomb attack at a community centre at St Paul's Church in Soweto.
 □ Various alleged detentions in Atteridgeville and Mamelodi last Thursday.

Controversy surrounding CBS cameraman Wim de Vos' deportation on Tuesday night under security police escort continued.

Foreign film crews were bitter that De Vos was not allowed to attend the funeral yesterday of fellow cameraman George De'Ath, who was fatally wounded while filming at the KTC squatter camp in the Cape.

"Was De Vos a threat to security or a warning to the Press to tow the line?" a reporter asked at the briefing. Steward said he would look into the circumstances surrounding De Vos' deportation.

Steward warned journalists not to use the briefing to make statements by questions which would otherwise contravene emergency regulations.

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THIS newspaper has been produced under emergency restrictions amounting to censorship. The restrictions have the effect of suppressing information of public interest and of distorting the news in ways that may be seriously misleading.

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Detainees return to W Germany

BONN. — Three West Germans detained in South Africa in connection with the state of emergency imposed last week have returned home, a spokesman for the Foreign Ministry said yesterday.

The spokesman, Mr Reinhard Bettzuege, said two arrived in Frankfurt yesterday and the third flew to West Berlin.

Father Theobald Kneifel, 44, a Roman Catholic priest, and Mr Heinz Ernst, 45, a theology student, held a news conference on their arrival at Frankfurt airport

from Johannesburg.

Mr Bettzuege said the third man, Mr Walter Hettig, a member of the Berlin Action Solidarity Organization, was detained and expelled "even though he was only on vacation in South Africa".

Mr Kneifel had been in South Africa for 12 years and led a seminary at Cedara near Maritzburg. Mr Ernst had been studying in South Africa.

Mr Bettzuege said one West German student, who also has South African citizenship, was still being held by the South Africans. — Sapa AP

EMERGENCY UPDATE

ARGUS 19/6/86 (379) 1346
Bid to meet Le Grange

The Argus Correspondent

JOHANNESBURG. — Big-business leaders are seeking an urgent meeting with the Minister of Law and Order, Mr Louis Le Grange, about widespread detentions of trade unionists under the state of emergency.

Mr le Grange's office confirmed today that he had been approached by business leaders who wished to discuss the situation with him. Mr le Grange had no comment to make. The meeting is expected to take place today.

In another development the chairman of Premier Group Holdings, Mr Tony Bloom, has sent a telegram to the Minister of Manpower, Mr Piet du Plessis, and Mr le Grange, protesting at the detention of unionists.

Unrest Bills go before PC

CAPE TOWN — The controversial security legislation which has been rejected by two Houses of Parliament is to go before the President's Council as soon as possible.

The council will meet briefly this afternoon to decide on sitting hours, and debates on the Internal Security Amendment Bill and the Public Safety Amendment Bill may start tomorrow.

The Bills provide for the declaration of unrest areas and for 180-day detention without trial.

The Assembly passed them but the House of Representatives and the House of Delegates turned them down.

The Bills can become law after after the President's Council has passed them.

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BU DAY 19/6/86

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Steward warned journalists not to use the briefing to make statements by questions which would otherwise contravene emergency regulations.

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THIS newspaper has been produced under emergency restrictions amounting to censorship. The restrictions have the effect of suppressing information of public interest and of distorting the news in ways that may be seriously misleading.

Congregation arrested

BU DAY 19/6/86

From Page 1

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"I will not have these briefings used as a platform in front of TV cameras to make subversive statements," Steward said.

But reporters were relieved to hear that "no one would be dragged off to jail" for making subversive statements at the briefing.

Action on unionists slated

LEADING SA businessman Tony Bloom has described the detention of trade union leaders and shop stewards as a formula for conflict which will create a legacy of bitterness.

Bloom, Premier Group's chairman, has sent telegrams to Manpower Minister Pietie Du Plessis and Law and Order Minister Louis Le Grange saying it was deeply disturbing that so many union leaders had been arrested and detained without trial.

Emergency regulations prevented him disclosing other action taken against them.

"Apart from the humanitarian aspects of detention without trial, from a practical business point of view a legacy of bitterness will be created if people are detained and subsequently released without trial," he said in a statement yesterday.

CLAIRE PICKARD-CAMBRIDGE

He added: "These are the people with whom SA management will have to negotiate, and a surer formula for conflict would be harder to devise."

"These actions fundamentally undermine relationships between management and the workforce and are detrimental to long-term management/labour relations and industrial peace."

"We have been making this plea since 1981 and are now faced with attempting to run our factories and enterprises by dealing with the mob as the leaders are in custody. We urge you to reconsider your policy."

"If trade union leaders or shop stewards have broken any of the laws of the land, then the proper place for that to be decided is in the courts and not by administrative decision."

Strikes follow detention of union leaders

Big business is to protest to Le Grange

329 19/6/86 STAR

Staff Reporters

Leaders of big business in South Africa are seeking an urgent meeting with Minister of Law and Order Mr Louis le Grange about the widespread detentions of trade unionists under the state of emergency regulations.

The detentions have led to a collapse of established labour practices and a wave of strikes.

According to Johannesburg shoppers who have contacted *The Star*, stores affected by the strikes include Checkers, Pick 'n Pay, Woolworths and OK Bazaars. Checkers has been particularly hard hit.

The detentions are having a devastating effect on some businesses and many trade unions.

Mr le Grange's office confirmed today that he had been approached by business leaders who wished to discuss the situation with him. The meeting is expected to take place today.

Most trade unions — their leaders in detention or hiding for fear of detention — have been prevented from operating effectively. Most are afraid to operate from their offices.

The detention of unionists has resulted in a wave of protest strikes by black workers at a number of retail outlets and could jeopardise wage negotiations now in progress.

At least one of the retail bosses seeking a meeting with Mr le Grange will complain about direct interference in industrial relations matters.

In another development, the chairman of Premier Group Holdings, Mr Tony Bloom, has sent a telegram to Minister of Manpower Mr Piet du Plessis and Mr le Grange protesting at the detention of unionists.

Dairy stoppage

Mr Bloom said management was now faced with running factories by dealing with "the mob", because leaders were in custody.

Several retail chains have been hit by sit-down strikes by members of the Commercial Catering and Allied Workers Union of SA (CCAWUSA).

A number of CCAWUSA shop stewards and union officials are being detained. Their names may not be published because of the emergency regulations.

Nel's Dairy has also been affected by a work stoppage. The company has declined to divulge details, but milk deliveries to the Johannesburg northern suburbs have been disrupted, according to housewives. Some deliveries to supermarkets have also been affected.

Comments on the strikes by company spokesmen may not be published in terms of the emergency regulations.

"There has been a genuine effort on the part of many South African companies to negotiate with unions, and vice versa," said Mr Bloom. "For this reason we find it deeply disturbing that many leaders of the union movement and shop stewards have been arrested and placed in detention without trial.

"Apart from the humanitarian aspects of detention without trial, this will create a legacy of bitterness in the business sec-

189 detained at church in Elsies River

19/6/70
Pretoria Bureau

Police detained 189 people at a gathering at an Anglican Church in Elsies River on Sunday night, the Bureau for Information confirmed yesterday. It is not known how many are still behind bars.

The incident, on which details have not been released until now, has created a stir in foreign capitals. Amnesty International in London and the American State Department in Washington referred to it yesterday.

Questions about the incident were put to the Bureau for Information at Monday's Press briefing. *The Star* was refused permission to publish the report.

However, at yesterday's briefing, the bureau's chief director, Mr Dave Steward, said the incident occurred between 3 pm and 5 pm on Sunday.

"A meeting was held in a church in Holt Road. But this was not a church service — it was a political meeting."

"Police detained two whites, 102 coloured men and 85 coloured women in terms of the emergency regulations."

++ EMERGENCY UPDATE ++

ARGUS 12/6/86 329
Judges to visit detainees in prison

Political Correspondent

JUDGES are to visit state of emergency detainees in prison.

Announcing this today the Minister of Justice, Mr Kobie Coetsee, said he had asked the Judges-President of the various provincial Supreme Court divisions to release judges to visit detainees.

This was done at the request of President P W Botha after consultation with the Minister of Law and Order, Mr Louis le Grange.

Judges would ascertain on a continual basis the circumstances of detentions and would submit reports on their findings, as was the case with prisoners in general.

MP raises
arrests in
the House

By BARRY STREEK

HOUSE OF ASSEMBLY

— The detention of a prominent black education official and 600 members of a church congregation in Graaff-Reinet was raised in Parliament last night.

Mr Roger Burrows (PFP Pinetown) said Mr H H Dhlamlenze, the general-secretary of the African Teachers' Association of South Africa (Atasa), was detained on Sunday night under the emergency regulations.

Mr Burrows was speaking in the second reading debate of the Provincial Government Bill.

"What powers will a black executive member have in stopping the detention under the emergency of prominent educationists such as Mr Dhlamlenze?" Mr Burrows asked.

He said Mr Dhlamlenze, who recently met the Minister of Education and Development Aid, was a member of the National Education Crisis Committee (NECC), and he wanted to know how many other members of the NECC had been detained.

Mr Burrows, referring to the Graaff-Reinet arrests, asked what a black member of a provincial executive could do about it.

APARTHEID BAROMETER

DETENTIONS

The government has so far refused to release figures and names of those detained under the new State of Emergency. Helen Suzman, PFP for Houghton, said in parliament on Monday that it was rumoured that more than 2 000 people had been detained in the first four days of the Emergency.

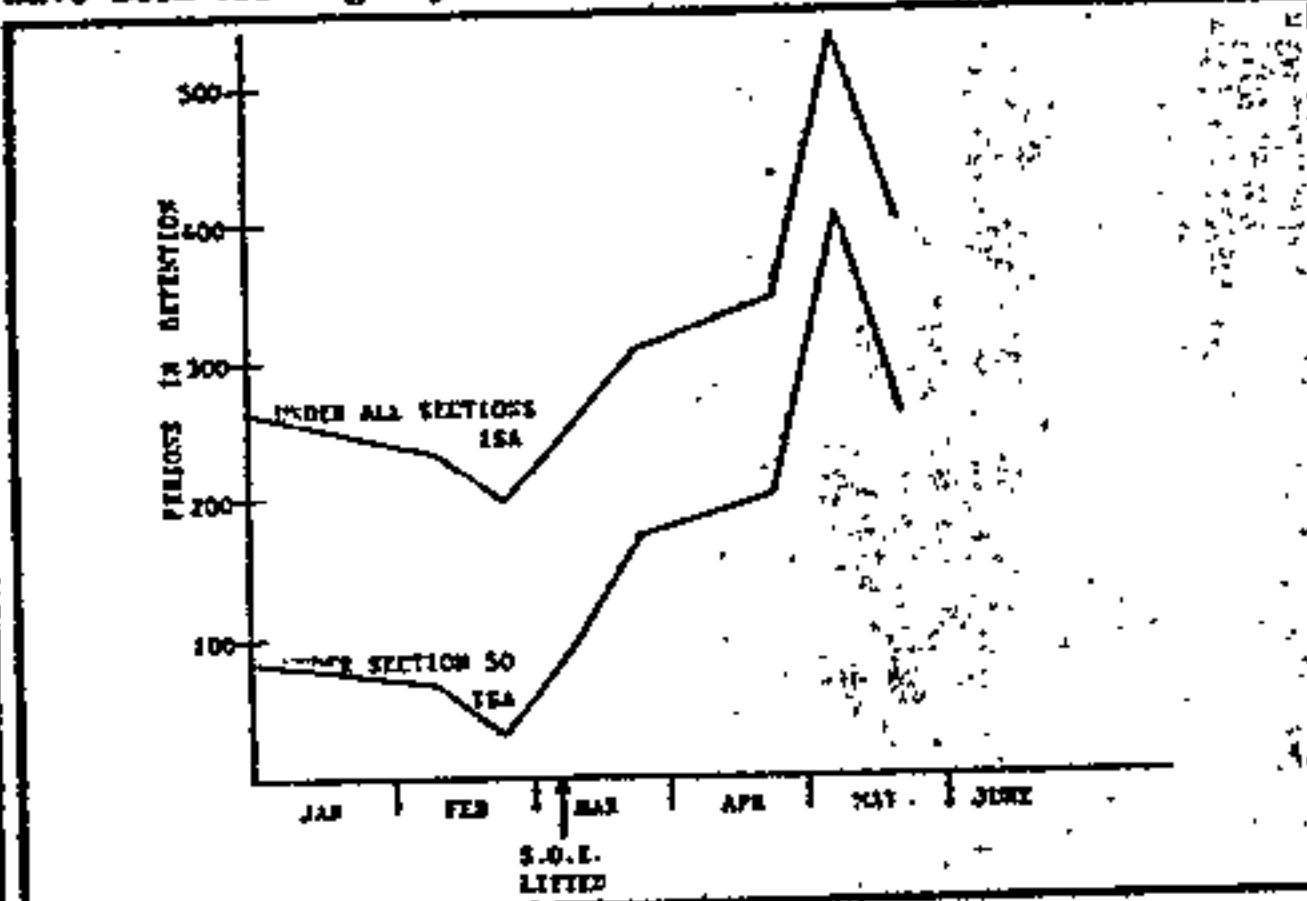
According to the Detainees Parents Support Committee, there were 451 people detained under the security laws on May 31. A total of at least 2 349 people were detained between January and May, 1718 of them under security legislation and 631 under the Emergency regulations which were lifted in March.

POLITICAL TRIALS

At least 18 political trials were completed in May, according to the DPSC. Of the 79 people accused, 23 were convicted (most for lesser offences than those with which they were charged), 29 were acquitted and charges against 27 were withdrawn or dismissed. At the end of May there were at least 59 ongoing political trials involving 329 people. Two of these trials involving 26 people involve charges of treason.

According to the Repression Monitoring Group, 18 966 people were arrested last year on politically related offences (9 857 for public violence), of whom 13 566 were under the age of 20. Of these, 2 712 were aged 15 or less, 4 731 were between the ages of 16 and 18 and 6 113 aged 18 or 19. These figures do not include the "independent homelands".

According to the Minister of Law and Order Louis le Grange, 16 of the 1 045 people under the age of 20 arrested on charges of public violence in the Western Cape in the last six months of 1985 have been found guilty.



UNREST DEATHS (South African Institute of Race Relations figures)

September 1984 - May 1986: 1 782

Jan 1985 - December 1985: 879

Jan 1986 - May 1986: 754

April 1986 - May 1986: 213

According to the government's Bureau for Information, in the first five days of the new State of Emergency at least 42 people were killed in the unrest, an average of 8.4 a day.

The figure for May is the highest so far, with an average of 6.9 deaths per day. The average for the first five months of 1986 is 5.3 per day. Last year's average was 2.4 per day.

According to Sunday Times writer Brian Pottinger, those killed included more than 50 black policemen, while 800 black policemen had been driven from their homes. He said the heaviest death toll in the townships was now among the "leftwing activists". Scores had been killed and about 30 had gone missing, he said.

According to a police spokesman, 25 members of the security forces died in the unrest between July 21 last year and February 2 this year.

ACCESS TO ELECTRICITY

About 22-million of the 31.4-million people in South Africa in 1984 did not have access to electricity, according to Dr A A Eberhard, senior research officer with the Energy Research Institute.

EMIGRATION/IMMIGRATION

South Africa had 1 726 more emigrants than immigrants in the first three months of this year. According to the Central Statistical Service, 1 967 people immigrated to South Africa from January to March while 3 693 people left the country. The number of immigrants between January and March was only 34 percent of the 5 711 immigrants gained during the same period last year.

BANNED BOOKS, PUBLICATIONS AND OBJECTS (June 7)

Zoom No 117 (Zoom, Paris); Voice of the Youth, Islam, Ramadan and Soweto (UCT MSA); We must release them, pamphlet (RMC UWC Bellville); Freedom is a Must (BPAG) Issue No 7; Nottingham's Black Community News (not stated); Permanent Revolution No 3, Spring 1986 (Workers' Power, London). According to Weekly Mail's calculations, a total of 561 books, publications and objects were banned in the last 12 months, 228 for political reasons, 299 for indecency and 34 for other reasons. The following political organisations or groupings had three or more publications banned: United Democratic Front and affiliates, 28; African National Congress, 19; Progress and other Eastern Bloc Publishers, 14; AZAPO and other National Forum participant organisations, 10; South African Communist Party, 8; Anti-Apartheid Movement, 6; Qibla, 6; End Conscription Campaign/Conscientious Objector Support Group, 5; South West African Peoples Organisation, 4; Committee of South African War Resisters, 3; Western Province Council of Churches, 3.

PRISONER OF CONSCIENCE: RAYMOND MHLABA

Mhlaba, 62, former Eastern Cape ANC and Communist Party leader, and member of Umkhonto We Sizwe High Command, is one of the eight Rivonia trialists sentenced to life imprisonment 22 years ago.

Mhlaba's political activities began in the trade union movement in the early 1940s. He came from a Port Elizabeth working class family and was employed as a laundry worker until 1947 when he was fired. As a Council for Non-European Trade Unions (CNETU) trade unionist, Mhlaba was one of the leaders of the strike which lasted a month.

From the mid-1940s he was active in both the Communist Party and the ANC, serving as Port Elizabeth CP branch secretary and ANC chairman from 1947 to 1953. In 1949 he also led the Eastern Cape Boycott Action Committee. In 1952 he was chosen as a member of the Port Elizabeth Defence Committee. In 1953 he was arrested for his role in the 1953-54 strike and was sentenced to 12 months imprisonment. In 1954 he was arrested again for his role in the 1954-55 strike and was sentenced to 12 months imprisonment. In 1956 he was arrested for his role in the 1956-57 strike and was sentenced to 12 months imprisonment. In 1958 he was arrested for his role in the 1958-59 strike and was sentenced to 12 months imprisonment. In 1960 he was arrested for his role in the 1960-61 strike and was sentenced to 12 months imprisonment. In 1962 he was arrested for his role in the 1962-63 strike and was sentenced to 12 months imprisonment. In 1964 he was arrested for his role in the 1964-65 strike and was sentenced to 12 months imprisonment. He is currently on Robben Island.

RESTRICTED

Reports on these pages have been censored to comply with Emergency regulations

COMMENT

ORGANISATION

NAME

COMMENT

ORGANISATION

NAME

Employers plead for detainees

329
CMT TIME 20/6/86

PRESSURE is mounting on the government to release or charge detained union leaders following urgent requests from a growing number of employers who report that the arrests have had a crippling effect on industrial relations.

Major employer associations which have telexed the Minister of Law and Order, Mr Louis le Grange, include the Association of Chambers of Commerce (Assocom) representing 23 000 employers, and Assemp, an employer association in the retail trade.

However, it is not yet clear whether Mr Le Grange will be prepared to meet business leaders in the wake of more than 60 spontaneous sit-in strikes at retail chains on the Reef.

The minister's spokesman, Captain Henry Beck, confirmed that businessmen have requested a meeting, but had not yet been given a reply.

'Wildcat'

Hundreds of workers have staged sit-down strikes in shops and supermarkets. Trade union sources said at least 53 businesses on the Reef were affected by wildcat strikes to protest against the alleged detention of union leaders.

The Federated Chambers of Industry (FCI) has not telexed the government on this, but several of its major members have done so.

Mr Tony Bloom, head of the Premier Group, said in a telegram to Mr Le Grange: "We urge you to reconsider your policy."

Warning of "a legacy of bitterness", he said detained trade unionists should be charged or released.

"We are now faced with attempts to run our factories and enterprises by dealing with the mob, as the leaders are in custody," he said.

Assemp chairman Mr Don Findlay said Assemp's telex had urged Mr Le Grange to release leaders, and expressed deep concern that detentions could be highly detrimental to manage-

ment-employee relations.

Other difficulties also reported following the arrest of union leaders include:

- Numerous disputes between companies and unions that cannot be resolved in the absence of detained leaders

- Many wage negotiations have ground to a halt.

- Many union leaders are also in hiding and cannot advise members.

The chairman of Anglo American, Mr Gavin Rely, has also made a public call for the detained union and community leaders to be charged or released.

He has said: "It goes without saying that in these circumstances neither civil nor industrial relations development can move forward."

AECI group industrial relations manager Mr Andre Botha the group had expressed grave concern about the detention of trade union leaders which could lead to serious industrial relations problems.

Accede

Opposition spokesman on labour matters Mr Andrew Savage yesterday called on Mr Le Grange to accede to the appeals from the business community.

- There were "some strikes in some areas but not nationwide strikes," the Bureau for Information said in Pretoria yesterday.

Further information would be given "after the situation has crystallised," bureau spokesman Mr David Steward said at the daily briefing. — Own Correspondent and Sapa

Hopes for end to emergency

CHRIS CAIRNCROSS

THE strong likelihood that the two security Bills — to be dealt with today by the President's Council (PC) — will be passed into legislation this weekend holds out hopes the countrywide state of emergency may soon be lifted.

The assumption gathering strength in parliamentary circles is that the provisions laid down in the new security legislation — 180-day detentions and the declaration of "unrest areas" — will then be immediately invoked, selectively where necessary, to replace the restrictions imposed by the emergency regulations.

This would appear to be implicit in the

reasoning provided by cabinet ministers, Law and Order Minister Louis le Grange among others, that the declaration of the state of emergency would not have been necessary if the two Bills — the Public Safety and Internal Amendment Bills — had been allowed to pass quickly through all three legislative stages last week.

At this stage there does not appear to be any doubt in anybody's minds the National Party-dominated PC will quickly pass through the two Bills in the form desired by government.

~~SAK~~
~~20/1/86~~
**Wendy Orr
application
is shelved**

An application brought by Dr Wendy Orr to restrain the police from assaulting state of emergency detainees has been postponed indefinitely.

The application in the Eastern Cape Supreme Court has no further relevance because it was brought in terms of the last state of emergency, which ended in March. The only issue still to be decided is costs. A hearing will rule on this in the next few weeks.

Dr Orr (25) shot to prominence last September after she won an interim interdict restraining the South African Police from assaulting emergency detainees held at St Albans and North End prisons. Police denied knowledge of assaults in answering affidavits.

She was later named *The Star* "Woman of the Year".

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Pressure mounting

PRESSURE is mounting on government to release or charge detained union leaders after urgent requests from employers who report that the arrests have had a crippling effect on industrial relations.

Meanwhile, it is not clear whether government will be prepared to meet business leaders in the wake of more than 60 spontaneous sit-in strikes which have hit Reef retail chains.

Major employer associations who have telexed government include the Association of Chambers of Commerce (Asocom) representing 23 000 employers, and Asemp, an employer association in the retail distributive trade.

The Federated Chambers of Industry (FCI) has not telexed government but several of its major members have done so.

Asemp chairman Don Findlay said its telex had urged Law and Order Minister Louis le Grange to release leaders, and had expressed deep concern that detentions could be highly detrimental to management-employee relations in the retail distributive industry.

Premier Group chairman Tony Bloom has outlined to government the serious industrial relations problems created by

CLAIRE PICKARD-CAMBRIDGE, CHRIS CAIRNCROSS and SIPHO NGCOBO

the detention of union leaders. He said it would be harder to devise a "surer formula for conflict" than to detain union leaders without trial.

Anglo American chairman Gavin Reilly has also made a strong public call for detained union and community leaders to be charged or released.

AECI group industrial relations manager Andre Botha said it had expressed grave concern about the detention of trade union leaders which could lead to serious industrial relations problems.

Employers interviewed said that despite sending repeated telexes to Le Grange and Police Commissioner General Johann Coetzee, they had not yet received a reply.

A spokesman for Le Grange's office said last night that requests for a meeting were still being considered.

Strikes have affected seven Frasers stores, 12 OK Bazaars branches, one Pick 'n Pay outlet, 14 Woolworths and between 15 and 20 Checkers branches. CNA Gallo is affected at six CNA stores, two CNA warehouses and two Gallo manufacturing units.

Strikers stop the music

By Sheryl Raine

Strikes which have hit retail businesses since the start of the state of emergency have spread to the record industry.

Stoppages were reported yesterday at Gallo and EMI pressing plants in Steeledale, south of Johannesburg, as workers downed tools to protest the detention of union leaders.

Retail chains still affected by the strike include Woolworths, OK Bazaars, Checkers, CNA Gallo and one branch of Pick 'n Pay. Nels Dairy and Shamrock customers also reported disrupted deliveries.

Business leaders are seeking an urgent meeting with the Minister of Law and Order.

CONCERN

In an unusually strong public statement Mr Mike Sander, managing director of AECL, has expressed the group's grave concern over the detention of unionists and community leaders.

"We have dealt with these people for years. They play a constructive role in resolving conflict in the community and in our factories and their absence is giving us serious problems. We urge that they are charged or released."

Last night SABC television news reported the strikes but failed to give reasons for them.

While many union leaders are in detention, others are in hiding.

An industrial relations expert said yesterday that where union officials had appeared at strike-hit stores they had helped get staff back to work.

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Relatives mourn at a memorial service for George De'Ath, the TV cameraman who died at the weekend after being attacked by vigilantes while filming in Crossroads.

Picture by SANTU MOFOKENG, Afrapix

Detentions don't halt huge strike

THE predominantly black trade union movement has come of age, South African style.

The state recognised it as a fully-fledged member of the black political opposition when, in the wake of the Emergency, both the Congress of South African Trade Unions (Cosatu) and the Council of Unions of South Africa (Cusa) were as hard hit by detentions as other political organisations.

But this action was less than useless in stopping Monday's general strike, the second national strike involving more than 1 500 000 workers in seven weeks.

If the strike proved nothing else, it dispelled the long-held notion that work stayaways in South Africa are successful because "intimidators" stop people going to work.

Given the huge ~~scale~~ on June 16, described by a Sunday paper as a ~~major~~

~~there~~ there was no way that people wanting to go to work could have been hindered on the way in or

By PHILLIP VAN NIEKERK

out by intimidators.

A statement by the Labour Monitoring Group (LMG) after the strike said: ~~Throughout~~

~~throughout~~ throughout the townships indicates that the increase in participation in the stayaway cannot be attributed to intimidation. If anything their presence seems to have contributed to the unrest."

The commemoration of June 16, Soweto Day, was a clear statement of political sentiment by a large section of South Africa's black workers.

The LMG, which surveyed all the main centres except Durban, estimated that at least 1 500 000 workers participated in the strike — at least as many as participated in the May Day strike.

It is important to make this comparison because Labour Day was more specifically a worker day than June 16.

One could not deduce from the extent of the strikes on both days that

there is a huge dichotomy in the labour movement between "workerists", concerned primarily with worker issues, and "populists", concerned primarily with high-profile political issues.

Unionised workers supported both strikes evenly around the country with the exception of Natal and the mines, where there was a negligible stayaway on Monday.

According to the LMG figures, the strike in the Pretoria-Witwatersrand-Vereeniging (PWV) area was slightly higher than May 1, increasing from 80 percent to 90 percent. This was not unexpected, given that it included Soweto, the emotional centre of June 16.

Cape Town, too, was higher than May 1, more than doubling from 15 percent to 35 percent while Port Elizabeth, probably the country's most politicised city, had virtually a 100 percent stayaway on both days.

The general strike was not limited to the main centres and stayaways were high in both the Transvaal and Eastern Cape hinterland, creating the possibility that a further 1 500 000 workers over and above the LMG figures commemorated June 16.

For instance, not a single bus was reported to have left the troubled homeland of KwaNdebele to take people to work on Monday.

In Natal the factionalised battle between Inkatha and the United Democratic Front (UDF) and the Congress of South African Trade Unions (Cosatu) and the United Workers' Union of South Africa (Uwusa) probably had a role in

restricting the strike

Natal increasingly appears as an anomaly on the South African political scene, particularly since the May 1 launch of Uwusa.

The failure of the stayaway on the mines suggests that, despite indications to the contrary earlier this year, most black miners are isolated from the political currents in the townships.

Miners live in hostels largely insulated from the townships, nearly 40 percent of them are foreign nationals from countries such as Lesotho and Mozambique, and even the South African nationals are migrant workers with limited emotional ties to Soweto.

The fact that they were willing to strike on May 1 but not on June 16 suggests a stronger willingness to take action over strictly worker issues, and an indication that they could be saving themselves for a battle over wages later this year.

The one proven exception was the collieries of the Eastern Transvaal where the stayaway was more successful and where miners have already participated in township campaigns.

On the other side of the spectrum are retail workers on the Reef, many of whom started striking on the Friday after the Emergency was lifted.

They are more indicative of the overall militancy of the unionised workforce — and their potential strength, which was not stopped by a State of Emergency and the mass detentions of union leaders

Arrested Americans to leave SA

WASHINGTON — Two US citizens jailed during the recent police crackdown in SA were released on Wednesday and would be leaving the country, the US State Department said.

One American remains in prison.

Department spokesman Bruce Ammerman said Scott Daugherty and Rodney Williams were freed from Cape Town's Pollsmoor Prison and would leave the country within a few days.

Daugherty was detained on Sunday after attending a church meeting and Williams was arrested on Monday. The department said it did not know what the

charges were.

Two other Americans — Brian Burchfield, who was arrested with Daugherty at the church meeting and Ronald Minor, who was held on Saturday on charges of interfering with police — were released earlier. Minor was released on his own recognisance pending a court hearing on June 26.

The State Department offered little information about the remaining detained American on grounds that he did not sign a waiver of the Privacy Act, which forbids release of his name. — Sapa-AP.

WEEKLY M. 20/6/84

Teacher sent out of SA

By RUTH BECKER

A GERMAN teacher was deported last night after an urgent application contesting the order was dismissed.

Eckhard Krallmann was detained under Emergency regulations on Sunday night at a Johannesburg Democratic Action Committee (Jodac) branch meeting in Mayfair.

Upon his release on Monday night he was given a telex from the Department of Home Affairs stating he must leave the country by midnight Tuesday. It was considered "in the public order" for Krallman to be removed from the Republic, according to the telex.

Krallman's legal defence submitted his deportation was ordered without consideration of all relevant facts.

Sapa reports that in dismissing the application yesterday, Justice AM van Niekerk said it seemed the court could not interfere with the decision of the Minister of Home Affairs.

As he did when hearing the case of CBS cameraman Wim de Vos, who was deported on Tuesday, Justice van Niekerk commented that he considered the consequences of the deportation order seemed extremely harsh and the opportunity for Krallmann to make representations extremely limited.

Krallmann has been resident in South Africa since 1984.

He was a teacher at the German High School and submitted he needed three days to complete the school term and required the opportunity to wind up his financial affairs.

His temporary residence visa was due to expire in December this year. He intended renewing it and marrying a South African citizen who was also detained on Sunday night.

Fists are raised by some PFP leaders and supporters at a meeting in Cape Town in commemoration of the June 16 uprisings. The group includes Helen Suzman and Colin Eglin, Opposition leader



Judges to visit detainees *SAPA TRAK 20/6/66 329*

ALL Judges-President have indicated willingness to release judges periodically to visit those detained under emergency regulations, Mr Kobie Coetsee, Minister of Justice, said in a statement yesterday.

'No concern for black community'

THE US House of Representatives had no concern whatsoever for the plight of SA's black community, the Minister of Foreign Affairs, Mr Pik Botha, said last night. Reacting to the US House's overwhelming vote this week to impose a harsh sanctions package against SA, Mr Botha said in a statement he found it inconceivable that a responsible authoritative body could not see that such actions would deprive millions of blacks of their income, and that their poverty and unemployment worked hand-in-hand with SA's enemies. — Sapa and Political Staff

Rector halts exams midway

2014/86
WEEKLY
AFTER a dramatic and tense week on the campus of Durban-Westville University, the rector, Professor Jaap Greyling, ended all "compulsory activities" at the university last night.

There has been a heavy Security Force presence on the campus virtually all week. On Tuesday they briefly detained what some staff members said were "hundreds of students, as well as some staff and others who happened to be in the cafeteria at the time".

It is believed that students decided yesterday not to return to class until the end of the State of Emergency and until detainees were released. The Security Force response to the situation appears to have prompted a meeting of the Senate Executive Committee, several of whom described the campus as "no longer being in the university's hands".

They recommended to the rector what amounts to a closure of the university until further notice.

RESTRICTED

Reports on these pages have been censored to comply with Emergency regulations

Official figure: 45 unrest deaths

WEEKLY MAIL REPORTER

As the State of Emergency takes hold, figures for deaths in political violence are higher than they have been for many months, the number of detainees runs into thousands, and many political activists are believed to be in hiding.

By yesterday, 45 people were believed to have died in political violence since the start of the Emergency. On June 16, a day widely described as quiet and without major incident, official figures put the death toll at 11.

Leon Mellet of the Bureau for Information said that the level of violence on Tuesday and Wednesday was lower than it had been in many months, with two and three deaths respectively on these days.

This showed, he said, that the Emergency was having the desired effect.

However, the average death toll has risen dramatically in comparison with pre-Emergency figures.

The average this week was almost even deaths per day, almost double the pre-Emergency average.

The SA Institute of Race Relations issued figures this week showing that the death toll in political violence was rising steadily.

Altogether 213 people were killed in May, the highest monthly figure since the current wave of violence began in September 1984.

The Institute said that conflict within black communities accounted for 41 percent of the deaths last

	PWV	Tvl country	E-Cape	W-Cape	N-Cape	Natal	OFS	Unknown	Total
Students/ scholars/ teachers	36	11	12	14	0	11	26	5	115
Unionists/ workers	18	4	3	9	2	0	15	8	65
Community/ Political	103	26	39	22	4	28	26	7	255
Clergy/ churchworkers	7	12	9	3	4	7	1	1	44
Journalists	3	0	5	4	0	0	0	0	12
Other (*)	1	5	3	0	0	0	0	0	9
Unknown	60	75	82	200	34	22	43	18	534
TOTAL	226	133	153	252	44	74	111	39	1034

(*eg lawyers, doctors, taxi-drivers)

Breakdown of detention figures as compiled by the Detainees Parents' Support Committee

month, the single largest category.

Most of the remainder of deaths involved cases whose causes could not been established.

A total of 754 people died in political violence during the first five months of the year, compared with 879 during 1985 as a whole. This meant that the average daily fatality rate had more than doubled, from 2,4 to 5 daily.

The Detainees Parents Support Committee (DPSC) reports there have been more in more places,

hitting more organisations and a wider range of activists than in the previous Emergency.

The DPSC has a list of 1 034 people who they believe may be detained.

The DPSC said the latest wave of detentions was more widespread than the previous one in three ways:

This time around:

- More organisations were affected;
- More small towns and rural areas were hit; and

- Lower levels of activists — down to shop stewards and street committee members — were detained.

A breakdown of the DPSC figures

show that the worst-hit areas were the Western Cape (252 known detentions), the PWV area (226) and the Eastern Cape (153).

A breakdown of groups affected shows that community and political organisations were hard-hit (255), as were students/scholars and teachers (115) and trade unions (65).

However, there are 508 detainees whose organisational affiliations are not known.

A feature of this Emergency has been the number of attorneys detained (about 12) and the number of journalists (12).

Organisations affected by detentions

United Democratic Front; Transvaal Indian Congress; Azanian People's Organisation; Johannesburg Democratic Action Committee; Release Mandela Campaign; National Forum; Natal Indian Congress; Thabong Youth Congress; Tumahole Youth Congress; Mamelodi Youth Organisation; Saulsville/Atteridgeville Youth Organisation; Azanian Youth Unity; Progressive Youth Organisation; Vosloorus Youth Congress; Tembisa Youth Congress; Lowveld Youth Movement; Mzinoni Youth Congress; Zankhanya Youth Organisation; Uitenhage Youth Congress; Cape Youth Congress; Atlantis Youth Congress; Mballi Youth Organisation; Mgomoti Youth Organisation; Sobantu Youth Organisation; Soshanguve Women's Organisation; Port Elizabeth Women's Organisation; United Women's

Congress; Thabong Women's Organisation; Zitheni Women's Organisation; Federation of Transvaal Women; Congress of South African Trade Unions; Chemical Workers' Industrial Unions; General Workers' Union; Metal Workers' Union; Commercial and Catering Workers' Union of South Africa; National Union of Mineworkers; Motor, Assembly and Components Workers' Union of South Africa; South African Allied Workers' Union; Food and Allied Workers' Union; Metal Workers' Union; Council of Unions of South Africa; Black Health and Allied Workers' Union of South Africa; Black General Workers' Union; Clothing Workers' Union; Transport Workers' Union; Soweto Students' Congress; Transvaal Students' Congress; Vaal Students' Congress; Azanian Students' Organisation; Alexandra Students' Congress; Tembisa Students'

Organisation; National Education Union of South Africa; National Union of South African Students; Azanian Students' Movement; South African Council of Higher Education; National Education Crisis Committee; Black Sash; Detainees' Support Committee; United Committee of Concern; AFRA; Institute of Contextual Theology; Justice and Reconciliation Commission; South African Catholic Bishops' Conference; South African Council of Churches; Midlands Council of Churches; Northern Cape Council of Churches; Western Province Council of Churches; Orange Free State Council of Churches; PACSA; Atteridgeville/Saulsville Residents' Association; Kagiso Residents' Organisation; Cape Youth Congress; Soshanguve Residents' Organisation; Alexandra Action Committee; Brits Action

Committee; Duduza Civic Association; Mamelodi Parents' Crisis Committee; Mamelodi Parents' Crisis Committee; Kagiso Advice Centre; Vosloorus Parents' Crisis Committee; Vaal Civic Association; Khutsong Crisis Committee; Northern Transvaal Action Office; Leandra Action Committee; Durrus Village Residents' Association; Cradock Residents' Association; Port Elizabeth Black Civic Organisation; Zankhanya Civic Association; Atlantis Residents' Association; King Williamstown Civic Association; Mballi Civic Association; Paarl Civic Association; Cape Housing Action Committee; Western Cape Civic Association; Mbakweni Civic Association; Lamontville Parents' Crisis Committee; Mangaung Residents' Association; Mangaung Parents' Crisis Committee.

Leslie Social Science Building

SALDRU

Return to :

Order Form

Judges agree to visit detainees

CAPE TOWN. All Judges-President of the Provincial Divisions have indicated their willingness to release judges periodically in order to visit detainees in prison under Emergency regulations, Minister of Justice Kobie Coetsee said yesterday.

In a statement he said that at the request of State President PW Botha, and after consultation with the Minister of Law and Order, Louis le Grange, he had requested Judges-President of the Provincial Divisions of the Supreme Court to release judges specially from time to time to visit detainees.

The visits to detainees held under Emergency regulations were in order to ascertain on a continual basis the circumstances surrounding their detention in prison and to submit the usual reports on their findings, as is normally the case with all prisoners in general.

All Judges-President have indicated their willingness to give effect to this request, Coetsee said.

— Sapa

Le Grange

20/1/86

Bills to the PC

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By JEAN LE MAY,
Cape Town

THERE is speculation around parliament that the State of Emergency may be lifted as soon as the two controversial security Bills, the Public Safety Amendment Bill and the Internal Security Amendment Bill, become law.

Government spokesmen have said that the present State of Emergency would not have been necessary if the two Bills had been passed the first time around.

There is a possibility that the President's Council may make a decision on them today.

The secretary of the President's Council, Kobus Bauermeister, said the Council would convene at 10.30am and there should be enough time to complete the minimum debate requirements of each Bill.

The Council's Committee on Social Affairs started taking evidence on the Bills on Wednesday.

The full Council met briefly yesterday to deal with procedural matters.

The two Bills were referred to the President's Council after the House of Representatives and the House of Delegates refused to pass the second readings this week.

Both Bills were passed by the House of Assembly after being debated for the second time this week.

They were sent back to the Standing Committee on Law and Order by the two houses a fortnight ago, but last week the Standing Committee failed to reach consensus yet again.

Security Bills go to PW for approval

By Peter Fabricius
Political Staff

CAPE TOWN — The President's Council has passed the Government's two controversial security Bills which will now go to the President for his approval.

Only the NP and the CP voted for the Bills, while all black parties and the PFP voted against it.

The Bills are the Internal Security Amendment Bill which extends detention without trial to 180 days, and the Public Safety Amendment Bill which provides for "unrest areas" to be proclaimed.

The PFP and five other parties opposed the measures. They objected strongly to what they described as the rushed debate, claiming they were being used to "rubber-stamp" the Bills.

When he announced the state of emergency last week President Botha said it would not have been necessary had the two Bills been passed by Parliament. He will probably approve them as soon as possible.

Solidarity member Mr Ishmail Omar walked out of the Council in protest against the decision and said he would remain out for a month to register his objection.

Mr Ishmail Mayet of the National Peoples' Party said a numerical majority of the 308 members of all three Houses of Parliament had opposed the Bills and that the President's Council was therefore overturning the majority decision.

Rubber-stamping this Bill would destroy the credibility which the President's Council had built up with blacks, Mr Peter Marais said.

Mr Japie Basson of the National Party said he would have opposed the Bills if a significant amount of reform had not already taken place.

Westerford girl detained

W/E 17/6/65 21/6/65 Political Staff 329

A SCHOOLGIRL from one of Cape Town's top Government schools is being held in Pollsmoor Prison under emergency regulations, a Progressive Federal Party member has told the President's Council.

Helene Thornton, 17, of Westerford High School, Newlands was detained for possessing a copy of the United Democratic Front magazine. Upfront, Mr Robin Carlisle told the council yesterday.

"This is a perfectly legal magazine. I subscribe to it. Does this mean I am going to be arrested too?"

Miss Thornton's mother, Mrs Amy Thornton, said today that she and Helene attended a June 16 service at the Rondebosch Congregational Church.

After leaving "we realised that Helene had left her hold-all behind", said Mrs Thornton.

Helene returned to collect the hold-all and Mrs Thornton has not seen her since.

Mrs Thornton said that Helene attended another church service earlier in the day where leaflets were handed out, and these were probably in her hold-all.

Mrs Thornton has not been able to visit her daughter.

She said her daughter was a bright and responsible pupil who had never been in trouble at school.

● Mr Carlisle told the President's Council that one of the PFP's staff members detained since the emergency began was Mr Solly Modisenyane, secretary of the PFP branch in Galeshewe, near Kimberley. Mr Modisenyane was being taken for questioning every night.

Special Report: Transfer of power to closed.

PFP member tells PC of detentions

Both bills passed

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Political Correspondent

PRESIDENT'S COUNCIL. — A 17-year-old Westernford High School pupil, Helene Thornton, has been detained in Pollsmoor Prison for being in possession of the UDF magazine "Upfront", Mr Robin Carlisle said yesterday.

Mr Carlisle, a PFP member of the President's Council, read out names of people detained in terms of the emergency regulations during the debate on the Internal Security Amendment Bill which provides for detention without trial for up to 180 days.

Other detainees named were two ministers of religion, the Rev Eddy Noon, and the Rev Eddie Leeuw, who is the brother of the Labour Party MP for Southern Free State, Mr Godfrey Leeuw.

In addition, a black PFP worker, Mr Solly Modishwe, had been held for questioning in Gale-tshewe township outside Kimberley for two nights this week, Mr Carlisle said.

Since the imposition of the state of emergency the PFP had had a further six of its workers arrested for distributing pamphlets in Cape Town.

Family members arrested

Mr Pieter Schoeman (PFP) said in the Council last night that 29 members of the family of a former executive official of the SA Communist Party had been detained while attending a funeral feast for the man, Sapa reports.

Ten of them, he said, had later been released. Speaking during debate on the Public Safety Amendment Bill, he said he had been told of the incident by a PFP MP from Natal.

He said members of the Mkhize family had been attending the feast after the death of their father when they were taken from their huts "in the early hours of the morning, at 3am" by police.

Mr Schoeman also said the PFP had been told by medical men that people with serious medical problems had been detained.

Among them were Abdul Lassie of Maritzburg, Kim van Deventer, who was now at Groote Schuur Hospital, and a "17-year-old child", Charlene Fest.

He also said he had spoken to a community worker from the Port Elizabeth/Uitenhage area on Thursday, who had told him there was no longer a community council in the New Brighton area. The "people" had taken over.

In Uitenhage, a "war" was raging between UDF and Azapo members. The townships had become "no-go" areas and the security forces did not dare venture in.

PRESIDENT'S COUNCIL. — Both the Internal Security Amendment Bill and the Public Safety Amendment Bill were approved in the President's Council last night and will go to President P W Botha for his assent.

Voting on the two controversial security bills — which were approved by the House of Assembly but rejected by the houses of Delegates and Representatives — followed strict party lines.

The Internal Security Amendment Bill was approved by 35 votes to 22 and the other measure by 35 votes to 21.

Those who voted in favour of the bills were members of the NP and the CP, while the PFP, NRP and all parties represented in the houses of Delegates and Representatives voted against.

If the State President gives his assent to the bills they will become law as soon as they are gazetted.

Decisions on the two bills were taken after 9½ hours of debate and after the PFP called a division in each case.

The only Solidarity member of the Council, Mr Ismail Omar, left the chamber during debate on the Public Safety Amendment Bill after saying he wished to demonstrate his opposition to the measures.

He said he would not attend meetings of the Council for the month of August in protest against the legislation. — Sapa

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Silence over detained Cape Times reporter

Staff Reporter

THERE has been no answer from the Commissioner of Police, General P.J. Coetzee, to a request by Mr A.H. Heard, Editor of the Cape Times, for the release of detained Cape Times reporter, Mr André Koopman.

Mr Heard sent a letter, a telex and a telegram to the commissioner on Monday after the detention of Mr Koopman while he was covering a church service at the St Nicholas Anglican Church in Elsie's River the previous day.

Mr Heard said in his letter to the commissioner, which reiterated the text of the telegram and telex, that it was clear that Mr Koopman "was simply performing his duty" when detained.

Brigadier Jaap Venter, head of the police Directorate of Public Relations, was contacted by the Cape Times on Thursday and

a verbal request was put to him asking for a response to Mr Heard's appeal on Mr Koopman's behalf.

Late yesterday Brigadier Venter was again contacted and asked if any reply had been forthcoming.

He said: "The message has been passed on to headquarters and that's all I can do."

The full text of Mr Heard's letter to the Commissioner is as follows:

"May I draw your attention to the following telex and telegram which I sent to you today:

'Cape Times reporter Mr André Koopman detained at St Nicholas Anglican Church in Elsie's River on Sunday June 15. Sent there by Cape Times news desk to report on what was understood would be a bona fide church service.

'Currently being held at Bellville police station.

'Urgently request that Mr Koopman be released. A letter from me will be sent

to your office as soon as possible.

'Your urgent consideration in this matter would be much appreciated.'

"I would make a personal appeal to you to release Mr Koopman, who quite clearly was simply performing his duty."

Mr Ray Swart, chairman of the Progressive Federal Party's caucus, raised Mr Koopman's detention in Parliament in a question to Minister of Law and Order, Mr Louis le Grange, on Wednesday.

He challenged the government to "tell us why André Koopman is being held".

"Is it part of the vendetta by Mr Louis le Grange against the Cape Times?" he asked.

In making the announcement of the detention, Mr Dave Steward, head of the Bureau for Information, said "it was a political

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To page 2

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gathering, not a religious meeting."

Asked by journalists at the press briefing why they had not been informed earlier of the detention of Mr Koopman and the others at the Elsie's River church, Mr Steward said: "We are still in the process of perfecting the free flow of information."

While he could confirm that the bureau had received a report of the incident on Monday, he could not explain clearly why this had not been included in the bureau's unrest bulletin the next day.

Mr Koopman, of Bellville, is 24 years old and single. He was educated at Uitenhage Senior Secondary School and the University of Cape Town where he obtained a BA in 1983.

He has been employed as a reporter by the Cape Times since 1984.

Top businessmen fear setback for labour relations

Detentions up roar

By Sheryl Baine

Detentions of trade unionists and wildcat sit-in strikes at more than 60 stores — from Woolworths and the CNA to Checkers and the OK Bazaars — had business leaders knocking on Cabinet Ministers' doors yesterday in urgent efforts to get the detentions halted.

Mr Gordon Hood, managing director of OK Bazaars, had talks with Minister of Manpower Mr Pietie du Plessis about the situation.

Mr Mervyn King, managing director of Kirsh Industries, met Minister of Law and Order Mr Louis le Grange and is understood to have put the case for the whole retail industry.

There have been no public statements on the meetings.

Checkers managing director Mr Clive Weil also requested a meeting with Mr le Grange, but he said yesterday the only reaction to a telex he had sent was what he had heard on the SABC.

Mr Weil would not reveal what he had said in the telex. Nor could he say exactly which Checkers stores were affected by strikes because he would then be subject to discipline in terms of the emergency regulations.

Businessmen are protesting against the detentions of at least 65 union leaders and workers under emergency regulations. Since the emergency started, other top businessmen have issued tough public statements asking that detainees be charged or released. Many are privately expressing grave concern about the impact of the emergency on labour relations.

Some companies in the middle of wage talks fear that detentions could complicate negotiations.

The president of the Chamber of Mines, Mr C G Knobbs, said yesterday: "The chamber has brought to the Government's notice that, while negotiations with the National Union of Mineworkers (NUM)

● See Pages 2, 4, 7, 8

have been progressing well, constraints have been imposed on some members of the negotiating team which could impact negatively on industrial relations in the mining industry and on collective bargaining."

The protests by businessmen gathered momentum this week when there were more than 60 strikes on the Reef.

Black workers, mostly members of the Commercial Catering and Allied Workers Union of SA (Ccawusa), have been staging wildcat sit-down strikes for more than a week in protest against the detention of union officials.

Shops still affected include CNA Gallo, Woolworths, Checkers, OK Bazaars and one branch of Pick 'n Pay. Record companies EMI and Gallo were affected during the week, as were Nel's and Shamrock dairies.

Mr Mike Sander, managing director of AECL, and Mr Tony Bloom, chairman of Premier Group Holdings, have both issued strong statements.

The Association of Employers has telexed Mr le Grange.

From Pretoria, Robyn Green reports that co-ordination between workers and their unions has collapsed, with the latter unable to approach members because of emergency regulations.

Thousands of workers now on strike have stopped work on their own initiative — not with trade union guidance.

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Unrest lawyers missing

By CHRIS BATEMAN

THE whereabouts of a City advocate and a Stellenbosch attorney, who represented 38 people accused of public violence before a Worcester magistrate this week, could not be established yesterday.

The two were in the Worcester Regional Court on Thursday morning.

According to a colleague, who declined to be named, the lawyers were part of an *in loco* inspection in Robertson's Nkqubela township on Wednesday when approached by their clients' relatives.

On their return to the court about 12.30pm, the lawyers, who wished to take affidavits from the relatives, asked for and were granted an adjournment.

Later that afternoon, the colleague said, the bus in which 36 of the accused clients were returning home was stopped. The whereabouts of the 36 could not be established yesterday.

The colleague said that the advocate and attorney returned to court on Thursday and had attempted unsuccessfully to reach the Attorney General of the Cape by telephone before the trial was due to start.

The chairman of the Cape Bar Council, Mr Edwin King, would not confirm that the Bar Council was investigating.

24 held after body found

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Own Correspondent

PORT ELIZABETH. — Security forces arrested 24 "non-whites" in connection with the death of Mr Lodewyk Vlooh, whose charred body was found near Uitenhage on Wednesday, the Bureau of Information announced yesterday.

The father of three, of 3 Second Street, Uitenhage, was last seen alive crossing a bridge on the road to Rocklands, outside Uitenhage, about 10.15am on Saturday.

Dentures

A brother of the dead man, Mr Willem Vlooh, told the Cape Times correspondent that the body was charred beyond recognition. He said his brother had been identified by a set of dentures he obtained recently and his noticeably small teeth.

The body was found in a crouched position under the wire skeletons of burnt tyres. Many stones were found at the scene.

Mr Vlooh said he believed the body had been found on the outskirts of KwaNobuhle township about 5km from where his brother was last seen alive.

Mr Lodewyk Vlooh had asked a Mr Deon Gerber for a lift to a betting office in Durban Street. He had won R87.

Visit

"He told Mr Gerber he wanted to visit Mr Andrew Zeelie, who lives with him and his wife Aletta in the house, and was working on trucks at the other side of the bridge," his brother said. "Mr Jan Kluyts of Uitenhage saw him crossing the bridge, but he never met Mr Zeelie."

Mr Vlooh's wife reported him missing when he did not arrive home by Sunday afternoon. A strong contingent of policemen, assisted by the Defence Force, earlier this week searched the banks of the Swartkops River.

Crossroads executive committee especially that of staff not of Information.

Mkhathshwa detained by court

By BOL MONATRI

A CHARGE of illegal possession of a firearm was withdrawn against SA Catholic Bishops' Conference secretary general Father Smangaliso Mkhathshwa in the Pretoria Regional Court this week.

He could not appear as he is being held under the emergency, the court was told.

Mkhathshwa was arrested with Sam Mkhabela at his Soshanguve vicarage about two months ago. After appearing twice, both were released on free bail.

But Mkhathshwa was arrested again a week ago, the court was told.

CityPress

Phone City Press on any of these numbers:

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836-0977 836-7448

836-7441 836-7449

836-7442

or Durban

(031)316-314

Political comment in this issue and posters by P. Oboza, headlines and sub-editing by D. Niddle and C. Vick, all of 204 Elif Street, Ex. JHB.

The order states that:

● Written notice of funerals must be given at least 12 hours in advance to the station commander at the nearest police station.

● Funerals may not take place on Saturdays, Sundays or public holidays.

● Only ordained clergy may direct the funerals.

● There must be no criticism of the government of any state or the conduct of the security forces.

● There must be no banners.

● The funeral procession must follow the shortest route.

● The funerals must take place between sunrise and sunset and must not last more than four hours.

● Only one person can be buried at a time.

● Attendance must be restricted as far as possible to family and friends and may not exceed 200 people. — Sapa.

Judges to see detainees

JUSTICE Minister Kobie Coetsee has asked the judges-president of the different provincial divisions of the Supreme Court to release judges from some other duties to visit detainees held under the emergency regulations.

Bureau for Information spokesman David Steward this week said this would be done to investigate on a continual basis the circumstances under which detainees were held in prison — and to submit reports.

The bureau would not say how many people were being detained, or supply their names, or give reasons for this. — Sapa.

Bank payments shortened, pension queues

CP Reporter

THE Constitutional Development and Planning Department has agreed to pay black pensioners through three major banks — as they do with pensioners of other races.

The decision came after

representations by the SA National Council for the Aged.

Ipelegeng social worker Nomhlobo Ndala said the banks that have agreed to help pensioners are Standard, Barclays and the SA Perm. They will open sav-

ings accounts for pensioners with only R1.

The government has also agreed to pay half the bi-monthly pensions every month into accounts of pensioners already processed, said Ndala.

Application forms are

operation in 1988, the Umata National Assembly was told this week.

Some clauses in the Act require that businesses such as SA chain stores and businesses owned by SA whites surrender their trading licences on or before January 14, 1988.

Only the President will be empowered to consider applications for exemption from this Act.

TV licence fees go up

TELEVISION licence fees have been increased from R46,20 to R60 per year.

The increase will come into effect on October 1, SABC said.

Farmers who've given their farmworkers TV sets, people over 70 years and farmworkers who are permanent residents on farms and have TV sets will now also be eligible for the concessionary fee of R24, the statement said. — Sapa.

TV licence fees go up

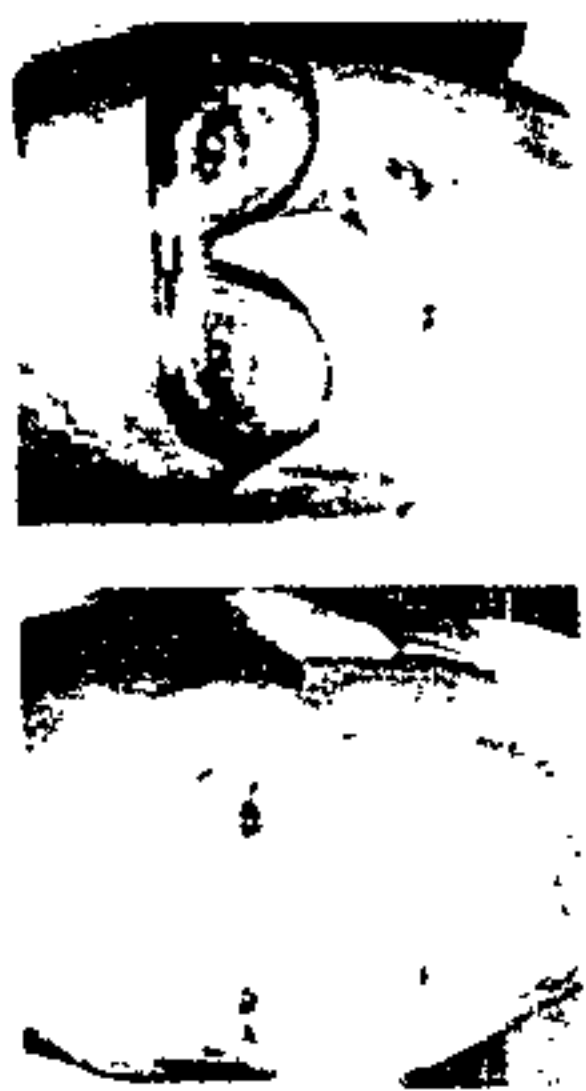
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Shock new gags as business bids to head off strikes

TURN OF THE SUNDAY TIMES



GORDON HOOD
MD of OK Bazaars

CLIVE WEIL
MD of Checkers

By NEIL HOOPER

THE state of emergency was tightened another notch yesterday when the authorities imposed sweeping gagging orders on scores of dissident and community organisations.

The Divisional Commissioner of Police in the Western Province, Brigadier Chris Swart, issued orders prohibiting the publication in six Cape magisterial districts of any utterances by office-bearers of more than 100 organisations.

They include the United Democratic Front, the Azanian People's Organisation, the Congress of SA Trade Unions, the Detainees' Parents Support Committee, the End Conscription Campaign, the National Union of South African Students and the Release Mandela Campaign.

● CONTENTS of this issue of the SUNDAY TIMES have been restricted by regulations which were promulgated by the Government under the State of Emergency. Readers should be aware that the normal flow of news, comment and photographs has been affected and other, because publication of some matter is specifically prohibited, or because it may be considered a violation of the wide terms of the regulations. The SUNDAY TIMES will, however, endeavour to publish as much information as is possible within the law.

The orders were published in the Government Gazette in terms of Emergency Regulation 7. It is now illegal to publish comment from these organisations in the districts of the Cape, Simons-town, Wynberg, Goodwood, Bellville and Kuils River.

This is the third time the regulations have been tightened since the declaration of a state of emergency on June 12.

The first was a ban on non-residents entering black townships (somewhat relaxed yesterday to exempt journalists who obtain prior permission).

The second was the imposition this week of a 9pm to 4am curfew in black residential areas in the Eastern Cape.

Yesterday's far-reaching gagging order came as South Africa's leading retailers met the Minister of Law and Order, Mr Louis le Grange, in a bid to defuse wildcat strikes that are crippling more than 100 stores and supermarkets across the country.

Black workers, mostly members of the Commercial Catering and Allied Workers Union of SA (Ccaawusa), have been staging sit-in strikes for more than a week in protest against the detention of the union officials.

This has placed retailers in a difficult position since the imprisoned officials may be the only people who can halt the strikes.

Yesterday's meeting was under the chairmanship of Mr Mervyn King, chairman of Kirsh Trading.

Statement

Also present was the Commissioner of Police, General Johan Coetzee.

A joint statement afterwards stated that "the Minister emphasised that no union leaders are being detained purely because of their activities relating to labour matters".

Mr le Grange gave an undertaking to investigate the retailers' problems, but emphasised that "the State regarded the maintenance of law and order a priority".

The statement said that discussions took place in an atmosphere of co-operation.

By yesterday, the following stores were experiencing labour problems:

- 37 Checkers supermarkets
- One Pick 'n Pay hypermarket
- 23 OK stores
- 14 Woolworths stores and one depot
- Nine CNA stores, two factories and two warehouses

● 12 Frazers stores and one warehouse

All black staff at these outlets are either on strike or have been arrested. Managers have kept going with temporary untrained staff.

Last month, when 55 Pick 'n Pay outlets were strikebound for six days, the total cost was estimated at more than R1-million a day.

The cost of the present strike could, therefore, be even heavier.

A measure of the severity of the crisis facing retailers was the heavyweight nature of the delegation which met Mr le Grange.

Concern

They were: Mr Gordon Hood, managing director of OK; Mr Clive Weil, managing director of Checkers; Mr A Williamson, managing director of Woolworths and Truworths; Mr R de Wet, personnel director of Pick 'n Pay; Mr J A McNess, director of CNA/Gallo; Mr P Strydom, personnel director of Metro Cash and Carry; and Mr R Williams, director of Frazers Ltd.

A further sign of the concern by industry in South Africa is reflected in an advertisement placed on Page 15 of today's Sunday Times by AECI managing director Mr Mike Sander.

It expresses grave concern about the detention of trade unionists and community leaders, and adds:

"The absence of trade union leaders who are actively involved in settling disputes between labour and management is already leading to serious problems in the industry."

Equally strongly worded pleas have been made by other industrialists, including Mr Tony Bloom of the Premier Group.

Mining houses are equally concerned, and the president of the Chamber of Mines, Mr C G Knobbs, says it has told the Government that while negotiations were underway with the National Union of Mineworkers (NUM) "constraints" were placed on members of the NUM negotiating team which could have a "negative" impact on the outcome of the talks.

Pull out hint over

Botha may call a November poll

BY MAX DU PREEZ
AS PARLIAMENT prepared to adjourn yesterday, there was mounting speculation among MPs that the Government may hold a general election in November this year.

A commission to review the delimitation of constituencies will be appointed any day now and could complete its task in two months, the Sunday Times was told.

State President P. W. Botha has repeatedly said that any substantial change in the constitution will be put before the electorate.

Trumpcard

The National Party's trump card for negotiation with blacks, the National Statutory Council (NSC), will be put to the party's federal council in August. The NSC will, for the first time, give blacks a say in central government.

For some time there has been speculation that the principle of shared power between whites and blacks would be tested in a referendum, but lately a number of MPs have expressed the belief that President Botha would call a general elec-

One of the main arguments against the holding of a general election was that it would mean a coloured and Indian election as well — and that could lead to another humiliating small poll and more violence.

But many Nationalists believe that the coloured and Indian parties which are represented in Parliament have recently increased their standing in their communities, and that the explosion of black violence has had a moderating effect on both communities.

The extreme rightwing parties, such as the Conservative Party, the Herstigte Nasionale Party and the Afrikaner Weerstandsbeweging, have been waging an emotional campaign for an election for months now.

Senior Nationalists are confident that the NP will retain a large majority in an election.

They believe that the declaration of the state of emergency has demonstrated to conservative white voters that the Government has not "gone soft".

All political analysts agree that a new delimitation of white constituencies can only be to the disadvantage of the right wing.

BY NORMAN WEST
Political Reporter

THE Rev Allan Hendrickse, leader of the Labour Party in the House of Representatives, has slammed the President's Council railroading of objections to two highly controversial security measures.

The two Bills, which will give enormous powers to the Minister of Law and Order, were opposed by both the Houses of Representatives and Delegates.

On Friday night, the deadlock-breaking President's Council, with its built-in National Party majority, passed the laws.

Concern

Mr Hendrickse believes the PC action has severely damaged the image of the tricameral Parliament and his party will have to carefully review the terms of its participation.

Mr Hendrickse said the turn of events "was a grave cause for concern".

The PC decision was not unexpected, he said, since the PC was "Nat-loaded", but the decision, nevertheless, cast a slur on the morality of the tricameral Parliament.

He said he and his Cabinet col-

LEADERS

EXPRESS

SERIOUS

CONCERN

league, the leader of the National People's Party in the House of Delegates, Mr Amichand Rajbansi "were, of course, very disappointed".

Mr Hendrickse said Friday's decision by the PC showed the National-dominated House of Assembly could push through any legislation it wished, despite objections from the two other Houses.

"This PC decision has stripped the other two Houses of whatever credibility they had gained by democratically resisting these Bills."

The Nat-dominated PC and Assembly must take full responsibility for having armed our critics — who were against our participation in the tricameral Parliament — with fresh ammunition to attack us with.

"The PC, on Friday night, put the biggest question mark yet against our continued participation in the tricameral Parliament."

"Whereas we are not as yet thinking of pulling out of Parliament completely, we will have to take a fresh look next week at the present structure of the tricameral Parliament in terms of our participation," Mr Hendrickse said.

One PC member, the lone representative of the opposition Solidarity Party in the House of Delegates, Mr Ismail Omar, announced he would withdraw from the proceedings in the PC for the whole of August in protest against its decision to overrule the rejection of the Bills by the two Houses.

Mr Rajbansi could not be contacted for comment yesterday, but had said earlier a PC decision against the wishes of the two Houses "would seriously question the effectiveness of the tricameral Parliament as a body based on consensus and negotiation".

Law

The PC did exactly what on Friday night it decided the Bills passed by the white House of Assembly should become law.

The PC, after a marathon debate which lasted almost ten hours, decided the Bills — in the form passed by the House of Assembly and without the amendments sought by the other two Houses — should become law.

Yesterday, coloured and Indian MPs polled reacted with dismay at what some called the "futility" of their efforts.

Secret make cut

BRITAIN'S national airline, British Airways, has drawn up secret contingency plans to fly alternative destinations the British Government gives in to pressure cuts airlinks with South Africa.

Meanwhile, however, B mounting a strong campaign to resist the imposition sanctions.

An airline spokesman in London that strong peals had been made to government not to cut li with South Africa.

"We do not see the wise of commercial air routes ing used to achieve sh

MP asks for details of 'detainees'

THE names of some of the estimated 2 000 emergency detainees have begun to emerge. Parliamentarian Graham McIntosh read several names to parliament and asked if the people had been detained.

The names were "Bantu Julius Fuzile, Nabel Swart and Khatieb Desai of Alexander Sinton School, Eric Applegreen, Janet Applegreen, Peter Kershoff, Marin Wittenburg, C Merret, SC Jocelyn, Prof Colin Garner, a number of people from Mpolweni, Moses Mkhize, Edna Mkhize, Nora Mkhize, Nkosinathi Mkhize, Swart Mkhize, Nkululeko Mkhize, Mondli Ndlovu, Simon Bhengu and Xoli Mngadi..."

4 German detainees named and deported

22/1/82

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CP Correspondent

THE first four people officially confirmed as emergency detainees have also become the first four to be deported from South Africa since the emergency started.

Eckhard Krallman, Walter Hattig, and Catholic clergymen Father Theo Kneifel and Brother Heinz Ernst were ordered out of the country by the government. No reasons were given - except that it was "in the public interest".

All four are West German nationals and their deportation is causing a new rumpus between West Germany and Pretoria.

A protest note was given in Bonn and Pretoria, objecting to the SA government's action against the four and accusing the government of taking action which violated "the fundamental right to religious freedom".

In reply the SA government said the four were "engaged in activities

which warranted their detention by the SA authorities in terms of the applicable SA legal provision". It said German citizens living in SA had to obey the laws here.

There were emotional scenes at Durban's Louis Botha Airport when Kneifel and Ernst left. Students for the Catholic priesthood from St Joseph's Scholasticate at Cedara went to greet Kneifel - who had been director of studies at their college.

Nuns, priests and theological students turned out at Johannesburg's Jan Smuts airport when the plane with the two Durban deportees stopped there before flying to Germany.

THE EMERGENCY
This story has been drastically edited to comply with restrictions imposed by the state of emergency

DETAINEES seized under the new state of emergency are being treated "responsibly and with care" - the Prisons Service says.

It is still not known how many people are currently in detention.

A statement issued through the Bureau for Information said detainees were treated "in accordance with international minimum standards".

Detainees had adequate channels to air grievances and judges and magistrates had access to them and could report on what they found, the statement said.

Internal Media Liaison director Leon Mellet could

Detainees are well - State

not say if foreign embassies in SA would have access to detained nationals.

Mellet could not say how many detainees were under 18 and if the Children's Act applied to them.

A legal representative must obtain permission from the Law and Order Minister and the police commissioner to visit a detainee.

A detainee may not write letters without permission. The only reading matter al-

lowed is a bible. He/she may not get food parcels or articles. No studying is allowed. Radios, TV sets, record players or musical instruments are banned.

An hour of exercise a day must be granted.

Detainees who give a false reply, are insolent or disrespectful, idle, careless or negligent, swear or use indecent, slanderous or insulting language may be fined, warned or kept in solitary confinement.

Govt speaks on union detentions

TRADE UNION leaders were not being detained because the authorities had problems with their bone fides as labour leaders, but because of their involvement in the security situation, Manpower Minister Pietie du Plessis said yesterday.

That was the essence of the response he and Law and Order Minister Louis le Grange gave to a delegation of business leaders on Saturday.

The meeting was held at the urgent request of retail leaders whose stores have been hit by a wave of strikes after the arrest and detention of Commercial Catering and Allied Workers Union of SA (Ccawusa) officials.

Du Plessis said he was sympathetic to the labour problems being experienced by the retailers but he could not accede to a request by them that the unionists be released.

Meanwhile tough security laws extending detention without trial and permitting the authorities to summarily declare "unrest areas" are almost certain

● COMMENT: Page 6

to be promulgated this week.

That follows the final — and predictable — passing of the Public Safety and Internal Security Amendment Bills through the National Party-dominated President's Council (PC) on Friday after a marathon day-and-night debate.

□ The Bureau of Information said a man was killed by a group in Soweto, Witwatersrand at the weekend.

Chamber of Mines protests impediment on wages talks

The National Union of Mineworkers will meet the Chamber of Mines for the seventh round of annual wage negotiations tomorrow.

The Chamber's president, Mr Clive Knobbs, has complained to the Government about constraints being placed on some members of the NUM's negotiating team.

A Chamber statement said: "The Chamber of Mines has brought to the Government's notice that while negotiations with the National Union of Mineworkers have been progressing well, constraints have been imposed on some members of the union's negotiating team which could impact negatively on industrial relations in the mining industry and on the collective bargaining process."

TC Talks on trade union detentions continue

P

Strikes rack retail industry

23/6/86

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ty).

Talks focusing on the emergency detention of scores of trade unionists which has resulted in more than 100 protest strikes in the retail industry, will continue between the Minister of Law and Order and top retailers in Pretoria today.

A delegation of retail bosses met the Minister on Saturday and discussions will continue all day today on points raised at the weekend.

The businessmen are deeply concerned about the detention of trade union leaders which has sparked a wave of sit-down strikes by members of the Commercial, Catering and Allied Workers Union of South Africa (Ccawusa).

At least 65 trade unionists are known to be in detention, among them certain officials of Ccawusa. Their names may not be published under emergency regulations.

So far more than 100 strikes have been recorded and the retail industry has well-founded fears that the number may grow.

At the weekend the following units were still experiencing strikes:

- Checkers - 37 supermarkets but the number was expected to grow.
- OK Bazaars - 23 stores.
- Woolworths - 14 stores and one depot.

- CNA - nine stores, two factories and one depot.
- Frasers - 12 stores, one warehouse.
- Pick 'n Pay - Steeledale Hypermarket south of Johannesburg.

Present were Mr C Weil, MD of Checkers, Mr R de Wet, group personnel manager of Pick 'n Pay, Mr R Williams, director of Frasers, Mr A Williamson, MD of Woolworths and Truworths, Mr P Strydom, personnel director of Metro Cash and Carry, Mr J McNess, director of CNA/Gallo, Mr G Hood, MD of OK Bazaars, and Mr Mervyn King, chairman of Kirsh Industries.

The meeting, at the offices of Kirsh Trading, was chaired by Mr King.

Law and Order a priority

He said in a statement later that problem areas had been discussed with Mr le Grange.

"The Minister said the Government was sympathetic about the problems but the State regarded the maintenance of law and order a priority, he said. "The Minister undertook to investigate the matters brought to his attention."

Mr le Grange had emphasised that "no union leaders are being detained purely because of their activities related to labour matters".

Top industrial relations experts in the private sector have noted that people known to have been detained were in many instances those whose involvement in labour relations had been most constructive.

The experts expressed surprise at the seemingly haphazard detention of unionists which, some said, reflected a lack of insight by the Government.

They held little hope that the Government would grant requests for the release of unionists from detention.

Envoy names detained Anglican churchman

The Star Bureau

LONDON — Mr Terry Waite, the Archbishop of Canterbury's special envoy, has told the BBC in a telephone interview from Johannesburg that a prominent clergyman, whom he named as the Suffragan Bishop of Johannesburg, the Right Reverend Sigismund Ndwendwe, is in detention.

Mr Waite claimed in the interview, broadcast on The World This Weekend programme last night, that in naming the clergyman as a detained person he was breaking the emergency regulations.

But he was prepared to accept the consequences. The man was one of numerous clergymen who had been detained "simply for doing their job as Christian ministers."

Mr Waite said he had visited the clergyman's family on Saturday and heard how he had been detained. (*The Star* may not report these details.)

"His wife has made two applications to visit him and was refused on both occasions. Therefore, his next-of-kin have not been allowed to see him," he said.

'DISGRACEFUL'

He wanted to know what the authorities had to hide. The way coloured and black people were being treated in South Africa was, he said, "nothing short of disgraceful".

He said: "I believe that in all communities there are people who want a negotiated settlement. But what we have to realise very clearly is that this country is in the very strong grip of the security services who have enormous powers.

"And what we have to realise is that absolute power corrupts absolutely, and that at the heart of this system there is an evil which must be combated."

Mr Waite, who is due to return to Britain today, said he had eyewitness accounts of how a whole church congregation, almost 190 people, were arrested at Elsie's River a week ago.

They had been holding a service to commemorate four people killed in their parish 10 years ago.

The programme presenter later quoted a spokesman for the Anglican Church in South Africa as saying that 150 of them had been freed.

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150 church members released at weekend

By ANDREW DONALDSON

ABOUT 150 members of the St Nicholas Anglican Church congregation in Elsie's River, detained at a church service a week ago, were released from local prisons at the weekend.

None was charged. The Cape Times has a list of names of those released but cannot publish it in terms of the emergency regulations.

Reporter

A Cape Times reporter, Mr André Koopman, who had been assigned to cover the service at the Halt Road church and who was detained together with the congregation, was still in detention with other members of the congregation.

About six people were released earlier during the week, according to those that were freed at the weekend.

A spokeswoman for the Bureau for Informa-

tion would not comment on their release yesterday but told the Cape Times that the matter would probably be discussed at today's press conference in Pretoria.

Confirmed release

A spokesman for the church confirmed the release of most of the detainees in batches since Friday.

The bureau said that 189 people were detained at the church last Sunday.

From the list of names, it is clear that in some cases several members of the same family had been detained in the action.

In one instance, six brothers at the service were taken in.

According to the St Nicholas spokesman, who had also been detained, the youngest person detained was a two-year-old child who was taken in with her mother.

However, the child had been released soon afterwards into the care of her grandmother — while her mother remained in detention.

Families were divided in detention and some were still separated, the spokesman said. In one case, a 19-year-old woman was released at the weekend but her mother was still being held.

The spokesman said detainees had eventually received parcels of clothing and money their relatives had sent them. Further details of this aspect of their detention may not be printed in terms of the emergency regulations.

In a message to the Cape Times staff, the spokesman said: "(Your colleague) André Koopman is in good spirits. He is well."

He confirmed that Mr Koopman received par-

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From page 1

cels of clothing sent to him by his colleagues.

Following interviews yesterday with those who had been released, it was also apparent that several high school pupils and their teachers who had been at the church service were kept together in detention.

The detainees were divided according to their sex, with males going to Victor Verster Prison, near Paarl, and females to Pollsmoor Prison.

One of the women, a teacher, said in an interview yesterday that she felt "worse outside than inside".

"Knowing what it is like, what we've been through, I'm very fearful for them. Not knowing what's going to happen to you — that's the worse thing."

The woman said that those released had not been charged but were handed a certificate informing their employers they had been held in terms of emergency regulations.

It was not known yesterday why the remaining congregation members were still being held.

P W set to sign security Bills

STAR 23/6/86

Political Staff

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The President's Council passed the two controversial security Bills on Friday night and President Botha is expected to sign them early this week.

After they have been signed by Mr Botha they will be published in a Government Gazette and will become law.

The Public Safety Amendment Bill provides for the declaration of "unrest areas" and the Internal Security Amendment Bill provides for 180 days' detention.

The Bills were passed by the Assembly but rejected by the House of Representatives and the House of Delegates.

Minister talks to leaders



MINISTER Louis le Grange.

BUSINESS leaders met the Minister of Law and Order, Mr Louis le Grange, yesterday for talks on the detention of trade union leaders under the state of emergency.

The talks continue today.

The businessmen represented Checkers, Pick 'n Pay, Woolworths and Truworths, Metro Cash and Carry, CNA, Gallo and Kirsh Industries.

The leader of the delegation, Mr Mervyn King, confirmed that the meeting took place but refused to disclose further details because disclosure might prejudice

BY LANGA SKOSANA

Further meetings would be held today and he was hopeful that a result would be reached in due course.

Mr le Grange's Press liaison officer, Captain Henry Beck, said from Pretoria yesterday that the Minister held talks with businessmen on Friday, Saturday and yesterday.

Yesterday the *Sowetan* visited strike-hit retail shops in and around Johannesburg.

They said they faced problems

which could only be resolved by their elected leaders.

At union offices yesterday those leaders who have not been detained were absent and said to be in hiding.

So far more than 100 strikes have been recorded and the retail industry has well-founded fears that the number may grow.

Yesterday the following units were still experiencing strikes:

- Checkers — 37 supermarkets but the number was expected to grow;
- OK Bazaars — 24 stores;
- Woolworths — 14 stores and one depot;
- CNA — nine stores, two factories and one depot;
- Frasers — 12 stores, one warehouse;
- Pick 'n Pay — Steeledale Hypermarket south of Johannesburg.

WE have been advised that the police interpret the blank spaces we have left in the newspaper over the past few days as being "subversive". We will now fill the spaces with the most innocuous of writings.

Strike talks continue

LEADING retail employers hope the problem of detained trade-union leaders — which has plunged the industry into an unprecedented wave of spontaneous strikes — will be sorted out by today.

Ongoing talks with government continued yesterday following the wildcat strikes which have hit about 100 retail stores in the Witwatersrand region.

Workers are demanding the release of detained leaders of the Commercial, Ca-

CLAIRE PICKARD-CAMBRIDGE

tering and Allied Workers Union (Ccaawusa).

Executive chairman of Kirsh Trading, Mervyn King, who has spearheaded meetings between government and employers, said they were at a "delicate stage".

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**DLO concern
over lawyers**

Staff Reporter

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THE Democratic Law-
yers Organization yes-
terday noted with grave
concern the disappear-
ance of two colleagues
last Thursday at a local
court.

(2) (a) No.

(i) to (iii) Fall away.

(b) Yes.

(i) Quits.

(ii) Since the persons have refused to react to police warnings and have continued with the gathering.

(iii) The persons dispersed.

(3) No, the South African Police is not aware of any injuries.

(4) Yes.

(a) 3.

(b) Section 46 of the Internal Security Act, 1982 (Act 74 of 1982).

(5) (a) and (b) No.

(i) to (iii) Fall away.

Mobile cooking units
 Mr P A MYBURGH asked the Minister of Defence:

(1) Whether he has received any requests or representations to make any South African Defence Force mobile cooking units available to assist in the feeding of homeless persons in the Cape Peninsula; if so, (a) on what date or dates, (b) from whom and (c) what was his response;

(2) (a) on what dates were such mobile cooking units provided for this purpose, (b) how many such units were made available and (c) in which areas did they operate?

The DEPUTY MINISTER OF DEFENCE:

(1) and (2) No, I have received no requests for mobile cooking units. The hon members for Standerton and Wynberg,

HoA

African Defence Force were on duty in or in the vicinity of Duncan Village near East London on or about 10 June 1986; if so, (a) why and (b) what was the rank of the officer in charge;

(2) whether this was a joint patrol with the South African Police; if so, who was in charge of the joint patrol; if not, what action was taken by the Defence Force personnel on this occasion;

(3) whether Defence Force personnel (a) searched any (i) vehicles, (ii) persons and (iii) houses and (b) took any persons into custody on this occasion; if so, what were the circumstances surrounding this action;

(4) whether any persons were injured as a result of Defence Force action in or in the vicinity of Duncan Village on this occasion; if so, (a) how many, (b) what was the nature of their injuries and (c) what were the circumstances surrounding these incidents;

(5) whether any complaints have been received regarding Defence Force action on this occasion; if so, (a) on what dates, (b) what was the nature of the complaints and (c) what action was taken in this regard?

The DEPUTY MINISTER OF DEFENCE:

(1) Yes.

(b) As stabilising patrols.

(b) Commandant.

(2) No. Suspicious vehicles and persons were searched.

(3) (a) and (b)(i) and (ii) Yes. There were two incidents:

— A suspicious vehicle was stopped. The driver aimed a pistol at a member of the SA Defence Force patrol. The person was

detained and handed over to the SA Police. The pistol proved subsequently to have been stolen.

— A vehicle was stopped and UDF pamphlets were found in it. After the driver was informed that he was being detained in terms of Section 50 of the Internal Security Act (Act 74 of 1982) he was permitted to park the vehicle. After he got out of his vehicle he resisted arrest. By-standers threw stones at the patrol and in a scuffle with the detainee he received a blow above the left eye. The blow was not serious. The detainee was handed over to the SA Police.

(iii) No.

(4) Yes.

(a) One.

(b) A blow above the left eye.

(c) As described in 3(a)(i) and (ii) above.

(5) No. (a), (b) and (c) Fall away.

Duncan Village
 Mr E K MOORCROFT asked the Minister of Law and Order:

(1) Whether the South African Police (a) arrested and/or (b) detained any persons in the Duncan Village area near East London on or about 12 June 1986; if so, (i) how many, (ii) for what alleged offences, (iii) in terms of what statutory provisions and (iv) where are they being held at present;

(2) whether any of these persons have been charged; if so, with what offences;

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

HoA

tion in the 1984/85 financial year.

(iii) The granting of yearly increments to personnel who are remunerated according to salary scales.

(iv) The granting of achievement rewards to personnel for meritorious service.

(v) The promotion of personnel to higher posts.

(vi) An increase in the establishment to provide for a greater demand for services and the implementation of new services.

(2) No.

Unrest

1136. Mr S S VAN DER MERWE asked the Minister of Law and Order:

(1) How many persons had been (a) killed, (b) injured, (c) arrested and (d) detained in connection with unrest since 7 March 1986 as at the latest specified date for which information is available;

(2) how many incidents of (a) sabotage, (b) arson, (c) stonethrowing, (d) public violence and (e) malicious damage to property occurred and/or were reported to the South African Police during the period referred to above?

The MINISTER OF LAW AND ORDER:

(1) and (2) I do not deem it in the public interest to furnish the information at this stage.

Glenanda, Johannesburg

1140. Mr J H VAN DER MERWE asked the Minister of Law and Order:[†]

(1) Whether any members of the South

African Police attended a political meeting of the National Party in Glenanda, Johannesburg, on 2 June 1986; if so, (a) why, (b) how many,

(c)(i) what is the rank of the most senior officer who attended the meeting and (ii) why did this officer attend the meeting, (d) what equipment was issued to the members concerned on this occasion, (e)(i) how many and (ii) what types of vehicles were used for this purpose, (f) what was the (i) total cost and (ii) cost per item involved in this operation, (g) who was the main speaker at the meeting and (h) how many members of the public are estimated to have attended the meeting;

(2) whether any members of the South African Police took any other action on this occasion; if so, (a) what action, (b) why and (c) in terms of what statutory provision?

The MINISTER OF LAW AND ORDER:

(1) Yes.

(a) To maintain law and order.

(b) 107 members.

(c) (i) A Brigadier.

(ii) Because as District Commandant he has a direct interest in matters which occur within the boundaries of his district. The commissioned officer who was in command of the members was a Captain.

(d) Adequate equipment to meet the given situation.

(e) (i) 13 vehicles.

(ii) A bus and various patrol vehicles.

(f)(i) and (ii) The information is not readily available.

(g) The Minister of Foreign Affairs.

(h) Approximately 750 persons.

2	Tembisa
1	Nyanga
Total 15	

(2) No.

(a) to (c) Fall away.

Particulars are furnished until 11 June 1986.

Emergency regulations

1150. Mr S S VAN DER MERWE asked the Minister of Law and Order:

(1) (a) What total number of persons were killed in unrest during the first six months of 1986 by (i) members of the South African Police and (ii) other persons and (b) in what town, suburb or township was each killed;

(2) whether any members of the South African Police were killed during the first six months of 1986 while on duty in unrest areas; if so, (a) how many and (b) in which towns, suburbs or townships in each case?

The MINISTER OF LAW AND ORDER:

(1) (a) (i) By the South African Police: 191.

(ii) By other persons: 379.

(b) The Particulars are not readily available.

(2) Yes.

(a) (b)

1	Jacobs
3	Umbumbulu
1	Khutsong
2	Alexandra
2	Bekkersdal
3	Soweto

1152. Mrs H SUZMAN asked the Minister of Law and Order:

(a) How many persons have been detained under emergency regulations since the declaration of the state of emergency on 12 June 1986 and (b) in respect of what date is this information furnished?

The MINISTER OF LAW AND ORDER:

(a) and (b) I do not deem it in the public interest to make the information known.

Internal Security Act

1158. Mrs H SUZMAN asked the Minister of Law and Order:

Whether a restriction order in terms of the Internal Security Act, No 74 of 1982, has been served during the current year on a certain person, whose name has been furnished to the South African Police for the purpose of the Minister's reply; if so, (a) on what date, (b) what are the terms of this restriction order and (c) what is the name of this person?

The MINISTER OF LAW AND ORDER:

No. (a) to (c) Fall away.

PC approval of Bills 'immoral'

SAR
24/6/86 Political Staff

CAPE TOWN — The majority parties in both the House of Representatives and the House of Delegates have described the President's Council's decision to approve security legislation originally rejected by two of the three chambers of Parliament as "immoral".

The Public Safety Amendment Bill and the Internal Security Amendment Bill were approved by the Council on Friday after being unanimously rejected in the House of Representatives and the House of Delegates earlier this month.

The leader of the ruling Labour Party in the House of Representatives, the Rev Allan Hen-

drickse, and the leader of the ruling National People's Party in the House of Delegates, Mr Amichand Rajbansi, issued identical statements yesterday expressing "a sense of disillusionment".

The statements said: "It would appear that 159 parliamentarians voted against the Bills while 146 supported them. The President's Council's decision can therefore not be a moral one."

Mr Hendrickse and Mr Rajbansi said the decision of the President's Council had done "more harm than good" and it reflected upon the "good intentions" of their respective parties.

Nevertheless, the parties' continued presence in the tricameral system was "essential as an investment for the good of the country".

Shop sit-downs spread to Pretoria — claim

Talks on protest strikes continue

24/6/86 SNAK
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By Sheryl Raine

Strike-hit retail bosses again met Government officials in Pretoria yesterday in a continuation of talks about the wave of more than 100 protest strikes in the retail industry.

While the meeting was still in progress, claims were made that the strikes — which have so far affected major chain stores in the greater Johannesburg area — had spread to shops in Pretoria.

Workers have been staging sporadic sit-down strikes since the start of the state of emergency

and the detention of at least 65 trade unionists. Mr Mervyn King, chairman of Kirsh Trading, said yesterday's talks were chaired by himself and that representatives of Woolworths, Pick 'n Pay, OK Bazaars, Frasers and CNA Gallo were present. He declined to say who else was at the meeting.

"The discussions will continue this week and we expect to release a statement sometime in the immediate future. There is no statement today. The talks are sensitive and affect thousands of people," said Mr King.

A spokesman for the Commercial, Catering and Allied Workers' Union of SA (Ccawusa) in Pretoria reported that workers at four OK Bazaars branches and a warehouse, a Checkers store, a Woolworths outlet and one CNA shop had gone on strike yesterday in protest at the detention of union officials.

Spokesmen for the companies concerned were said to be unavailable when *The Star* called to confirm the strikes.

The Ccawusa spokesman said the union was aware of four shop stewards and three officials being held under the emergency. He said workers were also protesting at the 180-day detention law approved by the President's Council last week.

He called on the Security Police to stop certain activities which may not be reported under the emergency regulations.

The Star has also received calls from white staff members employed at stores affected by strikes. White staff complained that they were working long hours and were expected to work in various capacities at far-flung outlets to fill in for strikers.

2416180 S1012 Social workers reject Bills 329 329

The Society for Social Workers of South Africa has registered strong opposition to the Government's two security Bills because they give vastly increased powers to the police and the Minister of Law and Order.

"As social workers we recommit ourselves to the protection of individual rights, the upholding of law and order and the right of communities to self-development and fulfilment," said a statement released by the society.

The society said it rejected the Internal Security Amendment Bill because it gave police the right to hold people under arrest for 180 days, a power which should rest only with the courts. Detainees could be held without the status of awaiting-trial prisoners and so denied access to legal representatives, visits, books — and freedom from interrogation.

"Denying detained prisoners the status of awaiting-trial prisoners is tantamount to presuming guilt without giving them the opportunity to prove innocence."

It rejected the Public Safety Amendment Bill because it provided the Minister with powers to proclaim unrest areas without reference to Parliament, the courts, or even other Cabinet ministers.

24/6/80 Social workers reject Bills

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Strikes: Bosses talk to Govt

SOWETAN By LANGA SKOSANA

NEGOTIATIONS have started between employers and representatives of some of the striking workers in 70 retail shops.

The employers aim to press the Government to release detained trade union leaders so that striking workers will return to work.

Since Friday business leaders from Checkers, Pick 'n Pay, Frasers, Gallo/CNA and OK Bazaars have been holding talks with the Minister of Law and Order, Mr Louis le Grange, in an attempt to get the detained leaders released.

Further talks were held yesterday and the businessmen were optimistic a settlement would be reached.

The Minister has said he was sympathetic to the

businessmen's pleas but the maintenance of law and order was a priority.

A spokesman from Mr le Grange's office said no more reports of the meetings between the Minister and businessmen would be made public as discussions were of a "confidential nature".

An employers' representative said yesterday that between 50 and 70 retail shops were hit by the strikes. He said strikes were mainly in the Transvaal although one or two retail outlets were temporarily hit by strikes in Port Elizabeth.

He felt optimistic that a settlement might be reached soon.

The *Sowetan* visited some of the shops where workers have downed tools and found many still resolute that they would not end the strike until their demands were met.

Reporter freed after week in detention

Staff Reporter

CAPE TIMES reporter Mr André Koopman, who was detained with about 200 others at a church service in Elsie's River on Sunday, June 15, was released yesterday afternoon as lawyers representing his family prepared an application to the Supreme Court to secure his release.

Mr Koopman, 24, of Scottsdale, was in good spirits after his release.

"I'm obviously pleased to be out, but I am most concerned about those still in detention in Victor Verster Prison near Paarl where the men were being kept.

Demoralizing

"I don't know how many women are still being held."

Mr Koopman said the most demoralizing part of detention was not knowing under what section one was detained — in spite of repeated requests for this information — or for how long the detention would last.

"But the experience has not changed my attitude towards journalism. If anything it has made me more determined than ever to pursue the truth and give coverage to community events on as wide a spectrum as possible — including those which may



Mr André Koopman

have some risk attached to them," he said.

Mr Koopman was detained at the St Nicholas Anglican Church in Elsie's River while covering what he described after his release as "a totally peaceful" commemorative church service for those who died on June 16 during the 1976 Soweto uprising.

"It was a bona fide church service, with Bible readings and hymn and song singing — and there were no subversive statements made."

Mr Koopman gave an account of police actions taken at the church but these may not be published at this time in terms of the emergency regulations.

After repeated person-

al appeals for Mr Koopman's release to the Commissioner of Police, General Johan Coetzee, by the Editor of the Cape Times, Mr A H Heard, had elicited no response, legal advice was sought by the Cape Times and Mr Koopman's family.

Hours

Yesterday morning an application was served on the Minister of Law and Order, the Divisional Commissioner of Police for the Western Cape and the commanding officer at Victor Verster Prison, giving notice that an urgent interdict was to be sought by Mr Koopman's father for the release of his son.

Within hours, Mr Koopman was released from the prison and dropped at his home.

His relieved family welcomed him warmly — Mr Koopman's mother, Mrs Evelyn Koopman, said she was particularly happy to see her son after receiving a telephone call at 4am yesterday from a man who said that "André is dead".

● Picture, page 2

CAPL TIMES 25/6/86

PFP MPs walk out of Parliament

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Political Staff

HOUSE OF ASSEMBLY.
— PFP MPs walked out of Parliament last night after the party's justice spokesman, Mr David Dalling, was prevented from continuing a speech about the role of judges in regard to detentions.

Mr Dalling, who supported a move to increase the salaries of judges by 22 percent in terms of the Judges Remuneration Bills, said there was much more judges could be doing in the state of emergency.

Salaries

But it was ruled by Mr Valentin Volker, the Deputy Chairman of Committees, that the only issue under discussion was the salaries of judges and that debate on the role of judges was out of order.

After a protracted procedural dispute, in which PFP MPs argued that the role of judges as well as the increase in their salaries was under discussion, most of the party's MPs walked out.

'Softening'

But Mr Dalling did say the Judiciary had played "an important role in softening the hammer blows of authoritarian discussion, and recent decisions on appeals against executive actions have gone some way to evening up the balance between executive authority and executive accountability".

Later he said: "The truth is that once a person is detained, his name may not be published in this connection, and he can receive no visitors except with hard-to-get permission. Certainly he has no access to his lawyer or to his own doctor."

"In fact it is reported to me that, as of this weekend a prison directive has decreed that family and all other visits to detainees have been stopped, until individual detainees have been interrogated."

Adam Jaffer

The only people who could visit detainees were judges and it was true that detainees could be held incommunicado for long periods.

"I can think of Adam Jaffer," Mr Dalling said.

"Unlike ordinary citizens, judges have unlimited access to our prisons, and may enter and visit whoever they wish without warning or appointment."

"Our government has a sadly appalling record of deaths and ill-treatment of political detainees while being held in custody," he said.

Pamphlets

However, he was unable to continue his speech in terms of the Speaker's ruling.

● Pamphlets circulated in the Eastern Cape recently could have been financed by secret police funds, Mr Andrew Savage (PFP Walmer) said last night.

Speaking in second-reading debate on the Finance Bill, Mr Savage read extracts from pamphlets he said had been circulating in East Cape townships — one of which called on people to "stand up now, like in Cape Town and destroy the UDF and comrades".

Another pamphlet, he said, purported to come from the vice-president of the UDF in the Eastern Cape, Mr Henry Fazzie, who rejected this — "and unless he was quite crazy he would have nothing to do with it".

CAA Times 25/6/86

Le Grange withholds detentions info

By BARRY STREEK
Political Staff

HOUSE OF ASSEMBLY. — The Minister of Law and Order, Mr Louis le Grange, yesterday refused to give any information about the people detained under the state of emergency on the grounds that it was not in the public interest.

But he did confirm — in response to a question from Mr Errol Moorcroft (PFP Albany) — that 85 people were detained in Duncan Village, East London, on June 12, the day the state of emergency was declared.

The 85 people were being held "in East London prison and in various police cells".

'Inciting'

Mr Le Grange said none of these people had been charged and he declined to make a statement about their detention.

In reply to another question by Mr Moorcroft, Mr Le Grange said six people had searched the house of Mr Julius Fuzile in Duncan Vil-

lage on or about June 12 "to seize inciting documents in terms of the emergency regulations".

Mr Le Grange said "documents" were removed from Mr Fuzile's house "to serve as evidence in an intended court case".

Mr Le Grange was asked in the House of Assembly by Mrs Helen Suzman (PFP Houghton) whether he would furnish information on the people detained by the police since June 12 and what the names and race of these detainees were.

But he replied: "No, since the provision of the information is not in the public interest."

Mrs Suzman wanted to know whether any of the detainees were under the age of 21, but Mr Le Grange replied: "The information is not readily available."

He also told Mr Tian van der Merwe (PFP Green Point) that 44 applications to hold meetings had been received by June 17 and 26 of the applications had been

approved and 18 refused.

However, he refused to disclose any details of the applications as he did not "deem it in the public interest to furnish the information".

In reply to another question by Mr Van der Merwe, he said that be-



tween June 4 and June 19 the police had to take 12 actions because of meetings being held in contravention of the ban on meetings.

Particulars were not readily available, he said.

● About a third of the 570 who had died in unrest this year had been killed by the police, Mr Le Grange told Mr Tian van der Merwe.

Mr Le Grange said 191 people had been killed by the police in unrest up to June 11 this year.

A further 379 people had been killed by "other persons".

Mr Le Grange said details of which town, suburb or township these people had been killed in were not readily available.

He also said 15 policeman had been killed, one in Jacobs, three in Umbumbulu, one in Khutsong, two in Alexandra, two in Bekkersdal, three in Soweto, two in Tembisa and one in Nyanga.

However, in reply to another question by Mr Van der Merwe, Mr Le Grange refused to say how many people had been killed, injured, arrested and detained in connection with unrest since March 7.

He also refused to say how many incidents of sabotage, arson, stone-throwing, public violence and malicious damage to property had occurred or were report-

ed to the police during this period.

"I do not deem it in the public interest to furnish the information at this stage," Mr Le Grange said.

● There was a shortage of 5 375 policemen in South Africa at present, Mr Le Grange told Mr Peter Gastrow (PFP Durban Central).

However, 4 658 new policemen were recruited last year.

Constables

Mr Le Grange said 1 382 policemen, including a major and six captains, resigned from the force last year.

Most of the shortages, as of June 23 this year, were for constables, where there were 4 438 vacancies.

Mr Le Grange said: "The shortage of especially constables is attributed to the enlargement of the establishment of the South African Police for the 1986/7 financial year."

However, there were shortages of 70 lieutenants and 296 warrant officers.

Detainees

3291

1159. Mrs H SUZMAN asked the Minister of Law and Order:

- (1) Whether he will furnish information on persons detained by the South African Police since 12 June 1986; if not, why not; if so, (a) what is the (i) name and (ii) race of each person so detained and (b) in terms of what statutory provision was each detained;
- (2) whether any of these persons are under 21 years of age; if so, how many;
- (3) in respect of what date is this information furnished?

The MINISTER OF LAW AND ORDER:

- (1) No, since the provision of the information is not in the public interest.
- (a) and (b) Fall away.
- (2) The information is not readily available.
- (3) Fall away.

WEDNESDAY, 25 JUNE 1986

†Indicates translated version.

For written Reply:

General Affairs:

De Hoop: revised compensation offers

539. Mr P A MYBURGH asked the Minister of Public Works:

- (1) Whether, with reference to his reply to Question No 767 on 29 April 1985, the investigation of the representations from property owners in the De Hoop area for revised compensation offers has been completed; if not, why not; if so,
- (2) whether any property owners have had revised compensatory offers for their property as a result; if not, why not; if so, (a) which property owners, (b) in respect of which properties and (c) what was the (i) original and (ii) revised offer made to each such property owner?

The MINISTER OF PUBLIC WORKS:

- (1) Since the reply was given to Question No 767 on 29 April 1985, several other property-owners made representations for revised compensation offers. In certain cases investigation of the representations has been completed whilst in other cases the investigations are in various stages of completion.
- (2) Yes. In the following cases the property-owners accepted the increased compensation offers which were made: There are however cases where owners have not yet accepted the increased compensation offers. Negotiations are in progress and as these cases may be submitted to court, it is not deemed expedient to furnish particulars thereof now.

- (a) (1) Holders of undivided shares:

(a) W T Nefdt.

(b) Estate late D Nefdt.

- | | | |
|--|--------------|----------|
| (c) Estate late J Nefdt. | (2) R51 135 | R65 835 |
| (d) Joint estate A J Wilson and surviving spouse S J Wilson. | (3) R52 380 | R75 420 |
| (e) Estate H E Groenewald. | (4) R377 822 | R367 158 |

SABC

1077. Mr L F STOFBERG asked the Minister of Foreign Affairs:†

- (1) (a) What total amount was appropriated from the Treasury to the South African Broadcasting Corporation over the latest specified 15 years for which figures are available and (b) on what date was each amount appropriated made available during this period;
- (2) whether any of the amounts appropriated are interest-bearing; if not, why not; if so, (a) what amounts and (b) what is the applicable rate of interest in each case;
- (3) (a)(i) which of the amounts appropriated have been repaid by the South African Broadcasting Corporation and (ii) on what date in each case and (b)(i) which of these amounts have not yet been repaid and (ii) why in each case?

The MINISTER OF FOREIGN AFFAIRS:

- (3) Portion 29 (Portion of Portion 17) of Farm Klip Fontein No 64, Division Bredasdorp.
 - (4) Rem of Portion 2 of Farm 169, Division Bredasdorp.
 - (c) (i) (ii)
 - (1) R607 532 R818 529
- (1), (2) and (3) Except for the amounts mentioned in my reply to written Question No 775 of 1986 which was also put by the hon member, no other amounts were appropriated from the Treasury to the South African Broadcasting Corporation. As far as Radio South Africa, the external service of the South African Broadcasting Corporation is concerned, the cost

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Persons**

CALLS to the PFP's Missing Persons Bureau are continuing to flood in from people anxious for information about friends or relatives who have disappeared.

Any person with information or questions about missing persons should call Mr. Graham McIntosh at (021)45-8311 or Ms. Caroline Knott at (021)46-5995, or contact any PFP office.

PFP MPs ³²⁹ walk out ^{CAPE TIMES} of Assembly ^{25/6/86}

By BARRY STREEK

THE Progressive Federal Party last night launched a number of attacks in Parliament on the state of emergency and the role of the police in the unrest.

After a speech by Mr David Dalling during the Judges Remuneration Bill was ruled out of order, a number of PFP MPs walked out of the House.

Mrs Helen Suzman, the party's veteran campaigner for civil rights, said that, like in El Salvador and Argentina, "thousands upon thousands" were going missing and the government would not even confirm whether detainees were dead or alive.

She also held up two lists of detainees, one with 1 500 names on it, and named a number of detainees, including academics, trade unionists and journalists.

Mr Andrew Savage, MP for Walmer, said the secret Police Fund could be used to create the kind of situation where different sections of the black community were "brought together in conflict".

He also said conflicting pamphlets circulated in the Eastern Cape recently could have been financed by the Fund.

Mr Savage read extracts from pamphlets he said had been circulating in East Cape townships — one of which called on people to "stand up now, like in Cape Town and destroy the UDF and Comrades".

Mr David Dalling, MP for Sandton, said that family visits to detainees had been halted until the detainee concerned had been interrogated.

He also said: "Our government has a sadly appalling record of deaths and ill-treatment of political detainees while being held in custody."

Mr Pierre Cronje, MP for Greytown, said re-insurance of losses due to political risk should cover loss of earnings of those "locked up on the orders of the Minister of Law and Order".

The PFP statements were punctuated by heckling from the government benches, points of order and rulings by the Speaker.

And the Deputy Minister of Finance, Mr Kent Durr, said Mr Cronje's statements were "nothing short of scandalous".

● Full reports of the debate, page 4

Ccawusa strike action spreads to Pretoria area

CLAIRE PICKARD-CAMBRIDGE

MEMBERS of the Commercial, Catering & Allied Workers Union (Ccawusa) say their union has been hardest hit by emergency detentions and that worker protest is continuing, with strikes spreading to some Pretoria stores.

Several Ccawusa spokesmen, who did not wish to be named, said yesterday almost the entire leadership and more than 600 members had been detained since the start of the emergency.

They said frustration was so great among workers that the strikes — which formerly affected only the Witwatersrand region — had spread to Pretoria where four OK Bazaars branches and a warehouse, one Woolworths store and several Checkers stores were affected.

Both OK and Checkers management refused to comment on the allegations, saying they would not be responding to any queries about strikes. A Woolworths spokesman said one Pretoria store had experienced a short stoppage.

Ccawusa spokesmen said most shop stewards arrested were not affiliated to any political organisation and sought only to represent workers. Ccawusa union leaders who had not been detained were unlikely to come out of hiding before the state of emergency was lifted.

Ccawusa strike action spreads to Pretoria area

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Suzman compares SA to El Salvador

Cont Times 25/6/86

By BARRY STREEK
Political Staff

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HOUSE OF ASSEMBLY. — South Africa was becoming a country like El Salvador or Argentina where thousands upon thousands of people go missing, Mrs Helen Suzman, the veteran civil rights campaigner, said last night.

"The government does not even say whether they are dead or alive," Mrs Suzman said during second-reading debate on the Finance Bill.

She said this after holding up two lists of people, one containing 1 500 names and another containing 300 names.

Mrs Suzman said these lists contained "the names of people who have been detained" although some of the names on one of the lists also appeared on the other list.

Piroshaw Camay

These contained the names of academics from the University of the Witwatersrand, the Natal Medical School and the University of the Western Cape, including that of Mr Ngcobo of Wits and Mr Maake of Turfloop.

They contained the names of clergy and lawyers such as Cachalia, Watters and Smit, trade unionists such as Piroshaw Camay, Dennis Neer and Howard Marawu, journalists such as Jill de Vlieg, Mike Loewe and Cliff Steerman, and doctors such as Drs Asvat, Motala and Nkomo.

"They include political activists such as Raymond Suttner and members of the UDF," she said.

Mrs Suzman said she had received two replies yesterday to written questions in which the Minister of Law and Order, Mr Louis le Grange, had refused to reply to questions about the number of detainees being held under the state of emergency because it was not in the public interest.

SAP Special Account

She spoke in relation to a proposed amendment which provided that the reports on the spending of the South African Police Special Account should be limited to the extent that the Minister of Finance, after consultation with the State President and the Auditor-General, determined.

She said the Minister of Law and Order could determine what was in the public interest and the Minister of Finance could also determine this in regard to the Police Special Account.

She believed this money would be spent on special services such as in the emergency.

"I do not believe we should be limited like this." She wanted to know whether this money was being used for these purposes.

The Minister of Law and Order had said the families of detainees were being informed about detentions but "that does not happen".

Raid by police on church described

Supreme Court Reporter

CHAOS erupted at St Nicholas's Anglican Church in Elsie's River when a squad of police men, carrying whips and rifles, entered through the only open door, an affidavit filed by the rector says.

The Rev Devaraj Lapan, who is "not politically active" and sees his function as "serving the spiritual needs of the community", said he was asked by his church youth group for permission to hold a service commemorating June 16.

"I made it quite clear to the group that any service to be held was to be a church service and not political in any way and when I was given an assurance to this effect I agreed.

"I was unable to be present at the commencement of the service as I had another engagement. However I arrived at approxi-

mately 3.50pm. (The service began at 3pm.)

"At this stage one Nico Kleinbans was giving a talk on what happened in Soweto on June 16, 1976. As far as I am concerned what he said was an accurate account of what occurred on that day. There was nothing subversive in what he said and in a hypothetical address to the State President he was extremely polite and addressed the State President as 'Sir'. He made no call for a stayaway, boycott or any other subversive activity."

Reading from the Bible followed and thereafter an eight-minute talk by Dr Richard Stevens, biblical studies lecturer at the University of the Western Cape, on a text from the prophet Habakkuk dealing with the predicament of the Jews in Israel.

"He did not deal in any way with the happenings of June 16 in Soweto save to say that these happenings were too well known to warrant being dealt with."

At the end of his talk, candles were lit, a song was sung and a period of silence was observed in remembrance of those who died in Soweto on June 16. The rector gave a benediction and the congregation sang 'Nkosi Sikelele iAfrika' — "which is a well-known African hymn".

"The congregation started leaving the church and at the same time a squad of about 12 policemen arrived. The policemen were carrying either long whip-like implements or rifles. Pandemonium ensued. People ran for shelter towards the altar and the choir stalls as they were unable to leave the church by the only open door as the police had entered through this door.

"Dr Richard Stevens tried to calm the congregation and had some success. Some members of the congregation knelt and prayed, others cried while still others commenced to sing the hymn 'Be still and know that I am God'.

"A police officer (who I later ascertained was one Captain Van Schalkwyk) announced while walking up the aisle of the church that the service was an illegal gathering. Dr Stevens, who at this stage was on the altar, endeavoured to speak to Captain Van Schalkwyk.

"The captain told Dr Stevens that he had nothing to say and then pulled Dr Stevens off the altar with such force that Dr Stevens fell on the floor. I then approached Captain Van Schalkwyk in an endeavour to mediate and he instructed two policemen to take me away.

"I was taken to Bellville police station and remained there in a courtyard with the other congregants who had been arrested until approximately 1am on June 16. During this time none of us were offered any food or drink.

"At approximately 1am all of us were put in vans and the men were taken to Victor Verster Prison in Paarl and the women to Pollsmoor Prison in Tokai. On arrival we were all placed in a room where we had a very cursory medical examination and were eventually placed in cells at approximately 4am.

"On either Tuesday or Wednesday the 17th or 18th June I was asked to give a statement by a plainclothes policeman. The statement I gave to this policeman was in accord with what I have deposited to in this affidavit.

"I was eventually released on Saturday, June 21. During the time of my detention I was well treated and received constant medical attention of a good quality, which I require as I am a diabetic.

"The total number of persons of all ages, consisting for the most part of family groups, who were present at the service was approximately 200. The church has seating capacity for 800. All of these congregants were detained ...

"I state categorically that while I was present the service held was a commemorative service held in a church. During the time that I was present nothing was said which could in any way be construed as being a subversive statement ...

"There was no agitation for the termination of the state of emergency and in fact no mention whatsoever was made of the state of emergency. Furthermore, no one at the service in any way endangered or threatened the safety of the public or exposed any life or property to danger."



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Application for reporter's release

CAPE TIMES reporter André Koopman was released from detention this week after his father, Mr Norman Koopman, served notice that he would bring an application for his son's release.

The application was withdrawn in the Supreme Court yesterday.

The affidavits alongside are two of the five submitted in support of the application.

Mr Norman Koopman submitted that his son's detention was *ultra vires*, in bad faith, that the arresting officer had failed to apply his mind to the arrest and detention or took into account irrelevant, improper or extraneous considerations.

The Editor of the Cape Times said André Koopman had been sent to St Nicholas Anglican Church, Elsie's River, on June 15 "to report on what was understood to be a bona fide church service".

Reporter held 'as journalist'

Supreme Court Reporter

AN affidavit filed by St Nicholas parish secretary Mr Ronald Phillips says that an interrogator told Mr André Koopman that he was being detained "by virtue of the fact that he was employed as a journalist by the Cape Times".

Mr Phillips also said that before the arrival of the rector at the service, nothing of a subversive nature was said and nothing occurred which could conceivably be considered as threatening or endangering public order or safety. The state of emergency was not mentioned.

"After my arrival at Victor Verster Prison I was placed in a cell with 23 other congregants.

"I was questioned on one occasion for between half an hour and three quarters of an hour by a plainclothes policeman by the name of Van Rooi. This policeman was extremely civil towards me, we spoke in English (which is not his home language) and he treated me with respect... I was eventually released on June 21.

"André Koopman was in the same cell as I was. To my knowledge he was questioned on no more than two occasions, prior to my release.

"I discussed with André Koopman the question of his detention and he told me that he had been informed by the police officer who interrogated him that he was being detained by virtue of the fact that he was employed as a journalist by the Cape Times."

Mr Justice G Friedman presided. Mr J Gauntlett, instructed by Findlay and Tait, appeared for the applicant. Mr F Klopper, instructed by the State Attorney's Office, appeared for the respondents.

CAPE TIMES 26/6/86

PFP: Squatters 'forced to move'

CHP 7/1/78 26/6/86

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By ANTHONY
JOHNSON

Political Correspondent

HOUSE OF ASSEMBLY.

— Crossroads and KTC residents were being forcibly moved to Khayelitsha despite government assurances that it rejected forced removals, Mr Roger Burrows

(PFP Pinetown) said yesterday.

Speaking during the second reading debate on the Black Communities Development Amendment Bill, Mr Burrows said he welcomed the statement by the Minister of Constitutional Development, Mr Chris Heunis, that the government was against

forced removals.

Nonetheless, this is what had happened to Crossroads and KTC residents being moved to Khayelitsha.

Mr Burrows said there was ample land for development in the Crossroads-KTC area and the PFP had "grave doubts" about government plans for allocation of land for development in this area.

It was ridiculous for the regional director of the Department of Constitutional Development and Planning, Mr Timo Bezuidenhout, to call for the private sector to help refugees who had been forced by the government to move from churches and mosques in the Cape Town area.

Mr Burrows welcomed the granting of freehold rights to blacks but said this concession should be followed soon by the lifting of the Group Areas Act and legislation affecting farm land.

There was a contradiction between instituting reforms on the one hand and detaining the leadership necessary to implement such reforms on the other, he said.

For example, Mr Burrows wanted to know what had happened to local black leaders, including Mr Tofile Dondjwa, a principal shop steward at General Motors.

At this juncture, Mr Burrows was ruled out of order by the acting chairman of the House, Mr Val Volker.

On Tuesday Mr Volker attempted to prevent a number of PFP speakers from naming detainees held in terms of the state of emergency.

Cape Times 26/6/86 (329)

US detention monitor

WASHINGTON — America's National Council of Churches (NCC) said yesterday it had confirmed the detention of at least 1 000 people in South Africa and believed some 2 000 more were also under arrest since Pretoria's latest crackdown 13 days ago.

"We've received a long list of names and have confirmed about 1 000 — we've actually received those names," a spokesman in the NCC's Africa office said.

"We have indications that the total figure is around 3 000 but we've been unable to confirm that," he told reporters in a telephone interview from the NCC's New York headquarters.

The Bureau for Information in Pretoria told the Cape Times, which telexed this article to them, that it was

incorrect to say that 3 000 people had been detained.

The NCC represents 31 Protestant and orthodox denominations across the United States and like the South African Council of Churches is a member of the World Council of Churches.

Amnesty International, the London-based human-rights group, and several US-based church and activist groups have estimated in recent days that about 3 000 people had been detained.

But those estimates were based on a compilation of various reports and have not been confirmed.

"We've had reports that whole congregations were taken into custody on the Sunday," the NCC spokesman said. — Sapa-Reuter and Own Correspondent

From SIMON BARBER
WASHINGTON. — The South African Government's news clampdown is affecting not only the press, but is also keeping the Reagan administration in the dark.

"We're having trouble getting information," a well-placed United States official said yesterday. Pretoria "isn't telling us anything".

The US Embassy in Pretoria is finding it increasingly difficult to inform the State Department accurately of what is happening under the state of emergency.

Last Friday the State Department gave out the names of four black leaders it believed had been detained. It is now known that at least two are free but on the run.

US administration in the dark on SA

One, the secretary-general of the Congress of South African Trade Unions (Cosatu), Mr Jay Naidoo, gave a clandestine interview to the New York Times earlier this week. It was published yesterday.

The contents of the interview have been withheld because of an order in terms of the emergency regulations which states that the activities of Cosatu cannot be reported on in the Western Cape.

Part of the problem, US officials said, is that

many of the embassy's usual sources have dried up.

The problem has become serious enough that the administration no longer has a clear idea of what is happening at Crossroads.

The administration is anxious, as a matter of policy, to release information in Washington that correspondents on the ground are barred from reporting, but is worried about reprisals by South African authorities.

Margaret Smith re-

ports that the International Press Institute (IPI) has expressed its concern to the Minister of Home Affairs, Mr Stofel Botha, about the expulsion of Newsweek's Johannesburg correspondent, Mr Richard Manning, and about restrictions on reporting in general during the state of emergency.

The message to the minister came from Mr Peter Galliner, director of the IPI, which represents nearly 2 000 leading publishers, editors and journalists.

● The State Department recently sought clarification on the official position of Bureau of Information spokesman Mr Leon Mellet.

It wanted to know whether he was a brigadier in the SAP when he visited Washington last month to study press briefing procedures at the White House and the State Department.

US visa rules restrict entry of officers in the South African security services.

Department officials say they have been assured that Mr Mellet has resigned his commission and was not on active duty or on detail when he was in the US.

● Truth will out despite media gag, page 6

Trade union chief Camay released from detention

JOHANNESBURG. — The secretary-general of the Council of Unions of South Africa (Cusa), Mr Piroshaw Camay, has been released from detention.

According to the Labour monitoring group at least 171 trade unionists are known to have been detained since the emergency was declared on June 11.

Mr Camay was released about 3 pm yesterday.

Meanwhile talks between business leaders and the Government continued yesterday about the wave of strikes which have hit major chain stores in the Transvaal.

Workers have been staging sporadic sit-down strikes at stores demanding, among other things, the release of union leaders.

In a statement issued by the Bureau for Information the Commissioner of Police, General Johan Coetzee, said the police "wish to reiterate the previously stated assurance that no member of trade union movements in South Africa is being detained under the emergency regulations because of purely trade union activities".

Some trade unions and trade union federations had "entered the political arena with full knowledge of the possible repercussions and implications thereof" and the "alliance in stated aims, methods and purpose of a number of trade unions and various organisations" which had "contributed" to the unrest was "well known".

+ EMERGENCY UPDATE +

"It should be noted that any person, regardless whether he be a member or high-ranking official of any organisation, may be detained by a member of the South African security forces, if in the latter's opinion such a person is acting in such a way that his conduct necessitates his arrest and detention in order to maintain public order, or the safety of the public, or is necessary for the termination of the state of emergency."

He said it should be emphasised that anybody inciting any person to take part in an unlawful strike or boycott or anybody making a statement

containing anything promoting disinvestment or the application of sanctions against the country was contravening the emergency regulations.

He said the SAP was "eager to promote industrial peace and stability" and assured that trade union leaders and other members would not be detained unless they were "prolonging the state of emergency by their activities".

● The two security Bills providing for the declaration of unrest areas and detention without trial were promulgated in the Government Gazette today.

The Public Safety Amendment Bill and the Internal Security Amendment Bill were signed by President P W Botha this week.

The Bills were rejected by the House of Representatives and the House of Delegates.

Indications are that the Government will not for the present make use of these controversial measures but that the general state of emergency will be maintained. — The Argus Correspondent, Sapa

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City lawyers released

Supreme Court Reporter
TWO City lawyers, detained in Worcester on June 19, had been released and were to appear "on some or other criminal charge" in the Worcester Magistrate's Court, the Supreme Court was told yesterday.

Advocate Mr. Mohamed Albertus and attorney Mr. Trevor de Bruyn were released on Tuesday night, only hours before an application brought by their wives against the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the Officer Commanding Victor Verster Prison was to be heard. The application was withdrawn yesterday but the supporting papers are part of the public record.

An affidavit filed by advocate Mr. Frederick Bunting sketches the events that culminated in the detention of his two colleagues.

"I have been appearing in the Regional Court at Worcester in a trial in which 38 persons, namely Ernest Khongo and 37 others, have been charged with public violence. I have been part of the defence team which consists of Advocate Albertus, Advocate Darryl Newton, myself and Attorney De Bruyn."

The trial began on April 1 and continued to April 4 on which date it was postponed to June 16. It was subsequently postponed by agreement to June 18. All the accused were out on bail but seven were rearrested a few days before the trial resumed.

It was also agreed that proceedings would begin with an inspection in loco at Nkqubela township near Robertson where virtually all the accused were living and where the offence is alleged to have taken place.

"On the morning of June 18 a large number of the accused, as well as parents and relatives, were extremely agitated. They complained to members of the defence team of police assaults and brutality which had allegedly been perpetrated that morning on the residents of Nkqubela."

'Beating up'

"We had been told that there were a large number of problems in the area. One of the problems was that residents had not been able to pay their rent."

"The defence team was informed that on that morning the police had gone around assaulting and beating up residents and warned residents that if they did not pay their rent their doors would be boarded up so as to prevent them from entering their homes."

"The inspection in loco was duly held and while it was in progress certain residents, many of them relatives of the accused, approached members of the defence team and complained about police assaults and brutality. At that stage, a member of the South African Police, one Fabricius, together with other members of the police intervened and informed the said rela-

tives that they were not permitted to speak to members of the defence team."

The defence team then asked for an adjournment so that they could investigate the complaints and the trial was postponed to June 19.

Mr. De Bruyn then phoned the Worcester and Robertson police

the Attorney-General's office, to inform him of the problems they faced.

"Whilst we were waiting to get permission to use the senior public prosecutor's phone, Lieutenant Le Roux and his men accosted Albertus and informed him that they were arresting him in terms of the emergency regulations."

"The said Albertus was grabbed by members of the police force, who took him away. He was not afforded the opportunity of talking to us or making any arrangements in connection with personal matters."

The remaining members of the defence team were "outraged" by this and with the prosecutor in their case, a Mr. Hattling, approached the chief magistrate of Worcester for permission to use the court's phone facility to contact Advocate Rothwell. The chief magistrate agreed.

'Evidence'

"However, whilst De Bruyn, Newton and I were waiting for the telephonist to get through, Lieutenant Le Roux and his men rushed into the office in which we were waiting and informed De Bruyn that he was being detained in terms of the emergency regulations as well."

"De Bruyn at the time of his arrest attempted to pass on to us a cassette which he had in his possession as well as an undeveloped camera spool. The said spool had been given to De Bruyn by one of our clients who had informed us that it might provide us with some evidence as to the complaints lodged by the residents."

"We were, however, not permitted to take the cassette or the spool. The police took possession of both items. The detention of De Bruyn took place approximately ten minutes after the detention of the said Albertus."

"During the course of the said De Bruyn's arrest, Lieutenant Le Roux said: 'Waarvan af ek kom, weet ons wat om met julle Hotnotte te doen,' or words to that effect."

After Mr. De Bruyn was taken away by police, the magistrate postponed the trial indefinitely and issued warrants for the arrest of the accused. "Advocate Newton and myself feared that we would be detained and left court immediately."

"I respectfully submit that Albertus and De Bruyn were detained ... because Lieutenant Le Roux and members of the police force were annoyed and angry with the way in which the defence team were performing their duties as well as the remarks of the said Albertus."

"After the said Albertus was detained, the said De Bruyn expressed his sense of outrage openly and it is this, I believe, which led to his arrest and detention."

Mr. Justice G. Friedman presided. Mr. I. G. Farlam SC, with Mr. J. J. Gaumlett and instructed by W. A. Groenewald and Co. and Abercrombie, Sonn and Mias, appeared for the applicants. Mr. F. M. Kloppe, instructed by the State Attorney's Office, appeared for the respondents.

City men in court

Supreme Court Reporter

TWO City lawyers, advocate Mr. Mohamed Albertus and attorney Mr. Trevor de Bruyn, appeared in the Worcester Magistrate's Court yesterday.

No charges were put to the two men, but according to the charge sheet they are alleged to have contravened the emergency regulations.

The trial was postponed to August 4. Mr. Albertus and Mr. De Bruyn are on bail of R500 each.

Mr. J. M. Els was the magistrate. Mr. G. D. V. Duncan prosecuted. Mr. A. M. Omar, instructed by W. A. Groenewald and Co., appeared for Mr. Albertus and Mr. De Bruyn.

station commanders for permission to enter Nkqubela to investigate these complaints. Neither was available but he was referred to Brigadier Coetzee at Paarl.

'Surprise'

"We were not given permission to enter Nkqubela but were informed that consultations could be conducted outside the township."

"Thereafter the defence team proceeded to see the accused in order to take further instructions. To our surprise, we were not able to consult with the accused, except for accused nos 1 and 11 who had remained behind with us."

"We were informed that the bus taking the accused, their parents and relatives home to Nkqubela was stopped by members of the Worcester-based police force. All the accused were taken out of the bus, according to our information, assaulted and thereafter loaded into police vans which took them away into detention."

Permission

The policeman on duty at Worcester police station told the defence team that he was not aware of their clients' whereabouts.

On June 19 the defence team returned to court. Before the trial resumed Mr. Albertus spoke to senior public prosecutor Mr. W. Bouwer to inform him about what had happened and to request permission for the team to see their clients.

Mr. Albertus pointed out that it was "unheard of that we could be expected to carry on a trial without having the right to consult with our clients."

The defence team then decided to contact Advocate D. W. Rothwell SC. of

SMK 26/1/86

Order sought to free detained son

A man who was arrested on June 16 after he allegedly raised his arm and shouted "Amandla" at a group of policemen, was the subject of an urgent application in the Rand Supreme Court yesterday.

The application — against the Minister of Law and Order and the Officer Commanding Diepkloof Prison — was brought by Mr Peter Ronald Jordi and Mrs Kathleen Corrina Lynn Jordi, of Dunkeld, for the release of their 24-year-old son, Mr Peter Russel Jordi.

Argument by Mr J Suttner for Mr and Mrs Jordi included that Mr Jordi's arrest and detention were unlawful, that his arrest did not comply with the common law and the Criminal Procedure Act, and that no reasons were given for his arrest.

Mr Suttner argued that if the court found that Mr Jordi was told his arrest was in terms of Regulation 3(1) of the emergency regulations this information was not sufficient.

Mr J Wessels, for the Minister of Law and Order, submitted that in terms of the emergency regulations, the jurisdiction of the court was excluded.

Mrs Jordi said that she and her son were at a traffic light in De Villiers Street, Johannesburg, when a car stopped alongside them.

Mr Suttner told the court that Mr Jordi then he turned to the other vehicle, raised his arm and said 'Amandla'. Mrs Jordi said a man got out of the vehicle and dragged her son into their car.

Captain S C Coetzee, of the Johannesburg security police, stated that Mr Jordi and his mother had earlier that day attended a service at St Mary's Cathedral led by Bishop Desmond Tutu. Mr Jordi had encouraged a group of people present to give the black power salute and shouted "Amandla".

The hearing continues.

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Breakdown of those held

According to the Labour Monitoring Group, there are at least 171 trade unionists known to be in detention.

No members of the Trade Union Council of SA (Tucsa) or the Inkatha-sponsored United Workers Union of SA (Uwusa) have been held.

A breakdown of those detained shows 85 percent are from unions affiliated to the Congress of SA Trade Unions, including:

- 36 from the Metal and Allied Workers' Union.
- 16 from the Commercial Catering and Allied Workers' Union.
- 11 from the National Union of Textile Workers.
- 11 from the SA Allied Workers' Union.
- Nine from the Paper Wood and Allied Workers' Union.
- Eight from the National Union of Mineworkers.
- Eight from the National Automobile and Allied Workers' Union.
- Seven from the Food and Allied Workers' Union.
- Twelve percent of those detained are from unions affiliated to the Council of Unions of SA including eight members of Cusa's secretariat and:
- Seven from the Transport and Allied Workers' Union.
- Three from the SA Chemical Workers' Union.
- Two from the Food, Beverage Workers' Union.

By Sheryl Baine

The independent Labour Monitoring Group (LMG) has attacked the silence of the vast majority of employers over the state of emergency and the detention of at least 171 trade unionists.

The LMG said that by remaining silent most employers had cast doubt on their public commitment to the removal of apartheid.

The LMG is an independent group of academic researchers from various universities and organisations who monitor labour developments closely.

In a report on the effect of the state of emergency on industrial relations, released yesterday, the LMG said: "In sharp contrast to the high-

Employers under fire over silence on union detentions

sounding claims in support of civil rights in the Federated Chamber of Industries' Business Charter, employers have been largely silent on the state of emergency."

Two important exceptions were AECI and the Premier Group, which had both issued strong statements.

A statement by the Chamber of Mines was criticised by the National Union of Mineworkers, which felt employers could intervene more directly with the State.

While the detention of at least 170 unionists in the last two weeks had temporarily disrupted trade union organisation, the movement's deep roots in the workplace would most likely mean that union organisation would continue.

The impact of the state of emergency on labour relations had, however, been significant. A feature of the detentions was that 85 percent of those detained were from unions affiliated to the Congress of SA Trade Unions (Cosatu).

"At first appearance, trade union detentions have been haphazard, but in certain areas the logic is all too apparent," said the report.

"Unionists in northern Natal believe that the large-scale detentions of Cosatu leaders now leaves the field open for its recently-formed rival, the Inkatha-backed United Workers Union of SA (Uwusa). Some unions have claimed that their members have been put under pressure to join Uwusa."

In some unions, shopfloor workers and shop stewards had stepped into the breach left by officials and administrative staff in detention or in hiding. Further, shopfloor workers were now taking direct responsibility for important wage negotiations.

Labour lawyers report that shop stewards, acting for union officials, are contacting them for legal advice.

The emergency had also affected industrial relations as a whole. So far there had been more than 100 strikes by members of the Commercial Catering and Allied Workers' Union of SA (Ccawusa) in major retail stores in protest against the detention of unionists.

1 000 strike at Dunlop plant

By Mike Siluma

About 1 000 workers at BTR Dunlop's Sydney Road plant in Durban are on a legal wage strike, a spokesman for the Metal and Allied Workers' Union (Mawu) said today.

Mawu's Natal secretary, Mr Bobby Marie, said the workers had voted to strike yesterday after rejecting a management offer of pay increases ranging from 11 percent for lowest paid workers to six percent for the highest paid.

Dunlop management was not available for comment at the time of going to press.

Mr Marie said the workers could not accept the employers' offer because it fell far below the official inflation rate of 19 percent. At the same time, work-

ers had dropped all other demands relating to long service, overtime rates, the shift system and May Day.

Mawu was still open to further negotiations.

He claimed that Dunlop had made a 1985 turnover of R224 million with net profits of R22,6 million — an increase of about 24 percent on 1984.

Yesterday was the second strike to hit the Sydney Road factory in three months. Workers went on strike in April for seven days and only returned after threatened legal action by the company.

Along with workers at three other company plants in the Transvaal and Natal, the workers downed tools demanding the reinstatement of colleagues dismissed for alleged violent behaviour.

About 171

unionists in detention

— LMG

ABOUT 171 unionists were known to be in detention, an in-depth report released by the Labour Monitoring Group (LMG) said yesterday.

The LMG, composed of Wits University academics and two *Labour Bulletin* writers, said while this figure only represented 10% of those known to be detained, many unionists had escaped detention by going underground.

A strong feature of the detentions was that many shop-floor leaders, as opposed to full-time officials, had been detained. The LMG found that 85% of those detained were from the Congress of SA Trade Unions (Cosatu). The publication of any utterance by any official of this body has been banned in the Western Cape area.

Of these the largest proportion, 21%, were from the Metal and Allied Workers' Union and 9% from the Commercial, Catering and Allied Workers' Union. The National Union of Textile Workers and the SA Allied Workers Union were also among Cosatu unions affected by detentions.

The LMG found that 12% of those detained were from the Council of Unions of SA (Cusa).

It said the effect of the emergency on industrial relations structures established in the post-Wiehahn period

A report by the Labour Monitoring Group claims that the emergency has had a disruptive effect on post-Wiehahn industrial relations in the wake of widespread detentions of unionists.
CLAIRE-PICKARD CAMBRIDGE reports.

had been disruptive. In at least three cases — metal, mining and chemical — negotiations had been negatively affected by the absence of union negotiators detained or in hiding.

The LMG said: "In sharp contrast to the high-sounding claims in support of civil rights in the FCI Business Charter, employers have been largely silent on the state of emergency. Two important exceptions are AECI and the Premier Group."

It would seem that by their silence, most employers were waiting to see whether the state of emergency would succeed in rolling back the gains made by labour in recent years. "By remaining silent, the majority of employers cast doubt on their public commitment to the removal of apartheid."

The LMG said the National Union of Mineworkers (NUM) had not been satisfied with the Chamber of Mines public statement on the matter because the union believed employers could intervene more directly with the state.

The Chamber of Mines announced earlier that it had brought to government's notice that while negotiations with the NUM had been progressing well, constraints had been imposed on some members of NUM's negotiating team, which could impact negatively on industrial relations in the mining industry and on collective bargaining.

The basic components of collective bargaining had also been called into question by the declaration of the emergency. According to lawyers, workers had been phoning to ask whether they would be breaking emergency regulations if they met to discuss wage claims or to report back on negotiations.

"In some cases workers who met to hear report-backs from negotiators were told to disperse by management. In at least one instance an industrial court case may have to be postponed because the applicant is in detention. Workers interviewed said that they felt bitter and suspicious about the

recent events," the LMG reported. More than 100 protest strikes against the emergency had taken place in the retail industry. Strikes had also taken place at two record companies, EMI and Gallo, and at two dairies, Nels and Shamrock.

No trade union leaders in the Inkatha-linked United Workers' Union of SA (Uwusa) or the moderate Trade Union Council of SA (Tucsa) were known to have been detained.

"At first appearance trade union detentions have been haphazard, but in certain areas the logic is all too apparent. Trade unionists in Northern Natal believe the large-scale detentions of Cosatu leaders now leaves the field open for its recently formed rival, the Inkatha-backed Uwusa."

According to the LMG's investigation, trade unions had responded creatively to difficulties posed by the emergency. In some unions, shop-floor workers were now directly responsible for important wage negotiations and some office-bearers were taking annual leave to fill gaps left in negotiating teams.

While the detention of unionists had temporarily disrupted trade union organisation, their deep roots in the workplaces was likely to mean that union organisation would continue.

Cape Times 26/6/86 (329)

Application dismissed

Own Correspondent

GRAHAMSTOWN. — An application calling on the Supreme Court here to declare the detention of a Port Elizabeth-based attorney unlawful and to direct his release was yesterday dismissed with costs.

An application for leave to appeal against the judgment was noted.

The application was brought by a Johannesburg attorney, Mr Krish Naidoo, on behalf of his employee, Mr Rishi Thakurdin, who has been in detention since June 16.

The respondents are the ministers of Law and Order and of Justice.

The presiding judge, Mr Justice Jennett, said it had been established during the hearing that Warrant Officer Jan Petzer, who caused the arrest and detention of Mr Thakurdin, had held the requisite view when he did so — whether rightly or wrongly.

According to the law, the arresting officer must be "of the opinion" that the arrest and detention of a person is necessary for the maintenance of public order and safety.

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Redetention must be justified

HARARE. — The Zimbabwean Government has been given until 9am tomorrow to justify the latest redetention of two customs officers who claim they are victims of a plot by criminals with high-level political connections.

At a hearing in chambers yesterday afternoon, Mr Justice Barnabas Samatta granted an urgent application by lawyers acting for Mr John Vincent Austin, 36, and Mr Kenneth Neil Harper, 43, for the hearing tomorrow morning, at which they will have to be present in person.

They are seeking a rule nisi against the Minister of State for Security, Mr Emmerson Munangagwa, the Commissioner of the Zimbabwe Republic Police, Mr Henry Mukurazhizha, and the agent of Mr Munangagwa's Central Intelligence Organization (CIO), Mr Wilberforce

Takaendesa, who redetained them on Tuesday night after an ugly scene at their lawyers' offices.

Mr Austin and Mr Harper eventually agreed to go with them when a senior CIO officer arrived and said he had "orders from above" to arrest them for alleged "subversion".

The rule nisi would declare their detention unlawful, direct their immediate release and make the State pay all costs.

Raid

Mr Austin and Mr Harper, who were first detained on February 22, were later accused of gathering intelligence to help South Africa launch its May 19 raid on alleged African National Congress targets in Harare.

On Tuesday, however, a full bench of Supreme Court judges here agreed unanimously that

their detention was unlawful and unreasonable because they were given only "bald assertions unsupported by information to which they could make a meaningful reply".

The appeal judges supported the June 13 finding by Mr Justice Feargus Blackie in the High Court that the sweeping powers of indefinite detention without trial which are granted to the Minister of Law and Order, Mr Enos Nkala, under the 21-year-old state of emergency, do not prevent the judiciary from examining his actions.

Yesterday was the eighth time Mr Austin and Mr Harper have been served with fresh detention orders or rearrested without warrant after winning court orders against the security authorities. — Sapa

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'Industrial relations upset by detentions'

JOHANNESBURG. — More than 170 trade unionists are known to be in detention and scores of others have gone to ground after the declaration of the state of emergency, the Labour Monitoring Group (LMG) said in a report released yesterday.

The detentions and emergency regulations have been so disruptive that the industrial relations system built up in the post-Wiehahn period has been called into question, the LMG said.

The LMG adds: "In sharp contrast to the high-sounding claims in support of civil rights in the FCI Business Charter, employers have been largely silent on the state of emergency. Two important exceptions are AECI and the Premier Group."

According to figures contained in the report, the Congress of South African Trade Unions (Cosatu) was hardest hit with 146 leaders known to be in detention.

The Council of Unions of South Africa (Cusa) has 21 unionists in detention while the Azanian Council of Trade

Unions (Azactu) has reported one detention.

Of the Cosatu unions, the Metal and Allied Workers Union (Mawu) has been hardest hit with 36 worker leaders in detention (21 percent of the total) followed by the Commercial Catering and Allied Workers Union (Cawwusa) with 16 (nine percent).

Field open

The National Union of Textile Workers (NUTW) and the South African Allied Workers Union (Saawu) each have 11 leaders in detention (six percent).

Annual negotiations in three big sectors of the economy — metal, mining and chemical — have been disrupted, postponed or have ground to a halt because of the absence of key union negotiators.

Lawyers say workers have been telephoning their offices to ask if they would be breaking emergency regulations if they met to discuss wage claims.

"At first appearance trade union detentions have been haphazard, but in certain areas the

logic is all too apparent.

"Trade unionists in Northern Natal believe the large-scale detentions of Cosatu leaders now leaves the field open for its recently formed rival, the Inkatha-backed Uwusa," said the report.

In their conclusion, the group adds that while the detention of unionists has temporarily disrupted trade union organization, their deep roots in the workplaces is likely to mean that it will continue.

● The Commissioner of Police, General Johan Coetzee, last night said the SAP wished to reiterate its assurance that "no member of trade union movements in South Africa is being detained under the emergency regulations because of purely trade union activities".

He said the SAP was "eager to promote industrial peace and stability" and that trade union leaders and other members would not be detained unless they were "prolonging the state of emergency by their activities". — Sapa and Own Correspondent

Detention secrecy worries parents

By Jo-Anne Collinge

The secrecy surrounding detentions during the state of emergency has left many parents deeply anxious about the whereabouts and well-being of their children.

While scores of detainees taken in the first few days of the emergency are known to have been released, there are parents who have still not been able to find out if their children are in custody.

Even where detainees are taken from their homes and there is no doubt that they are in custody, parents are frequently unable to find out for days where their children are being held.

One couple, whose 16-year-old son was taken from home, said that the arresting officer had indicated the police station to which clothing could be taken. But the parents had arrived at that police station to be told their son was not there.

The parents may not be named because this would identify the son and infringe the emergency regulations.

RULES FOR VISITS

Visits are not guaranteed in terms of the emergency regulations. They are granted at the discretion of the head of the prison and the Commissioner of the South African Police.

During the last emergency there were detainees who were not granted a single visit in periods of detention as long as six months.

Lawyers in Johannesburg say they are having difficulty confirming detentions as all queries have to be made by letter (telexes, they say, are not acceptable) to a brigadier in Pretoria.

One family, whose son disappeared on the day of a "political" funeral shortly before the emergency, has searched in vain for him. Relatives are worried that he may have been held originally under some other provision and have recently become an emergency detainee.

Pharmaceutical firms latest to be affected

By Sheryl Raine

Pharmaceutical companies on the East Rand are the latest businesses to be hit by strikes by black workers protesting at the detention of trade unionists under emergency regulations.

Two units of the Twins pharmaceutical and toiletries group reported strikes in Wadeville and Isando yesterday. Both units are organised by the Chemical Workers' Industrial Union (CWIU).

Seven officials of the

CWIU were detained at the start of the state of emergency. Some trade union officials were released yesterday, but it is not known at this stage whether officials of the CWIU were among them.

Roche Products in Isando was also affected by industrial action yesterday, according to workers who contacted *The Star*.

The company could not be contacted for comment at the time of going to press.

Detained kids now under Le Grange

AN East London psychotherapist has been told detained children fall under the jurisdiction of the Minister of Law and Order and permission to visit them should be sought from him.

This appears to contradict earlier reports which said they fell under the jurisdiction of the Minister of Health and Welfare.

Merle Fisher, a Black Sash member, said she wrote to the Minister of Health and Welfare (House of Assembly), Dr George Morrison, to express her concern at the position of children detained under security legislation.

Her letter was sparked by reports of a memorandum that was presented to the Minister of Law and Order, Louis le Grange, alleging ill-treatment of children in jail.

The memorandum was handed to Le

By FRANZ KRUGER
in East London

Grange by a delegation of women. They later said he told them he would never refuse permission for a private doctor to visit children in prison.

Access was the responsibility of the Minister of Health, Le Grange told them, and he gave the women the assurance that the Internal Security Act did not override the Children's Act.

Fisher wrote to Morrison for clarification on a number of points. These included whether parents of a detained child had access to him or her under the Criminal Procedures Act, whether they were entitled to have the child seen by a doctor of their own choice and under whose jurisdiction such children fell.

Pointing to the deprivation children can experience when separated from their parents, the letter voiced concern "that children in our country may be suffering such emotional deprivation and that even their physical and nutritional needs are not being met".

The letter was handed on to the director-general of National Health and Population Development, J J Reynders, who said permission to see a detained child should be obtained from the Minister of Law and Order or the Commissioner of Police.

Parents could also request that their children be seen by a doctor of their choice. This should not involve any extra cost to the State.

Finally, the letter said: "Children detained under the Internal Security Act are under the jurisdiction of the Minister of Law and Order."

Cosatu leaders emerge

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[Signature]

is posing serious problems.

"If the South African government can so easily choose to ignore the overseas sanctions lobby, it is hardly going to allow itself to be pressured by big business," said Mervyn King, managing director of Kirsh Industries.

However, Gordon Waddell, chairman of Johannesburg Consolidated Investment, said: "There is a view held, I suppose by the majority of business, that the State of Emergency was necessary and desirable to restore law and order. That is its only value, but it will work only if the causes of the disturbances are addressed as a matter of urgency.

Johan van Zyl, executive director of the Federated Chamber of Industries, said that while the Emergency could create a period of relative calm in the country, the question was what one did with the time.

"The difficulty with the Emergency is that a lot of people whom we should be negotiating with are in jail."

Donald Masson, managing director of Kanhyam and past president of the Afrikaans Handelsinstituut, said that if the State of Emergency had not been introduced, "the economy would have been finished. There was no way we could have continued to do business while people were burning down schools and murdering one another".

Cusa's Piroshaw Camay, one of nine unionists released from detention this week, said he was angry and bitter that so many others were still in detention.

"As far as we are concerned we will have to rethink our strategy and reorganise with regard to state action. We will also take big business to task for what we feel they have failed to do to secure the release of those detained," he said.

The Labour Monitoring Group, in a report this week on how the detentions have hit unions (see page two), noted that employers — apart from a few notable exceptions — have been silent, a fact "which casts doubt on their public commitment to the removal of apartheid".

Employers who have been outspoken include Tony Bloom, chairman of the Premier Group, and Mike Sandar, managing director of AECL.

Sandar said: "The heavy-handed belligerent approach of the authorities is uncalled for... We have dealt with these people (unionists) for years. They play a constructive role in resolving conflict in the community and in our factories and their absence

Nine lawyers held

AT LEAST eight attorneys and one advocate involved in "security" trials have been detained in terms of the State of Emergency.

Some were detained at the court buildings where they were appearing to defend clients.

On Wednesday afternoon an application brought in the Grahamstown Supreme Court for the release of Rishi Thakurdin was dismissed with costs. The case was put to the court this week after the lawyer, from the Port Elizabeth branch of the firm Krish Naidoo, had been detained outside court in the small Eastern Cape town of Ordrecht together with some of the accused in a public violence case he had been defending. The accused were from the neighbouring town of Aliwal North.

The major part of the challenge, made before Judge Jennett by Jules Browde, was that the policeman who detained the lawyer did not "apply his mind" and that he did not, therefore, hold a proper opinion. (The validity of a detention relies solely on the opinion of the policeman.)

In Benoni, an attorney from a Johannesburg firm which has already suffered the detention of another lawyer was detained at the court with 23 people he was defending in a case arising out of the disturbances during

By PAT SIDLEY

last year's State of Emergency.

In Cape Town, an attorney, Trevor de Bruyn, and an advocate, Anwar Albertus were detained at the court building. An application for their release was begun in the Cape Town Supreme Court but was withdrawn when the two were released.

However, it is understood both have since been charged, apparently in terms of the Internal Security Act.

An attorney in Potgietersrus has also been detained.

In King Williams Town, a small Eastern Cape town, two of the three partners in a legal firm were detained.

The president of the Transvaal Law Society, Ed Southey, is to see the Commissioner of Police to seek reasons for certain of the detentions and to negotiate for the lawyers' release.

Further court action is possible, according to lawyers connected to the detainees. They expressed concern that the lawyers may have been detained because they had taken on politically-related cases.

In terms of Emergency regulations, detainees' names may not be published. The detainees identified in this article have already been named in open court.

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COMMENT

It's time to start again

JOYCE HARRIS, vice-president of the Black Sash, speaks out on the two new security Bills pushed through by the government this week

THE passage of the Public Safety and Internal Security Amendment Acts through parliament exposes for what it is the farce that is the tricameral parliament.

This new constitutional dispensation, as it has been so fondly called by its instigators, has been the final straw to break the back of the seething resentment of black people caused by too many years of discrimination and oppression, landing us all in our present sorry mess.

It was the brainchild of the National Party government; it was supported by people who should have known better; it was designed to perpetuate National Party power while disguising it in a cloak of so-called democratic power-sharing; and it has now confirmed National Party confidence in its efficacy.

The 4:2:1 ratio built into the constitution — four whites to two coloureds to one Indian — has ensured that the will of the National Party will prevail, despite even full-scale opposition within the white chamber and the other two chambers.

After the white opposition had been outvoted, as it always and inevitably is, these two particular Bills were totally rejected by the Chambers of Representatives and Delegates. The Bills were constitutionally referred to the appointed President's Council, which enjoys the same 4:2:1 ratio, with the inevitable result that the National Party gets its way under all circumstances, precisely as it was designed to do.

How it is still possible for the government to maintain this is a democratic system is beyond understanding but, no doubt, with its unequalled expertise in double-talk, it will succeed in persuading a gullible and punch-drunk public, and itself too, that this is indeed the case.

It is even more difficult to understand how it will manage to prevail upon the chambers of Representatives and Delegates to continue to participate in this farce, but no doubt other factors will enter their decisions.

It would be bad enough if the matter were to end there, but the further tragedy is this fatally flawed and discriminatory constitution is extending its tentacles to the furthest reaches of the community, based upon precisely the same flaws.

The government has abolished the elected provincial councils (even though they were elected by whites only) and is determined to push through its ethnically-based Regional Service Councils whose

who will operate under an appointed administrator.

Everything presently being done points to the centralisation of power and not its decentralisation, which was a stated government aim. The reins of control are being more firmly concentrated in the hands of the State President and his minions and appointees. There have been, and are still to be, such inroads into the rights and freedoms of everybody, and the whole process has been so insidious and so cleverly disguised by semantic exercises, that even without a State of Emergency every person in this country is a potentially helpless victim of the Security Forces. *Habeus corpus* is being utterly destroyed. Without it there can be no rule of law.

The new constitution was designed to ensure exactly whose rule it would be. There is certainly order in it. Everything fits. Step by step the different aspects fall into place — central government, provincial government, local government; the growing might of the Security Forces, the lack of accountability which is the essence of democracy, the shifting of civil servants from one oppressive department to another — all in the name of reform.

The passage of the latest security laws should tear down the veils of verblage, but will it? And if it does, does anyone still care?

Surely it is time to start again and together, if indeed there is still time.

Many families not told,

SAYS DPSC

329

By RUTH BECKER

HUNDREDS of families have been unable to establish whether missing relatives are in detention or have simply disappeared, despite assurances by two cabinet ministers that families would be promptly informed of detentions.

Families of black detainees appear worst hit, although the ministers' assurances brought angry denials from white parents who believe their children are detained, according to one legal assistant.

According to the Bureau of Information, it is the South African Police who notify the family of a person's detention. Major Dorothy Engelbrecht of the SAP said on Wednesday an instruction

had gone out from police headquarters for families, or somebody close to the detainee, to be informed and that police have to take down particulars of the person they inform.

But according to a representative of the detention monitoring group, "the mass of people" are not being informed of family members' detentions.

This is despite assurances by Minister of Law and Order, Louis le Grange, and Minister of Foreign Affairs, P. W. Botha, that families would be informed. According to Progressive Federal

Party representative for Law and Order, Helen Suzman, Le Grange assured parliament, in debate on the Public Safety and Internal Security Amendment Bills, that families of detainees would be officially informed.

Under the Emergency regulations the authorities are not obliged to notify anybody of a person's detention — a provision that has fuelled fears of people disappearing without trace.

Many families have suffered this fear because, in the main, they have been unable to establish whether missing family members are detained or not.

If they are black the families are not

seem to vary with white detainees, but it seems the vast majority are not informed," one lawyer said.

Lawyers contacted by concerned families said it was their impression relatives were "rarely" being officially informed.

As one Johannesburg lawyer pointed out, "the circumstances of the arrest often make it very unlikely the family is told."

"But they (the authorities) are not disclosing where people are being held, which means they have difficulty getting clothes to them — which they do have the right to do."

Curfew restrictions placed on homeland

JOHANNESBURG. — Police yesterday slapped the severest local restrictions under the two-week-old state of emergency on the homeland of KwaNdebele, barring children from playing in the streets and closing it to all but residents.

Curfews were also imposed by police on 11 townships in the Free State and restrictions placed on mass funerals.

The Bureau for Information said five people died in overnight violence, a sharp increase over recent unrest reports.

In one of the incidents a Grabouw man died after being shot while driving past Old Crossroads yesterday morning.

Passenger

A police spokesman in the Western Cape and the Bureau for Information in Pretoria said the man was Mr Mzwelenga Sawula, 40.

Mr Sawula was a passenger in a car which Mr Wellington Magadla, 33, of New Crossroads, was driving east along Lansdowne Road at 4.15am. A shot was fired at the car, fatally wounding Mr Sawula.

A local policeman is in a serious condition in Conradie Hospital after being shot in the chest

during an incident in Guguletu yesterday morning.

A police liaison officer for the Western Cape, Lieutenant Attie

Death toll

ACCORDING to the Bureau for Information, five men died in unrest incidents in the 24 hours until 6am yesterday. This brings the official death toll to 66 since the state of emergency was declared on June 12.



Cape Times reports

NEWS reports and comment in the Cape Times, particularly concerning unrest, are subject to restrictions imposed by the emergency regulations. Reports on actions by the security forces now require official sanction.

Laubscher, said the incident occurred when Constable J H Kotze approached a house in NY21, Guguletu, to make inquiries and to serve summonses.

A shot was fired at him, hitting him in the chest, Lieutenant Laubscher said. Police are investigating. No arrests have been made.

The bureau also reported that a truck detonated a landmine yesterday on a gravel road near Soshanguve outside Pretoria but the driver was not injured.

At least seven union officials, allegedly detained for 14 days under the emergency measures, have been released in Johannesburg. They were officials of the Congress of SA Trade Unions (Cosatu) and the Council of Unions of SA (Cusa).

And the Chief Minister of the homeland, Mr Enos Mabuza, said yesterday that four youths were killed and a number of other people were injured in an incident in KaNyamazane on June 16.

Mr Mabuza referred to the deaths in a speech to the South Africa-Britain Trade Association in Johannesburg. Further details he gave to reporters may not be published under emergency restrictions.

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\$ 134,000

CAN-1618 27/6/86

Clothing unionists missing

Labour Reporter 329

THE entire office staff of the Clothing Workers' Union (Clowu) was not to be found on Wednesday afternoon, soon after addressing workers at Cape Underwear Manufacturers Ltd, where the union is trying to secure a recognition agreement.

The factory management gave the union permission to address workers on Wednesday, prior to today's ballot which will establish whether Clowu or the Garment Workers' Union of the Western Province has majority support among workers.

Management confirmed that Clowu had distributed a pamphlet at the factory yesterday, informing workers of the disappearance of six unionists.

Industrial relations executive Mr Johan Baard said the giant Seardel Group — which owns Cape Underwear — is engaged in talks with the authorities concerning a Clowu member.

FUNWML 27/6/86

STATE OF EMERGENCY — 2

Parlaying info

Using the privilege of parliament (guaranteed to editors by Deputy Minister of Information Louis Nel recently), the Progressive Federal Party lifted the lid slightly in the past week to expose what is happening behind the State of Emergency screen.

Much to the annoyance of government,

329

Financial Mail June 27 1986

PFP speakers repeatedly mentioned names of detainees and actions by security forces. They also slammed government in terms that could be regarded as contraventions of the emergency regulations if uttered outside the House of Assembly.

However, with parliament recessed until August 18, the shutters have effectively come down again. There will, as Helen Suzman remarked, now be a grim hiatus in the flow of information.

Last Tuesday, the PFP's Graham McIntosh caught the Nats napping by reading out a list of names of people detained in Natal. The following day, the party's Natal leader Ray Swart detailed the arrest of nearly 200 people at a church service in Cape Town. Among the detainees was *Cape Times* reporter Andre Koopman, who had been sent to cover the event. Swart also reported the detention of student leader Sandy Jocelyn in Maritzburg, and of the local chairman of the End Conscription Campaign in the city, Jacky Boule.

He charged that "thousands" of people had "disappeared" under emergency regulations.

On Thursday, Roger Burrows of Pinetown said 600 people had been arrested at a church service in Graaff-Reinet. The general secretary of the African Teachers' Association of SA (Atasa), H H Dhlamlenge, was also arrested, he said.

In the President's Council on Friday, the

PFP's Robin Carlisle said a 17-year-old Westerford High School pupil, Helene Thornton, had been arrested for being in possession of a United Democratic Front magazine, *Upfront*. Carlisle said the magazine was perfectly legal. He also revealed that a PFP worker in Galeshewe near Kimberley, Solly Modisenyane, had been repeatedly detained and questioned.

Johannesburg North MP Peter Soal and Durban Central's Peter Gastrow mentioned more names on Saturday. On Monday, Soal repeated the names of detainees. He has also tabled a series of questions to Nel on media restrictions in terms of emergency regulations. Included in the list is a query on whether the Bureau for Information has ruled that the word "draconian" and the term "white minority regime" may not be used in media reports.

During the recess, the PFP intends to continue gathering information on the emergency and compiling a list of alleged detainees.

ent. 7/11/68
Jodac
member
in court

JOHANNESBURG. — A member of the Johannesburg Democratic Action Committee (Jodac), in detention under the emergency regulations, appeared briefly in Randburg Magistrate's Court yesterday on charges of contravening Section 27 of the Police Act last month.

The trial of Mr Stephen Sadie, 27, which had been postponed until yesterday, was postponed until July 31 in the absence of two State witnesses.

The prosecutor, Miss D B Roodt, said the witnesses were members of the SAP and were on special duties.

Mr Sadie's attorney, Mr Brian Currin, argued that the police would be on special duties "for some time".

Mr Currin said he had been refused permission to confer with Mr Sadie after he had applied for permission in writing. He said it had also been difficult to bring Mr Sadie to court as he is in detention. — Sapa

27/6/85 329
STAR
By Mike Siluma

The Foschini group is the latest in a string of employers to demand that detained trade union leaders be charged or released.

In a telex sent the Minister of Law and Order, Mr Louis le Grange, yesterday Foschini's chief executive Mr H A L Mathew said the detention of leaders and officials of the Commercial, Catering and Allied Workers' Union (Ccawusa) was "disruptive of the orderly process of in-

Charge or release — Foschini endorses call

teraction between labour and management in the ordinary course of business".

He said his group associated itself with the telex to Mr le Grange by the Association of Employers (Assemp) on June 13 expressing concern about the

detention of union leaders.

"We therefore repeat the request contained in the said telex and urge you either to bring to trial or to release the said leaders and officials of Ccawusa as soon as possible," he said.

The retail industry, where

Ccawusa is active, has been hardest-hit by spontaneous strike action of union members demanding the release of colleagues.

Business leaders, mainly from this sector, have been critical of the detentions and are holding talks with the Government to try to return the labour situation to normal.

At least 170 trade unionists are believed to have been detained since the emergency was declared.

32 were picked up in court, on the street, in church

Unionists, students let out of detention

Staff Reporter

At least eight trade unionists, 20 students, two lawyers, one journalist and a social worker were released from detention this week.

The Council of Unions of South Africa (CUSA) announced yesterday four union members had been released after 14 days in detention.

They are: Mr Piroshaw Camay, the union's secretary-general; Miss Dale Tifflin, Cusa's information officer; and Potchefstroom organisers Mr

Tseko Maumakwe and Mr Solly Matthews.

Four other trade unionists released this week are Miss Adrian Bird, education officer for the Metal and Allied Workers Union; Miss Christine Bonner, branch secretary of the Chemical Workers Industrial Union; and Mr Basheer Vally and Mr Oscar Malgas of the Commercial Catering and Allied Workers Union.

Advocate Mr Anwar Mohammed Albertus and attorney Mr Trevor Vernon Gerald de Bruyn were released on Wednesday after being detained

at the Worcester Court on June 19 while defending clients charged with public violence.

According to an affidavit by Mr F R Bunting, another member of the defence's legal team, the lawyers were detained after demanding to see their clients.

Twenty students who were arrested on June 12 were released on Wednesday and appeared in the Maritzburg Magistrate's Court on charges under the Internal Security Act.

The students are: Mr Solomon Mathuloe, Mr Lazarus Moiloe, Mr Sylvester John, Mr Jabulani

Khumalo, Mr Malcolm Jacobs, Mr Sibuso Mdwane, Mr Clive Malherbe, Mr Boniface Shabangu, Mr Derrick Houston, Mr Stephen Dougherty, Mr Paul Mangope, Mr Trevor Mufweba, Mr Derek Harris, Mr Mandla Msomi, Mr Gabriel Jama, Mr Alan Henriquez, Mr Jan Samson, Mr Marthinus Badenhorst, Mr Brenden Proctor and Mr Japet Mtolo.

Priest deported

They were arrested while marching down Commercial Road in Maritzburg on their way to the Loop Street Police Station to demand the release of their lecturers.

The lecturers had been arrested under the emergency regulations. One of them, Father Theo Knieff, was later deported.

The case was postponed to July 25 and the students were released on R100 bail each.

A journalist with the *Cape Times*, Mr Andre Koopman, was released on Tuesday, the day an application for his release was launched in the Supreme Court.

Mr Koopman was detained with the congregation while reporting on a church service in Elsie's River on June 15. Most of the about 100 people detained there have been released.

Also released this week was Miss Maxine Hart, of the South African Council for Higher Education and the Johannesburg Democratic Action Committee.

PFP MPs name 49 'emergency detainees'

Cape Times 27/6/86 329

Political Staff

PROGRESSIVE Federal Party MPs and members of the President's Council named 49 people as having been detained in terms of the state of emergency during parliamentary debates over the past two weeks.

The Minister of Law and Order, Mr Louis le Grange, said this week that it was not in the public interest to publish the names of the emergency detainees.

But the PFP opened a Missing Persons Bureau, and MPs said people were simply "disappearing" in South Africa.

Mrs Helen Suzman, the veteran civil-rights campaigner, also held two lists which she said contained the names of 1 500 and 300 detainees.

The detainees and their occupations or functions as given by the PFP under Parliament's absolute privilege are:

APPELGREEN, Eric: (Named by Graham McIntosh on June 18);
APPLEGREEN, Janet: (Named by Graham McIntosh on June 18);
BHENGU, Simon: (Named by Graham McIntosh on June 17), from Mpolweni;
BOUMA, Father John: (Named by Peter Soal on June 23), Catholic priest;
CACHALIA, Mr: (Named by Helen Suzman on June 24), lawyer;
CAMAY, Piroshaw: (Named by Helen Suzman on June 24), general secretary of the Council of Unions of South Africa (Cusa);
CORRYN, Father: (Named by Peter Soal on June 23), Catholic priest;
DANTJIE, Peter: (Named by

Peter Gastrow on June 21), of Metal and Allied Workers' Union (Mawu);

DESAI, Khalieb: (Named by Graham McIntosh on June 19), of Alexander Sinton School;
DE Vlieg, Jill: (Named by Helen Suzman on June 24), journalist;

DHLAMLENZE, H H: (Named by Roger Burrows on June 19), general secretary of the African Teachers' Association of SA;

DONDJWA, Tofile: (Named by Roger Burrows on June 25), shop steward at General Motors;

FEST, Charlene: (Named by Pieter Schoeman on June 20), a "17-year-old youth";

FUZILE, Bantu Julius: (Named by Graham McIntosh on June 17);

JAFFER, Adam: (Named by David Dalling on June 24);
JOCELYN, Mr S C: (Named by Graham McIntosh on June 17);

GARDNER, Professor Colin: (Named by Graham McIntosh on June 17);

KHEOWA, Musa: (Named by Peter Gastrow on June 21), of the National Union of Textile Workers;

KERSHOFF, Peter: (Named by Graham McIntosh on June 17);
KOOPMAN, Andre: (Named by Ray Swart on June 18), a Cape Times journalist;

LASSIE, Abdul: (Named by Pieter Schoeman on June 20), of Maritzburg;

LEEUW, Rev Eddie: (Named by Robin Carlisle on June 20), minister of religion;
LOEWE, Mike: (Named by Helen Suzman on June 24), journalist;

MAAKE, Mr: (Named by Helen Suzman on June 24), lecturer at the University of the North;

MARAWU, Howard: (Named by Helen Suzman on June 24), General Workers' Union organizer;

MERRET, Mr C: (Named by Graham McIntosh on June 17);

MKHIZE, Edna: (Named by Graham McIntosh on June 17), from Mpolweni;

MKHIZE, Moses: (Named by Graham McIntosh on June 17), from Mpolweni;

MKHIZE, Nkosinkathi: (Named by Graham McIntosh on June 17), from Mpolweni;

MKHIZE, Nkululeko: (Named by Graham McIntosh on June 17), from Mpolweni;

MKHIZE, Nora: (Named by Graham McIntosh on June 17), from Mpolweni;

MKHIZE, Swart: (Named by Graham McIntosh on June 17), from Mpolweni;

MNGADI, Xoli: (Named by Graham McIntosh on June 17), from Mpolweni;

MOTALA, Dr: (Named by Helen Suzman on June 24), doctor;

NEER, Dennis: (Named by Helen Suzman on June 24), trade unionist;

NDLOVU, Mondli: (Named by Graham McIntosh on June 17), from Mpolweni;

NGCOBO, Mr: (Named by Helen Suzman on June 24), lecturer at the University of the Witwatersrand;

NKOMO, Dr: (Named by Helen Suzman on June 24), doctor;

NOON, Eddy: (Named by Robin Carlisle on June 20), minister of religion;

NTOMBELA, Jerry: (Named by Peter Gastrow on June 21), of Congress of South African Trade Unions (Cosatu);

SMIT, Mr: (Named by Helen Suzman on June 24), lawyer;

STEERMAN, Cliff: (Named by Helen Suzman on June 24), journalist;

SUTTNER, Raymond: (Named by Helen Suzman on June 24), "political activist";

SWART, Nabel: (Named by Graham McIntosh on June 19), of Alexander Sinton School;

THORNTON, Helene: (Named by Robin Carlisle on June 20), 17-year-old Westerford High School pupil;

VAN DEVENTER, Kim: (Named by Pieter Schoeman on June 20), of Cape Town;

WATTERS, Mr: (Named by Helen Suzman on June 24), lawyer;

WIEMAN, Father Edgar: (Named by Peter Soal on June 23), Catholic priest;

WITTENBERG, Martin: (Named by Graham McIntosh on June 17).

Striking

workers

return to

stores

By Sheryl Raine

Major supermarkets and other chain stores on the Reef returned to normal for the first time in two weeks yesterday when striking black workers went back to work.

The workers, members of the Commercial Catering and Allied Workers Union of SA (Ccawusa) went on strike at the start of the state of emergency when union leaders, among them 16 from Ccawusa, were detained.

While some unionists, including two from Ccawusa, were freed this week, many are still in detention. The detentions have had a significant effect on the running of union offices and other labour-related activities.

Stores affected by the strikes by till operators, shelf packers and others included Checkers, Woolworths, CNA, one branch of Pick 'n Pay, Frasers and OK Bazaars.

Demands tabled by workers this week included that:

- All detained workers' jobs be guaranteed on full pay.
- Each company provide two shop stewards to man the Ccawusa office until such time as the industrial relations situation returned to normal.
- All striking workers be paid in full for time on strike.

Agreement was reached on certain demands and compromises reached on others.

The companies agreed to guarantee all unionists detained in terms of emergency regulations their jobs on full pay.

Two shop stewards from each company will be released on two weeks special leave to man the Ccawusa office, one week of that leave on company pay. At the end of two weeks the companies will review the situation.

Art. 7174
25/6/66
329
**Sisulu
goes
missing**

Own Correspondent

JOHANNESBURG. —
The editor of the New Nation newspaper, Mr Zwelakhe Sisulu, has disappeared from his home in Dobsonville, Soweto, and cannot be traced.

A family member said he was last seen in the early hours of Friday morning.

The New Nation is a weekly newspaper published by the Roman Catholic Church.

On Thursday night an attempt was made to burn down the Lenasia home of Dr Abu-Baker Asvat, who employs Mrs Albertina Sisulu, Mr Sisulu's mother. Nobody was injured and Mr Asvat's house was not damaged.

Editor Sisulu snatched by white gunmen

By Jon Qwelane

The editor of the *New Nation*, Mr Zwelakhe Sisulu, has disappeared. There are fears he has been kidnapped.

Four armed white men, two of them wearing balaclavas, arrived at his Dube home in Soweto early yesterday and took him away, telling his wife: "You will see your husband next year."

The Bureau for Information has said that when people are detained, their family will be notified immediately. By late yesterday the Sisulu family had not heard anything. Mrs Zodwa Sisulu said she and her husband were startled out of their sleep by the sound of their front gate being broken down as the intruders barged in. They also flattened a garden wall.

"All of them were white men," she said. "When we opened the door we saw four guns pointing at us. They told my husband: 'Pack some clothes, but not for a holiday in Mauritius.' They were rude, arrogant and abusive and one of them followed me when I went to the toilet."

"They confiscated a video cassette without giving a receipt."

"As they drove Zwelakhe away they shouted that I would see him again next year."

Mrs Sisulu has reported her husband's disappearance to her lawyers.

Mr Sisulu, whose father Walter is serving a life term with Nelson Mandela at Pollsmoor Prison, was the 1984 recipient of the Niemann Fellowship and spent a year at Harvard University.

In 1980 he was president of the Media Workers' Association and led a protest strike by black journalists. Mr Sisulu and four colleagues on the executive were banned and house-arrested. Two years later he was detained without trial, and spent over nine months in prison.

ulations. - Sapa.

Bar at 2.01pm injured

were used in savagery.

They never said Amen

CP Correspondent

THE FIRST eyewitness account of what happened at St Nicholas' Church, Elsie's River, on June 15 when an entire congregation of 189 people were arrested, was submitted to the Cape Town Supreme Court this week.

The affidavit by church rector the Rev Duvaraj Ramanna Laban was submitted in support of an application by Norman Koopman for the release of his son, *Cape Times* reporter Andre Koopman, who was detained at the service. Koopman has been released.

Laban said at the beginning of June the church's

youth group Kolonia asked for permission to hold a commemoration service on June 15 to mark the happenings of June 16, 1976.

"I made it quite clear to the group that any service to be held was to be a church service, and not to be political in any way. When I was given assurance to this effect I agreed.

"While I was present the service nothing was said which could in any way be construed as being a subversive statement.

"There was no action which threatened public order. There was not agitation for the termination of the state of emergency and in

fact, no mention was made of the state of emergency.

"At the end of the service 12 armed policemen arrived.

"A police officer announced the service was an illegal gathering." The police then detained Laban.

In another affidavit, parish secretary Ronald Phillips said that after Laban was removed by police, a police Captain Van Schalkwyk announced that everyone was under arrest.

Cape Times editor Tony Heard said Koopman was sent to the church to report on "what was understood to be a bona fide church service".

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AJ Krawitz is de-
them.
mbule told the court
on duty at the bottle
on May 19 when he
debe and the youth
soccer nearby. Lat-
group of youths joined
He said he was armed
a rifle and a two-way
and told the youths to
se.
ney started stoning me.
I fired a shot into the
contacted head office
Before it could ar-
Radebe jumped into

the yard next to the bottles
store and hurled petrol bombs
at me. The bombs failed to
explode," he said.
He said when reinforce-
ments arrived the boys fled,
but they gave chase and
caught the youth.
Lieutenant A De Klerk of
the Vereeniging security po-
lice said he arrested Radebe
at his parents home in Eva-
ton.
He also said the youth
was interrogated by Vereen-
iging police, and that the
youth pointed Radebe out to
him.

No bail for 4

FOUR youths who ap-
peared in the Vanderbijl-
park Regional Court on a
charge of public violence
this week, were refused bail.

Magistrate James John-
ston said they might be
granted bail when they ap-
pear again on July 1.

Before court were Petros
Sithole, 18, Ben Somole, 19,
Samuel Tshabalala, 18, and
Cornelia Modise, 18.

They appeared in court
following the bombing of
the house of a Lekoa council
policeman on May 2. They
were not asked to plead, and
no evidence was led.

Earlier the accused told
the court they wanted bail
because they had been ill in
prison, and wanted to see a
doctor.

NEWS PLUS+

★ A BOMB exploded at
the Alice Post Office this
week.

An eyewitness said he
heard a noise and saw
smoke coming from the post
office.

No-one was injured, and
according to the Ciskei po-
lice, damage was minimal.

of Bothoeng.

118 miners freed and 20 redetained

By HERMAN LETSIE

CHARGES of public vio-
lence against 118 mine
workers from the Randfon-
tein Estates Cooke 2 gold
mine were this week with-
drawn in the Westonaria
Magistrate's Court.

Twenty were redetained,
and charged with murder,
attempted murder, robbery
and malicious damage to
property.

The 20, whose charges re-
late to clashes with police
near Bekkersdal on January
21, where seven miners and
two policemen died, are:

Moffet Skolomo, 21, Wil-
liam Sigwele, 34, Lindele
Mdluditjale, 28, Amos
Mgenjilela, 30, Sipho
Mchunu, 29, Samson Bom-
bela, 26, William Kho-
beswe, 24, Mbuli Ndada,
32, Toso Mohapi, 33, Sam-
son Tshopo, 35, Ezra Ma-
cingwane, 28, Nelson Hobo,
30, Benedict Mjola, 22, Nel-
son Mathenjwa, 28, Xego
Bofela, 35, Feza Mbodla,
23, Sipho Guqa, 24, Kipe-
letso Lejwa, 30, Mavova
Tshotshoni, 67, and Obed
Thulo, 32.

In addition to the charges
of murder, attempted mur-
der, malicious damage to
property and robbery, Seza
Mbodla is also charged with
unlicensed possession of a
shotgun, and Obed Thulo is
charged with being in pos-
session of an AK-47, ammu-
nition and hand grenades.

The miners pleaded not
guilty, and the hearing was
postponed to July 25.



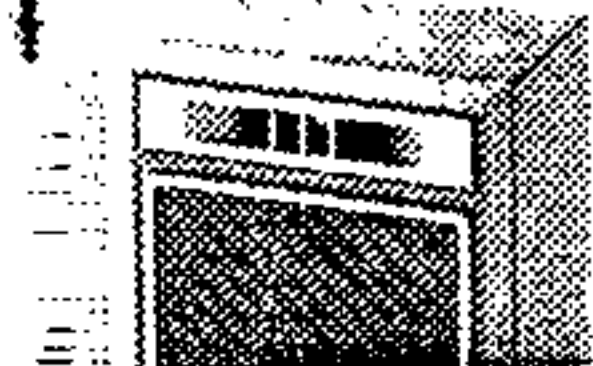
**RADIO
NATION**

rec tuner

recording facility
speakers

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Monthly
over 24
months **19⁹⁰**



2 lawyers released

329

TWO lawyers detained on June 19 at the Worcester court, where they were defending clients, were freed this week — hours before their wives applied to the Cape Supreme Court for their release.

Advocate Mohamed Anwar Albertus and attorney Trevor de Bruyn were released at 3am from Victor Verster prison, Paarl.

Lawyer I Farlam, who appeared with JJ Gauntlett, withdrew the application.

Farlam said Albertus and De Bruyn appeared in court in Worcester later that day, and were released on R500 bail each. They will appear again on August 4 — but no charges were presented to them.

In an affidavit FR Bunting said he was part of the legal team that appeared in



THE EMERGENCY

the Worcester Regional Court for 38 people charged with public violence, allegedly committed at Robertson's Nkqubela Township in November 1985.

Albertus and De Bruyn were members of the team.

On April 4 the trial was postponed to June 16. The accused were on bail. Seven were rearrested.

On June 16 the trial was postponed to June 18 for an inspection at Nkqubela.

During the inspection on June 18 relatives were not allowed to speak to the defence. The trial was adjourned to June 19 to enable the lawyers to look into residents' complaints of police

harassment that morning.

De Bruyn tried to get permission for the team to enter Nkqubela, but the lawyers were told to hold consultations outside the township.

They were only able to see two accused.

Bunting said they were told the bus taking the accused home was stopped and the accused were detained.

The next morning Albertus asked senior public prosecutor W Bouwer that the lawyers be allowed to see their clients.

A police officer, a Lieutenant Le Roux of Pretoria, interrupted to say that they would not see their clients. Albertus "angrily" told Le Roux to "keep quiet".

The defence team decided to inform an advocate from the Attorney General's office of their problems.

But while they waited for permission to phone, "Le Roux and his men" told Albertus he was being arrested "in terms of the emergency regulations", said Bunting.

The other lawyers with the public prosecutor, approached the chief magistrate for permission to telephone the State advocate.

While they waited for the call, Bunting said, Le Roux entered and told De Bruyn he was also being arrested in terms of the emergency regulations. — Sapa.

Alan: We can't say anything

DR ALLAN Boesak arrived in London this week and told a news conference he could not say what was happening in South Africa.

His visit had not been announced, and his objective was not really clear. "I hope my presence here will be a more eloquent statement than any speech I can make," he said.

Boesak is a guest of Brent Council, a Labour Party-controlled left-wing London local authority.



ALAN BOESAK
In Britain

"We cannot say what is happening to people," he said.

'171 union men held'

THE Detainees' Parents Support Committee has the names of 1 745 people believed to have been detained under emergency regulations - 171 of them trade unionists.

The DPSC is holding a "tea-party" for relatives and families of detainees from 2pm tomorrow at Johannesburg's Central Methodist Church, to explain their rights.

He pointed out that all emergency detainees are entitled to money to buy food, toiletries, cigarettes and clothing and reading material.

They are also entitled to receive letters and books.

CITY PRESS 29/6/86

How to trace a detainee 329

City Press

IF YOU believe a friend or relative has been detained, you should contact the Detainees' Parents Support Committee for advice and assistance.

The DPSC's head office is on the 2nd floor, Khotso House, 42 De Villiers Street, Johannesburg. The phone number there is 23 6664. The head office will also be able to give you details of their representatives in other towns and cities.

The Progressive Federal Party has also suggested that people contact its parliamentary staff with queries about the whereabouts of detained people, so these can be raised in parliament.

In Johannesburg, toiletries and clothing are being accepted at John Vorster Square once a week - on Fridays, between 8am and 10am.

According to the Government Gazette announcing the emergency, a detainee held under the regulations can receive money to buy food or cigarettes. Detainees can also receive a single visit - but only with permission from the police commissioner.

Detainees can write to anyone outside prison - again, if they have the police commissioner's permission. They are entitled to receive a Bible or selected magazines - subject to approval by prison commander - and can listen to radio broadcasts which are centrally controlled by the prison.

They are entitled to open air exercise for at least an hour a day and, "where practical", are allowed to play indoor sport.

If you want permission to visit a detainee, write to Brigadier Smit, Police Headquarters, Private Bag X302, Pretoria 0001.

THE Congress of SA Trade Unions is planning an emergency meeting for July 1 - where all its members and affiliates will address "the problems of the day".

Many unionists - who went underground when the state of emergency was declared - are expected to come out of hiding in a bid to resolve the recent labour disputes, which have sent business leaders to the government for talks.

This significant gathering will come barely three days after a similar gathering by the Inkatha movement, scheduled this Sunday at the Jabulani Amphitheater.

But Cosatu will have to discuss issues with many of its leaders still in detention under emergency regulations.

Several big companies, including Woolworths, OK Bazaars, Checkers and CNA, have been hit by sit-in strikes since the emergency was declared.

Addressing a brief Press conference in Johannesburg, Cosatu general secretary Jay Naidoo said next Wednesday's session of the Central Executive Committee was necessary to enable Cosatu to find out what its members expect of it in the current situation. Naidoo said "the situation at factories is very tense".

"Members at shopfloor level want their leaders released from detention. They want the matter to be discussed properly," he said.

Meanwhile, Police Commissioner General Johan Coetzee has released a statement saying the SA police reiterated its previous statement that no trade union member was being detained under the emergency regulations purely because trade union activities.

Certain SA trade unions and trade union federations have entered the political arena "with full knowledge of the possible repercussions and implications thereof", he said.

Coetzee added that the police were also eager to promote industrial peace and stability and said trade union leaders and other members will not be detained unless they are prolonging the state of emergency by their activities.

Naidoo said the state of emergency was allegedly harming the already good industrial relations established through negotiations with the employers over the past ten years.

● SA Council of Churches general secretary Dr Beyers Naude this week urged member churches who were "interested, concerned, and involved," to take the struggle for "workers' rights seriously".

Naude was addressing the SACC national conference in Bosmont.

He said churches were obliged to take the workers' struggle seriously because:

● A very large percentage of its members were workers and members of trade unions.

● The issue of economic justice "is at stake and it has become necessary for the church to define very clearly what it understands by this concept".

Naude also said there was a serious danger of the economy being crippled and endangered if difference of goals and demands of management on the one hand and workers on the other hand were not resolved by negotiation.

COSATU SUMMIT TO DISCUSS CRISIS

BY MONO-BADELA

Press
29/6/86
city

Le Grange confirms editor's detention

29/6/86
THE Minister of Law and Order, Mr Louis le Grange, today confirmed the detention on Friday of New Nation editor Mr Zwelakhe Sisulu.

A statement issued from the Minister's office in Pretoria last night said the PFP MP for Houghton, Mrs Helen Suzman, had questioned Mr le Grange on the detention

and was "informed that the Sisulu family was well aware Mr Sisulu had been arrested and detained by police on Friday".

Mr le Grange said police officials denied that some of the officers involved wore balaclavas, as had been alleged by members of the Sisulu family. — Sapa.

Editor's detention confirmed

329 30/6/86
Soweto

THE editor of *New Nation* newspaper, Mr Zwelakhe Sisulu, has been detained, the Government has confirmed.

A statement issued by the Minister of Law and Order, Mr Louis le Grange's office in Pretoria said PFP MP Mrs Helen Suzman had questioned the Minister on the detention and was "informed the Sisulu family was well aware Mr Sisulu had been arrested and de-

SOWETAN Reporter

tained by police on Friday."

"Police deny allegations by members of the family who said Mr Sisulu was abducted by men wearing balaclavas. It's a lie aimed at discrediting the police to create confusion and doubt," the statement said.

Strike

Mr Sisulu, whose father, Walter is serving a life term with Nelson Mandela at Pollsmoor prison, was the recipient of the Nieman Fellowship and spent a year at Harvard University.

He was elected president of the Media Workers Association of South Africa in 1980. He led a strike by black journalists. He and four other journalists were banned and house-arrested.

Released

Meanwhile about 920 trade unionists are known to be in detention and 15 have been released, according to a report released by the Labour Monitoring Group (LMG).

The figure includes 183 shop stewards and officials who were detained individually and 740 workers who were arrested en-masse at their factories while on strike, the LMG said.

The report says the 740 workers were detained about 10 days ago while on strike at various dairy depots in Johannesburg.

CAM TMS 36/6/86 329

LMG report: 920 unionists in detention

JOHANNESBURG. — About 920 trade unionists are known to be in detention and 15 have been recently released, according to a report released on Friday by the Labour Monitoring Group (LMG).

The figure includes 183 shop stewards and officials who were detained individually and 740 workers who were arrested en masse at their factories while on strike, the LMG said.

This updates the figure of 171 union detentions contained in a report released by the LMG last week. The latest report takes into account the subsequent release of 15 unionists, 27 new detentions and the mass arrest of workers.

The report says the 740 workers were detained about 10 days ago while on strike at various dairy depots in Johannesburg. They were demanding the release of detained union members.

A strong feature of the detentions is that a large number of shop stewards as opposed to officials have been taken in, the report said.

The Congress of South African Trade Unions (Cosatu) has been hardest hit as 88 percent of the individual detentions are from unions affiliated to it.

Of these the largest

proportion is from the Metal and Allied Workers Union (Mawu), 21 percent, followed by the Commercial, Catering and Allied Workers Union (Ccawusa), 11 percent, the National Union of Textile Workers (NUTW), eight percent, and the South African Allied Workers Union (Saawu), six percent.

'Stoppages'

Nine percent of the known detentions are from the Council of Unions of South Africa (Cusa). No detentions from the United Workers Union of South Africa (Uwusa) and the Trade Union Council of South Africa (Tucsa) have been reported.

"Meanwhile there have been reports of other strikes and stoppages at various unionised factories," the report said.

"Apart from the stoppages that have occurred at over 100 retail outlets in the Transvaal and parts of the Orange Free State, unions have reported eight stoppages at pharmaceutical and chemical plants on the Reef."

Two of the affected plants are organized by the Cosatu-affiliated Chemical Workers Industrial Union (CWIU) and six by the Cusa-affiliated SA Chemical Workers Union (Sacwu).

— Sapa

CAP- Tmp 30/6/86
**Le Grange
confirms
detention** 329

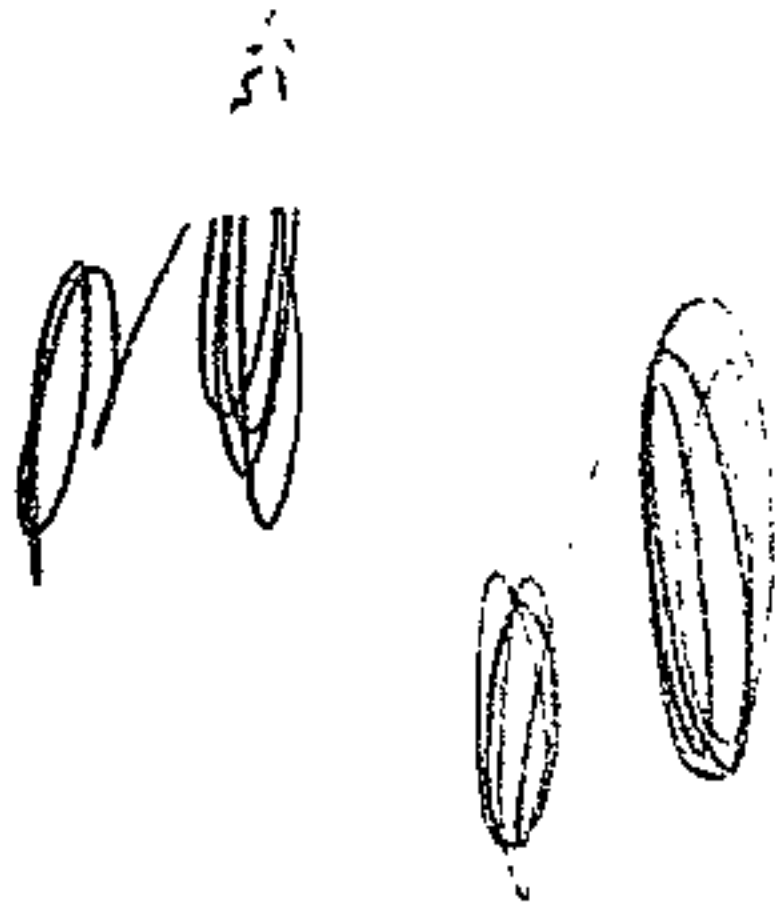
PRETORIA. — The Minister of Law and Order, Mr Louis le Grange, has confirmed the detention on Friday of the Editor of the New Nation, Mr Zwelakhe Sisulu.

This was the first detention to be confirmed by the minister since the start of the emergency.

The American Society of Newspaper Editors said in a cable to the Deputy Minister of Information, Mr Louis Nel, that it "deplored" the action.

A statement issued from Mr Le Grange's office in Pretoria on Saturday night said Mrs Helen Suzman (PFP Houghton) had questioned him on the detention on Friday and was "informed the Sisulu family was well aware Mr Sisulu had been arrested and detained by police on Friday".

"Police deny allegations by members of the family who said Mr Sisulu was abducted by men wearing balaclavas." — Sapa



Cosatu members 'hardest hit'

Emergency: 923 being held, says labour body

30/6/86
By Sheryl Raine

STAR

At least 183 trade union leaders and 740 workers are being detained under emergency regulations, according to the latest calculations of the independent Labour Monitoring Group (LMG).

The latest figures include the detention of 183 shop stewards and officials detained individually and 740 workers detained en masse at their factories while on strike, the LMG said.

Earlier, the LMG estimated that 171 unionists were in detention. The latest figures include the release of about 15 union officials, 27 new arrests and the mass detention of workers on strike at Nels Dairy.

The dairy workers were detained about 10 days ago while on strike at depots in Johannesburg. They were demanding the release of detained union members.

The Congress of South African Trade Unions (Cosatu) has been hardest hit by detentions. Eighty-eight percent of individuals detained are from unions affiliated to Cosatu.

Nine percent of known detainees are from the Council of Unions of South Africa (Cusa).

"There have been reports of other strikes and stoppages at various unionised factories," the report said.

"Apart from the stoppages that have occurred at more than 100 retail outlets in the Transvaal and parts of the Free State, unions have reported eight stoppages at pharmaceutical and chemical plants on the Reef."

Two of the affected plants are organised by the Cosatu-affiliated Chemical Workers' Industrial Union (CWIU) and six by the Cusa-affiliated SA Chemical Workers' Union (Sacwu).

The Computing Service has a slow-speed interpreter and cards will be interpreted for users at a small charge. These jobs must be scheduled with the Receptionist. Turnaround will depend on the workload but should be within 24 hours.

12.5. Interpreter

1 475 detained

ABOUT 1 475 people have been detained since the declaration of the state of emergency two weeks ago and of these 392 are members of the United Democratic Front and its affiliates, the Detainees Parents Support Committee said yesterday.

In its report, the DPSC, said about half of the reported detainees can be identified as belonging to organisations, or having occupations, falling within five well-defined target groups.

The five groups have been defined as: political and community organisations, students and educational organisations; trade unions; clergy and church workers; and the media.

Included in the five defined categories as well as the unknown, are 201 women, or 13.6 percent of all reported detainees.

Surejan
30/6/86 329
[Signature] *[Signature]*

TOTALITARIANISM - DETENTION

1986 JULY.

Handwritten: BUS DAY 1/7/86 329

ON THE MOVE



PETER WATT has been appointed chief executive of Aberdare Cables, in the Powertech Group



MIKE BOSWORTH has been appointed sole MD of Tek Corporation



OBED KUNENE has been appointed executive director of the Urban Foundation



BEN VAN DER ROSS has been appointed executive director of the Urban Foundation



GERALD MANNE has been appointed chief executive director of OK Bazaars' Hyperama board



JOHANN DU PISANIE has been appointed chief economist of Senbank



Creativity is missing in local business

BLACK participation and advancement in management positions in SA businesses has been negligible, and workers perceive business as exploitative, discriminatory and as profiting only (white) management.

These were among the findings of the Project Free Enterprise (PFE) report released by Unisa's School of Business Leadership recently.

The report found that SA managements are generally still guilty of totalitarian and autocratic styles that negate meaningful participation by workers in basic processes such as performance improvement, productivity enhancement and decision-making.

Another problem, says project leader Christo Nel, is that reward systems in SA are lacking in creativity.

Delegates at a Unisa School of Business Leadership seminar on black advancement last week were asked why black advancement programmes had failed within their organisations.

The reasons included job reservation, poor black education, the lack of black participation in devising advancement programmes, fear of a white backlash, a lack of forward thinking, racism, and the fact that capitalists were comfortable in the past because the system had worked well.

Nel says one of the biggest challenges facing SA today is to increase the stake of the worker in free enterprise. But he says black advancement programmes, with few exceptions, had got nowhere during the last 10 years.

Barclays Bank personnel manager Doc Pascoe pointed out that while blacks make up 75% of the population, they hold just 2% of all managerial positions.

Premier Group Industries deputy chairman Peter Wright says the PFE report has shaken many previously-held beliefs about the acceptance of free enterprise. "We have to increase our efforts to change those perceptions," he claims.

Wright suggests capitalism might need to be adapted to suit African conditions. "Is it reasonable to expect blacks to change to a white business culture or is there a way inbetween that might be comfortable to both?"

Such a way might have been found by Cashbuild, a cash-and-carry building materials chain. It has developed a unique system of participative management on the shop floor and introduced profit-sharing schemes.

The rewards are evident — staff turnover ran at 128% in 1983, but this year is down to just 9%, before-tax profit has soared from R600 000 in 1983 to R3,8m in 1986, and Cashbuild has not suffered from strikes at a time when they have almost become the norm, especially in some areas like Queenstown.

MD Albert Koopman says there is no magic formula and, indeed, Cashbuild stumbled onto its winning streak rather than implemented a grand design.

When the company's profits dipped sharply in 1982, Koopman turned first to

his managers and then to his workers for the reasons.

A series of "brainstorming sessions" followed from which it became clear that black workers wanted participation within the system and branch managers had to be persuaded "to move away from being a typical South African hardnosed boss to a leader of men".

Koopman says it is important to understand that black culture is essentially egalitarian as opposed to the Western world's emphasis on the individual. Thus Cashbuild has discarded imposing rank and status on its employees. "Workers want to be part of a team. Leaders emerge when they have earned the right".

Nel says it is important to appoint a senior line manager to monitor black advancement and for the programme to be "driven by top executives".

At Mobil it is Mel Palmer's task to interact with management in all of the divisions regarding advancement, setting objectives and overcoming problems.

In addition, Palmer says Mobil is putting together an internal induction course, along the lines of the 6M approach, that will explain the workings of the free enterprise system.

Mobil is also using integrated achievement and mentorship development programmes as part of their holistic thrust to ensure successful black advancement.

Nel believes participative systems are a crucial aspect to black advancement.

Black advancement became a crucial aspect of Barclays Bank's manpower plan in 1977, and the increasing number of black senior supervisory and managerial staff bears testimony to this: from just 18 in 1977 to 206 this year, and the bank has a projected figure of 500 or more by 1990, says Pascoe.

Yet black advancement programmes, no matter how well intentioned, were fraught with difficulties. Nel says management in general has not identified clear goals and inferior education has failed to produce black school-leavers with the basic skills necessary for business.

Thus, says Pascoe, simply giving equal treatment to black employees is not black advancement or equal opportunity.

Perils of negotiating with leaderless unions

NEGOTIATIONS between employers and unions have probably been more hair-raising than ever before during the current state of emergency.

Contacting union leaders on the run proved impossible and both management and workers initially found their normal working relationship in complete disarray after the declaration of the emergency on June 12.

While there are no easy answers to the situation, temporary solutions seemed to hinge on the flexibility of the parties and the improvisation which took place to enable talks to continue.

Alternatives were not always forthcoming. Many employers with urgent problems on their hands often found that their contact with union leaders was limited to clandestine "tickey box" calls which ended in mid-air.

Premier chairman Tony Bloom summed up the seriousness of the problem created by the detentions when he said: "We are now faced with attempting to run our factories and enterprises by dealing with the mob because the leaders are in custody."

Something akin to bedlam initially emerged in some factories, but details cannot be disclosed as many incidents concern police actions.

But management understanding of the enormous problems facing the unions during the emergency has been essential in trying to hold negotiations.

Some problems outlined by unionists were:

□ Key union people were detained or in hiding and shop stewards were forced to lead negotiations themselves;

□ Difficulties in holding report-back meetings to consult with workers, especially in outlying areas. In some areas magistrates banned outdoor meetings and workers felt threatened at meetings where there was police surveillance;

□ Problems of co-ordination because union organisers were not in their offices and workers could not

CLAIRE PICKARD-CAMBRIDGE

ascertain what steps they should take; and

□ Confusion among workers who did not know whether they were breaking emergency regulations by meeting to discuss wage claims or report back on negotiations.

Many series of negotiations could only continue following creative responses from the parties.

In an important development, eight major retail employers agreed to demands of the Commercial, Catering and Allied Workers' Union (Ccaawusa) that shop stewards be given leave to attend to union activities.

The employers announced on Sunday that each company had agreed to release two shop stewards for a period of special leave. The first week would be paid leave and the situation would be reviewed in two weeks, depending on the availability of union officials.

Certain responses by the unions are also outlined by the Labour Monitoring Group, which found earlier that shop stewards had already stepped into the breach left by officials and administrative staff in some union offices.

Many shop floor workers were now directly responsible for important wage negotiations at plant and sectoral level and in some cases office bearers took their annual leave and filled gaps left in negotiating teams. Workers also clarified legal situations by contacting lawyers directly for advice.

But the climate of fear and the unknown factor regarding possible future detentions means that tenuous new bargaining arrangements could break down at a moment's notice.

And whatever government's aims in detaining unionists, it is clear that workers are quite adept at organising further strike action without their leaders.

Labour consultant Gavin Brown, who has been closely involved with retail employers, said the different companies got to various stages in their discussion with shop stewards

after the emergency was declared.

However, demands related to the state of emergency and many employers felt they were not getting anywhere, Brown reports. In-company talks had not come to much until last Monday when a group of shop stewards from different companies — led by Ccaawusa president Makhulu Ledwaba — met with employers.

"But the biggest frustration was the uncertainty about whether those we were dealing with had influence over the rest of the workers," Brown said.

Michael Wright of CNA said the situation provided for one of the most difficult times facing employers.

"At first the situation was totally chaotic," he said. "There were no responses from the union office. When we went to shop stewards at the company they were confused and did not act as positively as they normally did."

"Later when we were able to start negotiating, employers found themselves meeting with union representatives which many of them did not know."

But, he said, employers did not doubt the representivity of the group shop stewards as negotiations progressed.

Employers are also expected shortly to be faced with demands from Cosatu which believes unions cannot function properly unless employers accede to them.

These include: wage hikes that have been delayed because of disruptions to negotiations be backdated; and that employers make facilities available to Cosatu representatives to enable them to restore union-worker communication and that employers allow shop stewards paid time off to attend to union affairs.

The extent to which union activities can be returned to normality — and hence normal negotiations resumed — will also depend on the way in which employers see fit to respond to some of Cosatu's demands.

Union detentions: bosses under fire

The Congress of SA Trade Unions (Cosatu) has strongly rejected Government claims that no unionists were held under the state of emergency purely for their union activities. Cosatu insists that in South Africa it is impossible to separate political from labour issues.

In a wide-ranging interview, Cosatu general-secretary Mr Jay Naidoo also accused business of not doing enough to force the Government to release detained unionists.

The independent labour watchdog, the Labour Monitoring Group, has estimated that about 183 unionists and 740 workers have been held under the emergency. At least 88 percent of these are from Cosatu, and the rest from the Council of Unions of South Africa and other unions.

A small number of union detainees, 15, are believed to have been released since Wednesday.

'UNIONS ACTIVE IN BROADER STRUGGLES'

Mr Naidoo is one of several leading unionists to escape a security dragnet by the authorities since the declaration of the emergency.

Both Minister of Law and Order Mr Louis le Grange and the Commissioner of Police, General Johan Coetzee, have denied that any unionists have been detained purely for labour activities.

Rejecting this, Mr Naidoo said: "In South Africa it is impossible to separate the workers' (shopfloor) struggle from the broader struggle for political freedom. The leadership in our unions is also active in broader struggles being waged in our communities. We see that as a natural extension of our legitimate union activity in a country where political rights have been denied the majority of our people."

He said the State was merely attempting to weaken the labour movement. On the effect of the emergency on the functioning of unions, he stressed that it would not cripple his organisation.

While admitting actions by the authorities —

Two weeks ago President Botha declared a nationwide state of emergency, leading to the arrest of hundreds of anti-apartheid activists from all strata of South African life. Among the detainees, up to about 183, were trade union figures, many of whose colleagues are believed to be in hiding. MIKE SILUMA of *The Star* spoke to the secretary-general of the biggest union grouping, Mr Jay Naidoo, about the effect of the emergency on the unions, and on industrial relations in particular.

which may not be reported under emergency regulations — had hampered normal union activities, such as organising and co-ordinating openly, he said the unions had not been totally incapacitated. "It has taken us a week to create a way of co-ordinating and communicating with members. There is emerging now a highly co-ordinated response to the present situation."

Among practical problems created by the emergency were delays in dealing with members' grievances and disputes with employers, said Mr Naidoo, claiming that virtually all union phones had been tapped.

Because Cosatu structures were based on the factory floor, the organisation would, in fact, emerge stronger from the emergency. Already, members had taken steps to replace detained leaders and had continued to meet to discuss the effect of the emergency and to formulate a response. "In addition, we will hold a central executive committee meeting today (July 1). As far as we are concerned, it is our democratic right to meet and discuss things such as ways to secure the release of our leadership."

Turning to the likely effect of the emergency on worker-employer relations, he warned of a possible

city. "For example, the current wage disputes in the mining and metal industries could take a new dimension because key leaders involved in the talks are in hiding or being held. We have had to hold back a lot of pressure from our members who want to take action to release our leadership."

He repeated Cosatu's continued commitment to good industrial relations. Because the relationship between workers and employers was based on the balance of power between the two, State actions severely disadvantaged unions — placing the whole system in jeopardy.

The Government's action against unions, said Mr Naidoo, had not taken into account the cost to industrial relations in the long term. The removal of leaders would lead to a situation where workers responded spontaneously, as was happening in the retail industry.

'NAIVE TO BELIEVE SITUATION IS CALM'

On efforts of business to secure the release of detained unionists, Mr Naidoo said these did not go far enough.

"Although most employers have distanced themselves from the state of emergency, the position of black workers is that, for historical reasons, there is joint responsibility between the State and employers for what is happening."

"There are other measures employers can take, such as... (he gave an example which may not be reported under emergency regulations).

"Employers have not used all the power at their disposal. In fact, a number of employers are naive enough to believe the emergency has brought about a situation of calm and stability."



Report Restricted

CAPL 711/15 11/7/86 (329)
Aid for detainees' families

Staff Reporter

HELP, advice and support for the families of detainees is available from the Repression Monitoring Group (RMG) advice office.

The office will help the relatives of detainees apply for visiting permits and make sure detainees receive money and clothing in prison.

The group also offers support for families who have lost income through the detention of breadwinners, transport to prisons for visits and general advice.

People in need of help can contact the office at ☎ 24-3782 between 8.30am and 9pm every day.

9716 Times 1/7/86
(329)
**Top unionist
believed held**

JOHANNESBURG. —
One of South Africa's top
trade unionists was de-
tained over the weekend,
according to a spokes-
man for the union.

Approached for com-
ment, the Bureau for In-
formation said: "Kindly
note, the Bureau for In-
formation does not com-
ment on alleged deten-
tions." — Sapa

DAY OF ACTION

Patchy at best

Monday's "Day of Action" by the Congress of South African Trade Unions (Cosatu) would have taken place regardless of the outcome of last week's negotiations between the union body and employer organisations.

That much was obvious from the statement released after Cosatu's central executive committee met in secret on July 1. The statement made it abundantly clear that Cosatu had committed itself to some sort of demonstration against the State of Emergency and the detention of union leaders.

As it turned out, the "Day of Action" — the form of which was left to the organisation's local and regional structures to decide upon — did make that point. But there can be no escaping that it was only a partial show of strength.

According to the Labour Monitoring Group (LMG), the "Day of Action" was most effective in Port Elizabeth where there

The FM has been edited to comply with the emergency regulations. Information may therefore be distorted, incomplete and misleading.

was almost total stayaway. This pattern was also observed among residents of East London's Duncan Village township. In the manufacturing sector in the PWV region, the LMG found a 24% level of absenteeism in Cosatu-organised factories. The retail sector in the PWV area, where there were widespread strikes last month, was hit by an 11% stayaway. In Cosatu's southern Natal region symbolic in-plant protests occurred on a limited scale.

The mines were largely untouched. The LMG said Anglo American's Arnot colliery, Rand Mines' Duvha and Rietspruit collier-

ies, JCI's Consolidated Murchison base metal mine and Gencor's Matla colliery were the only mines where stayaways occurred. Anglo American said one shaft at its Freegold complex in the Free State experienced a stayaway. A Chamber of Mines spokesman said the stayaways did not appear to be related to Cosatu's call: instead, he ascribed it to the campaign of rolling action called by the National Union of Mineworkers (NUM) some weeks ago to protest the detention of some of its leaders.

NUM said the release from detention of its vice-president, Elijah Barayi, who is also Cosatu's president, contributed to the lack of action on the mines. Restrictions placed on Barayi mean that he cannot leave the Carletonville magisterial district without government permission.

The emergency placed Cosatu in a position where communication with members

P.T.O.

was seriously hampered.

But, aside from that, it had become apparent even before Monday that there was less than total unanimity in its ranks on the "Day of Action". By last weekend, it had been announced that neither Cosatu's western Cape nor its northern Natal regions would participate.

Cosatu now has to evaluate whether its strategy for Monday was the most appropriate under the circumstances. Although there was an intense desire to do something about the emergency, the "Day of Action" did not have the impact intended.

It also soured relations with the employer bodies with which it has been negotiating. The Federated Chamber of Industries (FCI) and the Associated Chambers of Commerce (Assocom) last week found some common ground with Cosatu on its demands for maintaining industrial relations "in this difficult time." But both employer bodies vigorously opposed industrial action on Monday.

They said action would "bedevil negotiation and communication between employers and employees." The organisations said "there are alternative methods of addressing the problems currently being experienced on the industrial relations front."

Unrepentant, Cosatu hit back at organised commerce and industry on Tuesday, challenging employers to show what they are doing to end the emergency beyond issuing statements of condemnation (see page 49).

By contrast, the Council of Unions of SA (Cusa), which admittedly has been less hard hit by the emergency, has decided against national mobilisation of its members at this stage — although it has not ruled out local and regional action.

Instead, Cusa last week issued a joint statement with FCI and Assocom. The statement condemned the emergency and the detentions as detrimental not only to industrial relations, but also to finding solutions to SA's political and economic crisis. It called for an end to violence "from whatever source" and for there to be an open political process for which a prerequisite would be the release of political prisoners.

The joint statement contains the germs of a new alliance between organised labour and business on some issues. It is also claimed that the unions can thank employer contacts with government for last week's lifting of the ban on union meetings in Roodepoort and Johannesburg.

One leading businessman says he believes it is important for government to see that alliance developing. Cosatu, he says, is missing the point. But, for the moment at least, that does not seem to be Cosatu's view. ■

July 1986

329

UDF seen as main clamps target

'Jail tally higher'

ABOUT 500 more people were detained in the first six weeks of the current state of emergency than in last year's seven-and-a-half-month-long emergency, the Wits University-based Community Research Group (CRG) estimates.

About 7 900 were held during the previous emergency. The CRG has identified 3 400 detainees during the present emergency, but says it has knowledge of about another 5 000.

Some estimates are that as many as 8 000 are in detention under emergency regulations.

As in the previous emergency, the United Democratic Front (UDF) has been the major target, the CRG says.

The CRG says of the 945 alleged detainees whose organisational affiliation is known, 652 — or 69% — belong to the UDF.

Unions which are not affiliated to any political organisation comprise 23% of the total, while the National Forum accounts for 5% of detainees.

One estimate is that about 1 000 emer-

CLAIRE PICKARD-CAMBRIDGE

gency detainees have been released.

People released recently include UDF executive member Azar Cachalia, Black Lawyers' Association national treasurer Richard Ramopida, Congress of SA Trade Unions president Elijah Barayi, Council of Unions of SA co-ordinator Joyce Sedibe, Transport and General Workers' Union official Ray Lazarus, and SA Chemical Workers' Union leader Manene Samela.

□ The Labour Monitoring Group said last week 2 700 unionists, 81% of whom are Cosatu members, had been detained since the emergency was declared.

□ Lawyers for SA Associated Newspapers and the Argus group is aiming to have their joint application — challenging some emergency regulations affecting the Press — heard in the Durban Supreme Court next month.

The parties aim to challenge those regulations affecting the Press which were not dealt with in the Metal and Allied Workers' Union's recent challenge to the state of emergency.

117/80
**Schoolboy, 15,
sentenced for
slogans, poems**

Court Reporter

327
A 15-YEAR-OLD Guguletu schoolboy has received a suspended jail sentence for furthering the aims of the ANC.

He was sentenced in Cape Town Regional Court yesterday to two years' imprisonment, suspended for five years, for writing slogans on his school satchel, writing freedom poems, displaying placards in his bedroom and possessing banned ANC literature.

He pleaded not guilty to a charge of contravening Section 13 of the Internal Security Act.

The hearing was held in camera.

Placards handed in as exhibits were handwritten in ball-point pen on computer print-out paper.

Mr A L Laubscher was on the Bench, Mr A J Crouse appeared for the State and the boy was represented by Mr S Desai, instructed by Y Ebrahim and Co.

July 1986

UDF seen as main clamps target

'Jail tally higher'

ABOUT 500 more people were detained in the first six weeks of the current state of emergency than in last year's seven-and-a-half-month-long emergency, the Wits University-based Community Research Group (CRG) estimates.

About 7 900 were held during the previous emergency. The CRG has identified 3 400 detainees during the present emergency, but says it has knowledge of about another 5 000.

Some estimates are that as many as 8 000 are in detention under emergency regulations.

As in the previous emergency, the United Democratic Front (UDF) has been the major target, the CRG says.

The CRG says of the 945 alleged detainees whose organisational affiliation is known, 652 — or 69% — belong to the UDF.

Unions which are not affiliated to any political organisation comprise 23% of the total, while the National Forum accounts for 5% of detainees.

One estimate is that about 1 000 emer-

CLAIRE PICKARD-CAMBRIDGE

gency detainees have been released.

People released recently include UDF executive member Azar Cachalia, Black Lawyers' Association national treasurer Richard Ramopida, Congress of SA Trade Unions president Elijah Barayi, Council of Unions of SA co-ordinator Joyce Sedibe, Transport and General Workers' Union official Ray Lazarus, and SA Chemical Workers' Union leader Manene Samela.

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CAPT Times ES
2/7/86 (327)

Facts wanted on Info

Political Correspondent

THE PFP has tabled a series of questions in Parliament in a bid to get the government to disclose details of the workings of its official censorship system under the state of emergency.

The PFP spokesman on information, Mr Peter Soal, asked the Minister of Law and Order, Mr Louis le Grange, to disclose the total number of news reports that have been submitted to the SAP by newspapers since the introduction of the state of emergency on June 12 and how many of these have been approved for publication.

Mr Le Grange has also been asked to disclose the rank and position of SAP personnel who have been authorized to scrutinize press reports for possible approval.

Similar questions have been directed to the Deputy Minister of Information, Mr Louis Nel, regarding the role of the Bureau for Information as official censors.

The questions, for written reply, are due to be answered in August when Parliament reconvenes for the second half of the 1986 session.

Mr Soal has also asked Mr Le Grange whether any members of the security police visited any white schools in connection with the June 16 anniversary of the Soweto riots, and what action, if any, has been taken against principals, teachers or pupils at white schools as a result of such visits.

Mass funeral held in spite of police ban

Mercury Reporter

THE joint funeral of four Chesterville unrest victims took place yesterday at the local cemetery in apparent defiance of restrictions imposed on it by the Divisional Commissioner of the South African Police for Port Natal last week.

The funeral of five unrest victims was to have taken place at the weekend, but it was banned by the Divisional Commissioner, Brig. Jan Botha, in terms of the emergency regulations.

The funeral was attended by Mr Roy Ainslie, the Progressive Federal Party's South Coast director.

Those buried were San-

dile Khawula, Joseph Mthembu, Muntuwenkosi Khanyile and Nkosinathi Cele.

A fifth victim, Russell Mngomezulu, was buried on Monday.

Mr Ainslie told the Mercury yesterday that the funeral had taken place peacefully and no political speeches were made.

Only two bodies were present during the funeral service at the Roman Catholic church, about 50 m from the cemetery. The other two bodies were brought in after the service.

The initial venue for the funeral, which was to have taken place at the weekend, was changed from the Road 27 Methodist Church to the Roman Catholic Church in Road One.

Mr Ainslie said more than 500 people had attended the funeral. Scores of PFP supporters and Black Sash members were to have attended the funeral on Saturday before it was banned.

Banning

A police spokesman said an application had been made to have the venue of the funeral ceremony changed to Road One, which was close to the cemetery.

This was granted, the spokesman said.

However, according to the spokesman, the original order banning a mass funeral was still in force.

The prohibition on the proposed mass funeral stated that no funeral ceremony should be held for more than one person and that no more than 200 people would be allowed to attend.

Mercury reporters were not permitted by the police to attend the funerals.

According to the Bureau for Information, four of the victims were killed 'in a shooting incident between black members of S A P and the occupants of the house in Chesterville'.

No information was provided by the bureau on the fifth victim, Nkosinathi Cele, who is believed to have lived in Umlazi.

Shocking provisions in new rules on detainees

There is grave danger that the administration of justice in South Africa may come into disrepute as a result of the provisions of some of the rules made by the Minister of Justice and published in Government Gazette No 1196 on June 12 1986.

The Notice creates some 20 "disciplinary contraventions" relating to the conduct of detainees while in prison. They include insolence or disrespect towards a member of the force, using improper language, conversing or making contact with any other detainee when or where it is not permissible for a detainee to do so, singing, whistling or making unnecessary noise, or being a nuisance.

Upon conviction of any such contravention an officer in the Prison Service or the magistrate of the district where the prison is situated may impose sanctions which include solitary confinement, the deprivation of one or more meals on any one day and corporal punishment not exceeding six strokes if the detainee is a male apparently under the age of 40.

The regulations governing detainees provide that they shall be tried for such offences under the provisions of the Prisons Act 1959, which empower prison officers or magistrates to try prisoners for breaches of prison regulations.

In terms of that Act, the prisoner has the right to be assisted in such circumstances by a legal representative, but the regulations governing detention as they have now been promulgated specifically provide that no detainee shall be entitled to such legal representation "except with the permission of the Minister of Law and Order or the Commissioner of the South African Police".

In terms of other regulations detainees may be held incommunicado. They are not entitled in those circumstances to access to legal representatives without the permission of the Minister or the Commissioner of Police and there is a grave danger that detainees (including juveniles) held in social isolation may be brought before "courts" within the prison itself without knowledge of their rights, may be convicted without the assistance of legal representation and may be sentenced.

The nature of the punishments which can be imposed for the apparently trivial misdemeanours defended invoke a sense of shock. Whip-



Justice Minister Kobie Coetsee
— "no whistling" order

ping for singing, whistling or being a nuisance (whatever that may mean) is completely unacceptable in any civilised legal system.

The erstwhile Chief Justice, Mr Justice Rumpff, described whipping as "a method or form of punishment that is contrary to accepted present-day norms of humane treatment of offenders".

Other judges have described it as intrinsically brutal, as constituting a severe assault not only upon the person but also upon his dignity as a human being. They have stated that nothing is achieved by its imposition but revenge, that society's standards suffer thereby and that it may be equated to the same sort of barbarism as that which society condemns. Mr Justice Didcott of Natal said of whipping in 1984:

"When an adult is flogged... especially when he is flogged not in lieu of but in addition to being sent to jail, nothing is achieved but revenge. Such is gained at a cost, what is more. Society's standards suffer. It stoops to the level of the criminal whom it punishes. It behaves with the same sort of barbarism as that which it condemned in him.

"It has thus come to be accepted nowadays that corporal punishment for adults, if justifiable at all, must be reserved for the exceptional case in which the crime was so brutal, so cruel, that nothing less will suffice to express society's sense of outrage, to meet its demand for retribution, for the criminal to get his just deserts.

"Any attempt to widen the class of case in which the punishment is imposed beyond that rare type must, in my view, be resisted by all who care for the reputation of our legal system, who are eager for it to be thought

By Jules Browde SC
National Chairman,
Lawyers for Human Rights

humane and civilised. This is no time for putting the clock back."

In 1938 the acting Judge President of the Orange Free State Provincial Division found it necessary to express himself in the following strong language:

"Now, solitary confinement and spare diet means being locked up in a specially constructed cell, usually with cement or stone floor, with a slit of an iron-barred window which admits a glimmer of light and a minimum of air and no sun and with an atmosphere which, due to the sanitary arrangements, very soon becomes fetid and unhealthy.

"The prisoner is allowed about an hour's exercise a day and at night is lucky if he sees any light at all. Mentally there is stagnation and physically there is semi-starvation. And this is the sentence that the magistrate in the above circumstances imposed on the accused and which we are in all seriousness asked to confirm.

"Recently a public agitation has been set on foot here for the more humane treatment of caged wild animals, which are admittedly well-fed and properly cared for but confined in a limited space.

"Undoubtedly, cruelty to dumb animals should be drastically dealt with. In view, however, of what an isolation cell is, and what the nature of other antiquated punishments are, and what their psychological effect must be, the time is long overdue for the public conscience to be roused and for some consideration to be given also to the treatment of our 'caged human beings'."

Judge Steyn of the Cape Provincial Division found it necessary to repeat these words in April 1974.

Removing a person from social isolation into solitary confinement and depriving him of food may be construed as acts of revenge, even for serious crimes. To impose such retribution on detainees who find themselves in prison not because they have been charged in and convicted by any court but because a policeman or other authorised officer considers that they should be detained, whose "offence" was to sing, whistle, or be a "nuisance", will arouse universal condemnation against those who administer such punishments and those who can do something to stop them but do not do so.

SAR 2/7/86

The Star Wednesday

Industrial relations 'sharply deteriorating'

222 unionists still detained — LMG

By Sheryl Raine

The continued emergency detention of prominent trade unionists is causing a sharply deteriorating situation in industrial relations, says the independent Labour Monitoring Group (LMG).

Events in the next week could turn out to be crucial to the future of labour relations in South Africa, according to the organisation.

In its latest figures the LMG says at least 222 unionists are known to still be in detention. Plans for protest action by various unions and union federations have been formulated.

The LMG warned that the initial phase of spontaneous, localised worker protest against the detention of unionists was giving way to a greater emphasis on national planning and co-ordination.

Apart from the retail industry which was hit by a wave of more than 100 protest strikes because of the detention of union leaders, the pharmaceutical industry was also seriously affected by strikes last week.

Drug production threatened

Production of life-sustaining drugs was threatened by industrial action at 14 pharmaceutical firms including Roche Products, Beechams SA and Twins Pharmaceutical Holdings. Four pharmaceutical bosses met the director-general of the Department of Manpower to inform him of the seriousness of the situation.

The pharmaceutical industry, unlike many others,

cannot use casual, unskilled labour for fear of the effects this would have on the quality of products.

The LMG said last night that of the 222 unionists still in detention, 182 were individuals who had been held and 40 had been held en masse.

Thirty-seven of those held en masse were members of the Food and Allied Workers' Union (Fawu).

A total of 740 dairy workers were held en masse after a protest strike at Nel's Dairy in Johannesburg. All but three have now been released.

Secret talks to plan action

The Congress of SA Trade Unions, worst hit by detentions, met in secret yesterday to discuss the situation. A Cosatu statement said: "Demands have been formulated and a legitimate programme of action has been proposed." The details of the programme would be ratified by all regions and affiliates and communicated to employers whom Cosatu believed "must effectively pressure the State since it is the employers who will have to bring about change".

A further statement by Cosatu is expected today.

The National Union of Mineworkers (NUM) voted yesterday to protest against the detention of 10 of its senior officials.

The LMG noted that employers, with few exceptions, were still responding to the crisis by keeping silent. "Although sections of the business community see some cause for hope in the current situation, most commentators are far less optimistic. It would appear that events in the next week may turn out to be crucial," said the LMG.

Unionists believe they face arrest

The Star Bureau

LONDON — Two South African mine union leaders, who slipped out of South Africa after emergency laws were imposed to attend a union conference in Wales, believe they face arrest when they return home.

Mr Cyril Ramaphosa, secretary-general of the National Union of Mineworkers (NUM) and the union's president Mr James

Motlatsi went underground shortly after the state of emergency was declared and then slipped out of the country to visit Britain.

Mr Ramaphosa said: "We know of the hardship ahead of us, but we have decided as leaders of miners in South Africa to take the risk and the penalty that may be imposed on us to continue the battle against apartheid."

Speaking at the British NUM's

annual conference in Wales, they rejected the view that sanctions would hurt blacks and appealed for support from British workers.

Mr Ramaphosa said if sanctions were applied by Britain apartheid could start crumbling.

It is not clear when the pair will return to South Africa. They are to meet Britain's Labour leader Mr Neil Kinnock later this week.

Miners to protest ~~40A~~ against detentions 329

116ms 2/7/86
The Argus
Correspondent

JOHANNESBURG. — Leaders of the black National Union of Mineworkers have voted to protest against the detention of 10 of its senior officials, the union said.

The move by the union followed the detention of a key NUM member who is also on the executive of the Congress of South African Trade Unions. He may not be named under emergency regulations.

Reporting on the type of protest planned by the union is forbidden under the state of emergency.

URGED RELEASE

The Chamber of Mines urged the release of a senior unionist. "If in fact he has been detained, the chamber hopes for the sake of sound industrial relations in the mining in-

dustry that he will soon be released," the chamber said in a statement.

The NUM vote came after a five-hour meeting of 90 regional leaders which lasted until early today.

The NUM represents nearly half the 550 000 blacks working on South Africa's gold, coal, diamond and platinum mines.

APR 2/7/80
**SA unionists
in England**

Own Correspondent
329

LONDON. — Two top South Africa unionists — who have been in hiding fearing detention — made their appearance at the British National Union of Mineworkers (NUM) conference at Tenby yesterday.

They are Mr Cyril Ramaphosa, general secretary of the South African NUM, and Mr James Mohlatse, NUM president.

Can Time 21-780
Detainees 329
advice group

Staff Reporter

HELP, advice and support for the families of detainees is available from the Repression Monitoring Group advice office.

The office will advise relatives on how to apply for visiting permits and how to get money and clothes to detainees.

The group will also advise families on how to apply for financial assistance where a breadwinner has been detained.

Trained counsellors are also available to counsel distressed families.

People in need of this help can contact the office, ☎ 24-3782, between 8am and 9pm every day.

CAPE Times 2/7/86 (329)

Detentions: '134 a day average'

Staff Reporter

AN average of 134 people were detained daily around the country from June 12 to June 23, according to the latest weekly fact sheet released by the Repression Monitoring Group.

The largest number of detentions in the period June 12 to June 27 were in the Western Cape, totalling 405, the RMG said.

The breakdown is as follows: Cape Town region, including townships and Cape Flats, 266; Atlantis 21; Paarl 23; Worcester 52; Robertson 9; Ashton 25; Stellenbosch 4; Vredendal 1; Saldanha

Bay 2; Somerset West 1; Grabouw 1.

The RMG said the figures were based on those released in Parliament and families who had contacted their office.

A spokesman said the figures were "extremely conservative", and that during the last emergency the number of detentions was under-estimated by 57 percent.

The RMG said about 7 992 people were estimated by the organization to have been detained during the last emergency, but figures later released in Parliament showed the figure to be 18 569.

DETAINEES - DPSC TO MAKE APPEAL

THE Detainees Parents Support Committee is to approach international human rights organisations in a bid to press the South African authorities for a more humane approach towards the treatment of detainees and their families.

The DPSC said in a statement that it resolved to take this step after a gathering for families of detainees and missing persons at the weekend. Reports from communities in the Witwatersrand and other areas were received and "confirm the considerable anguish which such families are experiencing in the present situation", the statement said.

International organisations to be approached are the International Red Cross, Amnesty International and Lawyers for Human Rights. As a first step, a request will be made that the names of all detainees be publicly announced immediately upon detention and to call for an end to the practice of detaining children, the statement said.

The DPSC statement said: "Family members, often the breadwinners, or mothers with small children, or school-

'Families experiencing considerable anguish'

SOWETAN REPORTER

going children, are being taken away during raids at night or in the early hours of the morning, sometimes with inadequate clothing. Then frantic efforts follow to establish whether they have been detained under emergency regulations and where they are being held."

The statement said that such efforts mostly meet with a wall of silence from the authorities.

"The official statement that all next-of-kin have been notified of emergency detention is totally contradicted by the reported experience of the vast majority of families, and also by every attorney canvassed in the Witwatersrand area, who without

exception, confirm the great difficulties and obstacles being encountered from the authorities in establishing a detainee's status and whereabouts," the statement said.

"Without this information it is impossible for families to be sure that the missing member is safe, or whether abducted or even assassinated, and impossible to exercise even the minimal rights of delivering warm clothing, money and reading materials, or to make application for visits to satisfy themselves of their loved ones' well-being.

"Numerous families also report the refusal, contrary to the rules of emergency detention, by officials at police stations and prisons to accept clothing and money," the DPSC statement said.

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(MULTIPLAN)

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Strikes threaten drug production

PRODUCTION of life-sustaining drugs has been threatened by strikes over the detention of trade unionists, according to a warning issued to government by 14 major pharmaceutical companies.

All 14 East Rand companies were hit by a two-day sit-in strike last week by members of the SA Chemical Workers' Union (Sacwu) who demanded the release of a union leader and detained members.

Roche Products personnel services manager Jan Smit said four employer representatives had met Manpower Director-General Piet van der Merwe on Thursday to discuss the matter.

"We told him of our concern over the effect of current detentions on labour relations in general, and the way it affected us in the workplace.

"Our basic concern is that most companies are pharmaceutical producers of life-sustaining drugs which people cannot do without," Smit said.

Several employers told *Business Day* another danger posed by the strikes was that pharmaceutical companies could be closed by the Medicines Control Council if they employed unskilled temporary labour.

CLAIRE PICKARD-CAMBRIDGE

The 14 companies include Twins Pharmaceutical Holdings, Roche Products, Beecham SA, Richardson-Vicks, Scherag Ltd, Wyeth Ltd and Smith, Kline and French.

They join a growing number of employers who have asked government to charge or release detained leaders as rapidly as possible.

The strikers returned to work last Friday and a joint group of employers met with Sacwu representatives to inform them of their meetings with government.

Smit said the meeting with Van der Merwe had been "very constructive" and that Van der Merwe would act as go-between between employers and Law and Order Minister Louis le Grange.

The meeting had been arranged after the 14 employers telexed Minister of Manpower Pietie du Plessis, Minister of Health Dr Willie van Niekerk and Minister of Law and Order Louis Le Grange last Wednesday.

Smit said no further meetings with

● To Page 2

Drug production threatened

government had been arranged and employers were waiting to see what would happen.

□ Kahn & Kahn Plastics in Isando was also affected by a stoppage last week in which worker demands included the release of detained unionists.

□ About 250 workers have been on strike at Cheesebrough-Ponds in Wadeville since last Thursday. Management declined to disclose the cause of the strike,

but Chemical Workers' Industrial Union's (CWIU) Chris Bonner said workers were demanding the dismissal of a supervisor who allegedly assaulted a worker.

□ About 4 000 workers at seven Sentrachem plants in the Transvaal, Free State and Natal have entered their seventh week of strike action over wages.

● From Page 1

3/7/86
MARTIN HERE

Lenient attitude towards troubled students

Political Reporter

CONCESSIONS are being granted to University of Natal students who were under stress during recent exams because students and staff were being detained.

Prof Peter de V. Booysen, the university's principal, has notified all students and staff that students can apply for concessions from their faculty boards.

Prof Booysen said the Senate Executive (Senex) had ruled that boards could adjust marks, vary rules for class record compilation, promote students who had not formally finished the previous semester and re-examine students.

Details

He said the applicants should set out their individual circumstances of stress which prevented adequate preparation for exams or meant that they should not have had to sit exams.

Prof Booysen gave details of the arrests of students and staff and of activities which cannot be published in terms of the emergency regulations.

He said an unknown number of students who were afraid that they might be detained moved out of their homes and residences.

'Examinations scheduled during the period on or after June 12 were written under a state of agitation and stress and had a number of absentees,' Prof Booysen said.

He said that most of the detained students and staff had been released.

Prof Booysen said the university called on President Botha to suspend the state of emergency immediately and allow negotiations between all recognised leaders to reach a political settlement in which democratic rights could be exercised by all.

Bid to free King lawyers postponed

Dispatch Reporter
EAST LONDON — The
Grahamstown Supreme
Court yesterday post-
poned the hearing of an
urgent application to
free two detained civil
rights lawyers from King
William's Town.

Papers were filed be-
fore Mr Justice Jones
seeking the release of Mr
John Smith and Mr Dud-
ley van Heerden, both of
a firm of attorneys in
King William's Town.

The application for the
men, who were detained
by the security police in
Breidbach on June 14,
were brought by their
wives, Mrs Nobomi Jose-
phine Smith and Mrs In-
grid Illona van Heerden.

The respondents are
the Minister of Law and
Order, the Commissioner
of Police, the Minister of
Justice, the head of the
South African Security
Police, the head of the se-
curity police in King
William's Town and the
Commissioner of Pris-
ons.

By an agreement be-
tween the counsels for

both parties, the matter
was postponed to July 14
to allow the respondents
to file opposing affida-
vits.

The cost of the applica-
tion was reserved.

Advocate D. Pillay appeared for
the applicants and advocate J.
Froneman for the respondents.

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GMA Times 3/7/86 (203) 327

How the news of changes in SA gets out

JOHANNESBURG. — On Tuesday this week life under apartheid changed when, at the stroke of midnight, 34 of the myriad laws that define a black South African's second-class status disappeared from the statute books. On Tuesday, for the first time in his life, a black man will be able to leave his "pass" at home and go out to buy a house... in a different town, if he wishes. But apartheid will not be dead.

Except in liberal Cape Town, he will have to travel in a black bus or taxi.

The house will have to be in a black township. He will have to fill in his race on the deed of sale.

He may not share the house with the white wife or girlfriend that he has been allowed to have since last year.

Educated

If he gets sick, he will be taken to a black hospital in a black ambulance.

If his children are to be educated by the state, they will have to go to a segregated black school.

And if he does not like the restrictions he can neither cast a vote in the hope of ousting the government he opposes nor aspire to the presidency of his country.

The passing of those laws went almost unnoticed in a country preoccupied with its second state of emergency this year.

Many of the blacks who might have passed comment are among the estimated 4 000 people being detained without charge under emergency regulations.

Others have gone into hiding to avoid the detention net.

The changes mean little to the ghetto children who daily stone and burn buses, buildings and, occasionally people.

Their radicalism has gone beyond the reform of apartheid and their demand is for its unconditional abolition.

The laws repealed at midnight made up the complex system, known as "influx control", that has existed in one form or another throughout this century.

Official

They required every black adult to carry a passport-like document known as a "pass" at all times and resulted in an average of about 250 000 ar-

The government has been critical of the way foreign correspondents are reporting on South Africa. The public here, however, does not often see foreign reports. This is one example, and is how the international news agency UPI told the world about the formal abolition of the pass laws this week.

rests a year.

Any official could demand to see a black person's pass at any time.

Blacks have been arrested within feet of their homes for having left the pass inside and in one highly publicized incident a marathon runner was picked up for not having the book on him.

Stamps in that black booklet regulated where the owner could live or work, forbidding him to be outside the administrative area of his home for more than 72 hours without police permission.

In terms of the influx control measures, a black man had to work for one employer for 10 years or for various employers without a break for 15 years before he could bring his wife and children to live with him in the city.

Now he can live anywhere that he can find a home and a job and he no longer has to carry his pass at all times.

President Pieter Botha announced his intention to abolish influx control in a speech to Parliament on January 31.

He said the move would be part of a strategy to remove discriminatory measures from the statute books, but insisted the structure of South African society would continue to rest of racial segregation. "We have outgrown the outdated colonial sys-

tem of paternalism," he said, "as well as the outdated concept of apartheid."

"But our nation is a nation of minorities. Given the multi-cultural nature of South Africa society, this of necessity implies participation by all communities, without one group dominating another," said Mr Botha.

Own property

He suspended pass arrests in April, when he set July 1 as the deadline for their replacement by what he called "a system of orderly urbanization".

He also announced that, from July 1, blacks would for the first time be allowed to own property in the 87 percent of South Africa that is designated "white", albeit only in a segregated black township.

Mr Botha has promised to negotiate with blacks about their representation "at the highest level of government".

But, so far, no recognized black leader has agreed to meet with him to discuss anything but the total abolition of racial discrimination and segregation.

Bishop Desmond Tutu, the Nobel Peace Prize winner and Anglican Bishop of Johannesburg, summed up black attitudes to Mr Botha's reform plans, saying "apartheid cannot be reformed, it must be abolished." — UPI

Government stands firm on detentions despite pleas from employers

The Star Th

For the past seven years South African employers and organised labour have struggled to establish the present fragile working relationships. Sometimes those relationships have been good, sometimes bad, but never before have they been as confused as they are today.

At the centre of the confusion is the state of emergency which has resulted in a series of events which have thrown labour relations into turmoil.

Reacting to the situation, the 500 000-strong Congress of South African Trade Unions (Cosatu) has made demands, some of which may not be reported under the emergency regulations but which include the release of detained unionists and "a democratic resolution" of South Africa's problems.

In the past three weeks, 923 trade union leaders and members are known to have been detained under emergency regulations. Yesterday 222 were still in detention. Reasons for their detention may not be published under the emergency regulations.

Apart from the detentions, hundreds of trade unionists have gone into hiding for fear of detention. Those not in hiding are seldom able to follow their usual work routines. Police have continued to raid union premises and to seek central figures in the labour movement.

Tracking down trade union officials has become a cloak-and-dagger affair — and one which involves more misses than hits, if reports from employers are anything to go by.

A wave of strikes hit the retail and pharmaceutical sectors as workers protested against the detention of their colleagues. With many union officials absent, negotiations aimed at getting the workers back to work in the retail sector were a nightmare. Trade union office routines

Cosatu will 'press home' new set of demands

By Mike Siluma

The Congress of South African Trade Unions (Cosatu) has drawn up a list of demands which would ensure the continuation of its "legitimate activities".

In a statement released after a secret meeting of its central executive committee meeting yesterday — the first major gathering since the declaration of the state of emergency — Cosatu said its demands were:

- An end to all harassment, victimisation and intimidation of shop stewards, officials and workers.
- The release of all union leaders.
- "A movement to a democratic resolution of our country's problems".

The demands are in addition to a set of eight others discussed by workers over the past week, which included job security for de-

tained unionists and that workers be allowed two hours a week during working hours without loss of pay to attend to union business.

"Cosatu will be meeting employer representatives in the next week to further press home these demands," said the statement. Cosatu reiterated its position that "employers bore joint responsibility for the attacks that have been made on the labour movement".

It said there was "little evidence of employers pressurising the Government for an end to the state of emergency" and warned employers against taking advantage of the emergency.

X

Report Restricted

Parts of this report have been omitted to comply with the terms of the emergency regulations.

State of emergency has plunged labour relations into turmoil

have been disrupted by the emergency but offices have operated, albeit with difficulty. Union meetings, like that of the Cosatu central executive committee this week, have been held in secret.

Report-back meetings with workers have been banned or made difficult. Communication lines between workers and their unions on the one hand and employers on the other have been strained — in many

cases, broken.

Delays and disruptions of wage negotiations have been reported in the mining, metal and food industries. Only time will tell what the full impact of these disruptions will be.

Employers who have remained silent in public on the state of emergency have been engaged in heated private debates on the issue.

In some quarters there are

rumours of a split in the ranks of the Federated Chamber of Industries. The greatest division has been between smaller, conservative employers and bigger, more liberal corporations.

Some corporate employers, such as the Premier Group and AECI, have taken strong public positions on the detention of unionists, calling for them to be released or charged.

Other major employers, while expressing concern privately, have remained silent — much to the consternation of union leaders who believe it is the employers' duty to put pressure on the Government.

Some employers have welcomed the state of emergency and hold the view that the Government is correct in trying to stamp out the quasi-political role of the emergent labour

movement. There have been many meetings between various employers and Government officials including the Commissioner of Police and the Ministers of Law and Order and Manpower. But the Government has stuck to its guns in keeping some trade unionists behind bars, claiming they are being detained "for activities not related to ordinary labour matters".

Strike threat to supply of drugs

CHL Times 3/7/86

329

Own Correspondent
JOHANNESBURG. — The production of life-sustaining drugs has been threatened by strikes aimed against the detention of trade unionists, according to a warning issued to the government by 14 major pharmaceutical companies.

All 14 East Rand companies were hit by a two-day sit-in strike last week by members of the SA Chemical Workers' Union (Sacwu) who demanded the release of a union leader and other members.

The personnel services manager for Roche Products, Mr Jan Smit, said four employer representatives last week met the Director-General of Manpower, Mr Piet van der Merwe, to discuss the matter.

"We told him of our concern over the effect of current detentions on labour relations in general, and the way it affected us in the workplace. Our basic concern is that most companies are pharmaceutical pro-

ducers of life-sustaining drugs," Mr Smit said.

Several employers said a further danger posed by the strikes was that pharmaceutical companies could be closed down by the Medicines Control Council if they employed unskilled temporary labour.

The 14 companies include Twins Pharmaceutical Holdings, Roche Products, Beecham SA, Richardson-Vicks, Scherag Ltd, Wyeth Ltd and Smith, Kline and French.

Workers returned to work last Friday and a joint group of employers have met Sacwu representatives to inform them of their meetings with the government.

Telex

Mr Smit said the meeting with Mr Van der Merwe had been "very constructive" and that Mr Van der Merwe would be acting as a go-between between employers and the Minister

for Law and Order, Mr Louis le Grange.

The meeting had been arranged after the 14 employers telexed the Minister of Manpower, Mr Pietie du Plessis, the Minister of Health, Dr Willie van Niekerk, and Mr Le Grange last Wednesday.

● Kahn and Kahn Plastics in Isando, near Johannesburg, was also affected by a stoppage last week in which worker demands included the release of detained unionists.

● About 250 workers have been on strike at Cheesebrough-Ponds in Wadeville, Germiston, since last Thursday. Management declined to disclose the cause of the strike. A comment by the Chemical Workers' Industrial Union (CWIU) cannot be quoted in terms of the emergency rules.

● About 4 000 workers at seven Sentrachem plants in the Transvaal, Free State and Natal have entered their seventh week of strike over wages.

DD 3/7/86
NUM 329
NUM begins protests

JOHANNESBURG —
The 220 000-member National Union of Mineworkers (NUM) yesterday began protest actions at mines in response to the detention of senior union leaders.

A union spokesman, Mr Marcel Golding, said miners were refusing to patronise bars and concession stands at the mines.

Mr Golding said 13 union leaders had been detained.

Meanwhile, the Chamber of Mines said the NUM had rejected its latest wage offer.

The employer organisation said in a statement its offer of increases and improvements in other conditions of employment for NUM members on certain gold and coal mines, had been rejected. The union had formally advised it was in dispute with the chamber.

The NUM would now follow the dispute resolution procedures prescribed by the Labour Relations Act.

NUM representatives at the meeting with the chamber also raised the state of emergency and the detention of a number of NUM members, the statement said, adding that chamber representatives undertook to convey the union's views on these issues to their principals. — Sapa

DD 3/7/86
DD 3/7/86

APARTHEID BAROMETER

STATE OF EMERGENCY DETENTIONS

THE following figures refer to persons reportedly apprehended by police, under unknown legislation, since detentions under the Emergency regulations have rarely been confirmed by the authorities.

DETENTIONS BY AREA:

Detention reports have been received from all over the country. A geographical breakdown of reported detentions indicates their extent, but the difficulty of obtaining information from rural areas and small towns should be borne in mind.

Totals as at June 23:

PWV	295	Natal	159
TVL Country	154	OFS	129
E Cape	257	Unknown	104
N Cape	70	Total	1 475
W Cape	307		

DETENTIONS BY ORGANISATION

	PWV	Tvl country	E-Cape	W-Cape	N-Cape	Natal	OFS	Unknown	Total
Students/scholars/teachers	55	18	18	18	1	46	31	5	192
Unionists/workers	28	4	9	10	6	14	25	72	168
Community/Political	112	32	61	29	12	55	26	6	333
Clergy/churchworkers	9	12	11	3	4	10	1	1	51
Journalists	1	0	5	4	0	0	0	0	10
Other (*)	3	5	3	2	0	0	0	0	13
Unknown	87	83	150	241	47	34	46	20	708
TOTAL	295	154	257	307	70	159	129	104	1 475

(*eg lawyers, doctors, taxi-drivers, soccer team chairmen)

TARGET GROUPS:

About half of the reported detainees can be identified as falling within specific target groups: political and community, student and educational, trade unions, clergy and church workers, the media.

Political and Community Organisations:

This constitutes the largest single group, being 22,6 percent of the total reported detentions. People affected range from rank-and-file membership to leaders. A total of 333 people from 65 organisations in this category are known to have been affected.

Civic associations, residents' organisations	29
Youth organisations/congresses	17
Women's organisations	6
Political, human rights or support groups	13

Students and Educational Organisations

This is the second largest target group contributing 13 percent of total detentions. This includes bona fide students, university lecturers, scholars and teachers.

A total of 192 people from 13 organisations in this category are known to have been affected:

Student congresses	6
Other student organisations	7

Trade Unions

Detentions in this category comprise 11,4 percent of the reported total. A wide range of unions have been affected, and a total of 168 trade unionists detained.

Clergy and Church Workers

These constitute 3,5 percent of the total reported detentions and include priests and ministers of the Anglican, Catholic, Methodist and other churches, as well as officials and workers in 12 church organisations. A total of 51 people are affected in this category.

Media

Media workers constitute a small group that includes reporters, photographers, cameramen and production staff on local as well as foreign news media. Detentions total 10.

Women

Included in the above categories and the unknown category are 201 women, or 13,6 percent of all reported detentions. In other words one in every seven detainees is a woman, which is double that of previous times.

Detentions hit Cosatu, UDF hardest

WEEKLY MAIL
REPORTERS

THE Congress of SA Trade Unions (Cosatu) and the United Democratic Front (UDF) are the two organisations hardest hit by Emergency detentions.

A total of 1 475 detainees' names are known to a detention monitoring group. The full list of those in custody is believed to be significantly greater.

The group has identified five main target categories hit by detentions: trade unions, political and community organisations, student and educational organisations, clergy and church-workers and the media.

Political, community and student organisations make up 26,1 percent of all detainees — and 74 percent of these are members of UDF affiliates.

UDF members make up 26 percent of all known detainees and 52 percent of those identified within any one of the target groups.

Trade unionists make up about 11,5 percent of the total detainees — and about 85 percent of these are members or officials of Cosatu unions, according to the Labour Monitoring Group in Johannesburg, which released a report this week.

There are about 170 unionists known to be in detention. Expectations that many would be released this week — after the intervention of businessmen — were not realised.

And it is believed that two senior trade unionists were redetained on Wednesday, minutes after being released from custody.

As far as could be established yesterday, eight unionists were released this week in the Transvaal and one in the Western Cape. Four were from the Council of Unions of SA (Cusa), including general secretary Piroshaw Camay, Dale Tiffin, the publicity secretary, and

A birth and an arrest

By PIPPA GREEN
Cape Town

THE wife of a prominent trade unionist gave birth to her first son hours after her husband was detained.

Pleas for her husband to be allowed to stay with her until the delivery were ignored. So Jaloo Camay, wife of Council of Unions of South Africa (Cusa) general secretary Piroshaw Camay had her third child alone, two hours after the State of Emergency was officially announced.

Camay, who was one of eight Transvaal trade unionists released this week, was named in parliament earlier by Helen Suzman of the Progressive Federal Party as one of those detained under Emergency regulations.

Camay was due to have her baby induced at 5am on June 12. However, in the early hours of that morning — the day the State of Emergency was

declared — her husband was detained.

"It was a hell of an experience. They left at 1am taking Piroshaw, although I asked them to let him stay with me during the delivery. They offered to take me to the clinic, but I refused. Later I asked my gynaecologist to plead with them to let my husband out for the delivery. They said 'no', but agreed to pass on a message to him once the baby had been born."

Jaloo Camay said both she and the baby were fine, but that the child's birthday was as much a time for reflection as for joy.

"Whenever we celebrate his birthday we will also remember this as a time of sadness," she said.

open for Uwusa.

"Significantly, the only legal meeting to go ahead on June 16 was that addressed by Mangosuthu Buthelezi. Some unions have claimed that their members have been put under pressure to join Uwusa," the LMG report said.

The hardest hit of the unions were: the Metal and Allied Workers Union (Mawu), with 21 percent of all detainees, followed by the Commercial, Catering and Allied Workers Union (Ccaawusa), with nine percent of detainees.

Of the Cusa affiliates, the hardest hit were the Transport and Allied Workers Union (Tawu).

A notable feature of this Emergency is the high number of shop stewards, rather than union officials, detained. In Pietersburg, for instance, almost all the local Tawu shop stewards have

been held and in the Kimberley branch of the National Union of Mineworkers, almost the entire executive has been detained.

The LMG notes three ways in which the unions are coping with the high number of detentions and unionists on the run: shopfloor workers have stepped into the breach left by officials and administrative staff, shopfloor workers are now directly responsible for important negotiations and office bearers are taking annual leave to fill the gaps left in negotiating teams.

The LMG report said the detentions "temporarily disrupted trade union organisation", but "their deep roots in workplaces are likely to mean that union organisation will continue".

UDF affiliates appear to be worse off. According to the detention monitoring group, 392 known members of UDF affiliates are held. This makes up 74 percent of detainees from political, community and student organisations.

Detainees from political and community organisations make up 22,6 percent of the total detainees, or 44 percent of those whose affiliations are known.

Students, scholars and teachers make up 13 percent of the total, and 25,5 percent of those whose affiliations are known.

Clergy make up 3,5 percent of the total, and 6,8 percent of those whose affiliations are known.

About 13,5 percent of known detainees are female.

The initial two-week detention period ended for about 1 000 detainees on Wednesday night. Continued detention after the two-week period requires an order signed by the Minister of Law and Order.

It appeared by last night that the vast majority of detainees had not been released.

Emergency: Charges for 780 detained

PRETORIA. — The South African Police have prepared dossiers on 780 detainees held under the emergency regulations, the Bureau for Information said at its daily press briefing here yesterday.

Bureau spokeswoman Miss Ronelle Henning said the 780 detainees would face charges ranging from murder to arson and assault.

"When formally charged, the accused will have normal access to their legal representatives and the process of law will take its normal course," Mrs Henning said.

Visits

Emergency regulation 3 (5) provides for the interrogation of detainees by police. Lawyers may not visit detainees unless it is done with the permission of the Minister of Law and Order or the Commissioner of Police — and then they may visit a detainee only once.

Detainees being "insolent" or "disrespectful" towards a member of the

security forces — who may be interrogating them — would be guilty of contravening rules issued by the Minister of Justice in terms of the regulations, and face various forms of punishment, including, possibly, corporal punishment, solitary confinement and "dietary punishment".

The Progressive Federal Party (PFP) MP for Gardens, Mr Ken Andrew, said last night "all people held should be charged or released".

The Bureau for Information spokesperson also said that "three groups of people" had already been charged with attempted murder this week for using the "necklace-method".

She would not disclose the number of people charged but confirmed that further police dos-

siers were being prepared on detainees.

At its daily security briefing yesterday, the bureau noted for the second consecutive day a sharp drop in incidents of political violence.

Bomb blast

Asked whether tighter security measures would be taken after Tuesday's bomb blast in Johannesburg, she replied: "I have no information on this."

No unrest deaths were reported yesterday, which boasted the lowest number of incidents since the start of the emergency.

"It is beginning to create the circumstances in which the decent majority of the people in South Africa can go about the daily business of living without fear," Miss Henning said.

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Police prepare dossiers

PRETORIA — The South African Police have prepared dossiers on 780 detainees held under the emergency regulations, the Bureau for Information said at its daily press briefing here.

A bureau spokesman, Mrs Ronelle Henning, said the detainees would face murder, arson and assault charges.

"When formally charged, the accused will have normal access to legal representatives and the law will take its normal course," she said.

Three "groups of people" had been charged in the past 24 hours for attempted murder, Mrs Henning added.

Emergency regulation 3 (5) provides for the interrogation of detainees by police.

Detainees being "insolent" towards a member of the security forces interrogating them would face various forms of punishment, including, possibly, corporal punishment, solitary confinement, and "dietary punishment."

— Sapa

SOWENW 3/7/86

DEMANDS FROM COSATU

**'Release all
our leaders'**

THE Congress of South African Trade Unions yesterday issued a list of demands to "ensure the continuation of its legitimate activities."

It has set July 10 — next Thursday — as the deadline for the meeting of its demands, at an emergency Cosatu executive committee meeting on Tuesday.

Its statement yesterday said: "Cosatu believes that employers are partly responsible for the present situation in the labour movement."

Emergency

It calls for an end to the state of emergency.

"Cosatu demands:

- An end to all harassment;
- The release of all our leaders.

"We further demand:

- That no employer dismiss any Cosatu member who is detained;
- That any detained member be paid in full for the period of detention;

SAPA

- That wage/increases delayed because of disruptions to negotiations be backdated so that workers are fully compensated for such delays;

- That all employers make available to shop stewards and Cosatu officials communication facilities;

- That all employers allow Cosatu members in their employ to meet for two hours each week during working hours without loss of pay to discuss and attend to union business;

- That all employers allow shop stewards to take time off without loss of pay to attend to union business outside the factory premises; and

- That employers allow access upon notification to any shop steward, office bearer or official of Cosatu, or any of its affiliates, to its premises to discuss and attend to union business". — Sapa

AUTOMOBILE MANUFACTURING INDUSTRY, EASTERN PROVINCE

Parties Employer Organisation: the Eastern Province Automobile Manufacturers' Association

Trade Union: S.A. Yster, Staal en Verwante Nywerhede Unie; National Automobile & Allied Workers Union

Magisterial Districts of Port Elizabeth and Uitenhage.

Funds

1. Supplemental Unemployment Benefit Fund with employer and employee contributions, for use in times of lay-offs.

780 10 FACE COURT CASES

50620W
4/2/86
329

Police to lay murder, arson charges against detainees

THE South African Police have prepared dossiers on 780 detainees held under the emergency regulations, the Bureau for Information said at its daily Press briefing in Pretoria yesterday.

Bureau spokeswoman Mrs Ronelle Henning said the detainees would face murder, arson and assault charges.

"When formally charged the accused will have normal access to their legal representatives and the process of law will take its normal course."

State of emergency

Mrs Henning said. Three "groups of people" had been charged during the past 24 hours for attempting murder by way of the "necklace" method, Mrs Henning added.

The Bureau also reported that there were no deaths overnight for the second day running, and as the state of emergency enters its fourth week the death toll remains at 93.

A mini-limpet mine of "communist origin" was used in the dustbin explosion in central Johannesburg on Tuesday the Bureau said.

The condition of Mrs Cheryl Petley and her two-week-old son, Jared, remains serious. Mrs Petley was with her child and sister at the bus stop next to the rubbish bin when the limpet mine exploded.

Mrs Alice Skosana has regained consciousness and was discharged from hospital earlier yesterday. The other five injured were discharged on Tuesday, according to the Bureau.

The decline in the unrest incidents reported by the Bureau was described as "encouraging" and according to the Bureau the lowest number of incidents since the start of the emergency on June 12 were reported in the 24 hours ending at 6am yesterday. — Sana.

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"THE VITAL VIEWPOINT"

780 emergency detainees to face criminal charges

Business Day Reporter

THE Bureau for Information disclosed yesterday that 780 people detained since the start of the state of emergency would face criminal charges which included murder, arson and assault.

"The accused will have normal access to legal representatives, and the process of law will take its course," said bureau spokesman Ornelle Henning.

"Three groups of people" had already been charged with attempted murder this week for using the "necklace-method", she said.

Henning would not disclose the number of people charged, but confirmed that further police dossiers are being prepared.

The limpet mine explosion in Johannesburg on Tuesday, which injured eight people, was the only serious unrest incident since the weekend.

Henning said the condition of Sheryl Pelley and her two-week-old son remained serious. Others injured were discharged on Tuesday.

However, a Johannesburg Hospital official yesterday described the Pet-ley's condition as satisfactory. The baby was operated on on Tuesday night after sustaining brain injury from shrapnel.

Asked whether tighter security measures would be taken after Tuesday's blast, Henning replied: "I have no information on this."

She said the limpet mine used in the attack was of communist origin.

No unrest deaths were reported yesterday, which boasted the lowest number of incidents since the start of the emergency.

"It is beginning to create the circumstances in which the decent majority of the people can go about the daily business of living without fear," Henning said.

CHT Times 3/7/86
**'Nation'
comes
out today** *329*

JOHANNESBURG. —

The New Nation, the fortnightly national newspaper owned by the Catholic Bishops' Conference, will be published today, the acting editor, Mr Gabu Tugwana, said yesterday.

Mr Tugwana said the usual edition of 24 pages was being printed and would be on the streets today.

He said legal advice had been taken "as usual" and he was satisfied the contents would not contravene the emergency regulations.

The editor of the newspaper, Mr Zwelakhe Sisulu, was detained on June 27. — Sapa

17-6-86 3/7/86

780 held ³²⁹ could face charges, says bureau

The Argus Correspondent

PRETORIA. — Criminal charges are being investigated against at least 780 people detained during the state of emergency with more in the pipeline, according to the Bureau for Information.

The police dossiers have been prepared and more are being drawn up.

Once the people concerned have been formally charged, they will have access to legal representatives, it was announced at the bureau's daily Press

+ + EMERGENCY UPDATE + +

briefing yesterday. Charges involve murder, arson and assault.

Bureau spokesman Miss Ronelle Henning said the dossiers on 780 detainees had been prepared.

Asked whether this number indicated the total number of people in detention, Miss Henning said this was not so and that further dossiers were being drawn up for others.

She said three groups of people had been charged since 3pm on Tuesday with necklace murders.

No unrest-related deaths had occurred in the past two days and there had been a significant decline in unrest-related incidents, said Miss Henning.

The only serious incident, according to the bureau, since the weekend, was yesterday's bomb blast in central Johannesburg. Eight people were injured in the explosion caused by a mini-limpet mine of communist origin.

Other unrest incidents reported for the 24 hours until 6am yesterday are:

"Three men were arrested in Daveyton after a

+ + EMERGENCY UPDATE + +

group of 20 had threatened someone with the 'necklace'.

"At Fingo near Grahamstown a vehicle was petrol-bombed. No one was injured and four people were arrested.

"In Soweto 40 people pierced the tyres of a bus, causing R480 damage.

"Damage of R200 was caused when a bus was stoned at Kagiso near Krugersdorp."

● More than 400 people have been detained in the Western Cape under the emergency regulations, according to the Repression Monitoring Group's weekly fact sheet.

The sheet said 403 people were held between June 12 and June 23. The majority, 266, were in Cape Town.

According to the sheet, 1 475 people had been detained throughout the country.

Warrants
for six in
UDF trial

Own Correspondent

PORT ELIZABETH. — Warrants for the arrests of the remaining six accused appearing with the Eastern Cape regional president of the United Democratic Front, Mr Edgar Dumile Ngoyi, 59, were issued by a magistrate when they failed to appear in the New Brighton Magistrate's Court yesterday.

Warrants for the arrest of Mr Ngoyi and a 17-year old youth were issued on March 18 when they failed to appear for the second time at a hearing in which they and seven others are charged with murdering a KwaZhakele man. At the hearing, however, the magistrate, Mr J W S Pienaar, delayed the signing of warrants after Mr Silas Nkanunu, for the defence, told the court that Mr Ngoyi had been arrested under the emergency regulations and the youth was in custody on another charge.

On Wednesday Mr Pienaar withdrew bail of R500 for Mr Ngoyi and R200 for the youth.

Yesterday the six other accused, Mr Lula-mile Mkalipi, 22, Mr Fumanekile Sinyoni, 24, Mr Xolisile Thetha, 20, Mr Stephen Dzedze, 30, and two youths aged 16 and 17, failed to appear in court.

Mr Pienaar issued warrants for their arrests and extended their bail.

The accused are alleged to have killed Mr Phakamisa Gerald Nogwaza in KwaZhakele on June 8 last year.

They pleaded not guilty to the charge.

'STRIKERS DETAINED'

SCORES of former Tembisa Town Council employees — including an official of the South African Black Municipal and Allied Workers' Union — were detained yesterday morning.

The workers were taken outside the offices of the Tembisa Town Council shortly after 11.30am, according to a Sabmawu official. They are all members of the union. They were dismissed by the council on May 23 after a wage strike.

By **LEN
MASEKO**

Sabmawu claimed its members were detained, but the Bureau for Information could neither confirm nor deny this.

Meanwhile four former Tembisa Town Council workers were released from detention this week.

• The labour dispute at the Coca Cola plant at Clayville has spread to the multinational company's three other plants on the Reef. Workers at Devland, Wadeville and Vaal Coca Cola plants

have joined the strike in protest against the dismissal of a worker in Clayville.

• Food and Allied Workers' Union (Fawu) officials were locked in negotiations with the company's Clayville management all day yesterday.

• About 90 workers at Mister Sweets in Wadeville are on strike demanding the reinstatement of three dismissed shop stewards.

• Members of Cca-wusa were involved in a work stoppage at Woolworths' Eastgate branch yesterday.

Paper out despite detention of editor

4/7/86 By Jo-Anne Collinge

STIR

The independent newspaper, *The New Nation*, was on the streets yesterday despite the detention of its editor, Mr Zwelakhe Sisulu — and it warned that legal action would be launched should police fail to release Mr Sisulu by July 11.

The editorial column was replaced by an article on the rights of detainees and the assistance available to them and their families.

The New Nation was launched by the Southern African Catholic Bishops' Conference. The paper said this body and local Nieman Fellows were planning legal action to secure Mr Sisulu's release.

Mr Sisulu won the prestige Nieman Fellowship in 1984 and spent a year at Harvard University. Protests from Harvard academics and the Nieman Foundation were to be sent to Pretoria, *The New Nation* said.

The International Press Institute has already called for Mr Sisulu's release.

Photographer disappears

CAPE TOWN — A freelance photographer who works for a major foreign picture agency as well as South African publications disappeared from his home in Observatory yesterday morning.

Friends said they knew where he was, but did not know when they would see him again.

The photographer's pictures of unrest in the Western Cape have won widespread acclaim from fellow photographers and journalists. — Sapa.

Diamond miners on strike over detained unionists

By Sheryl Raine

Four de Beers diamond mines in Kimberley were shut yesterday and this morning when more than 1 100 mineworkers went on strike.

They are demanding the release of unionists detained under emergency regulations.

The mines affected are Du Toitspan, de Beers, Bultfontein and Wesselton. De Beers chairman Mr Julian Ogilvie Thompson has joined other business leaders and employer associations, including the Chamber of

Mines, in protesting to the Minister of Law and Order about unionists being detained.

The National Union of Mineworkers (NUM) said about 2 000 mineworkers were on strike in Kimberley while a company spokesman put the number at 1 100 out of 1 950.

The strikers are also demanding pay increases backdated to May 1, but a de Beers spokesman said the increases had not been agreed to yet because the NUM's wage requests had only been received on June 30.

4/7/86
Police quiz

EVE POST
EL editor

327
EAST LONDON

The editor of the Daily Dispatch, Mr George Farr, was questioned by police yesterday about a report published in the Daily Dispatch on March 22.

Lt F Vos told Mr Farr that as a result of certain statements quoted in the report, a possible prosecution in terms of the Police Act was being investigated.

The editor and two Daily Dispatch reporters are required to make statements confirming the accuracy of the reported comments.

Mr Farr assured Lt Vos that the required statements would be made to his attorney for presentation to the CID. — Sapa

CAR TIMES 4/7/86 329

W German 'outrage' at SA

BONN. — West Germany yesterday expressed 'outrage' at the treatment of its citizens under the state of emergency.

"The government is outraged at the treatment of West German citizens by the security authorities in South Africa," the Bonn Foreign Ministry said in a statement.

The arrest of a South African Council of Churches official "and the expulsion of ARD (television) correspondent Heinrich Buettgen ... put a strain on German-South African relations", it added.

The ministry described the arrest of the

SACC official, who has dual West German-South African nationality, as "a particular provocation" as Chancellor Helmut Kohl was scheduled to meet him for talks in Bonn next week.

He was to have been a member of a delegation to have included SACC secretary-general Dr Beyers Naude and mineworkers' leader Mr Cyril Ramophosa, the statement said.

A Foreign Ministry spokesman said he did not know if Mr Ramophosa, who is now in Britain, still planned to come to Bonn.

The Foreign Ministry said it was disturbed that its efforts, including per-

sonal appeals from the Foreign Minister, Mr Hans-Dietrich Genscher, to South Africa's Foreign Minister, Mr Pik Botha, not to strain relations, had been ignored.

The detention of the SACC official, described by the ministry as "a man of dialogue and conciliation", was also expected to influence the West German Evangelical Church's stand on sanctions against South Africa.

The church, which has until now opposed sanctions on principle in line with the government, has said it will reach a decision this month.

● Meanwhile, the Swiss Foreign Ministry

claimed that people with dual Swiss-South African nationality had been released from detention but two others with Swiss nationality were still in jail.

The two, who may not be named in terms of the emergency regulations, were freed last weekend after nearly two weeks in custody. Switzerland had received no word that one of them had been detained until after he was released.

Switzerland is still seeking information regarding one Swiss national and another dual national arrested after Pretoria imposed a state of emergency last month. — Sapa-Reuter

The NUM was scheduled to meet the chamber on Wednesday to convey its members' response to the employers' offer. But, given the history of these negotiations and the differences between the chamber's offer and NUM's demands, it seemed inevitable that NUM would declare a dispute.

Last week, in what it termed its final offer, the chamber offered to increase the minimum wage rates of workers in the lowest job categories by 20%, and by 15% for the highest categories. It also offered to reduce the number of hours worked each fortnight by two hours, gave guarantees about job security for union members, and offered to improve the present provisions for maternity leave and the death benefit scheme. In response to NUM demands for paid holidays on May Day and June 16, the chamber proposed approaching government to appoint a commission of inquiry into the matter. If this does not happen by next February, the chamber has undertaken to negotiate the issue directly with the union.

These conditions were implemented on chamber mines on July 1 with the union's blessing. But NUM has been at pains to stress that this in no way implies an acceptance of the offer.

According to its press officer, Marcel Golding, NUM is prepared to accept the offer on working conditions and has dropped its demands relating to annual leave, shift allowances and paternity leave. The critical consideration, however, is wages. Although NUM has dropped its original demand for a 45% wage increase to 30%, there is still a wide gap between that and the chamber's offer. This week the union issued a seven-page document outlining the reasons why it believes the mining industry can easily afford 30% increases.

NUM general secretary Cyril Ramaphosa, widely regarded as the best negotiator in the emerging union movement, has not been present at the talks since the declaration of the State of Emergency. It is understood that Ramaphosa was in Europe this week. Naturally, his absence has placed the union at a disadvantage, although there are signs that he has still been guiding the NUM's negotiating team from a distance.

Talk in mining circles early this week was that if NUM does declare a dispute, and the chamber's offer is indeed final, there could be a repeat of the events of last year, when employer unity crumbled and some mining houses made higher offers than others. Earlier this year NUM resolved not to accept a split offer. But if this does occur it will be a difficult dilemma for the union to resolve.

FIN MAIL 4/7/86
STRIKES

Emergency pressure

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other believes it was a combination of two factors: that retail workers are more urbanised, politicised and better educated than their counterparts in other industries; and that the strikes were a product of the continuing internal conflict in Ccawusa's Johannesburg branch. These divisions, he argues, produced a less considered response to the emergency detentions than would otherwise have been the case.

Ledwaba rejects these explanations. Indeed, he says, internal differences were set aside in order to deal with the detentions. He also argues that if the question of public profile were the issue, the mining industry would have been the ideal arena. Ledwaba's explanation is that the union's shop steward council structures allow for quick decision-making, in contrast to some other unions where consultations at various levels are required before final decisions can be taken.

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FIN MAIL 4/7/86
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Continued on page 38

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Continued on page 38

FIN MAIL

STATE OF EMERGENCY

Spate of bombings

The Johannesburg city centre was hit by another explosion on Tuesday afternoon — the third in the area within a week. The latest blast was apparently caused by a device placed in a rubbish bin in Main Street, near the Carlton Centre. According to early reports, eight people were injured — six women, an infant and a young child.

The Bureau for Information reports that 34 people have died in political violence in the week to Tuesday, and the death toll since the State of Emergency was imposed on June 12 has risen to 93.

Six other incidents — in which three people were injured — were reported by the Bureau in the past week.

In Westville, Durban, two explosions ruptured the main water pipeline, cutting off supplies to the area and adjoining Pinetown for about an hour early on Monday. No one was injured.

Two people were injured when a bomb blast rocked a busy shopping centre in Queenstown in the eastern Cape at noon on Saturday. One person was wounded during an attack by men armed with an RPG-7 rocket launcher and AK 47 rifles on a supermarket in Tweefontein, KwaNdebele. A truck detonated a landmine near the black township of Soshanguve. The driver escaped injury. Four suspected ANC guerrillas were killed during a skirmish with police near the Botswana border over the weekend.

Arson is being investigated following a fire at Freeway House in Braamfontein, which houses a number of leftwing organisations including the Release Mandela Committee.

Further action has been taken against the foreign and local press, and curfew restrictions have been widened.

The following has been decreed in terms of the emergency regulations:

- People have been prohibited from being in evacuated areas in Nyanga township, near Cape Town, where "structures used in connection with residential purposes have been burnt down".
- In the absence of official written permission, there is a blanket ban on people entering school property in Alexandra, near Johannesburg; and
- A 10 pm to 4 am curfew has been imposed on 11 northern Free State townships. The order also bans the possession of "any device with which a stone or any other projectile can be cast."

The SA Police has offered cash rewards of R1 000 to people who supply information about "necklace" murders.

The Department of Education and Training has postponed the reopening of black schools for the third term for two weeks from

July 1 to 14, to allow it "to draw up and implement plans to ensure that no further disruptions occur."

The press came under the spotlight again during the week. Deputy Information Minister Louis Nel warned newspaper editors at a meeting that the authorities would take decisive action against publications which failed to adhere strictly to emergency regulations. This could, he said, include the suspension of offending newspapers.

New Nation editor Zwelakhe Sisulu became the first newspaper editor to be detained, and West German television reporter, Dr Heinrich Buettgen, has been ordered to leave the country within days. Buettgen is employed by the ARD German television network and is the fourth foreign journalist to receive his marching orders since June 12.

FIN MAIL

E CAPE UPGRADE

Task force named

Constitutional Development and Planning Minister Chris Heunis's long-awaited "task force" to help rescue the economically-ailing eastern Cape, coupled with Trade and Industries Minister Dawie de Villiers's announcement of a lower delivered steel price to users in the region, could be the necessary boost to ease growing economic problems in the region — but few are holding their breath.

The region has been particularly beset by



Heunis ... trying to solve development problems

political "unrest." The task of Heunis's team is to "address, in a co-ordinated manner, the development problems experienced in the eastern Cape."

It is to be known as the Eastern Cape Strategic Development Team (ECSDT) and will be chaired by the chief executive director of Heunis's department, Frans Scheepers. The full-time project co-ordinator will be the Dean of the faculty of economic sciences at the University of Port Elizabeth, Charles Waite. The 17-member team will comprise representatives of State de-

partments, the Cape provincial administration, the local regional advisory committee, the Development Bank of Southern Africa and the SA Police.

Heunis denied that the appointment of the task team was a delaying strategy. "I wish to confirm once again the seriousness of the government's intention to take the necessary steps to place the economy of the eastern Cape on a sounder footing," he said.

To assist the team, he also appointed "private sector liaison committees" for the Port Elizabeth-Uitenhage and East London metropolises.

In the PE-Uitenhage region, the private sector committee will comprise: Tony Gillson of Assocom; Peter Searle, MD of Volkswagen; Ivan Krige, chairman of the Greater Algoa Development Committee; G C Albertyn, secretary of the PE Chamber of Commerce, and J H Pherson, MD of Dorbyl Automotive Products.

The East London committee will comprise: the city's chamber of commerce president, Nic Cloete; a local company director, Frans Meisenholl, and a local businessman, Max Phillips.

Heunis appealed for support for the task force from "local community and interest groups," but cautioned them "not to foster unrealistic expectations of the task team's ability to solve the development problems of the eastern Cape."

De Villiers's decision on the steel price was a result of "serious problems being encountered in industries" in the area, which has led to "a crisis situation with serious economic and social consequences for the region as a whole."

The price of Iscor's delivered steel to industrial consumers in the region is to be cut by 4% from October 1. This will result in a saving of between R18 and R30/t for consumers in the PE-Uitenhage and East London areas, and a saving of between R8 and R30/t for buyers in the region as a whole. Iscor had agreed to a government request that it bear part of the transport costs involved in getting steel to the eastern Cape, De Villiers said.

FIN MAIL

MINE WAGE TALKS

Dispute lurking

The National Union of Mineworkers (NUM) this week appeared to be heading for conflict with the Chamber of Mines in its negotiations to set wages and working conditions. The detention of several of NUM's leaders is likely to add to the tensions.

The NUM was scheduled to meet the chamber on Wednesday to convey its members' response to the employers' offer. But, given the history of these negotiations and the differences between the chamber's offer and NUM's demands, it seemed inevitable that NUM would declare a dispute.

Last week, in what it termed its final offer, the chamber offered to increase the minimum wage rates of workers in the lowest job categories by 20%, and by 15% for the highest categories. It also offered to reduce the number of hours worked each fortnight by two hours, gave guarantees about job security for union members, and offered to improve the present provisions for maternity leave and the death benefit scheme. In response to NUM demands for paid holidays on May Day and June 16, the chamber proposed approaching government to appoint a commission of inquiry into the matter. If this does not happen by next February, the chamber has undertaken to negotiate the issue directly with the union.

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Continued on page 38

sunrise news

Labour advice for state of emergency

By Sheryl Raine

The Transvaal Chamber of Industries (TCI), faced with protest strikes and a serious deterioration in labour relations, has released a set of guidelines to help employers operate under the state of emergency.

The TCI has publicly deplored the detention without trial of trade unionists and the negative impact the state of emergency is having on labour relations.

The TCI, the biggest chamber in the country, represents about 1 000 major companies on the Witwatersrand and many smaller firms which together employ at least 100 000 people.

Labour difficulties

Apart from the guidelines, the TCI is still urging the government to charge or release all detainees as a matter of urgency and is pursuing various avenues to bring this about.

TCI president Mr Tony Ewer said the chamber had met various government officials and was now able to spell out to employers how they could overcome labour difficulties arising daily under emergency rule.

Employers had been pressured by the Congress of

SA Trade Unions (Cosatu) to intervene directly with Government over the emergency detention of unionists and the disruption of union activities.

Mr Ewer said the guidelines were aimed at maintaining basic industrial relations procedures in "these very difficult times".

"We have informed members that union report-back meetings may be held as long as they take place indoors on company premises. Only in the Western Cape have all Cosatu meetings been banned.

"In the case of very large meetings, permission can be obtained from the local magistrate for an outdoor meeting. Employers should help unions obtain this permission."

Employers had been warned that, if they dismissed a detained worker, they risked being guilty of an unfair labour practice.

"We have advised members to be supportive of detainees and to assist their families. Employers wanting confirmation of the detention of an employee should contact the local divisional commissioner of police and try to establish the law under which the employee is being held.

"Written documents relating to bona fide trade

union matters can be distributed on company premises," he said, adding that security forces would not interfere in a peaceful strike.

1 537 unionists 'still in detention'

By Sheryl Raine

At least 218 elected union leaders and 1 319 union members are known to be still in detention in terms of emergency regulations, according to the latest report by the independent Labour Monitoring Group (LMG).

A total of 2 294 union leaders and

members had been detained since the declaration of the state of emergency, the group said last night.

The Congress of SA Trade Unions (Cosatu) had been the hardest-hit organisation, with 189 leaders detained. Among Cosatu affiliates, the Metal and Allied Workers' Union had the most officials still in detention —

The TCI noted that being involved in an illegal strike was not an offence in terms of security regulations but that inciting an illegal strike was.

APL Times 5/7/86 (329)

German clergyman freed

BONN. — South African authorities yesterday released a West German clergyman from police custody following protests from the Bonn Foreign Ministry, a spokesman said.

The clergyman, who may not be named in South Africa in terms of emergency regulations, was released yesterday afternoon, said a Foreign Ministry spokesman, Mr Hans Gnodtke.

"He was released under conditions that we are not familiar with," Mr

Gnodtke added. He said it was not known whether the South Africans would seek to expel the clergyman.

The clergyman was arrested and another West German, ARD television network correspondent Mr Heinrich Buettgen, expelled under the South African state of emergency.

Last month four other West German citizens detained during the state of emergency were expelled after their release. — Sapa-AP and Own Correspondent

CAPE TOWN 5/7/86

1/2/86
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2 000 miners strike over NUM detentions

JOHANNESBURG. — An illegal strike by about 2 000 miners yesterday continued for the second day and brought four diamond mines belonging to De Beers to a standstill.

A company spokesman said about 1 950 miners — the entire black workforce — were on strike at the four Kimberley mines over the detention of trade union leaders.

Several hundred union leaders, including some officials of the National Union of Mineworkers, are believed to have been detained since the state of emergency was imposed three weeks ago.

The authorities have declined to identify those held or say how many people have been rounded up.

De Beers said the strike was directly related to the detention of officials of NUM, South Africa's largest and most powerful black union.

The spokesman said three other De Beers

diamond mines in other parts of the country had not been affected.

Strikers were calling on management to help win the release of the unionists, the spokesman said.

He said the company had already urged the Minister of Law and Order, Mr Louis le Grange, to free NUM officials so they could take part in wage negotiations.

In addition to the demands over the detentions, he said, employees were demanding pay increases backdated to May 1.

"The increase had not been agreed on by this date as the NUM's wage requests were only received on Monday, June 30, and negotiations have not yet begun.

"The delay arose from the need to finalize a recognition agreement for the Kimberley and Finsch mines, which has now been concluded, although signature of the agreement is still out-

standing in the enforced absence under the state of emergency of responsible union officials.

"The wage discussions are continuing," the spokesman said.

The comments by the NUM have been withheld in terms of the emergency regulations.

Margaret Smith reports from London that two NUM leaders, general secretary Mr Cyril Ramaphosa and president Mr James Molatsi, flew back to South Africa yesterday.

'Fears'

Because of fears that they might be detained when they landed in South Africa, the British TUC asked the labour attache at the British Embassy in Pretoria to meet the two men at Jan Smuts Airport.

Last night a TUC spokesman said Mr Ramaphosa and Mr Molatsi had arrived safely and had returned to their homes. — Sapa

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2 Cape Times, Saturday, July 5, 1986

Detainee, 18, gains interdict

Own Correspondent

DURBAN. — A Supreme Court judge yesterday granted a temporary order interdicting the Minister of Law and Order, the Commissioner of Police, and the commanding officer of the Westville Prison from assaulting or interrogating an 18-year-old detainee in any other manner than that prescribed or permitted by law.

In an affidavit Mr Phineas Mkize said his son Graham had been detained by the police at

his house in Umlazi on June 24 after members of the police and the Defence Force had surrounded the house.

He said his son was placed in a police van and that at least two policemen had punched and slapped him, shouting that he was a "comrade" and an ANC member.

On July 1 he saw his son at Westville Prison.

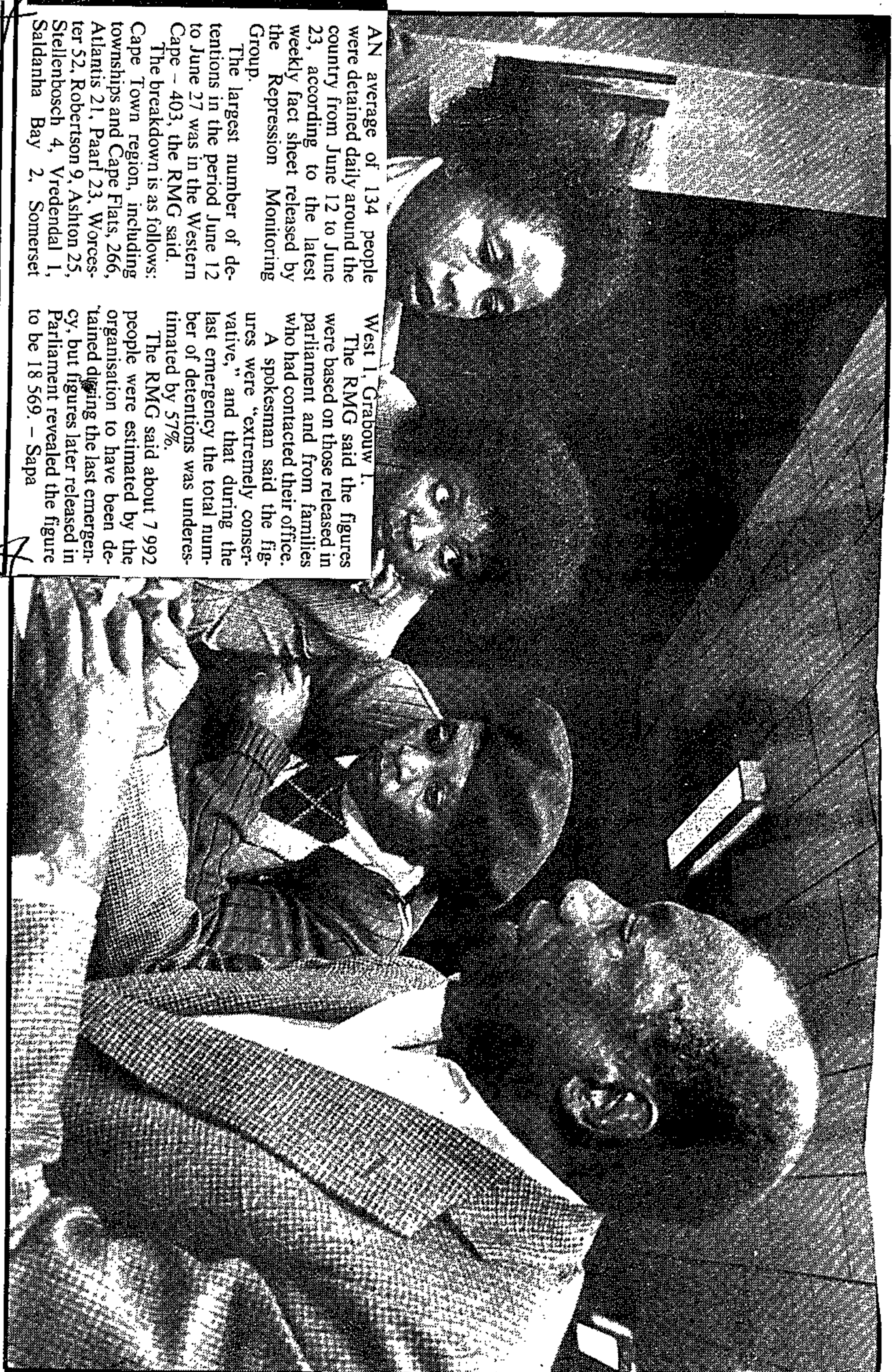
His son was in a very emotional state. He was crying and looked exhausted and afraid.

His son told him the police wanted him to admit to all sorts of crimes including storing petrol bombs and throwing them at houses and shops.

His son claimed he had been repeatedly assaulted by the police. He said they had also placed a rubber mask over his face which totally restricted his breathing.

The judge, Mr Justice Didcott, ordered the respondents to show cause on July 16 why the order should not be made final.

DPSG to ask human rights groups for help



AN average of 134 people were detained daily around the country from June 12 to June 23, according to the latest weekly fact sheet released by the Repression Monitoring Group.

The largest number of detentions in the period June 12 to June 27 was in the Western Cape - 403, the RMG said.

The breakdown is as follows: Cape Town region, including townships and Cape Flats, 266, Atlantis 21, Paarl 23, Worcester 52, Robertson 9, Ashton 25, Stellenbosch 4, Vredendal 1, Saldanha Bay 2, Somerset

West 1, Grabouw 1.

The RMG said the figures were based on those released in parliament and from families who had contacted their office.

A spokesman said the figures were "extremely conservative," and that during the last emergency the total number of detentions was underestimated by 57%.

The RMG said about 7 992 people were estimated by the organisation to have been detained during the last emergency, but figures later released in Parliament revealed the figure to be 18 569. - Sapa

THE Detainees' Parents Support Committee intends asking international human rights organisations to press the SA authorities for a "more humane" approach towards the treatment of detainees and their families.

In a statement to Sapa, the DPSG said official statements

that next-of-kin were notified of emergency detainees were "totally contradicted" by the experience of affected families.

A weekend gathering of families of detainees and "missing persons" from the East and West Rand, Soweto and the Vaal Triangle revealed that people sometimes had to leave home without adequate clothing.

The DPSG said it intended

appealing to organisations like the International Red Cross, Amnesty International and Lawyers for Human Rights to press authorities for a "more humane approach towards their treatment of detainees and their families, and to request that the names of all detainees be publicly announced immediately..."

A call would also be made to "cease the practice of detaining children immediately".

The DPSG statement said some families reported that they encountered a

authorities when trying to establish where people were detained or whether they were held under emergency regulations.

Families also reported the refusal - "contrary to the rules of emergency detention" - by officials at police stations and prisons to accept clothing and money for detainees. - Sapa.

Average of 134 detainees a day, says RMG report

TOP: Micro social worker Shimani Khumalo with some of the families at the DPSG's gathering at the weekend. LEFT: Leila Patel with families of detainees and "missing people"

Police draw up charges against 780 detainees

THE police have prepared dossiers on 780 detainees held under the emergency regulations, the Bureau for Information said at its daily Press briefing in Pretoria.

Bureau spokesperson Ronelle Henning said the detainees would face murder, arson and assault charges.

"When formally charged, the accused will

have normal access to their legal representatives and the process of law will take its normal course," Henning said.

Three "groups of people" had been charged during the past 24 hours for attempting to kill people by "the necklace method", Henning said.

Meanwhile, Progressive Federal Party MP Ken Andrew has said the

charges of murder, arson and assault prepared against 780 detainees will have to be tested in court.

"All people arrested should be charged or released," Andrew said.

"Detentions on the scale and over the time period of decades that we have had in South Africa have no place in a civilised society.

"Obviously crimes of

violence are totally unacceptable and those perpetrating them deserve to be punished severely - but one is also entitled to be sceptical about the alleged offences committed," Andrew said.

"One must recognise that the State has recently arrested and charged hundreds of people with crimes such as treason and public violence, but

many cases only a small percentage are found guilty in court.

"Time will tell whether these charges are soundly based or not. Until then one is entitled to be sceptical and to realise that the announcement could prove to be nothing more than an attempt to justify the repressive actions of the authorities," Andrew said. - Sapa

BUS DAY

Protests at detentions

7/7/86
324

Business Day Reporter
and Sapa

ALMOST 10 000 members of the National Union of Mineworkers (NUM) are involved in industrial action to protest at the detention of union leaders, an NUM spokesman said yesterday.

About 8 000 miners on the Free State

● To Page 2

NUM protest at detentions

Geduld mine have been staging a go-slow since Friday, demanding the release of their vice-president and other unionists in detention, the spokesman said.

A management spokesman said, however, that only 3 000 workers were involved in the protest action.

On four De Beers' mines in Kimberley about 1 950 miners have staged a sit-in strike since Thursday, demanding the release of seven union leaders including the regional organiser.

The spokesman said negotiations between management and the union were in progress.

Police were called in at the De Beers'

mine on Thursday but were keeping a low profile and there were no clashes.

A spokesman for Anglo-American said 3 000 miners yesterday staged a go-slow at the No 7 shaft of Free State Geduld mine, near Welkom.

The spokesman said production fell as a result of the action.

According to the NUM spokesman, De Beers' management met police in the area and communicated a request for the release of union leaders.

Decision today on bid for TV man's release

CARE Tink 7/7/86 (329)

Own Correspondent

JOHANNESBURG. — Judgment will be given today on an urgent application to the Rand Supreme Court for the release from detention of a Worldwide Television News soundman.

Ms Khosi Radebe filed the application to have Mr Theophilus Mashiani's arrest on June 15 declared unlawful and his immediate release ordered.

Mr Justice J Goldstone reserved judgment on the application on Friday against the Law and Order Minister, Mr Louis le Grange, and the Justice Minister, Mr Kobie Coetzee, until this morning.

Ms Radebe claimed in her supporting affidavit that Mr Mashiani was arrested in her room at Wits University's Glynnthomas Residence near Baragwanath Hospital during an early-morning police raid.

She said that although the police had initially paid Mr Mashiani no heed, they nevertheless arrested him after finding out that he worked for WTN.

Mr Denis Kuny, SC, who appears for the applicant, submitted that the arresting officer must have acted capriciously and arbitrarily when deciding to arrest a man whom, the policeman admits, he did not

know or expect to find in the room.

Mr Kuny said Lieutenant F C Zeelie merely gave the grounds for the arrest (that it is in the public interest) but not the reasons.

Mr Kuny submitted that any arrest without a warrant must be justified by the person who makes it.

Mr R Kruger, counsel for the Minister of Law and Order, argued that in terms of the emergency regulations it is assumed that the police are acting in good faith and it is up to the applicant to prove that they were not. He added that there was no proof of this.

'COPS TORTURED AND ASSAULTED MY SON'

SOWETAN Reporter

TALES of torture and assault on schoolboy detainees — some as young as 12 — emerged in the Durban Supreme Court this week.

The father of one of the boys said in papers before the court that he visited his 18-year-old son in Westville Prison the boy cried and said he had thought he was going to die when

police put a rubber mask on his face.

Linda Mkhize, a security officer at Maydon Wharf, asked the judge to stop police from assaulting, interrogating or employing undue pressure on his son during his detention.

Mr Justice Didcott granted the order, a rule nisi, against the Minister

of Law and Order, the Commissioner of Police and the commanding officer at Westville Prison, giving them until July 16 to show cause why they should not be interdicted.

It is understood that this is the first court action during the present state of emergency brought on behalf of a

detainee. The emergency regulations stipulate that the security forces are immune from prosecution if they acted "in good faith".

But Mr Mkhize said he believed their actions were not in good faith and amounted to "an unlawful criminal assault".

He said his son, Graham "Madoda" Mkhize,

a pupil at Charles Sabelo Memorial High School, was detained on June 24 after armed defence force and police members surrounded his house.

Hippo

Mr Mkhize said in an affidavit that a Sergeant Jordan, in command of a Hippo armoured vehicle, told him they were rounding up members of the African National Congress and the "commandos".

He denied his son was involved and said Graham always came straight home from school.

He said he also saw two young Umlazi schoolboys, Reginald Mkhize and Innocent Mgwenwe, both 12, in a police van.

He said his son was then taken to Westville

Prison. After approaching the Legal Resources Centre, he was allowed to speak to his son in prison.

His son told him the police wanted him to admit to making and storing petrol bombs and throwing bombs at houses and shops. Mr Mkhize said in an affidavit.

"He told me that when he refused to admit to these crimes he was assaulted repeatedly by policemen.

Surgeon

"The most disturbing aspect of his experience which he related to me was a form of torture whereby a rubber mask had been attached to his face and his breathing had been restricted".

The judge ordered that a district surgeon visit the boy and submit a report to the court.

Doctors see effects on young detainees

Shock report on jails calls for release of all children

STAR
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Own Correspondent

DURBAN — South African prisons should be emptied of children, according to a report compiled by two doctors who went on officially approved visits to South African jails.

"Have we abandoned all the laws that protect those too young and weak to do so for themselves?" paediatricians Professor Norma Saxe and Dr Margaret Elsworth asked in their report.

The doctors visited St Albans prison in Port Elizabeth, prisons in George and Worcester and the Victor Verster prison at Paarl, after a Committee of Concern for Children delegation discussed child prisoners with Minister of Law and Order, Mr Louis le Grange. The visits were arranged by a prisons official.

"Should no alternatives be found to this present system, our society is faced with the chilling prospect of a generation of black juveniles who no longer believe in the way justice is practised by authority," the doctors warn.

"Children should not be in prison. If they have been sentenced, they should be in a place of safety. If they are awaiting trial, they should be returned to the custody of their parents or guardians. If this is not possible they should be kept in a place of safety."

The report found that the four prisons visited from May 20 to May 22 were "efficiently run by professionals; firm discipline is balanced by the strong vocational sense of many staff, some who show compassion beyond the call of duty."

"There was no evidence of abuse of any prisoner."

But the report concentrated on the plight of children in the jails and concluded: "It is a totally unacceptable situation to have children incarcerated in prisons."

The doctors said their impression was that the country's prisons were "experiencing a phenomenon unique in history, namely that, in comparison with both First and Third World figures, we have inordinate numbers of children incarcerated".

In Parliament this year, Minister le Grange announced that 13 556 of the 18 966 people arrested for unrest-related offences in 1985 were under the age of 20.

Public violence charges

Children seen by the doctors in the prisons ranged in age from 10 years to 20. Many were being held on charges of public violence.

"Three juveniles were seen who had been awaiting trial for 11 months. There were others in a similar position."

"Many had been awaiting trial for over two months. Our impression of conditions for awaiting-trial juveniles was that one week in some prisons would be enough to engender permanent psychological effects, deep resentment, habits of criminality and loss of faith in the system of justice."

All the prisons they visited were overcrowded. The St Albans prison maximum security section was 153 percent full during May while the medium security section was 105 percent full.

visits were arranged by a prisoner.

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All the prisons they visited were overcrowded. The St Albans prison maximum security section was 153 percent full during May while the medium security section was 105 percent full.

During the state of emergency last year, cell occupancy in the medium security section at this prison rose to 236 percent.

The George prison was about 140 percent full at the time of the doctors' visit.

The Prison Service's Brigadier EC van Zyl, who accompanied the doctors said: "Overpopulation is dealt with by the de-concentration of prisoners at prisons with a high population to prisons with a lower concentration."

Few of the children knew what their legal rights were. "Some had no knowledge that legal representation was possible to arrange," the report said.

Pressure of work

Turning to medical care, the doctors found that "when large numbers of prisoners have to be seen, examination is likely to be cursory" and recommended that doctors and medical personnel "should refuse to be hustled by the pressure of work to a standard of medical care which is professionally unacceptable".

They also found that "the follow-up of notification of injuries sustained while in police custody is not thoroughly pursued."

"When a prison medical officer forwards a report about an injured prisoner to the police, there is no guarantee that the matter is pursued."

Brigadier van Zyl responded: "All injuries are recorded, treated and investigated by the SA Prisons' Service and, where necessary, by the police."

If, on admission, a prisoner was found to be injured, or alleged he had been assaulted, a written report and the medical officer's findings were handed to the SA Police, she said.

The doctors conclude that conditions for detainees and awaiting-trial prisoners were worse than those of sentenced prisoners.

In a sub-section on "conditions for detainees at St Albans prison", they described a cell for about 30 people which had "inadequate sanitation, was damp, with walls and floors in poor condition ... There was no privacy, no radio, no library, no TV, limited visiting and no social services available through the prison".

"We do not criticise the Prison Service for this; we condemn the practice of detention which dumps large numbers of people at the doors of prisons which are not structured to cope with them."

A spokesman for St Albans, Lieutenant-Colonel Danie Immelman, said: "The cell was not occupied at the time of the visit but was being renovated."

"The physical treatment, circumstances for detainees and awaiting-trial prisoners are the same as those for sentenced prisoners."

"The Prisons Service is satisfied that all people entrusted to its care are treated in a responsible and professional way in accordance with internationally accepted standard minimum rules."

Bid to have nun freed

Sister Clare intervened
when policeman kicked
young man, court told

By SUE LUPTON Staff Reporter

A ROMAN Catholic nun was arrested in Guguletu and detained under the emergency regulations when she stepped between a policeman and a young man he was allegedly beating and kicking, the Supreme Court heard today.

Miss Angela Dempsey, known in the Dominican Order as Sister Therese, asked the court to declare the arrest and detention of Sister Clare Harkin on June 23 unlawful and order her release.

The respondents are the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the officer commanding Pollsmoor Prison.

Sister Therese said in an affidavit that Sister Clare was a member of the order and based with the Congregation of Irish Dominican Sisters of the Cape.

She was involved in church and community work of an educational nature, mainly in Guguletu and Nyanga, and had never been involved in politics.

"Improper motives"

By arresting and detaining her, the police had acted with "improper and ulterior motives", said Sister Therese.

Miss Girlie Joja said in an affidavit that she saw a procession of vehicles and people approaching her home about 2.30pm on June 23.

People were "singing and dancing". Two vehicles which looked like police vans were in front, a yellow Volkswagen Beetle drove alongside and numerous Casspirs followed. The Volkswagen was forced off the road.

Miss Joja said she heard someone say: "Run, kids, run, run, run!"

People ran in all directions and police chased them.

Sjamboks

"The police then beat everyone they could get hold of with sjamboks.

"There was chaos and police started arresting people."

Miss Joja said a young man ran into her garden and was chased by a policeman who beat him.

A nun got out of the Volkswagen.

"She went to stand between the policeman and the young man and she repeatedly said: 'Please have mercy on the boy'.

"But he just ignored her pleas, glared at her, seemed to get even angrier and pushed her out of the way."

The policeman threw the boy on the ground and kicked him.

"The sister then once again stepped in between the policeman and the young man," said Miss Joja.

The policeman pushed her out of the way and again kicked the young man.

A policeman from the Casspir told the policeman who was kicking the young man "take that woman".

"Grabbed her"

"I thought he was referring to me, but the policeman ... turned to the sister and grabbed her by the shoulder.

She was taken to the Casspir. The young man was not arrested.

Miss Anne Marie Hardiman, known as Sister Aine, said she and Sister Clare lived together

(Turn to Page 3, col 4)

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(Turn to Page 3, col 4)

Thousands go slow as miners' protest grows

The Argus Correspondent

JOHANNESBURG. — At least 7 000 black mineworkers today staged strikes and go-slows on one gold, two coal and four diamond mines as protest mounted against the emergency detention of union officials.

Latest estimates by the independent Labour Monitoring Group put the total number of union officials and members in detention at 1 537, including 18 officials of the National Union of Mineworkers (NUM).

Anglo American announced today the indefinite closure of the Number 7 shaft of its Free State Geduld gold mine because of unsafe working conditions due to go-slow strikes by 3 000 black mineworkers.

Production at the mine's Number 4 shaft was also affected by go-slow action today, involving 2 500 workers, an Anglo spokesman said.

Remain closed

The go-slows began on Friday. The Anglo spokesman said employees had been informed the shaft would remain closed until there was a return to normal working practices.

The NUM said about 8 000 workers were involved in go-slow actions at several shafts at Free State Geduld. NUM was trying to get negotiations going with the company after talks broke down.

At two eastern Transvaal collieries, Gencor's Grootvlei mine and Anglo's Kriel property, workers were today involved in short-shift action, the NUM said. The companies concerned could not confirm this.

In Kimberley, 1 950 NUM supporters are still on strike at four De Beers diamond mines. The strikes began on Thursday with workers demanding the release of NUM officials detained under the state of emergency.

Meanwhile the president of the NUM, Mr James Motlatsi and general secretary, Mr Cyr-

il Ramaphosa have returned to South Africa from Britain where they attended a British NUM conference and met Labour Party leader, Mr Neil Kinnock.

They were met at Jan Smuts Airport on Friday by British diplomats after they had expressed fears that they may be detained.

And the International Metalworkers' Federation — with 14 million members worldwide — has asked affiliates to press companies operating in South Africa to pay members and office-bearers in detention.

IMF affiliates include some of the largest unions in South Africa's major trading partner countries including auto workers, machinists and steelworkers in the United States; engineering, car, steel and technical unions in Britain.

The IMF requirements for companies operating in South Africa include full pay for detainees for the full period of detention and that employers do not dismiss workers detained under the emergency. — The Argus Correspondent and Labour Reporter.

● Crucial wage decision — Page 6

Police probe shooting of boy in charge office

Arms 7/07/80
Crime Reporter 329

POLICE are investigating a murder charge after the death of a 15-year-old boy in the charge office at Kensington police station.

However a police spokesman said the investigation was "routine".

Fatal shootings were always investigated, he said.

Leonard Jacobs, of Rapide Street, Kensington, went to the police station on Saturday night, apparently to take food to someone in custody.

A shot from a guard's shotgun went off and Leonard was fatally wounded.

He was taken to Groote Schuur Hospital where he was certified dead.

● In another shooting at the weekend, an unidentified 25-year-old man was killed after he allegedly attacked a man walking in Ravenscraig Road, Sea Point.

Police declined to name the man who fired the shot and said a charge of attempted robbery was being investigated.

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**Priests in
week-long
fast, vigil**

Staff Reporter

SIX Anglicans — five of them priests — began a week-long fast and vigil of prayer for detainees last night at St Nicholas's Church in Elsie's River.

The entire congregation was detained three weeks ago during the Sunday evening service. Most have since been released.

The church was reconsecrated yesterday morning following the detentions.

During last night's service, which marked the beginning of the fast, the Anglican chaplain at the University of the Western Cape, the Rev Colin Jones, said fasting could be seen as "an act of desperation, almost a last resort" at a time of limited opportunities for opposition.

Those who will fast for seven days are Mr Jones, the Rev Michael Weeder of St Timothy's in Faccotrekon; the Rev Maxwell Malan of the Church of Christ the Redeemer in Mitchells Plain; the Rev Stafford Jacobs and the Rev John Goliath, both of St John's in Bellville South; and Mr Vernon Petersen of the Anglican Board of Social Responsibility.

Services will be held at the church every day this week and the church will be open 24 hours a day for those who wish to pray there.

CAPE TIMES 7/7/66 (2) 329 (38)

Curbs on freed sick priest

JOHANNESBURG. — A sick priest freed from detention under emergency regulations has been ordered not to give media interviews and been prohibited from visiting schools and attending political meetings, a relative said yesterday.

Restrictions on the German priest, who cannot be named, are in

force for the duration of the state of emergency imposed on June 12, she said.

He was "very ill" on release on Friday and was being treated for "something in line with pneumonia", she added.

The priest was allegedly detained in Pietersburg on June 27.

Restrictions imposed on him also include a gagging order against interviews, and a ban on leaving Johannesburg and having any writings published, the relative said.

● The Bonn Foreign Ministry appealed to Pretoria to lift the restrictions placed on the priest. — UPI, Sapa-AP

AK 6/11/86

METROPOLITAN

Detained nun 'has never been involved in politics'

Staff Reporter

POLICE versions of events at a funeral in Guguletu, during which a Roman Catholic nun was arrested and held under the emergency regulations, have been disputed in the Supreme Court.

Sister Clare Harkin of the Dominican order has been in detention since her arrest on June 23.

Miss Angela Dempsey, known as Sister Therese, is applying to the court to declare Sister Clare's arrest and detention illegal and to order her release.

Sister Therese claims the police acted in bad faith by arresting and detaining Sister Clare, who, she says, has never been involved in politics.

Judgment is expected tomorrow.

The respondents are the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the officer commanding Pollsmoor Prison.

Treatment for depression

Sister Therese said in an affidavit that Sister Clare had depression and was having psychiatric treatment at Groote Schuur Hospital.

Miss Girlie Joja said in an affidavit that a procession of people, a Volkswagen Beetle, two police vans and Casspirs approached her home on June 23.

Two Casspirs forced the Beetle off the road and someone told the people to "run".

Police chased people and beat those they caught.

When a policeman started beating a young man on Miss Joja's property a nun got out of the Volkswagen and tried to intervene.

The policeman ignored her, threw the man to the ground and kicked him.

Another policeman in a Casspir instructed the first policeman to arrest Sister Clare.

Miss Anne Marie Hardimann, known as Sister Aine, said she worked with Sister Clare in Nyanga. They attended the funeral of prominent Nyanga resident Mr Stewart Mahxama because they were "closely related and integrated with the community".

After the service, the mourners set off for Mr Mahxama's home. Sister Clare and Sister Aine drove in a Beetle.

Fell behind

When they saw police and army personnel and vehicles Sister Aine got out and walked with the mourners in an attempt to defuse the situation.

She fell behind and lost sight of the procession.

A resident gave her a lift to catch up and she saw men looking in the boot of the Beetle and a man and three women in a Casspir.

She was told Sister Clare had been arrested and she saw her in a Casspir.

Riot police platoon commander Captain Jacob Johannes Oosthuizen said he repeatedly ordered the crowd to disperse and then told his men to disperse them with quirts.

A nun in a Volkswagen gestured to people moving away to rejoin the group.

He saw Sister Clare take hold of Constable Marius Nel and grab his quirt. She also hit him on his shoulder and his chest.

He ordered Sister Clare's arrest.

In his opinion she took part in an illegal gathering and assaulted and obstructed the police in the execution of their duty.

He further believed her arrest and detention "was necessary for the maintenance of public order, or the safety of the public, or the termination of the state of emergency".

Constable Nel said that while he was hitting a black man he felt someone grab him from behind and his quirt was grabbed. He saw it was a white nun.

He pulled his quirt from her and continued hitting the man.

The nun said: "Are you f...ing crazy?"

Foul language denied

In a replying affidavit, Miss Joja denied the policemen's version of the incident. Sister Clare had not used "foul language", said Miss Joja.

In her reply Sister Aine also disputed the policemen's versions.

She denied that a nun in the passenger seat of the Beetle could have beckoned to people leaving the procession because she was the only nun to sit in that seat and she got out of the car some time before the events.

Sister Aine also denied Constable Nel's claim that he saw a nun walking with the second group trying to organise the members of the group.

Mr Justice Marais is on the Bench. Mr J Foxcroft, SC, with Mr J de Lange, instructed by E Moosa and Associates, appears for Sister Therese. Mr H Viljoen, SC, with Mr J le Roux, instructed by the State Attorney's office, appears for the Minister of Law and Order.

Judge's decision could affect other detentions

YESTERDAY'S Rand Supreme Court judgment ordering the release from detention of WTN soundman Theophilus Mashiani is expected to have far-reaching consequences for other detainees.

Although Mr Justice Goldstone said his judgment had not set any legal precedent, prominent legal and parliamentary personalities felt it would restrain police when detaining others.

Advocate Jules Browde, national chairman of lawyers for Human

Business Day Reporter

Rights, said the judgment was "gratifying in that police cannot in future summarily make an arrest without bona fide reasons".

PFP MP Helen Suzman said she was "always delighted to hear of any judgment which returns SA a little closer to the rule of law".

She said the judgment was of "great importance in that it effectively narrowed the vast powers of the

police in terms of the emergency regulations to detain citizens".

Witwatersrand University law professor John Dugard said the judgment was "significant for showing that the courts of the land are able to exercise their role as guardians of civil rights".

Priscilla Jana, a well-known Johannesburg civil rights lawyer who represents many detainees, said Mashiani's detention had been a clear indication of the abuse of power.

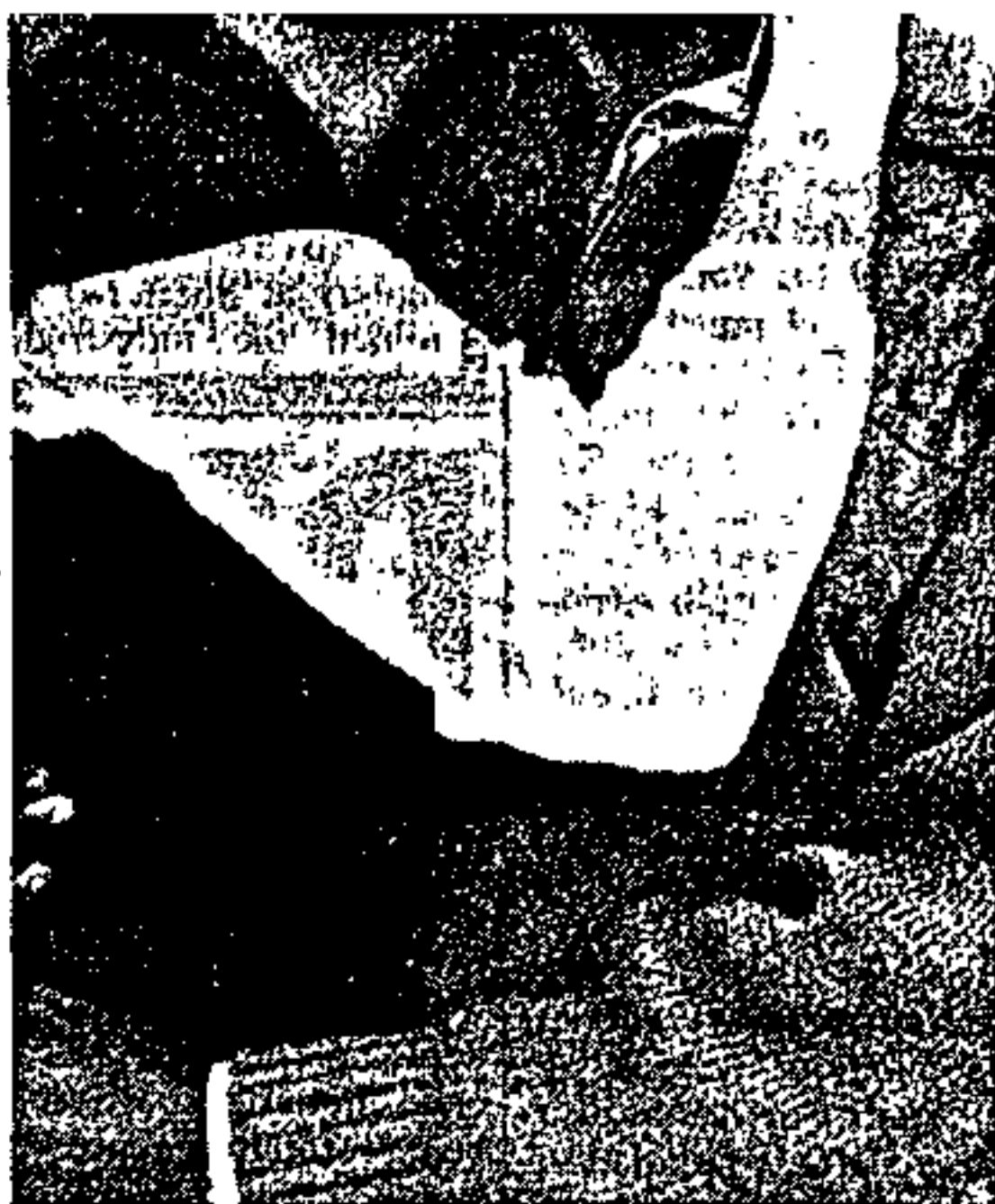
"I am certain there are many cases where there has been abuse of power. We are already working on applications to have some detainees released," she said.

She said she had a similar case at the Bloemfontein Supreme Court on Thursday which contested the detention of two UDF members.

Jana said her firm was also working on the application to challenge the validity of Johannesburg newspaper editor Zwelakhe Sisulu's emergency detention.

Detention was unlawful — judge

NEWSMAN RELEASED



Mr THEOPHILUS "Spokes" Mashiani and fiancée Miss Khosi Radebe embrace after he had been released from detention yesterday after a ruling in the Rand Supreme Court.

THE arrest and detention of World Wide Television News soundman, Mr Theophilus Mashiani has been declared unlawful by a Rand Supreme Court judge, Mr Justice R J Goldstone, who yesterday ordered that Mr Mashiani be released from Diepkloof Prison.

Police arrested Mr Mashiani in the early hours of June 15 while he was spending the night with his girlfriend at the University of the

Witwatersrand's Lynn Thomas residence. On June 22 the Minister of Law and Order authorised Mr Mashiani's detention to be extended to the end of emergency regulations.

Passing judgment Mr Justice Goldstone said the arrest, made under Section 31 of the regulations, was unlawful.

The arresting officer, Warrant Officer FC Zeelie, could not have formed a *bona fide* opinion that Mr Mashiani was a threat to the maintenance of public order, the safety of the public, the end of the state of emergency or should be arrested for his own safety.

"Zeelie did not properly apply his mind to the regulations which, wide as they are, still place limits on the arresting person," Judge Goldstone said.

If the arrest was unlawful then the order extending the detention, in terms of the arrest, was also unlawful, he said.

The events of June 15 were described in an affidavit by Mr Mashiani's girlfriend, Miss Khosi Radebe, and were not disputed by counsel of either respondents — the Minister of Law and Order and the Minister of Justice.

3 am Raid

Social work student Miss Radebe said four members of the SAP entered her room at the residence at 3 am.

They searched her locker and took out personal items including cassette tapes, a calendar issued by the Release Mandela Campaign, and a placard with the picture of Mrs Winnie Mandela.

Mr Mashiani was arrested after police spotted a note pad with the logo of the American Broadcasting Company — of which WTN is an associate — and asked to whom it belonged, Miss Radebe said.

Mr Mashiani said it was his and a fifth man in a balaclava came into

Unrest stories

THIS issue of the *Sowetan* has been produced under conditions that amount to censorship. ALL stories that relate to unrest, the state of emergency and the activities of the security forces were supplied by the Bureau for Information established by the Government.

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

the room and said Mr Mashiani was a foreign correspondent. He was then told to leave with the police.

Mr Justice Goldstone said that under the regulations the court was entitled and obliged to enquire whether an arrest was lawful in terms of the regulations.

"It is wholesome and desirable that an officer should be made aware of the limits and that he may be summoned before an ordinary court to explain his actions," he said. — Sapa.

Meetings banned

ALL students representative councils and 33 major black organisations were yesterday banned from holding any indoor "gathering" in the magisterial districts of Johannesburg and Roodepoort, in terms of the emergency regulations.

Soweto Divisional Police Commissioner Gideon Laubsher promulgated orders in yesterday's Government Gazette that the affected organisations may not hold gatherings in buildings, and that no one may disseminate a notice about such a meeting.

Organisations are therefore, by implication, prevented from calling Press conferences and will have to brief journalists individually.

Moreover, in terms of previous orders, statements from some of these organisations may only be published in certain parts of the country.

The organisations

affected are:
The students representatives councils of any school, college or university, Azanian National Youth Unity, Azanian Peoples Organisation, Azanian Students Movement, Azanian Students Organisation, Black Students Society, Commercial Catering and Allied Workers' Union of South Africa, Congress of South African Trade Unions, Council of Unions of South Africa, Detainees Parents Support Committee, Education Charter Campaign Committee, Federation of Residents Association, Federation of South African Women, Federation of Transvaal Women Association, General and Allied Workers' Union, Health Workers' Association, Lenasia Students Congress,

Lenasia Youth League, Lenz Solidarity Group, Media Workers' Association of South Africa, Metal and Allied Workers' Union, National Education Crisis Committee, National Education Union of South Africa, National Union of Mine Workers, Release Mandela Campaign, Soweto Civic Association, Soweto Parents Crisis Committee, Soweto Students Congress, Soweto Youth Congress, The Call of Islam, Transvaal Indian Congress, United Democratic Front, Young Christian Students and Young Christian Workers.

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CAAC Times 8/7/86 (29) 929

Court overrules TV man's arrest

Own Correspondent

JOHANNESBURG. — The Rand Supreme Court yesterday ordered a Worldwide Television News soundman to be released from detention after ruling that his arrest and detention were unlawful.

An urgent application was brought against the Law and Order Minister and the Justice Minister by Wits University student Ms Khosi Radebe on behalf of her boyfriend Mr Theophilus Mashiani.

She claimed in her supporting affidavit that Mr Mashiani was arrested in her room on June 15 at Wits University's Glynthomas Residence near Baragwanath Hospital during an early-morning police raid.

She said that although the police had initially paid Mr Mashiani no heed, they nevertheless arrested him after discovering that he was a

WTN soundman.

Mr Justice J Goldstone said that Ms Radebe by her application had successfully discharged the onus on her, as required by the emergency regulations, to prove that Mr Mashiani's arrest was unlawful.

He ruled that Warrant Officer F C Zeelie had not formed a bona fide opinion as to Mr Mashiani's threat to order and public safety.

Mr Denis Kuny, SC, had earlier argued on behalf of Ms Radebe that the onus of proving Mr Mashiani's arrest lawful lay with the policeman who had arrested him, albeit in terms of the emergency regulations.

He argued that any policeman who arrested a person without a warrant was still required to be of the opinion that such a person's detention was necessary to ensure order and public safety.

CMB Times 8/7/86
Second day of church fast

Staff Reporter *287 329*

SEVEN Anglican priests and scores of parishioners today entered their second day of fasting and prayer for detainees at the Saint Nicholas Anglican Church in Elsie's River.

The vigil will last for a week at the same church where more than 220 people were arrested during a service there three weeks ago.

The parish secretary of St Nicholas, Mr Ronald Phillips, who was also detained for a week, said that clergymen and parishioners from throughout the diocese would join the fast. He said they were "essentially being obedient in terms of our calling to pray and to be with the families of those who have been detained and to pray for our country at this time".

World teachers in protest over detained educationist

A 9 million-strong international teachers' association has sent a telex to the State President, Mr P W Botha, protesting the "unjust detention" of a leading black educationist.

The educationist (whose name has been omitted from this report to comply with the emergency regulations) was reportedly detained on the Witwatersrand three weeks ago.

A spokesman for the Switzerland-

based World Confederation of Organizations of the Teaching Profession said yesterday telexes had been sent to South Africa's ambassador to the United Nations, the South African ambassador to Switzerland, and Mr Botha, in mid-June.

The WCOTP has not had a reply.

The office of the State President declined to comment.

Nun swore at me policeman

By SHAUNA WESTCOTT
Supreme Court Reporter

A ROMAN Catholic nun was arrested and detained after assaulting a policeman and swearing obscenely at him, the policeman alleges in papers before the Supreme Court.

A completely different account of the incident is given in papers filed in support of an application for the nun's release brought by the acting Regional Superior of the Dominican Order, Sister Therese.

Pleaded

According to this account, the nun was arrested after she stood between the policeman and a young man he was beating and kicking, and pleaded repeatedly with the policeman to "please have mercy on the boy".

In an urgent action brought against the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the Officer Commanding Pollsmoor Prison, Sister Therese has asked for an order declaring the arrest and detention of Sister Clare Harkin on June 23 unlawful.

Sister Clare was held after the funeral and burial of Mr Stewart Mahxama.

Procession

Ms Girlie Joja, 40, of Terminus Road, New Crossroads, says in an affidavit that about 2.30pm on June 23 she saw a procession of vehicles and people turn into her road. Two police vans were in front of the procession, a yellow Volks-

wagen beetle was on the right and numerous Casspirs were behind.

Two Casspirs moved up from the back to positions on either side of the procession, forcing the Volkswagen beetle off the road.

Until then the procession had been orderly.

"The people in the procession then started to run in all directions and the police that I could see jumped out of their vehicles and gave chase. The police then proceeded to beat everyone they could get hold of with sjamboks... and started arresting some of the people who had been in the procession.

"A policeman then came running towards us and as a young man (a stranger) stood next to me, the policeman started beating him.

"I then saw a nun get out of the yellow Volkswagen which had earlier been forced off the road and proceed in our direction. She went to stand between the policeman and the young man who was being beaten, without touching either of them, and she repeatedly said: 'Please have mercy on the boy'. But he just ignored her pleas for mercy, glared at her, seemed to get even angrier and pushed her."

A Casspir and police van had meanwhile pulled up and another policeman had joined the group and stood watching, pointing his gun at the young man his colleague was kicking as

he lay on the ground. Sister Clare's pleas continued to be ignored. She was again pushed out of the way.

"A policeman from an open hatch at the top of the Casspir then said to the policeman who was kicking the young man, 'Vat daardie vrou'. At first I thought he was referring to me, but the policeman who was kicking the boy then turned to the sister and grabbed her roughly by the shoulder and pulled her in the direction of the van. She did not object or say anything, she just went quietly with him."

(The young man seized opportunity and disappeared.)

Constable Marius Nel, of the riot squad, described the demeanour of the mourners as "aggressive and provocative".

He said that when an order to disperse the mourners was given by Captain Jacob Johannes Oosthuizen, he concentrated on a black youth with an eye-catching cap on his head and chased him.

"I caught up with him and hit him with a quirt. Then he turned round and tried to shelter behind a woman standing on the sidepath. I caught up with him again and hit him once or twice in an attempt to force him back into the street.

"While I was delivering these blows, I felt someone grabbing me from behind and in the next moment grabbing the quirt in my hand.

"I saw it was a white nun (who I later established was the detainee) and seeing she was hindering me I pulled my quirt away from her and pushed her away with my other hand."

"The detainee started to hit me with her fist on my left shoulder and said 'Are you f---ing crazy?' I again tried to push her away and saw that the man had started to run away."

Constable Nel said he was then instructed by Captain Oosthuizen to arrest the nun who "assaulted" him.

Captain Oosthuizen said in an affidavit that in Ms Joja's affidavit "the impression is created that members under my control simply began striking out left and right like madmen".

Denying this and supporting Constable Nel's claim that he was assaulted by Sister Clare, Captain Oosthuizen notes that the use of quirts "is one of the least violent means of unrest control".

Mr Justice Robin Marais said he hoped to give judgment on the application today.

Mr J G Foxcroft, SC, with Mr J H de Lange and instructed by E Moosa and Associates, appeared for Sister Therese. Mr H P Viljoen, SC, with Mr J A le Roux and instructed by the State Attorney's Office, appeared for the respondents.

To page 2

Surgeon in bid to free detained doctor son

Staff Reporter

A DOCTOR who was arrested in Athlone in June 16 while on his way to deliver a stove to KTC refugees was still in detention, the Supreme Court heard today.

Dr Abdullah Eshaak Mahomed, a surgeon, asked the court to declare the detention of his son, Dr Hassan Mahomed, unlawful and to order his release from Victor Verster Prison.

The Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the officer commanding Victor Verster Prison are the respondents.

Dr Abdullah Mahomed said in an affidavit that his son qualified as a medical practitioner in December and started his housemanship at Groote Schuur Hospital in January.

RELIEF WORK

Dr Hassan Mohamed, who went on leave on June 15, and his brother Fazleh, a fourth-year medical student, became involved in relief work among 22 women and 33 children from KTC sheltering at the AME Church in Athlone.

Dr Abdullah Mahomed said his son was not a member of any political organisation, nor had he been involved in political activity.

Because of a commemoration service at the AME Church on June 16 the 55 refugees living in the basement were moved for the day to the home of Dr Shafiek Parker about 100m from the church.

Dr Abdullah Mohamed said his son was not involved in the service.

About 10am on June 16 his son was asked to fetch a gas stove which had been left at the church.

On his way back with the stove he met Mrs Julia Mary de Wee.

In an affidavit Mrs de Wee said she helped with relief work at the church daily.

MAKE SOUP

On June 16 she went to the church to fetch her pot to make soup at home for the refugees, but they were not there and she could not find the pot.

On the way home she met Dr Hassan Mohamed walking in the same direction carrying a gas stove.

"We were then a few metres away from my home and were just about at my gate, when a police car stopped next to us.

"The policeman in the motor car shouted: 'Wat se donerdse papiere het julle daar?' (What are those (expletive) papers you have there?)."

Dr Mohamed had the stove and Mrs de Wee had some folded sheets "which were handed to me at the church by a lady who had asked whether I would be attending the service".

"When I informed her that I

(Turn to Page 3, Col 1)



Dr Abdullah Mahomed

Court bid to free doctor

(Cont. from Page 1)

would not be attending, she handed me the sheets and told me I could sing at home... I did not look at them. I was carrying them in my hand when the police stopped us."

A policeman got out of the car and Mrs de Wee handed the sheets to him. They were ordered into the car.

Mrs de Wee asked to leave the stove at her home. She was followed by the policeman while she took it to the house. She then got into the car.

At the police station Mrs de Wee and Dr Mohamed were searched. A policeman found a list of telephone numbers on Dr Mohamed.

Dr Mohamed said they were the numbers of friends helping the refugees.

"At the charge office the policeman looked at the sheets of paper which he had found on me and another policeman said: 'Ons gaan hulle boek' (We are going to book them)."

Mrs de Wee and Dr Mohamed were kept at the charge office.

ARRESTED

"Later that day my husband William de Wee arrived and I was allowed to go home."

Dr Abdullah Mohamed said he called at the police station and was told his son and Mrs de Wee had been arrested and were being detained in terms of the emergency regulations.

He next saw his son on June 27 at Victor Verster Prison, Paarl, when his son instructed him to apply to court to declare his arrest and detention unlawful and secure his release.

Constable Gideon Josnua Swanepoel said he saw a man carrying papers and a woman carrying a gas stove in Athlone on June 16. As he approached them he saw them exchange the papers and the stove, which made him suspicious that the papers were subversive.

Mr Justice Howie postponed the hearing for oral evidence on this factual dispute and for the court to obtain clarity on the position of Dr Mohamed's detention.

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Detention of trade unionists lead to protest action by 16 000 miners

INDUSTRIAL action by mineworkers yesterday saw at least 16 000 workers on eight mines allegedly protesting at the detention of union leaders.

The affected mines were four De Beers' diamond mines in Kimberley, Arncoals' Kriel colliery, Free State Geduld and Gencor's Mariévale and Grootvlei mines.

National Union of Mineworkers' (NUM) Press officer Marcel Golding said workers were "immensely concerned" because mine bosses appeared to be tak-

ing the detentions of union leaders "so lightly".

He said public utterances of mine employers had been too mild when they could have been pressuring government for the unionists' release.

Gencor said about 6 500 miners at Grootvlei gold mine near Springs and 1 250 at Mariévale gold mine near Nigel had worked only half-shifts on the Sunday night and Monday morning shifts.

NUM said the actions were a protest against the detention of union leaders.

CLAIRE PICKARD-CAMBRIDGE

But Gencor said the workers had given no reasons for their action.

Gencor spokesman Naas Steenkamp said the company had earlier undertaken to talk to NUM about the unions (not to be confused with Gencor) proposals on the detentions.

De Beers said discussion were continuing with worker representatives at four diamond mines near Kimberley where strikes involving 1 950 workers had be-

gun on Thursday. Early indications yesterday were that about one-third of the strikers had returned to work.

An Anglo spokesman said 5 500 workers had been staging a go-slow at the Free State Geduld mine near Welkom.

He said the No 7 shaft at Free State Geduld had been closed on Sunday. This had affected 3 000 workers because of the unsafe working conditions caused by the go-slow. Management did not know the reasons for the action, he added.

NUM said about 8 000 workers were

involved in the go-slow. About 1 000 workers at Kriel colliery near Witbank are reported to have been working half-shifts, said the union.

Industrial action was confirmed by Arncoal which did not reveal the number affected.

Fifteen employees at Gencor's St Helena gold mine at Welkom were killed in alleged faction fights at the No 4 Shaft Hostel over the weekend. The trouble is believed to have started after the fatal stabbing of a man on Saturday evening.

Court declares arrest unlawful

Girlfriend's action wins TV man's release

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8/7/86

BUS DAY

LIAM EGAN

THE Rand Supreme Court yesterday ordered a Worldwide Television News (WTN) soundman to be released after ruling that his arrest and detention was unlawful. An urgent application was brought against the Law and Order Minister and the Justice Minister by Witwatersrand University student, Khosi Radebe, on behalf of her boyfriend, Theophilus Mashiani. She claimed that Mashiani was arrested in her room on June 15 at the university's Glyn Thomas Residence, near Baragwanath Hospital, in an early morning police raid. Radebe said that although the police had not paid attention to Mashiani initially, they arrested him when they discovered he was a

WTN soundman.

Mr Justice Goldstone said that Radebe had, by her application, successfully discharged the onus on her, as required by the emergency regulations, to prove that Mashiani's arrest was unlawful.

He ruled that Warrant-Officer F C Zeelie had not formed a bona fide opinion about Mashiani's threat to order and public safety, as required by the emergency regulations, when he arrested him.

Advocate Denis Kuny SC had earlier argued on behalf of Radebe, that the onus of proving Mashiani's arrest lawful lay with the policeman who had arrested him. He argued that any policeman who arrested a person without a warrant was still required to be of the opinion that the person's detention was necessary to ensure order and public safety.

Kuny said the policemen who arrested Mashiani had volunteered no evidence that he posed a threat to public order and safety besides a cassette recording of a recent Uitenhage funeral and two legal posters.

He said the liberty of every individual was at stake if members of the security forces were not accountable to a court of law for detaining a person in the interests of public order and safety.

SOUTH African prisons should be emptied of children, according to a report compiled by two doctors who went on officially-approved visits to South African jails.

"Have we abandoned all the laws that protect those too young and weak to do so for themselves?" paediatricians Professor Norma Saxe and Dr Margaret Elsworth asked in their report.

The doctors visited St Albans prison in Port Elizabeth, prisons in George and Worcester and the Victor Verster prison at Paarl after a Committee of Concern for Children delegation

discussed child prisoners with Minister of Law and Order, Louis le Grange. The visits were arranged by a prisons official.

"Should no alternatives be found to this present system, our society is faced with the chilling prospect of a generation of black juveniles who no longer believe in the way justice is practised by authority," the doctors warn.

"Children should not be in prison. If they have been sentenced,

they should be in a place of safety. If they are awaiting trial, they should be returned to the custody of their parents or guardians. If this is not possible they should be kept in a place of safety."

The report found that the four prisons visited from May 20 to May 22 were "efficiently run by

professionals; firm discipline is balanced by the strong vocational sense of many staff, some who show compassion beyond the call of duty.

"There was no evidence of abuse of any prisoner."

But the report concentrated on the plight of children in the jails and concluded: "It is a

totally unacceptable situation to have children incarcerated in prisons."

The doctors said their impression was that the country's prisons were "experiencing a phenomenon unique in history, namely that, in comparison with both "first" and "third" world figures, we have inordinate numbers of children incarcerated."

In Parliament this year, Mr le Grange announced that 13 556 of the 18 966 people arrested for unrest-related offences in 1985 were

under the age of 20.

Children seen by the doctors in the prisons ranged in age from 10 years to 20. Many were being held on charges of public violence.

"Three juveniles were seen who had been awaiting trial for 11 months. There were others, not seen, who were in a similar position."

"Many had been awaiting trial for over two months. Our impression of conditions for awaiting trial juveniles was that one week in some prisons would be enough to engender permanent psychological effects, deep resentment, habits of crimi-



MINISTER of Law and Order . . . Louis le Grange.

nality and loss of faith in the system of justice."

All the prisons they visited were overcrowded.

The St Albans prison maximum security section was 153 percent full during May while the medium security section was 105 percent.

During last year's state of emergency, cell occupancy in the medium security section at this prison rose to 236 percent.

The George prison was about 140 percent full at the time of the doctors' visit.

The Prison Service's Brigadier EC van Zyl, who accompanied the doctors said: "Overpopulation is dealt with by the deconcentration of prisoners at prisons with a high population to prisons with a lower concentration."

Rights

Few children knew their legal rights.

"Some had no knowledge that legal representation was possible to arrange."

Turning to medical care, the doctors found "when large numbers of prisoners have to be seen, examination is likely to be cursory."

They recommended that medical staff "refuse to be hustled by the pressure of work to a standard of medical care which is professionally unacceptable."

They also said "the follow-up of notification of injuries sustained while in police custody is not thoroughly pursued."

Brigadier van Zyl responded: "All injuries are recorded, treated and investigated by the SA Prisons' Service and, where necessary, by the police."

Diet

If, on admission, a prisoner was found to be injured, or alleged he had been assaulted, a written report and the medical officer's finding were handed to the SA Police.

The doctors also questioned the prison diet.

"The diet calculated for adults is inadequate, for instance, for teenage boys and their rapid growth spurt."

They concluded that conditions for detainees and awaiting-trial prisoners were generally worse than those of sentenced prisoners. For

Detained nun 'has never been involved in politics'

Staff Reporter

POLICE versions of events at a funeral in Guguletu, during which a Roman Catholic nun was arrested and held under the emergency regulations, have been disputed in the Supreme Court.

Sister Clare Harkin of the Dominican order has been in detention since her arrest on June 23.

Miss Angela Dempsey, known as Sister Therese, is applying to the court to declare Sister Clare's arrest and detention illegal and to order her release.

Sister Therese claims the police acted in bad faith by arresting and detaining Sister Clare, who, she says, has never been involved in politics.

Judgment is expected tomorrow.

The respondents are the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the officer commanding Pollsmoor Prison.

Treatment for depression

Sister Therese said in an affidavit that Sister Clare had depression and was having psychiatric treatment at Groote Schuur Hospital.

Miss Girlie Joja said in an affidavit that a procession of people, a Volkswagen Beetle, two police vans and Casspirs approached her home on June 23.

Two Casspirs forced the Beetle off the road and someone told the people to "run".

Police chased people and beat those they caught.

When a policeman started beating a young man on Miss Joja's property a nun got out of the Volkswagen and tried to intervene.

The policeman ignored her, threw the man to the ground and kicked him.

Another policeman in a Casspir instructed the first policeman to arrest Sister Clare.

Miss Anne Marie Hardimann, known as Sister Aine, said she worked with Sister Clare in Nyanga. They attended the funeral of prominent Nyanga resident Mr Stewart Mahxama because they were "closely related and integrated with the community".

After the service, the mourners set off for Mr Mahxama's home. Sister Clare and Sister Aine drove in a Beetle.

Fell behind

When they saw police and army personnel and vehicles Sister Aine got out and walked with the mourners in an attempt to defuse the situation.

She fell behind and lost sight of the procession.

A resident gave her a lift to catch up and she saw men looking in the boot of the Beetle and a man and three women in a Casspir.

She was told Sister Clare had been arrested and she saw her in a Casspir.

Riot police platoon commander Captain Jacob Johannes Oosthuizen said he repeatedly ordered the crowd to disperse and then told his men to disperse them with quirts.

A nun in a Volkswagen gestured to people moving away to rejoin the group.

He saw Sister Clare take hold of Constable Marius Nel and grab his quirt. She also hit him on his shoulder and his chest.

He ordered Sister Clare's arrest.

In his opinion she took part in an illegal gathering and assaulted and obstructed the police in the execution of their duty.

He further believed her arrest and detention "was necessary for the maintenance of public order, or the safety of the public, or the termination of the state of emergency".

Constable Nel said that while he was hitting a black man he felt someone grab him from behind and his quirt was grabbed. He saw it was a white nun.

He pulled his quirt from her and continued hitting the man.

The nun said: "Are you f...ing crazy?"

Foul language denied

In a replying affidavit, Miss Joja denied the policemen's version of the incident. Sister Clare had not used "foul language", said Miss Joja.

In her reply Sister Aine also disputed the policemen's versions.

She denied that a nun in the passenger seat of the Beetle could have beckoned to people leaving the procession because she was the only nun to sit in that seat and she got out of the car some time before the events.

Sister Aine also denied Constable Nel's claim that he saw a nun walking with the second group trying to organise the members of the group.

Mr Justice Marais is on the Bench. Mr J Foxcroft, SC, with Mr J de Lange, instructed by E Moosa and Associates, appears for Sister Therese. Mr H Viljoen, SC, with Mr J le Roux, instructed by the State Attorney's office, appears for the Minister of Law and Order.

TV man celebrates freedom

By MONTY KA MPROKE

Champagne flowed at the offices of Worldwide Television News yesterday after soundman, Mr. Theophilus Spokes Mashiyani (26), was released from detention.

After the welcome, colleagues treated Mr. Mashiyani and his fiancée, Miss Khosi Radebe, to lunch.

The lunch was attended by Mrs Winnie Mandela, wife of the imprisoned leader of the African National Congress (ANC), and Mr Mashiyani's legal representatives and friends.

Mr Mashiyani's release from Diepkloof Prison was ordered by Rand Supreme Court judge Mr Justice R J Goldstone yesterday.

Mr Mashiyani said: "I am very happy to be released. It was unexpected. It's a real pleasure to be outside with people again."



A beaming Mr. Theophilus Spokes Mashiyani, WTN sound man, is congratulated by Mr Denis Kony SC. Mr Godofredo Guedes, WTN's bureau chief, looks on.

Court orders detainee released from prison

By Janine Simon

The arrest and detention under emergency regulations of Worldwide Television News soundman, Mr. Theophilus Mashiyani, was — in what is seen as a significant ruling — declared unlawful yesterday by a Rand Supreme Court judge, who ordered Mr Mashiyani be released from Diepkloof Prison.

Legal sources believe this to be the first time an application of an unlawful arrest has succeeded under present emergency regulations and say the application reiterates the right of the court to consider whether an order or action is lawful.

Mr Mashiyani was arrested in the early hours of June 15 at the University of the Witwatersrand's Glyn Thomas residence.

On June 22 the Minister of Law and Order authorised his detention to be extended to the end of the emergency.

BONA FIDE OPINION

Mr Justice R G Goldstone ruled that the arrest, made under Section 3 (1), was unlawful as the arresting officer, Warrant Officer F C Zeelie, had not formed a bona fide opinion that it was necessary.

The extension of the detention, ordered in terms of the arrest, was also found to be unlawful.

Under section 3(1) a person may be arrested if, in the opinion of the officer, he is a threat to the maintenance of public order, to public safety, to the end of the emergency regulations or as a mea-

sure to protect the individual.

Mr Justice Goldstone said the probability was that Warrant Officer Zeelie did not properly apply his mind to the section and that the section, wide as it was, still placed limits on the discretion of the arresting officer.

"It is wholesome and desirable that he should be made aware of the limitations and that he may be summoned before the ordinary courts of the land to explain his action," he said.

The events of June 15 were described in an affidavit by social work student Miss Khosi Radebe, who brought the application for Mr Mashiyani's release against the Minister of Law and Order and the Minister of Justice.

Neither respondent replied to the facts set out in her affidavit.

Mr Justice Goldstone said W O Zeelie could not have thought the arrest necessary as he had told the court he never knew Mr Mashiyani before he went to the residence and that police were not looking for Mr Mashiyani.

"How could the presence of this one cassette tape with recordings of singing at a funeral, found at a university residence at 3 am, be constituted a threat as set out in the regulation?" Mr Justice Goldstone said.

Appearances: Mr D Kony SC appeared for Miss Radebe. Mr R Kruger SC appeared for the Minister of Law and Order and Mr J P Coetzee appeared for the Minister of Justice.

ARGUS 8/7/86 (329)

CAPE

ARGUS 8/7/86

'Missing' accused were in detention

The Argus Bureau

PORT ELIZABETH. — A Port Elizabeth magistrate who issued warrants for the arrest of eight men after they failed to appear on charges of murder has been told the missing men were in detention under emergency regulations.

This was revealed when the president of the United Democratic Front in the Eastern Cape, Mr Edgar Ngoyi, and seven others finally appeared before Mr JWS Pienaar in the New Brighton court.

But Mr Pienaar confirmed a previous order that bail of R500 in the case of Mr Ngoyi and R200 in the case of a youth be forfeit, as their lawyer did not appear to explain their absence.

Bail for the other six was extended after their lawyer, Mr S Nkanunu, argued that they had not appeared because they were also in detention.

The eight are accused of killing Mr Phakamisa Nogwaza on June 8 last year.

Vicar, nuns charged over placard protest

The Argus Correspondent

EAST LONDON. — The Roman Catholic vicar-general of East London, Father Hugh Magorrian, and five other people have been charged in terms of a municipal by-law with holding an illegal placard demonstration.

Father Magorrian's lawyer, Mr H Lalla, confirmed today that a summons had been issued.

According to the summons, Father Magorrian is alleged to have taken part in a procession, demonstration or gathering without the permission of the local authority.

An admission-of-guilt fine of R50 can be paid. If not, the six, including two nuns and a member of the Catholic Justice and Reconciliation Commission in the city, will have to appear in court on July 30.

France gives R70 000 to Crossroads

Staff Reporter

FRANCE has granted 200 000 francs (about R70 000) in aid to the refugees of Crossroads, the French Embassy in Pretoria has announced.

A spokesman for the embassy said the aid was "part of a series of measures France has decided to take bilaterally and within the European Economic Community in favour of the black community of South Africa".

● St John Ambulance is continuing to supply Crossroads refugees with food and clothing.

Spokesman Mrs Anne Botha said today most was in food and clothing parcels to families being housed by friends and relatives in Nyanga, Langa and Guguletu.

"CAN'T COPE"

"It's been a long time now and the supporting families cannot cope with all the additional people," she said.

A Philippi farmer who housed 200 refugees in out-buildings on his poultry farm soon after fighting broke out in the squatter camp appealed to St John Ambulance for help in feeding and clothing them.

They have since been rehoused in church halls and refugee shelters.

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21

More ^{9/7/86}
power to
minister ³²⁹

PRETORIA. — The Minister of Law and Order was yesterday empowered to telegraph orders for the continued detention of state-of-emergency detainees to heads of prisons, according to a proclamation published in the Government Gazette in Pretoria.

Previously Mr Louis le Grange had to inform heads of prisons that detainees should be further detained through "a written notice signed by him".

The emergency regulation amendment published yesterday states that "a telegraphic or similar written or printed statement" from the minister or an officer acting under his authority shall have the effect of a written notice.

However, such written notices should still be forwarded to the heads of prisons "as soon as possible" after telegraphic orders had been issued, the amendment states.

The minister has 14 days, after a person's detention, during which he may order the person's further detention. — Sapa

DETAINEE'S WIVES

BY SELLO RABOTHATA

A NUMBER of women, whose husbands are in detention, have received dawn visits from people who have asked how they felt towards their detained husbands, and why they do not divorce them.

This was revealed to the *Sowetan* by a wife whose husband is in detention.

The woman, whose husband has not been home since June 12 after a 12.50 am visit by six men, said she had dismissed the idea with contempt.

"How can anybody have the nerve to even suggest such a thing?"

Visits at dawn

There is no way I can part with my husband because of his involvement in a just cause," she said. She said two other women in the township had also been asked why they do not divorce their husbands. Her husband is

presently undergoing his fifth term of detention and the children have become aware of what their parents are subjected to.

She said at first she had explained to her children that their father would not be home for some time. "Now I do not have to go to those lengths. I simply wake them up and they see their father detained. I shudder when I see the expression on their faces," she said. She has been allowed to see her husband. The next visit is next month. During the interview the *Sowetan* also learnt

that family members, who wish to see those in detention, are allowed one visit a month. Only one member of the family can see the detainee on the visit and others await their chances the following month. Only money and clothing are accepted on these visits. Food and toiletries are turned back.

Labour bans: Govt blamed

SMK 9/7/83 By Mike Siluma
327
The Government must take the blame for the serious damage done to labour relations by its ban on union meetings, the Congress of SA Trade Unions (Cosatu) said yesterday.

Reacting to a Government ban on all union and certain political meetings in the Johannesburg and Roodepoort magisterial districts, Cosatu said the ban showed that the authorities had shunned democratic solutions to the country's crisis.

"The organisations affected by the ban are legitimate democratic organs of our people and are committed to democratic means of ending oppression and exploitation.

"The ban is a further blow to the labour relations system which unions are trying to maintain under extremely difficult conditions. When our

leaders are detained, when our officials are harassed ... (here he mentioned activities that may not be reported on during the emergency) and when our meetings are banned, how are we expected to take part in negotiations over wages and working conditions?" asked Cosatu.

The Government should take full responsibility for the far-reaching and serious damage to labour relations, as well as the resultant militant response on the part of the workers, warned the union federation.

However, Cosatu and its affiliates would not back off from representing the demands of workers both on the factory floor and with regard to broader community and political issues.

The organisation would continue to address itself to the state of emergency, demand the release of detainees and apply pressure for the removal of restrictions on the federation's "legitimate right to organise".

Capt T. M. J. S.
9/7/86

329

Court told of doctor's arrest

Supreme Court Reporter

A PHOTOGRAPH of a police Casspir and a photograph of a policeman pointing a gun at a black woman were among reasons given by a constable for his arrest of two people on June 16 on the grounds that they possessed "subversive" documents.

Constable Gideon Swanepoel's claim is made in an affidavit filed by the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the Officer Commanding Victor Verster Prison — who are opposing an application for the release from detention of 24-year-old Dr Hassan Mahomed.

The urgent application for a Supreme Court order declaring Dr Mahomed's arrest and detention unlawful was brought by his father, specialist surgeon Dr Abdullah Mahomed.

Refugees

Dr Mahomed said his son had become involved in June in assisting refugees from KTC to obtain shelter, food and other necessary facilities. A total of 55 refugees housed at the AME Church in Athlone moved to a nearby house early on June 16 so that the church could be used for a commemorative service.

A gas stove was left behind and his son was asked to fetch it. On his way back from the church he met Ms Julia Dewee.

Ms Dewee, who was also involved in helping KTC refugees, said in an affidavit that she met Dr Mahomed on her way home from the church.

He was carrying a gas stove and she had some folded papers given to her by a woman at the church who told her that if she was not coming to

the service she could sing at home. She had not looked at the papers.

When they were a few metres from her home, a police vehicle stopped next to them and a policeman shouted: "Wat se donnerse papiere het julle daar?" She handed the papers to him and he ordered her and Dr Mahomed into the car.

They were taken to the charge office where the policeman looked at the papers and another said "Ons gaan hulle boek." However, she was allowed to go home when her husband arrived later.

Constable Swanepoel said Ms Dewee was carrying the gas stove and Dr Mahomed the papers.

The constable said he was suspicious that the planned service at the AME Church could become the scene of offences against the emergency regulations. "As background I mention that June 16 was a day that demanded exceptional action on the part of police."

'Forbidden'

In addition, he had been ordered in the light of this — as had policemen across the land — to "combat deeds of violence, terror, subversion and intimidation that were expected across the land". He had been specifically ordered to look out for people with forbidden documents.

Constable Swanepoel said that when he approached Dr Mahomed and Ms Dewee, he gave her the papers he had and she gave him the gas stove.

The constable took the papers and "at first glance it was clear that these papers had to do with some form of report connected with commemorations of that day and I formed the impres-

sion that they were subversive".

Having arrested the pair, the constable then examined the papers thoroughly at the charge office and "came bona fide under the impression that they were subversive because they embraced information which furthered the aims of the ANC".

"As an example I name a photograph of a police Casspir that is generally known, also in my experience, as a symbol that is used by forces that want to subvert the State by inciting people against any form of authority, also police authority".

'Suspicious'

"Another example is the photograph of a policeman standing with a gun in the direction of the head of a black woman which again in my opinion was aimed at attempting to achieve the same effect. I also saw a photograph of the leader of the ANC, namely Oliver Tambo, which confirmed my suspicions."

Since the initial 14-day detention period allowed for in emergency regulations has expired, there was some confusion about the position of Dr Mahomed although counsel for the respondents informed the court that his detention had been extended by ministerial decree.

Mr Justice C T Howie postponed the matter to a date to be arranged so that clarity could be obtained on this and so that oral evidence could be prepared on the dispute over who possessed the documents.

Mr J G Foxcroft, SC, with Mr A M Omar and instructed by Enver Daniels and Co, appeared for the applicants. Mr H P Viljoen, SC, with Mr J A le Roux and instructed by the State Attorney's Office, appeared for the respondents.

CAPE TIMES 9/7/86 329

Journalist freed from detention

Supreme Court Reporter
AGENCE France Press photographer Mr David Hartman was released from detention yesterday an hour before an application for his release was to be heard in the Supreme Court.

The application was brought by Mr Hartman's half-brother Mr Mark Trueb, who sought an order against the Minister of Law and Order, Commissioner of Police, Divisional Commissioner of Police and the Milnerton police station commander.

Appearing for Mr Trueb, Mr L Rose-Innes told the court Mr Hartman had been released. The matter was postponed to a date to be arranged for the court to determine who is responsible for costs.

Aerobics

In papers filed in support of the application, aerobics teacher Ms Adele Katz who shares a house in London Road, Observatory, with Mr Hartman, said she woke about 9.40am on July 2 to discover three policemen in the house.

A policeman nicknamed "Trompie" told her Mr Hartman was being detained in terms of the emergency regulations. When she asked why, "Trompie" said it was because he would not co-operate, or words to that effect.

Ms Katz said the police searched Mr Hartman's room and darkroom and removed three files of

his papers. As they were leaving she heard "Trompie" mention something about negatives or photographs.

He and Mr Hartman then went to the darkroom and "Trompie" emerged with a plastic bag and envelope.

Mr Hartman's girlfriend, microbiologist Ms Barbara Willey, said two security policemen came to their house that afternoon. She asked how long David was going to be held and a Warrant-Officer Theron replied: "We should only need to keep him for a day or two if he co-operates and gives us a statement on KTC," or words to that effect.

'Witness'

Ms Willey said Mr Hartman had filed an affidavit in a Supreme Court application brought by KTC residents and due to be heard on August 8. "I understand that David was to be a witness at the trial and that certain photographs he had taken were to be used as evidence."

This was confirmed in an affidavit filed by Mr Mathew Walton of the Legal Resources Centre, instructing attorneys in a case brought by squatter leaders against the Minister of Law and Order and nine others.

He said the case concerned attacks on Portland Cement, Nyanga Bush, Nyanga Extension and KTC squatter camps during May 17 to 23 and June 8 to 11. Affidavits contained allegations of police and Defence Force complicity in witdoek attacks.

Mr Justice C T Howie presided. Mr Rose-Innes was instructed by Mallinck, Ress, Richman and Closenbergh Inc. Mr J le Roux, instructed by the State Attorney's Office, appeared for the respondents.

Arms 9/7/86 (329)

Photographer released — affidavit on unrest filed

Staff Reporter

PHOTOGRAPHER Mr David Hartman, detained under emergency regulations for six days, had filed an affidavit in support of allegations that security forces helped "witdoeke" vigilantes to attack squatter camps, the Supreme Court was told.

Mr Hartman, 25, of Observatory, was released yesterday shortly before his half-brother, Mr Mark Trueb of Fish Hoek, applied urgently to the court for his arrest to be declared unlawful. He was detained on July 2 and held at Milnerton police station.

Mr L A Rose-Innes, for Mr Trueb, said an order for Mr Hartman's release was no longer sought because he was freed "shortly before lunch".

SQUATTER CAMPS

Mr Justice Howie postponed the hearing for costs to be determined.

In an affidavit Mr Trueb said Mr Hartman worked for Agence France Presse and Afrapix. He had been required to cover unrest, particularly in Crossroads and KTC squatter camps.

Miss Adele Katz, an aerobics teacher who lives in the same house as Mr Hartman in Observatory said three policemen were in the house when she awoke on July 2.

One, nicknamed "Trompie", said Mr Hartman was being arrested "because he will not co-operate".

His bedroom, the landing and his darkroom were searched. The police removed three files of papers. As they were about to leave, "Trompie" mentioned negatives or photographs and returned to the darkroom with Mr Hartman.

When they returned Miss Katz saw the policeman had a plastic bag and an orange cardboard envelope.

"WITDOEKE" ATTACKS

Legal Resources Centre attorney Mr Matthew Walton said Mr Hartman drew up an affidavit filed in the Supreme Court case of Mbewana and five others versus the Minister of Law and Order and nine others — a matter concerning attacks on squatter camps in May and June.

The applicants alleged police and defence force personnel either assisted "witdoeke" in these attacks or failed to intervene, said Mr Walton.

Mr Hartman had photographs in the form of small contact prints, depicting police and SADF personnel and vehicles in and around the squatter camps which could be used as evidence. He was prepared to make a statement verifying the photographs and setting out events he had witnessed.

The respondents are the Minister of Law and Order, the Commissioner of Police, the Divisional Commissioner of Police, Cape Town, and the police station commander at Milnerton.

Mr Rose Innes was instructed by Mr Michael Richman of Mallinck, Ress, Richman and Closenbergh. Mr J le Roux, instructed by the State Attorney, appeared for the respondents.

CAN Times 9/7/86 (77) 3054 329

Ball attacks detentions

BARCLAYS MD Chris Ball made a strong attack at the conference against the detention of both the executives of the National Education Crisis Committee (NECC) and the editor of the New Nation, Zwelakhe Sisulu.

"Today we see action aimed at suppressing constructive thought and it is as difficult to comprehend as it is to accept.

"I consider the detention of executives of the NECC as being irrational and I do not understand the arrest of people such as Zwelakhe Sisulu," Ball said.

He said he was frustrated by the lack of imagination and the lack of lateral thinking in SA.

"The rigidity in our community over the last 40 years and the determination to enforce a futile concept, come what may, have constrained our initiative," he said.

● Some accounts were withdrawn from Barclays Bank last week after the bomb attacks in Johannesburg and Pretoria, Chris Ball, said.

"My bank is apparently being associated with the ANC because of my contacts with the organization," he said.

He later refused to say how many accounts had been withdrawn.

Ball said he rejects the ANC's violence and "I do plea with the ANC that if you talk in terms of dialogue and reconciliation, hitting soft targets is not the way to go about it."

CAT Times
9/7/86

Dirt hid killer bruises, inquest is told

Own Correspondent

MDANTSANE. — A Ciskei state pathologist told an inquest court here yesterday that he might not have seen bruises on the body on which he was conducting a post-mortem because the body was dirty.

Dr M Terensio was giving evidence in an inquest on a Ciskei civil servant, Mr Mbulelo Boltini, who died in police custody in January this year.

A second pathologist told the inquest that Mr Boltini had numerous bruises consistent with blows with a blunt instrument and said death was caused by force applied to his neck.

Dr Terensio said he examined the body on January 28 and found that the cause of death was cardiac failure.

He first told the inquest court that the police report which had accompanied the body to the government mortuary had said only that the person had "suddenly died".

Cardiac failure

He said he could not say what the cause of death was since cardiac failure, stopping of the heart, could be caused by many factors.

Dr Terensio said he had found multiple bruises on Mr Boltini's shoulder. He did not find any other bruises, he said.

Asked by the presiding magistrate, Mr G M Zamxaka, if there had been no bruises on Mr Boltini's neck, Dr Terensio said he could have missed seeing those "probably because the body was not clean".

He admitted, however, that though he had found the cause of death to be cardiac failure, he did not examine the body thoroughly to find out why the heart had stopped.

The principal district surgeon of East London, Dr Basil Windgreen, said he and another independent pathologist, Dr Jonathan Gluckman of Johannesburg, conducted a second post-mortem on February 3.

Force to neck

He said death was due to some force that had been applied to the neck which, in turn, caused a cardiac arrest.

Dr Windgreen said they had found bruises on the right shoulder, there were haemorrhages on the lower eyelids and both lungs were congested.

He said bruises on the temple and shoulder were consistent with those caused by a blunt instrument.

He said bruises on both sides of the neck were consistent with those caused by fingers when someone was strangled or struck with a karate chop.

The bruises he had recorded could not have been caused by a single blow, but by a number of blows with a stick, baton or boot.

The inquest continues today.

Black unions to challenge gatherings ban in court

By Sheryl Raine

Three of the country's biggest black trade unions have launched a barrage of attacks on the validity of the state of emergency and orders issued under emergency regulations.

The next round will be fought in the Rand Supreme Court.

The Metal and Allied Workers' Union (Mawu), the Commercial Catering and Allied Workers' Union and the National Union of Mineworkers — which together represent 300 000 members — have instructed lawyers to challenge the validity of a ban placed on gatherings in the Johannesburg and Roodepoort magisterial districts this week.

A Government Gazette listed seven unions prohibited under emergency regulations from organising gatherings.

The ban on gatherings refers, in the strictest sense, to any meeting involving more than one person. This makes it impossible for unions listed to operate legally. Decision-making procedures, collective bargaining and planning meetings are illegal in terms of the ban.

An urgent application launched by Mawu in the Durban Supreme Court yesterday questioned the validity of the state of emergency and the detention of people under emergency regulations.

The case was postponed to July 14.

DISRUPTIONS

Strikes and go-slows by at least 18 000 have plagued gold, diamond and coal mines for the past week in one of the year's biggest industrial disruptions.

Strikes in protest against the detention of trade union leaders are continuing.

Mines affected by protest action organised by the National Union of Mineworkers are:

- Anglo American's Free State Geduld mine, which closed its No 7 and 4 shafts due to unsafe working conditions caused by 5 500 reporting for duty, going underground, but refusing to go to their work stations.

The shafts will open when workers undertake normal shifts.

- Kriel colliery, which reported two two-hour work stoppages on Monday. About 1 000 were working short shifts yesterday.

- De Beers four diamond mines in Kimberley, still affected by a strike by two thirds of the 1 950 black workforce. About 1 200 stopped work yesterday at the company's Finsch mine.

- Gencor's Grootvlei and Marievale collieries, where on Sunday and Monday 7 750 worked half shifts. The situation returned to normal yesterday.

- Gencor's Matla colliery, where yesterday 1 750 staged sporadic sit-down action on Monday night and yesterday morning.

● See Page 17

CPM 7/7/86 9/7/86 329

'Scores' of young KTC men 'missing'

Staff Reporter

SCORES of young men, most of them former residents of KTC, have gone missing as the national figure of people documented as missing yesterday rose to 1 873.

Several well-placed sources yesterday said that the young KTC men, known as "comrades", went missing in two incidents which took place at the I D Mkhize Secondary School and the John Palmer Junior School in Guguletu on Thursday last week.

Entry

In terms of the emergency regulations the circumstances surrounding their disappearance cannot be reported.

Over the past two days the Cape Times, foreign cameramen and the coordinator of the PFP's unrest monitoring action committee, Mrs Val Rose-Christie, have been unable to gain entry to Greater Guguletu

in spite of calm having returned to the area.

Mrs Christie said she unsuccessfully attempted to deliver blankets to refugees at the Zolani Centre on Monday.

In terms of the emergency regulations the reasons for these organizations being unable to enter Greater Guguletu cannot be reported.

Figure

Brigadier Christoffel Swart, the Divisional Commissioner of the Western Cape, last month issued orders in terms of the Public Safety Act preventing anybody from entering the devastated areas of KTC and the former satellite camp sites in Old Crossroads without his written permission. He has yet to issue an order banning access to the entire Guguletu area.

Meanwhile Mr Neil Ross, the head of the PFP's Missing Persons' Bureau, said the national figure of people

recorded by the bureau staff as missing had risen by 274 since Monday.

Of this figure, 210 came from the Port Elizabeth area, four from the Stellenbosch district, 46 from King William's Town and 14 from the Middle Drift area of the Eastern Cape.

He said the missing KTC people were not included in the latest recorded figure. By late yesterday the PFP bureau staff had identified three of the missing KTC youths.

● Mr Ross said that the true national figure of missing people was believed to be "far higher" as relatives were often officially informed of their whereabouts long after their disappearance. The PFP figure is only of missing people whose names have been established.

Anyone wanting assistance or advice on detentions can contact ☎ 45-11431 or ☎ 45-1483.

ARLW 10/7/86 **Freed** **nun: I** **hardly** **slept...**



A joyful reunion: Sister Clare, centre, is greeted by Sister Aine, left, and Sister Therese after her release from Pollsmoor prison yesterday.

Picture: PIERRE OOSTHUYSEN, The Argus

"I knew nothing about it. It came as a huge surprise. It was a trying experience with a great feeling of anxiety, not knowing what was going on outside."

● Nun's detention declared illegal, Page 5.

Staff Reporter

SISTER Clare Harkin, the Dominican nun freed by Supreme Court order after 17 days in detention, was still "overwhelmed" by her experience today.

"I hardly slept at all last night," she said.

"I was overwhelmed by the amount of effort that was put in," referring to the legal battle by her convent colleague, Sister Therese Dempsey, to secure her freedom.

The effort "wasn't only for me", she said. "I only hope it will have some effect on the others who have not been released."

Sister Clare said she would need to spend time dealing with the aftermath of her detention.

Today she would consult lawyers and the mother house of her order in Dublin.

She was looking forward to returning to her home in Guguletu and continuing her community and educational work.

Sister Clare was held under the state of emergency regulations on June 23 when police dispersed a funeral procession.

Sister Therese applied on Monday for a court order releasing her and declaring her arrest and detention illegal.

The order was granted yesterday by Mr Justice Marais, who found there was no valid reason for her detention.

Sister Clare, who was in Pollsmoor Prison, was unaware of efforts to release her.

Ch. 11/18

329

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and seizure).

● Sister Clare was not known as a

Mr Justice Marais said he had

back into the street "made him

help the realization to dawn? It is the

terms of the ordinary law of the la

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and the Officer Commanding Force
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Order, Sister Therese.
Cape Times Newscour: Alan Taylor

jig of joy for freed sister

“pack up your things and
Sister Claire became a nun
member of the Dominicans

ter Clare, was released by in Nyanga, or Dad language and was fur-

Asked if she would be involved in church and community work of an educational nature, she had known prison gates, leased, -11 -to had known turning to her work in

side — she's not sure," Sister nothing about the order for Nyabga, Sister Clare said I didn't.

DEBATE

Lawyers support call on jailed children

By Sue Leeman, Pretoria Bureau

A number of leading lawyers and criminologists have endorsed a recent call by two doctors for children to be removed from South Africa's prisons. They have also criticised the legal system for not making legal defence mandatory in juvenile cases. And they have warned that a youngster who is jailed often continues offending on his release — leading to more jail sentences.

On Monday, *The Star* carried the findings of paediatricians, Professor Norma Saxe and Dr Margaret Elsworth, who visited jailed juveniles between the ages of 10 and 20, many of whom were being held on charges of public violence.

The doctors criticised the system for not protecting the young — and warned that if no alternatives were found the country could face a generation of juveniles who no longer believed in the way justice was practised by authority.

The doctors added they believed sentenced children should be sent to places of safety. Those awaiting trial should be returned to their parents or guardians, or to places of safety.

But the doctors found no evidence of child abuse in the jails they visited.

Johannesburg attorney Mr Fink Haysom, who has studied prisons, said a study by Amnesty International had shown that prison could evoke various neurotic responses in children, including mental and stress disorders.

South Africa's lack of an effective legal aid system meant a child had no guarantee of legal defence. "They are at the mercy of the juvenile courts."

Sentences for such things as public violence are often harsh, such as that of a 16-year-old who recently received an eight-year sentence for this offence.

Another Johannesburg attorney, Miss Fiona McLachlan, said it should be mandatory for children to have legal representation.

She said interviews she had conducted with children who had come out of jail had shown a number had become hardened and some believed they had no chance of a fair hearing.

"Many of them are picked up time and again by the police, who have no other alternative."

Miss McLachlan said children needed to go into homes or places of safety rather than jails.

Criminologist Mrs Mana Slabbert said a study she had done among 500 young offenders had shown they often fell into a pattern of returning to prison.

It had been shown that prison had a negative effect on youngsters, who were very vulnerable to such things as breaks in contact with their parents.

Neuropsychologist at Wits, Professor Leon Holdstock, said children could develop hardened criminal attitudes while in jail and sometimes became suicidal.

A Prison Service spokesman said it was the ideal to incarcerate young offenders in separate institutions.

"Although some juveniles can be classified as hardened criminals ... the vast majority are more receptive to influence and change than adult transgressors. It is fair to protect them from hardened criminals by means of separate detention."

However, where incarceration in adult facilities is unavoidable, the prison authorities always try to prevent youngsters from being "contaminated by the influence of hardened criminals" and to provide for the special needs of the young.

It is policy to allow prisoners to maintain contact with families and friends. Visits and letters are therefore permitted.

The spokesman pointed out that the Department of Justice had set up a working group to look at strategies and programmes for juveniles.

Govt is faltering in face of onslaught against bannings

10/7/86 SML (327)

By Sue Leeman and Kym Hamilton

The Government's resolve appears to be crumbling in the face of persistent challenges from lawyers and trade unions.

Last night, it made an about-turn on the matter of banned indoor gatherings, saying it had decided that the ban no longer applied to trade unions. Employees, it said, would not be detained for bona fide union activities.

It also took Johannesburg and Roodepoort off the list of areas affected by the prohibition.

Several unions have already instituted court proceedings to challenge the banning orders and the scene had been set for a show-down.

The Metal and Allied Workers' Union (Mawu), the Commercial, Catering and Allied Workers' Union (Ccawusa) and National Union of Mine-workers (NUM) are considering challenging the regulations on the basis that they are contrary to collective bargaining principles.

WHOLE EMERGENCY QUESTIONED

The ban on gatherings severely limits the work of the unions, many of which are involved in key wage negotiations.

In Durban, Mawu has taken the matter even further and questioned the whole state of emergency. It claims the Government failed to observe a provision of the Public Safety Act which stipulates that the emergency be put before all

three Houses of Parliament within 14 days. Parliament adjourned on the 13th day, said lawyer Mr Peter Harris.

The union was also seeking a change in the definition of "subversive statements" on the grounds that it was so vague it could have no legal force. Mr Harris said lawyers were also demanding the right to visit detainees.

The emergency regulations are also constantly being challenged by detainees' lawyers, who are trying out all possible loopholes in the web of restrictions.

NUN IS RELEASED

A number of prominent detainees have been released and the Government's detention orders — which once appeared to be cast-iron — seem to be faltering in the face of this onslaught.

Yesterday, the Supreme Court in Cape Town ordered the release of a nun, Sister Clare.

On Tuesday, Agence France Press news photographer Mr David Hartman was released only an hour before an application for his release from detention was due to be heard in the Cape Town Supreme Court.

On Monday, World Television News sound man Mr Theophilus Mashiane was released from detention after a Rand Supreme Court ruling that his detention in terms of the emergency regulations was unlawful. Mr Justice Goldstone said the arresting officer had not formed a bona fide opinion that the arrest was necessary.

Judge orders nun's release

Dispatch Reporter

CAPE TOWN — The immediate release of detainee Sister Clare Harkin was ordered by the Supreme Court yesterday after Mr Justice Robin Marais found that the police captain who ordered her arrest had "a somewhat less than clear mind".

Sister Clare was arrested and detained on June 23 in Terminus Road, New Crossroads, as police dispersed mourners after a funeral.

Police alleged in papers before court that Sister Clare assaulted Constable Marius Nel, swore obscenely at him and hindered him in the course of his duties.

Papers filed by the Acting Regional Superior of the Dominican Order, Sister Therese, alleged that Sister Clare stood between the policeman and a young man he was beating up and pleaded with the policeman to "please have mercy on the boy".

Drawing the legal parameters within which the facts of the application brought by Sister Therese had to be considered, Mr Justice Marais said that the power given by emergency regulations to members of a force to

arrest and detain without warrant were not unfettered.

The precondition for the exercise of this power was that an opinion had to be held that the arrest and detention was "necessary for the maintenance of public order, or the safety of the public or that person himself, or for the termination of the state of emergency".

The judge said he wished to emphasise that a member of a force should apply his mind not to whether such an arrest was desirable but to whether it was necessary for the purposes set out in the regulations.

Noting that there was a substantial conflict of fact in the papers before him, he said it was not possible to say with sufficient certainty where the truth lay.

Mr Justice Marais ruled that Sister Clare's arrest and detention was unlawful and should be set aside but granted the respondents — the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the Officer Commanding Polismoor Prison — leave to appeal to the Appellate Division.

Govt pledge on detainees

AKG-15 10/7/86 329

By DAVID BRAUN
Political Staff

THE Government undertook today to investigate complaints that people were not being told about the detention of relatives.

The Deputy-Minister of Law and Order, Mr Adriaan Vlok, also promised to investigate cases of people the Progressive Federal Party felt should not be in detention.

Mr Vlok made the undertaking to Mrs Helen Suzman, PFP Law and Order spokesman, at a meeting in Pretoria.

Mrs Suzman said the Deputy-Minister gave her a fair hearing and took note of all her representations.

"My main purpose was to convey to him that the relatives of many people who had been detained under the state of emergency had not been informed that they had been held or where they were being held.

Instruction

"This is creating considerable dismay and anxiety.

"Mr Vlok told me there was a specific instruction issued to the police that relatives were to be told of detentions.

"He said he was going to investigate my complaint and see to it that the instruction was complied with."

Mrs Suzman said she had also told Mr Vlok of people she felt should not be in detention.

"He said he would investigate these cases.

"I further told him that people were not always allowed to leave clothing for detainees and often did not know where they could apply for permission to arrange visits.

"Mr Vlok promised to give me the names of the commissioners in the different areas so I can pass on the information to PFP offices and other monitoring offices.

"None of this obviates the overall objection I have to detention without trial," she said.

"Take care"

● Mrs Suzman has also criticised a ban on indoor gatherings of 33 organisations and trade unions in Johannesburg and Roodepoort which was, according to the Bureau for Information, imposed in error.

The bureau said the errors, published in an earlier Government Gazette, would be rectified today.

Only meetings in Soweto, Meadowlands, Diepkloof and Dobsonville should have been affected and trade unions should not have been on the list.

Mrs Suzman said particular care should be taken when it came to any action affecting civil rights, such as the right of assembly.

"I welcome any relaxation of the stringent regulations, but any attack on freedom of association or assembly is repugnant."

Mrs Suzman welcomed the

(Turn to Page 3, Col 3)

Govt pledge on detainees

AKG-15 10/7/86 329

(Cont. from Page 1)

recent release of people whose detention had been legally contested. "The PFP wants all people released. Then, if any charges can be brought, they should be charged."

● The Commissioner of Police has given permission for a lawyer, Mr Enver Daniels, to see Dr Hassan Mohamed, detained on June 16, a Staff Reporter writes.

Dr Mohamed's father, Athlone surgeon Dr Abdullah Mohamed, applied to the Supreme Court on Tuesday for an order releasing his son.

The hearing was postponed — without a date — because of conflicting versions of events preceding Dr Mohamed's arrest and because of lack of clarity about his detention. It should have expired after 14 days but was allegedly extended by ministerial order.

Oral evidence will be heard when the hearing continues.

Mr A M Omar, a member of Dr Abdullah Mohamed's legal team, said Mr Daniels would see Dr Hassan Mohamed today or tomorrow. Mr Omar said he hoped the hearing would be resumed next week.

PFP: 300 reported missing in Border

Dispatch Reporter

EAST LONDON — More than 300 people from the Border region have been listed by the Progressive Federal Party's missings persons' bureau as missing since the declaration of the state of emergency.

The head of the bureau, Mr Neil Ross, said the PFP had collected 2 021 names of people reported missing. Names were pouring in at a rate of 100 a day.

Most of the Border people listed are from Duncan Village.

Among those reported missing are two PFP office-bearers.

The PFP's regional organiser here, Mr Ian Bentley, said anyone wishing to list names of missing people should contact the party's office here.

Tears for his detained mum

A SIX-MONTH-OLD baby, who is breast-feeding is seriously ill after his mother was detained about a week ago.

An executive member of the South African Black Municipal Workers' Union (Sabmawu) said the detention of their member under emergency regulations was confirmed when their attorney contacted the local

By SY
MAKARINGE

police.

Relatives of the toddler told the *Sowetan* that his health was deteriorating after his mother was detained on July 3.

"We don't know what to do. The baby cries all night and refuses to eat other kinds of food," a relative said.

She said when

they gave him other types of food, he vomited "because he is solely dependent on breast-feeding".

"We are praying that something be done immediately to save the child," she said.

• In terms of emergency regulations, we cannot identify either the baby or his mother and cannot report further details.



THIS boy's mother has been detained since July 3. The family does not know what to do as he keeps on crying for his mum. He is six months-old and breast feeds.

Pic: LEN KUMALC

CAPE TOWN 10/7/86 (229)

Police ordered not to assault girl

Own Correspondent

DURBAN. — An urgent application seeking a temporary interdict restraining the police from assaulting and unlawfully interrogating a 15-year-old girl who was allegedly detained after she was found wearing a June 16 T-shirt, was granted by Mr Justice Didcott in the Supreme Court here on Tuesday.

The application was brought by the girl's grandmother and guardian, Mrs Elizabeth Mkame.

The Minister of Law and Order, the Commissioner of Police in Durban, and the commanding officer of Westville Prison must show cause on August 5 why the order should not be made final.

A district surgeon has also been asked to give her a thorough and detailed medical examination.

In an affidavit Mrs Mkame said that she and her granddaughter had attended a church service at Claremont on June 16.

After the service she had gone home and her

granddaughter left with some school friends.

After she got home some of her granddaughter's friends came into the house and told her that her granddaughter had been detained.

She said they claimed that members of the SADF had asked her to open her jacket to see her T-shirt.

Her granddaughter had been wearing a June 16 T-shirt.

The same evening she had been telephoned by a special branch policeman who said her granddaughter was being detained under the emergency regulations at Westville Prison.

On July 1 she had been allowed to visit her granddaughter.

"Smyley was very distressed, upset and was crying."

She claimed that in two days of detention she had been severely beaten and expressed grave concern for her future well-being in prison.

Mrs Mkame said her granddaughter looked exhausted and underweight and was very afraid.

Court orders release of³²⁹ nun — detention illegal

By SUE LUPTON, Staff Reporter

A JUDGE has ordered the release of Dominican nun Sister Clare Harkin after finding her arrest and detention after a funeral in Guguletu on June 23 was illegal.

In the Supreme Court yesterday Mr Justice Marais said riot policeman Captain Jacob Johannes Oosthuizen who ordered her arrest "did not apply his mind" to a crucial fact — why an arrest and prosecution would not have ended the threat to public order.

He was finding on an application by Miss Angela Dempsey (Sister Therese), acting regional superior of the Dominican Order, for an order declaring Sister Clare's arrest illegal.

The judge said if Captain Oosthuizen had considered the option of an arrest and prosecution he would have realised that it would have ended Sister Clare's participation in the day's events as effectively as her detention.

Captain Oosthuizen's opinion that the nun's detention was necessary for the maintenance of public order, or for the end of the emergency did not "qualify" as the type of opinion which entitled him, in terms of the emergency laws, to detain Sister Clare.

His exercise of the power contained in the regulations was "unlawful".

The judge said the limitations on the power of arrest vested in the security forces in the emergency laws were:

- An opinion had to be held.
- The detention had to be considered to be necessary for the maintenance of public safety and order or the termination of the emergency. The security force member had to apply his mind to whether the detention — and an arrest — was necessary.
- The purpose of the exercise of power of detention could be reviewed by the courts.

The relevant section of the emergency regulations states:

"3(1) A member of a force may, without warrant of arrest, arrest or cause to be arrested any person whose detention is, in the opinion of such member, necessary for the maintenance of public order or the safety of the public or that person himself, or for the termination of the state of emergency, and may, under a written order signed by a member of the force, detain or cause to be detained, any such person in custody in a prison."

The judge rejected the interpretation of the emergency regulations that "good faith" was a "cure-all" which made illegal actions legal.

He said there were conflicts in the facts presented by applicant and the respondents (the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the officer commanding Pollsmoor Prison).

The judge referred to Captain Oosthuizen's affidavit.

Captain Oosthuizen had said he saw Sister Clare hold Constable Marius Nel, grab his quirt and hit him on his shoulder and his chest. In his opinion she took part in an illegal gathering and assaulted and obstructed the police in the execution of their duty.

The judge also referred to Constable Nel's statement.

Constable Nel had said he struck the black man because he wished him to run in a different direction.

"It was not surprising that Sister Clare took exception to the assault."

- The judge granted the Minister of Law and Order leave to appeal.

Mr J Foxcroft, SC, with Mr A M Omar, instructed by Essa Moosa and Associates, appeared for Sister Therese. Mr H Viljoen, SC, with Mr J le Roux, instructed by the State Attorney, appeared for the Minister of Law and Order.

3 482 detained in emergency

Staff Reporter

A TOTAL of 3 482 people are known to have been detained since the start of the state of emergency, 1 404 of them in the Cape Province, the Cape Town-based Repression Monitoring Group said in its weekly review yesterday.

In a previous release, the RMG said that during the previous emergency, the centre had under-estimated the number of detainees by 57 percent, and RMG sources said yesterday the present figure was "grossly under the real total".

In addition, 22 people are still being held in the Western Cape in terms of various sections of the Internal Security Act.

They include Mr Xolani Humana and Mr Bongani Dunjana, who have been in detention for 147 days, Mr Dududumi Mdlalane (77 days),

Ms Pina Ncata (74 days), Mr Monde Ntshaka (74 days), Mr Joseph Gosani (74 days), Mr Zinigisile Ncivata (73 days), Mr Zweletu Macozoma (73 days), Mr Cecil Esau (73 days), Mr Quinton Michaels (73 days), Mr Twelve Fundamela (68 days), Mr Hassan Qhila (68 days), Mr Achmat Cassiem (65 days), Mr Neville van der Rheede (65 days) and another eight people who have been in for shorter periods of time.

In the Cape Province, 371 people are known to have been detained in the Eastern Cape, 72 in the Northern Cape, 329 in the Karoo/Namaqualand area, 109 in the Southern Cape (42 of them in George), 220 in the Boland and West Coast, and 303 in the Cape Peninsula.

These figures include those known to have been released from custody.

In the Transvaal, 1 665 people are known to have been detained, 164 in the Free State, 170 in Natal and another 79 have been detained in unspecified areas.

This gives a daily known average of about 166 detentions, the RMG said.

The figures for the Transvaal do not include the mass detention of 740 dairy workers on June 20 or the mass detention of about 1 000 members of the South African Black Municipal Workers' Union in Thembisa last Thursday.

The RMG said more than 170 trade union shop stewards have been detained in the Transvaal, leading to more than 100 work stoppages at Transvaal and Free State retail outlets, seven stoppages at pharmaceutical firms and at least eight protest strikes at chemical plants.

Baby can join his mum

By SY MAKARINGE

THE police have offered to reunite a sickly six-month-old baby with its detained mother. But the baby will have to join his mother in the cells.

The Bureau for Information was responding to a story in the *Sowetan* yesterday when it was reported that the baby

was sickly and still breast-feeding when his mother was detained.

The spokesman said he contacted the Prison Services after reading of the plight of the infant who fell ill after his mother was detained on July 3.

He said officials of the Prison Services as-

sured him that there were facilities for women who had small children and that they were prepared to take the child to its mother.

The spokesman said, however, that the reunion could only be possible if the bureau was furnished with the address and name of the

child.

A spokesman for the South African Black Municipal Workers Union (Sabmawu), of which the baby's mother is a member, objected to the baby being taken to prison.

• The *Sowetan* was contacted by the police yesterday and asked to as-

sist in reuniting the baby with its mother. We undertook to convey this to the people looking after the baby. We informed Sabmawu which said it had moral objections to assisting in the "detention" of a baby. We have conveyed Sabmawu's response to the police.

A double blow for regulations

THE courts struck a significant blow this week against the Security Forces' sweeping powers of arbitrary detention under the State of Emergency by declaring the incarceration of two detainees illegal and ordering their immediate release.

And on two occasions the government has appeared to back down in the face of pending court hearings — withdrawing bans on union meetings in the Johannesburg-Rooftop area on the day four unions filed challenges to the restrictions, and releasing Cape Town photographer Dave Hartman an hour before an application contesting his detention.

The release of Worldwide Television News soundman Spokes Mashiyani on Monday and of Catholic nun Sister Clare Harkin on Wednesday, after rulings by the Johannesburg and Cape Town Supreme Courts respectively, has been hailed as a significant victory for a return to the rule of law by Progressive Federal Party parliamentarian Helen Suzman.

Jules Browde, national chairman of Lawyers for Human Rights, said it was "extremely gratifying that the courts have interpreted the Emergency regulations as giving them the right to inquire into the *bona fides* of the police in individual cases, and order the release of detainees not arrested in good faith".

Johannesburg Supreme Court Judge RJ Goldstone found that, although police were not looking for soundman Mashiyani, they had arresting him while searching the room of his fiancée, Khosi Radebe, at her Witwatersrand University residence, Glyn Thomas House, in Soweto on June 15, after discovering a tape-recording of singing at a township funeral in the room.

Goldstone ruled that the arresting officer could not have formed a *bona fide* opinion that Mashiyani was a threat to the maintenance of public order. "The regulations, wide as they are, still place limits on the arresting person," he said. The authorities did not contest the application.

In ordering the release of Sister Clare, Cape Town Judge Robin Marais found the policeman who ordered her release had "a somewhat less than clear mind".

Papers filed by Sister Theresa, the Acting Regional Superior of the Cape Dominican Order, said Sister Clare had been arrested when she stood between a policeman and a young black man he was beating up and pleaded with him "to have mercy on the boy".

By JO-ANN BERKER, JEAN LE MAY and FRANZ KRUGER

In replying affidavits, the police denied this. They said Sister Clare had grabbed a quilt from a policeman and sworn obscenely at him.

Marais said he found it difficult to appreciate why the policeman had persisted in beating the man. "It is not surprising that Sister Clare took exception to what appeared to her as a gratuitous assault," he said.

The police's powers of arrest and detention under the Emergency were not unfettered, Marais ruled.

The government's surprise decision to amend an order banning trade union meetings was welcomed by various businessmen as a sign the authorities were adopting a more sensitive approach to industrial relations.

The Bureau for Information announced the amendment on Wednesday by saying the original Government Gazette detailing the restrictions "contained certain errors". Only the townships of Soweto, Meadowlands, Diepkloof and Dobsonville were affected by the order, which originally applied to 33 union and political organisations, the bureau said. Trade unions should not have been on the list, it added.

The application for the release of Agence France Presse and Afrapix photographer Hartman, which fell away following his release on

Tuesday, alleged that Hartman had been detained because he was a key witness in a Supreme Court application to be brought by residents of Cape Town's KTC township against attacks by the conservative "Witdoeke" vigilantes.

Meanwhile several similar court hearings are pending.

●An application for the release of a leading member of the Orange Free State United Democratic Front, Dennis Bloem and his wife, Edith, began in the Bloemfontein Supreme Court yesterday.

The order is similar to an application brought by the Metal and Allied Workers Union in Durban this week in that it asks the court to find that the Emergency regulations ceased to be effective after June 26, as they were never tabled in Parliament.

●The UDF will bring an application to the Port Elizabeth Supreme Court on Monday challenging a series of orders signed by divisional commissioners of police imposing curfews on townships and banning certain organisations from holding meetings.

Johannesburg lawyer Krish Naidoo, the instructing attorney, said lawyers would argue that a UDF meeting planned for Tuesday in Port Elizabeth did not contravene the Emergency regulations.

"The purpose of the meeting is to inform the community of the emergency's effect on the UDF and its

affiliates. The UDF sees it as its duty to report to its members," Naidoo said.

The power to seize publications would also be challenged, Naidoo added.

●The detention of two King William's Town lawyers will be challenged in the Grahamstown Supreme Court on Monday. The wives of John Smith and Dudley van Heerden are asking for their detention to be declared illegal.

The application will also challenge the regulations made to govern detentions. Naomi Smith and Ingrid van Heerden have submitted legal papers that the Enabling Act does not allow for regulations which limit a detainee's access to legal representation, or for "rules which constitute such a fundamental inroad into the rights of a detainee".

Naomi Smith alleges the head of the town's Security Police, listed as a respondent with the Minister of Law and Order and Justice and the Commissioner of Police, previously threatened her husband and his partners with detention because of his annoyance at "constantly having to furnish details about detainees to his firm".

●An application for the release of a Cape Town doctor, Hassan Mahmood, who was detained on June 16 while taking a gas stove to Crossroads refugees, has been postponed for oral evidence.

Out of prison, but still unfree 329

THE government has resorted to a novel device it introduced during last year's State of Emergency — releasing detainees under conditions very similar to those of a banning order.

Last week the head of the SA Council of Churches' Commission for Justice and Reconciliation, Dr. Wolfram Kistner, was released from Diepkloof Prison under these conditions.

In terms of the order, which was authorised by Minister of Law and Order Louis le Grange, he may not:

- Absent himself from the magisterial district of Johannesburg;
- Enter the premises of any educational institution;
- Contribute in any way to any publication;
- Conduct any interview with any

By SIMON PAMPHILON

journalist of any newspaper or magazine, or any member of any radio or television network;

● Take part in the activities of any organisation for the purposes of regulating relations between themselves or their employees;

● Attend any gathering at which any principle or policy, or action or contemplated action by the government is attacked, criticised, or discussed.

The only major difference between the conditions of Kistner's release and that of a banning order is that he may be quoted. This is irrelevant, however, as he may not speak to journalists.

Unlike a banning order, the restrictions on Kistner do not carry a

time limit. They hold until the Emergency is lifted.

Last year a number of detainees were released under similar conditions, shortly before their lawyers were to contest the validity of their detention. It was believed they were released so that the detentions would not be tested in court.

The penalty for breaking these restrictions — 10 years in prison or a fine of R20 000 — is far more severe than for breaking a banning order. Another significant aspect of the restrictions is that they do not have to be made public through the Government Gazette.

● A representative of the Department of Information said they were not prepared to release information on this subject, or reveal if anyone else had been released under the same conditions.

'Day of action' to protest SA curbs

By Mike Siluma

The largest group of black trade unions in the country has announced a national day of action on July 14 in protest against severe restrictions imposed on unions under the state of emergency.

Action announced by the 600 000-strong Congress of SA Trade Unions (Cosatu) yesterday is expected to vary depending on decisions taken by individual unions and local branches in various regions.

July 14 is also the day on which black children are due to go back to school.

The announcement of a day of action came barely 24 hours after the second round of talks between Cosatu and major employer bodies was called off.

Cosatu was supposed to meet employer bodies last night for the second time this week. It cancelled the meeting with the Association of Chambers of Commerce and the Federated Chamber of Industries claiming "intensified State pressure" on it involving detentions and raids on union offices.

The meeting was to have been a sequel to one held between the parties on Monday to discuss issues including protest action being taken by Cosatu members since the emergency, and employers' response to the federation's demands.

CONSTERNATION

In a statement yesterday Cosatu said it noted with consternation "the intensification of the Government's campaign against all forms of democratic opposition".

"The wide-ranging restrictions are ill-considered and short-sighted. They in no way constitute a plan for peace and democracy. Instead, they create a climate hostile to finding reasonable and democratic solutions to the country's crisis.

"Cosatu has been one of the chief targets of the present crackdown — our leaders are detained, scores are in hiding, many offices are closed and our statements are censored. The industrial relations system which workers have painstakingly established over the years is being systematically assaulted.

"Despite the warnings of Cosatu and concerned South Africans, the restrictions on our democratic activities are being stepped up all the time," said the statement.

"In the light of this and in an effort to assert their democratic rights, Cosatu members will observe a day of action on July 14. Workers want to use the action of July 14 to press for a more rational and democratic response from the authorities.

"Cosatu challenges employers to go beyond paying lip-service to union freedoms that workers are fighting for."

Pining baby may be detained with mom

The police have offered to reunite a sickly six-month-old baby with its detained mother.

The baby, who cannot be named as this would identify the mother, will have to join her in the cells.

A report in *Sowetan* today said the newspaper was contacted by the Bureau of Information after a picture and a story about the plight of the baby appeared in the newspaper yesterday.

The report said the baby was sickly, needed breast-feeding and was pining for its mother.

A Bureau spokesman said he had contacted officials of the Prison Services after reading the story. He said the officials assured him that there were facilities for women with small children.

But the union to which the baby's mother belongs objected to the baby being taken to prison because "it is morally wrong to assist in the detention of a baby".

THE EMERGENCY

The union challenge

The State of Emergency, now into its fourth week, is increasingly becoming the focus of a trial of strength between government and organised black labour.

In the process, employers are being pressurised by the unions to demonstrate both vocally and materially where they stand. Wildcat strikes and go-slows are being used to back these demands.

According to the Labour Monitoring Group, which has compiled regular bulletins on the effects of the emergency on labour relations, 218 elected union leaders are in detention, along with 1 319 rank-and-file members.

Government placed additional restriction on union activities this week. It banned indoor meetings in Johannesburg and Roodepoort of the Council of Unions of SA (Cusa), the Congress of South African Trade Unions (Cosatu) and four key Cosatu affiliates — the National Union of Mineworkers (NUM), the Metal and Allied Workers' Union, the Commercial, Catering and Allied Workers' Union and the General and Allied Workers' Union. Also included in the ban were 28 political, community and student organisations.

Despite the fact that many of the unionists who have not been detained have gone underground, Cosatu and Cusa both issued statements on the emergency in the past week. Cosatu's statement was released after its central executive committee met at an undisclosed venue last Tuesday. Cusa, which was forced to cancel the congress it planned to hold last weekend, nevertheless managed to convene a meeting of its national executive committee last Saturday.

Both Cosatu and Cusa have called for an end to the emergency, for the release of detainees, and for steps to be taken to resolve SA's political impasse. They have also issued demands to employers aimed at protecting the interests of detained members and facilitating union operations that are threatened by the emergency measures.

Cosatu's shop floor demands include: that no detainees should be dismissed and that their wages should be paid in full for the period of their detention; that township dwellers should not be obliged to do night-shift work and should not have their pay docked; that wage payments should be backdated where negotiations have been disrupted because of the emergency; that employers should make communications facilities available to union leaders; and that shop stewards and other union members be given time off to attend to union business without loss of pay.

Cosatu and Cusa have threatened to take

The FM has been edited to comply with the emergency regulations. Information may therefore be distorted, incomplete and misleading.

action — the form of which they have not specified — if their demands are not met. Cosatu has set a deadline for this Friday.

On Monday night representatives of the Federated Chamber of Industries (FCI) and the Associated Chambers of Commerce (Assocom) met with a Cosatu delegation to discuss the demands. A similar meeting was held with Cusa on Tuesday. FCI, Assocom, and Afrikaanse Handelsinstituut members were present.

The FM was unable to obtain details of the meeting with Cusa before it went to press. But at the meeting with Cosatu, the employers agreed to recommend to their members acceptance of most of the workplace-related demands and undertook to consider the outstanding ones. On the wider political demands, the employers indicated that they have been lobbying government. Cosatu, however, was dissatisfied with their low-key approach. A further meeting was scheduled for mid-week.

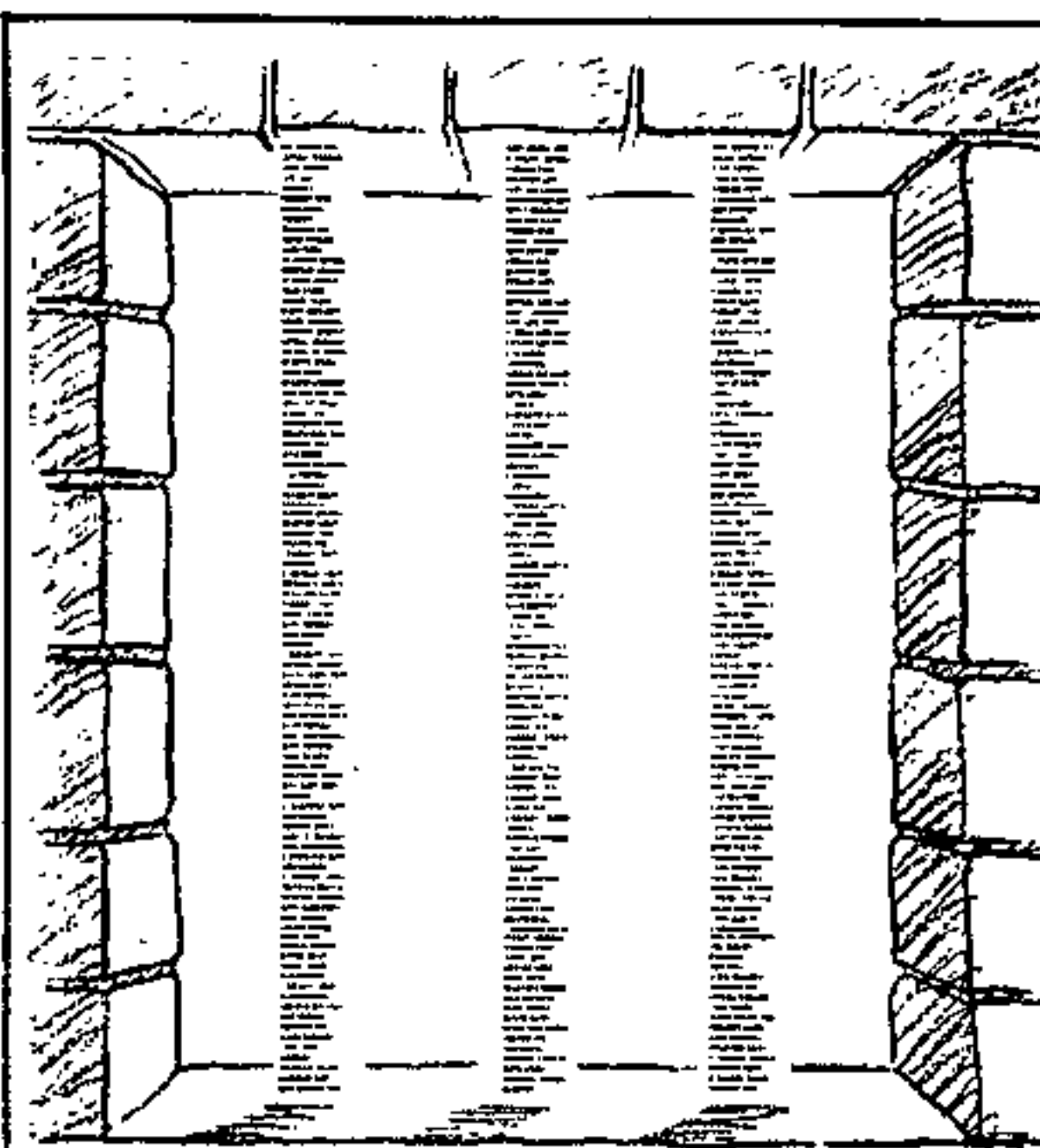
Meanwhile, the focus of industrial action in protest against the detention of unionists has shifted to the mines. Several pharmaceutical and food plants are also affected.

On Tuesday a NUM spokesman reported that 41 000 members had participated in work stoppages or go-slows at 12 gold, coal and diamond mines in the past week. She also said that about 100 000 members are boycotting liquor outlets and concession stores on mine property.

About one-third of the 1 950 employees at four De Beers mines in Kimberley returned to work on Monday, having been on strike since last Thursday. On Tuesday De Beers' Finch mine was hit by a stoppage. Anglo American has shut down two shafts at its Free State Geduld mine, pronouncing them unsafe due to go-slow action by 5 000 miners. Amcoal's Kriel Colliery has also been affected by a two-hour stoppage.

At Gencor's Grootvlei and Marievale gold mines, 7 750 workers staged half-shift stoppages on Sunday night and Monday. On Tuesday, workers at the Matla colliery also staged a two-hour stoppage. Gold Fields has denied NUM claims of go-slow action by 25 000 miners at its Libanon and Kloof mines. The pattern of rolling action on the mines is expected to continue.

The emergency has clearly placed the unions and employers in a difficult position. While employers have made major concessions on the unions' shop floor demands, their diplomatic approaches to government fall short of union expectations. Employers believe that low-key methods are the most constructive and some are becoming resentful at the spread of industrial unrest. The unions, however, would like them to take a bolder stance against the emergency. ■



The South African Government would rather the world forgot these names.

Ten hundred names are among the thousands of people who have been detained in the South African state of emergency. Their names are being published in the world's newspapers to ensure that the world knows what is happening over 100 names have already reached the world's newspapers. They have not been forgotten. They have been listed in the world's newspapers. They have been listed in the world's newspapers. They have been listed in the world's newspapers.

This advertisement placed by the Trades Union Congress and the International Confederation of Free Trade Unions, was published in Britain's Daily Telegraph last week

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'Day of action' to protest SA curbs

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Cap Times 11/7/86
329 808

2 policemen blamed for death in custody

MDANTSANE. — The death in police custody this year of Ciskei civil servant Mr Mbulelo Boltini was blamed yesterday on the "unlawful acts" of two policemen.

The inquest magistrate, Mr G Zamxaka, heard that Mr Boltini was taken from work on January 27 by Detective-Constable Richard Saul, Detective-Constable Nceba Matoti and a South African policeman, Constable Mzwandile Zitumane, whose service revolver was stolen while he was drunk at Mr Boltini's house.

Mr Zamxaka heard that Mr Boltini had told the policemen he had taken the firearm to his girlfriend's house for safe-keeping.

His girlfriend, Miss Nomahlub Caga, said she was picked up by the policemen at Cecilia Makiwane Hospital where she worked.

They told her that Mr Boltini had left the firearm at her home, where it was later found.

She said they were then driven to a police station where she was tortured several times.

Constable Saul said that as he was preparing to take a statement from Mr Boltini he had an epileptic fit.

Constable Matoti said he ran out of the office to call a senior officer, who was 25km away.

The other two policemen could not say how Mr Boltini had received marks on his neck, which two independent pathologists said were consistent with strangulation.

Ciskei state pathologist Dr M Terensio found that Mr Boltini had died of natural causes.

Mr Zamxaka said Dr Terensio had agreed that his post-mortem had not been thorough. — Sapa

SMX

11/2/86

329

Petrol-bomb boy (16) jailed

PORT ELIZABETH. — A 16-year-old boy who hid in a wardrobe after throwing a petrol bomb at a police vehicle was yesterday sentenced in the New Brighton Regional Court to five years' imprisonment, three years of which were suspended for four years.

The youth — who cannot be named — pleaded not guilty to throwing a petrol bomb at a Buffel in Zwide, Port Elizabeth, on April 19.

That on that day he was travelling down Dark Street in Zwide when a youth hurled a petrol bomb at the Buffel in which he and seven other policemen were travelling. The petrol bomb hit the back of the Buffel, landed on the ground and exploded.

The youth denied he threw a petrol bomb at a police vehicle, saying on the day in question he had been helping his uncle to build a shack. He said he was arrested in front of the shack they were building. Giving judgment, the magistrate, Mr A W Meiring, said the two State witnesses had satisfied the court and had not contradicted themselves. The youth, on the other hand, had contradicted himself.

— Sapa.

step-daughter, but this passed on August 7, pend-

office wastepaper bins of

to

BUSINESS DAY, Friday, July 11 1986

MICK COLLINS

THE Transvaal Chamber of Industries (TCI) has once again called on government to charge or release union leaders.

In a special notice the TCI has encouraged members to lend support to families of detainees and has laid down guidelines for employers. It says if an employer suspects a particular employee has been detained, the local commissioner of police should be contacted. Should there be problems, the TCI will as-

TCI repeats call to release or charge leaders

It suggests that it would be good industrial relations practice for employers to:

- ☐ Try and obtain confirmation of the detention from the police and the relevant section under which the employee has been detained.
- ☐ Communicate clearly to affected workers that the employment relationship with detained workers will

not be affected by involuntary absence from work.

- ☐ Send reading matter to the detainee if the place of detention is known.
- ☐ Inquire from the detainee's family whether they require any assistance, financial or otherwise.

The TCI says documents relating to bona fide trade union matters can be distributed on company premises. "Bona fide trade union meetings

can be held indoors, except in certain areas where certain organisations or groups are not allowed to have meetings in terms of orders by the commissioner of police.

"Currently this affects Cosatu in the Western Cape in six districts: Simons town, Wynberg, Goodwood, Bellville and Kuils River. "The chances of conducting peaceful meetings will be enhanced by

keeping the meetings as small as possible, and indoors.

"Outdoor meetings, whether on or outside company premises, may only be held with the authorisation of a local magistrate or the Minister of Law and Order."

On the subject of strikes, the TCI says the Minister of Law and Order has stated publicly that the security forces will not interfere.

APARTHEID BAROMETER

STATE OF EMERGENCY DETENTIONS

THE government has refused to release the numbers or names of those detained under the Emergency regulations. According to a major monitoring group, over 5 000 people had been detained by July 5. This figure included at least 2 294 trade unionists, of whom 218 were elected leaders and officials, according to the Johannesburg-based Labour Monitoring Group.

DETENTIONS BY ORGANISATION

	PWW	TM country	E-Cape	N-Cape	W-Cape	Natal	OFS	Unknown	Total
Students/ scholars/ teachers	105	26	10	1	18	53	33	6	261
Unionists/ workers	55	33	16	7	10	35	31	22	209
Community/ Political	150	62	129	12	29	63	29	6	460
Clergy/ churchworkers	15	13	13	4	3	12	1	1	62
Media	2	0	5	0	5	0	0	0	12
Other/Unknown	176	93	298	48	305	36	77	45	1 078
TOTAL	511	227	480	72	370	199	171	80	2 110

UNREST DEATHS (SA Institute of Race Relations)

February 1984 — June 1986: 2 223

September 1984 — June 1986: 1 997

January 1985 — December 1985: 879

January 1986 — June 1986: 969

May 1 — May 31: 221

June 1 — June 30: 177

June's death toll of 177 was the second highest since the political violence began, surpassed only by May, when 221 people died, according to the SAIRR. Last month the average daily death toll was 5,9 compared with 5,37 for the first six months of 1986, 2,46 for 1985, and 1,23 for the last four months of 1984.

According to the government's Bureau for Information, by 6am on Tuesday morning a total of 117 people had died since the Emergency was declared. These figures do not include the "independent homelands".

In his annual report, released this week, Commissioner of Police General Johan Coetzee stated that last year more than 400 people died in South Africa and 2 000 were injured because of unrest. Of those who died, 264 were shot dead during skirmishes with Security Forces while seven members of the Security Forces also lost their lives.

The report also stated more than 21 000 people were arrested last year in connection with incidents of violence.

Damage to buildings and vehicles amounted to R60-million.

THE LIST

Fifteen names have been added to the list of people who may not be quoted, among other restrictions, in terms of the Internal Security Act, bringing to 127 the number of people affected, of whom 29 are currently living in South Africa (six on Robben Island or in Pollsmoor Prison), 14 are deceased and 81 are believed to be in exile.

The following names on last year's list do not appear on the one published this week: VZ Banda, MH Cikozani, Abel Dube, SM Gaba, Mubillilo Goniwe, Matthew Goniwe, Barbara Hogan, Johnny Issel, MF Jacobsz, HM King, BJ Leinaeng, JJ Maake, MK Madlingozi, LW Magxwalisa, DD Makanda, M de V Maquebeza, Florence Mkhizi, TS Mogoerane, SN Mokoena, Andrew Mokone, JS Mosololi, MT Motaung, David Mtshela, TP Ngobo, TJ Phantse, MM Tansa, Daniel Tloome, KE Tsamane, JD Viljoen and Winnie Mandela.

The following names were added to the list: Jack Barnett, Alan Brooks, Brian Bunting, Sonia Bunting, Anne Fineberg, Swamintha Gouden, Martin Hall, Rica Hodgson, Norman Levy, John Motshabi, Nonjolo Ntunja, Albie Sachs, Naomi Shapiro, Archie Sibeko and Mary Turok.

STATE WAGE BILL

The salaries of white state employees are expected to comprise more than 50 percent of the state's wage bill of over R10 300-million this year, despite the fact that whites comprise only 34 percent of all public employees, according to figures released by the Central Statistics Service.

The 1 052 252 people employed in central government departments, the "self-governing homelands", the provincial administrations, local authorities and various statutory boards earned a total of R2 597-million in the first three months of 1986.

Of the 391 077 people working in central government, the average black salary was R517 per month, compared with R1 253 for whites, R1 144 for Indians and R754 for coloureds. Of the 262 189 people employed by the provincial administrations, whites earned an average of R1 296, compared with R387 for blacks, R508 for coloureds and R1 014 for Indians.

Of the 240 100 people employed by local authorities, the average black salary was R372, compared with R1 808 for whites. Of the 30 996 people employed by various statutory bodies, whites earned an average of R1 981 per month and blacks an average of R304. Another 127 890 people are now employed in the "self-governing homelands". The average salary for blacks here is R523.

PRISONER OF CONSCIENCE: FATHER SMANGALISO PATRICK MKHATSWA

Father Mkhatswa, 47, Secretary General of the Southern African Catholic Bishops' Conference, is believed to have been detained under the Emergency regulations on June 12. His detention was confirmed when he was due to appear in court on unrelated charges, but could not appear because he was being held under the Emergency regulations. Father Mkhatswa grew up in the Eastern and Northern Transvaal. In 1960 he entered St Peter's Seminary in Natal. He was ordained as a priest in 1965 at Barberton and subsequently worked in the diocese of Lydenburg/Witbank. Eight years later he completed a B Phil degree at the University of Louvain in Belgium and then a Master's degree in theology.

On returning to South Africa, he resumed a position in the secretariat of the Southern African Catholic Bishops' Conference, serving in several departments. In 1974 he also became organising secretary of the Black Renaissance Convention, a meeting of black church leaders. In August 1976 he was detained for the first time and held without trial for 136 days at Modderbee prison. In June 1977 he was banned for five years, and therefore could not resume his work as a priest in his home diocese of Lydenburg/Witbank. As a result he was appointed parish priest at St Charles Lwanga. On October 19, 1977 he was detained without trial again and held for 147 days.

On May 1, 1983 Father Mkhatswa was appointed Secretary-General of the SACBC, which serves 33 dioceses and a Catholic population of over two million. On July 2, 1983, his banning order lapsed and he resumed his functions as a parish priest. On October 30, 1983, he was detained after attending a prayer service at Fort Hare University. Ciskei and held at Mdantsane Prison for nearly five months without trial.

In August 1983 he was elected as patron of the United Democratic Front. Since then he has twice been detained. In the course of his five periods of detention he has spent a total of over 450 days in prison without having been convicted of any crime.

BANNED BOOKS, PUBLICATIONS AND OBJECTS

Six-page 1986 calendar displaying girls with nude breasts (not stated)

Unbanned:

Tropic of Cancer (Henry Miller), Scope May 23, 1986 (Republican Press (Pty) Ltd, Mobeni, Durban), The tragedy of Apartheid (Norman Phillips)

AK643 11/7/86

327

[Handwritten signature]

End violence, say unions, employers

The Argus Correspondent

JOHANNESBURG. — Leading employer organisations and a major union federation have issued a joint statement calling for an end to all violence.

The statement was issued last night by the Federated Chamber of Industries (FCI), the Association of Chambers of Commerce (Assocom) and the Council of Unions of South Africa (Cusa) after they met this week.

The employer organisations also met leaders of the Congress of SA Trade Unions (Cosatu) on Monday but a second meeting due to take place on Wednesday was cancelled.

The joint statement said South Africa's crisis could be resolved only by involving all leaders — including those in prison — in free political activity and serious discussion about the future.

NEGOTIATION

Conflict should be resolved through negotiation, discussion and compromise, the statement said.

"We reaffirm our belief in human and trade union freedoms."

The detention of union officials and community leaders under emergency regulations created a leadership vacuum which did not build the trust essential for effective and sound industrial relationships.

"Freedoms, rights and responsibilities are basically indivisible. When these freedoms are threatened in any way, all freedoms in our society are threatened," it said.

The organisations urged that all acts of violence "from whatever source" be stopped.

They also re-stated their commitment to a united, non-racial and democratic South Africa.

A double blow for regulations

By JO-ANN BERKER, JEAN LE MAY and FRANZ KRUGER

THE courts struck a significant blow this week against the Security Forces' sweeping powers of arbitrary detention under the State of Emergency by declaring the incarceration of two detainees illegal and ordering their immediate release.

And on two occasions the government has appeared to back down in the face of pending court hearings — withdrawing bans on union meetings in the Johannesburg-Rodepoort area on the day four unions filed challenges to the restrictions, and releasing Cape Town photographer Dave Hartman an hour before an application contesting his detention.

The release of Worldwide Television News soundman Spokes Mashiyani on Monday and of Catholic nun Sister Clare Harkin on Wednesday, after rulings by the Johannesburg and Cape Town Supreme Courts respectively, has been hailed as a significant victory for a return to the rule of law by Progressive Federal Party parliamentarian Helen Suzman.

Jules Browde, national chairman of Lawyers for Human Rights, said it was "extremely gratifying that the courts have interpreted the Emergency regulations as giving them the right to inquire into the *bona fides* of the police in individual cases, and order the release of detainees not arrested in good faith".

Johannesburg Supreme Court Judge RJ Goldstone found that, although police were not looking for soundman Mashiyani, they had arresting him while searching the room of his fiancée, Khosi Radebe, at her Witwatersrand University residence, Glyn Thomas House, in Soweto on June 15, after discovering a tape-recording of singing at a township funeral in the room.

Goldstone ruled that the arresting officer could not have formed a *bona fide* opinion that Mashiyani was a threat to the maintenance of public order. "The regulations, wide as they are, still place limits on the arresting person," he said. The authorities did not contest the application.

In ordering the release of Sister Clare, Cape Town Judge Robin Marais found the policeman who ordered her release had "a somewhat less than clear mind".

Papers filed by Sister Theresa, the Acting Regional Superior of the Cape Dominican Order, said Sister Clare had been arrested when she stood between a policeman and a young black man he was beating up and pleaded with him "to have mercy on the boy".

In replying affidavits, the police denied this. They said Sister Clare had grabbed a quilt from a policeman and sworn obscenely at him.

Marais said he found it difficult to appreciate why the policeman had persisted in beating the man. "It is not surprising that Sister Clare took exception to what appeared to her as a gratuitous assault," he said.

The police's powers of arrest and detention under the Emergency were not unfettered, Marais ruled.

The government's surprise decision to amend an order banning trade union meetings was welcomed by various businessmen as a sign the authorities were adopting a more sensitive approach to industrial relations.

The Bureau for Information announced the amendment on Wednesday by saying the original Government Gazette detailing the restrictions "contained certain errors". Only the townships of Soweto, Meadowlands, Diepkloof and Dobsonville were affected by the order, which originally applied to 33 union and political organisations, the bureau said. Trade unions should not have been on the list, it added.

The application for the release of Agence France Presse and Afrapix photographer Hartman, which fell away following his release on

Tuesday, alleged that Hartman had been detained because he was a key witness in a Supreme Court application to be brought by residents of Cape Town's KTC township against attacks by the conservative "Witdoeke" vigilantes.

Meanwhile several similar court hearings are pending.

●An application for the release of a leading member of the Orange Free State United Democratic Front, Dennis Bloem and his wife, Edith, began in the Bloemfontein Supreme Court yesterday.

The order is similar to an application brought by the Metal and Allied Workers Union in Durban this week in that it asks the court to find that the Emergency regulations ceased to be effective after June 26, as they were never tabled in Parliament.

●The UDF will bring an application to the Port Elizabeth Supreme Court on Monday challenging a series of orders signed by divisional commissioners of police imposing curfews on townships and banning certain organisations from holding meetings.

Johannesburg lawyer Krish Naidoo, the instructing attorney, said lawyers would argue that a UDF meeting planned for Tuesday in Port Elizabeth did not contravene the Emergency regulations.

"The purpose of the meeting is to inform the community of the emergency's effect on the UDF and its

affiliates. The UDF sees it as its duty to report to its members," Naidoo said.

The power to seize publications would also be challenged, Naidoo added.

●The detention of two King William's Town lawyers will be challenged in the Grahamstown Supreme Court on Monday. The wives of John Smith and Dudley van Heerden are asking for their detention to be declared illegal.

The application will also challenge the regulations made to govern detentions. Naomi Smith and Ingrid van Heerden have submitted legal papers that the Enabling Act does not allow for regulations which limit a detainee's access to legal representation, or for "rules which constitute such a fundamental inroad into the rights of a detainee".

Naomi Smith alleges the head of the town's Security Police, listed as a respondent with the Minister of Law and Order and Justice and the Commissioner of Police, previously threatened her husband and his partners with detention because of his annoyance at "constantly having to furnish details about detainees to his firm".

●An application for the release of a Cape Town doctor, Hassan Mahomed, who was detained on June 16 while taking a gas stove to Crossroads refugees, has been postponed for oral evidence.

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Detention figure keeps rising

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THE number of Emergency detentions is continuing to rise, according to human rights monitoring groups.

One group's list of known detainees now stands at 2 110 — 220 more than last week's figure.

But indications are that the actual number could be as high as 6 000. Weekly Mail this week received a letter, signed by 32 detainees in a single cell in Johannesburg Prison, but the monitoring group knew of only 10 of this number. If the proportion of known and unknown detainees in this cell can be generalised, this could indicate that known detainees form as little as one third of the total.

Updated lists show that only 173 people, or 8,2 percent of those people known to be in detention, have been released.

The United Democratic Front, followed by the Congress of South African Trade Unions (Cosatu), is the group most heavily affected by Emergency detentions. Monitoring groups know of 567 UDF members and affiliates in custody; the figure constitutes 54,9 percent of detainees

By JO-ANN BEKKER

whose affiliation is known.

According to the independent Labour Monitoring Group (LMG), 245 unionists are still in prison. However, the LMG calculates that 2 324 union members have been detained during the Emergency, most after mass arrests.

A total of 203 Cosatu unionists are in jail — 83 percent of the number of known unionists in detention. The Council of Unions of South African (Cusa) has 28 known detainees, 11 percent of the total.

The LMG said the following unions had been most severely hit by detentions of members and officials: Metal and Allied Workers Union, 41 percent; Commercial Catering and Allied Workers Union, 24 percent; National Union of Textile Workers, 20 percent; and the National Union of Mineworkers, 18 percent.

The Repression Monitoring Group (RMG), based in Cape Town, lists 2 493 detentions. This makes an average of 166 per day since the start of the Emergency.

It also lists 22 people in detention under regular (pre-Emergency) security legislation. Twenty of these are held under Section 29 of the Internal Security Act and two under Section 31.

According to a monitoring group based in Pietermaritzburg, 91 people have been detained in the Pietermaritzburg, Greytown, and Howick areas. Forty-two of them are still in detention.

The Transvaal Indian Congress says 23 of its members have been detained and only three have been released.

The End Conscription Campaign (ECC) has also been hard hit by detentions. A monitoring group said 28 activists and members had been imprisoned and 15 were still being held.

Meanwhile, nine journalists are still in detention after Worldwide Television News soundman Spokes Mashiyani, and Cape Town photographer Dave Hartman, who frequently contributes to the Weekly Mail, were released this week.

Five people associated with the Weekly Mail are still in detention.

Minister's promise on detainees

By ANTHONY JOHNSON

THE government yesterday turned down a plea from Mrs Helen Suzman, Progressive Federal Party MP for Houghton, to publish regular lists of emergency detainees to allay growing public fears about thousands of "missing" South Africans.

But the Deputy Minister of Law and Order, Mr Adriaan Vlok, did give the veteran civil-rights activist a firm undertaking to investigate a series of complaints relating to emergency detainees.

Mrs Suzman told Mr Vlok at a meeting yesterday that the publication of lists of detainees — as was the practice during the previous state of emergency — would help to relieve the anxiety of relatives of people who had apparently gone missing.

Mr Vlok responded that the government had no immediate plans to publish lists of detainees but that this might be considered at a later stage.

Mrs Suzman said last night: "As long as government refuses to publish such names, suspicion, confusion and



Mrs Helen Suzman

fear will continue to grow.

"Things have come to a sorry pass when people are relieved to know that their relatives are in the hands of the police rather than those of vigilantes — but this is happening."

Mrs Suzman said Mr Vlok had been "prepared to listen sympathetically" to the com-

plaints of detainees and their relatives presented to him and he had "expressed dismay" at some of the individual cases she had brought to his notice.

She said she was "appreciative" of undertakings she was given that these complaints would be looked into — "but that does not mean I am satisfied".

"Nothing must be allowed to deviate from the basic objection to detention without trial — which is completely abhorrent and unacceptable in a civilized society," she said.

Among the complaints and conditions Mr Vlok promised to investigate were:

- The failure by the authorities to inform people about the detention of relatives. Specific instructions had been issued to police and Mr Vlok said he would see to it that these were complied with.

- Minors being released long distances from their homes with no way of getting home safely.

- Cases of people the Progressive Federal Party felt should not be in detention.

- The provision of study materials for detainees enrolled in courses or with upcoming exams.

- The refusal by police in some instances to accept clothing left detainees and confusion about where relatives could apply for permission to arrange visits.

SUITS

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- The provision of study materials for detainees enrolled in courses or with upcoming exams.

- The refusal by police in some instances to accept clothing left detainees and confusion about where relatives could apply for permission to arrange visits.

Mrs Suzman said Mr Vlok had promised to give her a list of commissioners in different areas so that she could pass this information on to the monitoring offices of the PFP and other organizations.

- According to the PFP's Missing Person's Bureau, 3 500 people are known to have gone "missing" since the state of emergency was declared on June 12. The list does not include the names of people who have been released or who "reappeared".

Mrs Suzman said last night that no reliable figures existed for the number of people detained under the emergency but estimates ran as high as 5 000.

A spokesperson for the PFP bureau said yesterday that "hundreds" of calls were still being received daily by worried friends and relatives. The bureau's telephone number is (021) 46-5995.

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EXAMPLE:
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R114,95
(PLUS YOUR OLD SUIT)

Plus FREE OF CHARGE

(with each suit purchased)
Matching Shirt and Tie
(e.g. Monatic, Consulate, etc)
Total value R34,61)

Offer only applies to sizes 87 cm. — 119 cm in regulars, shorts, longs and portlies. Our expert staff will assist you and our master tailor will be in attendance. Credit card holders take advantage of your credit facilities and purchase your suit requirements for the next 12 months.



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INSIDE

SOWETAN

FRIDAY, JULY 11, 1986

27c + 3c GST (PWV) Prices elsewhere on back page

HUNGER STRIKE?

SOME prisoners are alleged to be on a hunger strike at Modderbee prison, near Benoni, in protest against their detention.

On the advice of lawyers, the *Sowetan* cannot give details of the hunger strike or reveal the names of the people involved. A number of reasons and demands have been made by the detainees concerned and these cannot be published because of state of emergency regulations.

A spokesman for the South African Prison Services, Colonel A van Vuuren, yesterday said: "In reply to your inquiry, you are advised to obtain legal advice with regard to the provisions of the emergency regulations before publishing. However, it can be mentioned for your information that it sometimes does happen that detainees go on so-called hunger strikes either on their own or by instigation from outside."

Col van Vuuren said it is clear that these so-called hunger strikes are a calculated effort to obtain maximum publicity or propaganda value. Detainees who refuse to eat are provided with three meals a day and they are treated strictly in accordance with in-

By SELLO RABOTHATA

ternationally accepted guidelines as embraced in the Tokyo Declaration. Detainees are also permitted daily to buy food at the prison tuckshop. Most of them do make use of this facility while on the so-called hunger strike.

He said: "The Prison Services is satisfied that the people entrusted to its care are treated in a responsible and professional way in accordance with the relevant rules' process (sic). Appropriate channels exist for detainees through which requests and complaints can be dealt with. Detainees' food, as is the case with prisoners in general, is provided according to an approved diet scale drawn up on consultation with dieticians from the Department of National Health and this corresponds with international nutritional standards."

"All medical treatment is given by a medical practitioner. Treatment prescribed by a doctor is accorded and strictly complied with. The doctor is assisted by a trained nursing staff employed by the Prison Services."

"The Minister of Justice, Mr H J Coetzee, requested the judges presidents of the different provincial divisions of the

Supreme Court of the Republic to specially release judges from time to time to visit detainees in prison under the emergency regulations in order to ascertain that on a continual basis the circumstances surrounding the detention in prison and to submit the usual report on their findings as is normally the case with prisoners in general."

THE EMERGENCY

The union challenge

The State of Emergency, now into its fourth week, is increasingly becoming the focus of a trial of strength between government and organised black labour.

In the process, employers are being pressurised by the unions to demonstrate both vocally and materially where they stand. Wildcat strikes and go-slows are being used to back these demands.

According to the Labour Monitoring Group, which has compiled regular bulletins on the effects of the emergency on labour relations, 218 elected union leaders are in detention, along with 1 319 rank-and-file members.

Government placed additional restriction on union activities this week. It banned indoor meetings in Johannesburg and Roodepoort of the Council of Unions of SA (Cusa), the Congress of South African Trade Unions (Cosatu) and four key Cosatu affiliates — the National Union of Mineworkers (NUM), the Metal and Allied Workers' Union, the Commercial, Catering and Allied Workers' Union and the General and Allied Workers' Union. Also included in the ban were 28 political, community and student organisations.

Despite the fact that many of the unionists who have not been detained have gone underground, Cosatu and Cusa both issued statements on the emergency in the past week. Cosatu's statement was released after its central executive committee met at an undisclosed venue last Tuesday. Cusa, which was forced to cancel the congress it planned to hold last weekend, nevertheless managed to convene a meeting of its national executive committee last Saturday.

Both Cosatu and Cusa have called for an end to the emergency, for the release of detainees, and for steps to be taken to resolve SA's political impasse. They have also issued demands to employers aimed at protecting the interests of detained members and facilitating union operations that are threatened by the emergency measures.

Cosatu's shop floor demands include: that no detainees should be dismissed and that their wages should be paid in full for the period of their detention; that township dwellers should not be obliged to do night-shift work and should not have their pay docked; that wage payments should be backdated where negotiations have been disrupted because of the emergency; that employers should make communications facilities available to union leaders; and that shop stewards and other union members be given time off to attend to union business without loss of pay.

Cosatu and Cusa have threatened to take

The FM has been edited to comply with the emergency regulations. Information may therefore be distorted, incomplete and misleading.

action — the form of which they have not specified — if their demands are not met. Cosatu has set a deadline for this Friday.

On Monday night representatives of the Federated Chamber of Industries (FCI) and the Associated Chambers of Commerce (Assocom) met with a Cosatu delegation to discuss the demands. A similar meeting was held with Cusa on Tuesday. FCI, Assocom, and Afrikaanse Handelsinstituut members were present.

The FM was unable to obtain details of the meeting with Cusa before it went to press. But at the meeting with Cosatu, the employers agreed to recommend to their members acceptance of most of the workplace-related demands and undertook to consider the outstanding ones. On the wider political demands, the employers indicated that they have been lobbying government. Cosatu, however, was dissatisfied with their low-key approach. A further meeting was scheduled for mid-week.

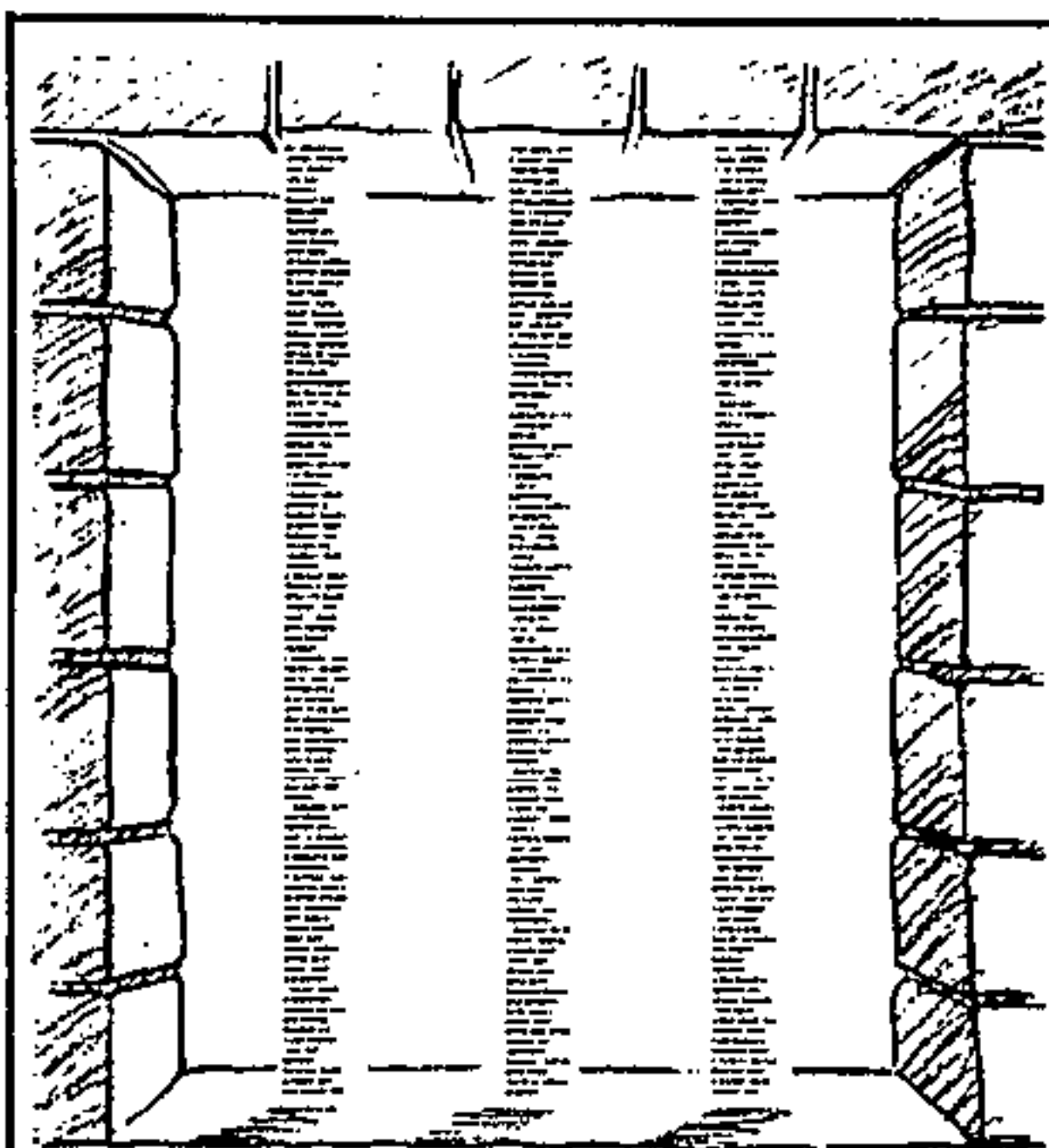
Meanwhile, the focus of industrial action in protest against the detention of unionists has shifted to the mines. Several pharmaceutical and food plants are also affected.

On Tuesday a NUM spokesman reported that 41 000 members had participated in work stoppages or go-slows at 12 gold, coal and diamond mines in the past week. She also said that about 100 000 members are boycotting liquor outlets and concession stores on mine property.

About one-third of the 1 950 employees at four De Beers mines in Kimberley returned to work on Monday, having been on strike since last Thursday. On Tuesday De Beers' Finch mine was hit by a stoppage. Anglo American has shut down two shafts at its Free State Geduld mine, pronouncing them unsafe due to go-slow action by 5 000 miners. Amcoal's Kriel Colliery has also been affected by a two-hour stoppage.

At Gencor's Grootvlei and Marievale gold mines, 7 750 workers staged half-shift stoppages on Sunday night and Monday. On Tuesday, workers at the Matla colliery also staged a two-hour stoppage. Gold Fields has denied NUM claims of go-slow action by 25 000 miners at its Libanon and Kloof mines. The pattern of rolling action on the mines is expected to continue.

The emergency has clearly placed the unions and employers in a difficult position. While employers have made major concessions on the unions' shop floor demands, their diplomatic approaches to government fall short of union expectations. Employers believe that low-key methods are the most constructive and some are becoming resentful at the spread of industrial unrest. The unions, however, would like them to take a bolder stance against the emergency. ■



The South African Government would rather the world forgot these names.

Let's remember the names of the men and women who were arrested and detained during the State of Emergency. They were the backbone of the struggle for freedom and justice. They were the ones who stood up to the apartheid regime and fought for a better South Africa. Their names are: [List of names follows]

This advertisement placed by the Trades Union Congress and the International Confederation of Free Trade Unions, was published in Britain's Daily Telegraph last week

ANOTHER application challenging state of emergency regulations was made in the Orange Free State Supreme Court yesterday in Bloemfontein.

The application was made by Mr Adam Hercules Bloem and Mrs Johanna Januarie Bloem, of Kroonstad, for the release of their son and daughter-in-law, Mr Dennis Victor Bloem and Mrs Edith Bloem, who were detained, purportedly in terms of section 3 (1) of the emergency regulations on June 12 and 13 respectively.

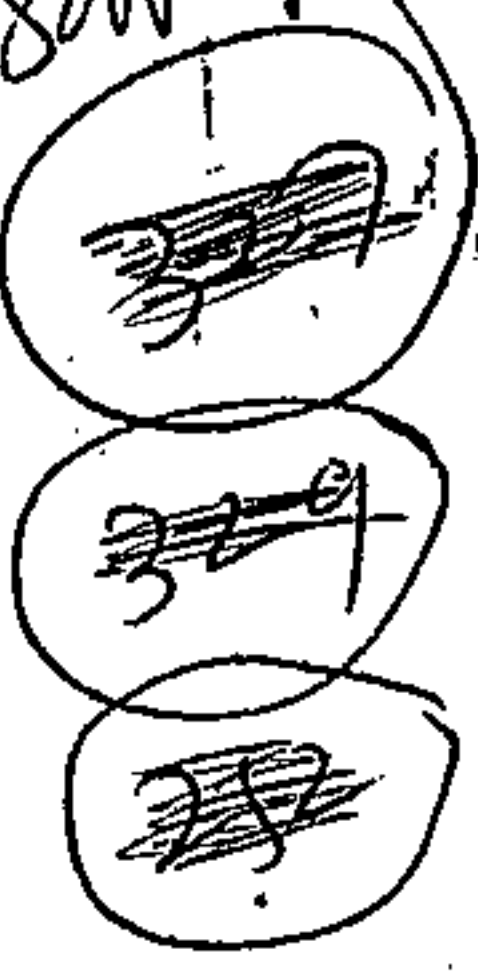
The application is being heard by Mr Justice M T Steyn, sitting with Mr Jus-

Court bid to have couple freed

tice J W Edeling and Mr Justice G A Hattingh.

The respondents are the State President, the Government of the Republic of South Africa, the Minister of Law and Order, the Commissioner of Police, the Minister of Justice, the Officer Commanding Heuningspruit Police Station and the Commissioner of Prisons.

Mr and Mrs Bloem have applied for the release of their son and daughter-in-law from custody, alternatively, that the access to the detainees should not be limited and that they should be allowed to see their legal representatives, or that consideration should at least be given to applications for their legal representatives to see them. — Sapa.

11/7/86
Sowetan


245 union leaders held

AT least 245 union leaders and officials are known to be in detention, according to the latest Labour Monitoring Group figures.

This has increased the total of all detained trade unionists to about

1 600.

A total of 2 324 workers and unionists were known to have been detained at some stage during the state of emergency, according to the LMG report.

11/7/86 Sowetan 

Emergency detainees in no-food protests

WEEKLY MAIL REPORTER

THIRTY-TWO State of Emergency detainees in Modderbee Prison on the East Rand are on hunger strike and are refusing to eat until a list of demands have been met.

According to a letter from the 32 received by the Weekly Mail yesterday, the hunger strike has been in progress since July 7.

SA Prison Services yesterday responded to the letter. Their statement is detailed below.

The 32 men, who share a cell, said the conditions of their imprisonment were "appalling and extremely disgusting."

"We will continue with the hunger strike until our demands are met," the men said.

The letter read: "We, the detainees held under the State of Emergency at Modderbee Prison, herein notify you that we have decided to embark on hunger-strike as from the 7 July 1986.

"The reason being that we protest and demand that the State of Emergency should be lifted and all detainees be released.

"Noting also that the conditions under which we are being held are appalling and extremely disgusting, we therefore resolve to demand the scrapping of all pre-conditions attached to the following (demands)," the letter said.

It then listed:

- Visits to detainees
- Permission to go to the tuck-shop
- Exercise time
- Medical attention and hospital appointments
- Access to clothes and toiletries
- Food quality
- Study permission

It is signed "Yours in the national

●To PAGE 2

AL EMERGENCY REGULATIONS

32 Emergency detainees in hunger strike

●From PAGE 1
democratic struggle — The 32 detainees in (A) cell".

The names of the 32 prisoners are supplied, but cannot be revealed because of Emergency regulations.

Asked to comment yesterday, Lieutenant-Colonel A van Vuuren of SA Prison Services said: "However, it can be mentioned for your information that it sometimes does happen that detainees go on so-called hunger strikes, either on their own or by instigation from outside.

"It is clear that these so-called hunger strikes are a calculated effort to obtain maximum publicity for propaganda value.

"Detainees who refuse to eat are provided with three meals per day and are treated strictly in accordance with internationally accepted guidelines as contained in the Toyko Declaration.

"Detainees are also permitted daily to buy foodstuffs from the prison tuck-shop and most of them who make use of this facility are on a so-called hunger strike.

"The Prison Service is satisfied that the people entrusted to its care are treated in a responsible and professional way in accordance with the relevant rules. Appropriate internal channels exist for detainees through which requests and complaints can be dealt with.

"Detainees' food is, as is the case with prisoners in general, provided in accordance with an approved diet scale drawn up in consultation with the Department of National Health and which corresponds to international nutritional standards.

"All medical treatment is given by a medical practitioner. Treatment prescribed by a doctor is recorded and strictly complied with. The doctor is assisted by trained nursing staff employed by the Prison Service.

"The Minister of Justice, Mr HA Goetsee, requested the judges-president of the different provincial divisions of the Supreme Court to release judges from time to time to visit detainees in prison in order to ascertain on a continual basis the circumstances surrounding their detention in prison and to submit the usual reports on their findings as is normally the case in all prisons in general," Van Vuuren said.

Union, employers call for end to violence and emergency

SEVERAL major employers and a union federation have issued a strongly-worded statement calling for a stop to all acts of violence and an urgent end to the state of emergency.

The statement follows a meeting between the Federated Chamber of Industries (FCI), the Association of Chambers of Commerce (Assocom) and the Council of Unions of SA (Cusa).

They say their joint memorandum "is an indication both of the gravity of the present situation as well as an indication of the steps which could be taken to over-

come it". Areas of joint concern and con-

CLAIRE PICKARD-CAMBRIDGE
and DIANNA GAMES

vication include:

- SA's current crisis can only be resolved by involving all leaders in free political activity to discuss the future.
- The emergency and its regulations have curtailed union and employer freedom and rights.
- Current circumstances pose a major threat to SA's labour relations system because conflicts need to be resolved through negotiation and compromise.
- Emergency regulations fundamentally hamper the effective operation of unions. The detention of union and community leaders creates a leadership

vacuum that does not build the trust essential for sound industrial relations.

- The detention of community and union leaders and members creates a climate for increasing tension not conducive to resolving SA's critical problems.
- A belief in a united, non-racial and democratic SA wherein the rights of all are protected.

Government said on Wednesday that the two-day-old ban on indoor gatherings of certain unions in Johannesburg and Roodepoort had been a mistake. A spe-

cial Government Gazette was printed yesterday to rectify the error.

- The organisations removed from Monday's list by government are the Commercial, Catering and Allied Workers Union of SA; Cosatu; Council of Unions of SA; General and Allied Workers Union; Media Workers Association of SA; Health Workers Association; Metal and Allied Workers Union; and the National Union of Mineworkers.
- The prohibition, covering Soweto, Diepkloof, Meadowlands and Dobsonville has been extended to include student representative councils of all schools, colleges and/or universities.

Court battle over detained UDF couple

Own Correspondent

BLOEMFONTEIN — Two prominent members of the UDF in Kroonstad, detained since June 12, were this week at the centre of a legal attack on the state of emergency before a Full Bench of the Supreme Court here.

Legal counsel argued that Mr Denis Victor Bloem and his wife Edith, should be freed or at least entitled to have access to legal representation.

Counsel contended that the regulations issued by the State President on June 12 lapsed on June 26 because they had not been tabled in Parliament before the prescribed period of 14 days.

The application was brought by Mr Adam Hercules Bloem, Mr Denis Bloem's father, and Mrs Johanna Januarie, Mrs Bloem's mother.

HUMAN RIGHTS 'CURBED'

Cape Town advocate Mr H P Viljoen, appearing for the applicants, argued that it was a fundamental right that a detained person should have access to legal advice.

He said human rights were further curbed by the failure to table the regulations before Parliament as members could therefore not object to the measures.

Mr Viljoen also contended that the State President's power under the regulations was too wide.

Statements before the court said the couple, of Magerman Street, Brent Park, Kroonstad, had been detained shortly after midnight on June 12.

The couple have two children, Herculene (9) and Sammy (5) and rely on a shop they run in the area for their income.

The hearing is continuing before Mr Justice M T Steyn, Mr Justice J W Edeling and Mr Justice G A Hattingh.

35 detainees on E Rand believed on hunger strike

STAR 329
11/7/86

A large group of detainees held in the East Rand's Modderbee Prison under the emergency regulations is believed to have started a hunger strike on Monday in support of demands for an end to the state of emergency and improved conditions of detention.

"We will continue with the hunger strike until our demands are met," reads a note, apparently written by the 35 men and youths whose names appear at the end of it.

The Star has checked with detainee support organisations and has found that about a third of the names are known as East Rand residents whose families have reported that they are in custody — although their status is not known to support groups.

The writers are extremely critical of the conditions under which they are held and they protest at limits placed on:

- Visits by families.
- Duration of exercise periods.
- Medical attention and hospital appointments.
- Access to their clothes and toiletries.
- Study privileges.

They demand the lifting these restrictions and also demand "a complete change of food provided to detainees".

COMMENT BY PRISONS DEPARTMENT

The Department of Prison Services, advising that newspapers should take legal opinion before publishing news of the hunger strike claim, added: "It can be mentioned for your information that it sometimes does happen that detainees go on so-called hunger strikes either on their own or by instigation from outside.

"It is clear that these so-called hunger strikes are a calculated effort to obtain maximum publicity for propaganda value.

"Detainees who refuse to eat are provided with three meals a day and are treated strictly in accordance with internationally accepted guidelines contained in the Tokyo Declaration."

The Prisons Department spokesman added that hunger strikers had access to the prison tuck shop "and most of them who make use of this facility are on a so-called hunger strike".

He said his department was satisfied that people in its care were treated professionally and that there were appropriate channels to deal with complaints.

Diets were drawn up with professional consultation from the Department of Health and met international standards, the spokesman said. All medical treatment was given by a medical practitioner whose prescribed treatment was followed strictly.

Finally, the spokesman pointed out, the Minister of Justice, Mr H.A. Coetsee, had called on judge presidents to free judges "from time to time to visit detainees in prison to ascertain on a continual basis the circumstances surrounding their detention" and to report on their findings.

Detainee parents ask for release in court

ALTHOUGH the emergency regulations could not be attacked on the basis of unreasonableness, it could be done should the person or body exercising the power have acted in a non-bona fide manner.

That was told to the Free State Supreme Court yesterday in an application for the release from detention of Dennis Victor Bloem and his wife Edith.

The application was brought by Bloem's father, Adam Hercules Bloem, and Edith Bloem's mother, Johanna Januarie.

HP Viljoen SC said an "unreasonableness" claim was not possible because of the extraordinarily wide powers conferred on the State President, but that a regulation was capable of being attacked on the non-bona fide basis, or that the legislature could never have contemplated that such a measure be contemplated.

The application asks for the release of the Bloem couple, who were detained on June 12 and 13 respectively.

Alternatively, it asks that they be allowed

ABOUT 245 trade union leaders and officials are known to be in detention, says the Labour Monitoring Group (LMG).

Unionists accounted for about 10% of those known to be detained. It said 2 324 workers and unionists had been detained since June 12. — Sapa.

to see their legal representatives, or that consideration should at least be given to applications for their legal representatives to see them.

The matter is being heard by Mr Justice M T Steyn, Mr Justice J W Edeling and Mr Justice G A Hattingh.

Viljoen, with C R Mailer, submitted that the failure to comply with Section 3(5) of the Public Safety Act in not tabling June 12's emergency regulations within 14 days in all three Houses of Parliament was fatal to the continued validity of the regulations. — Sapa.

1 445 union men detained

By Sheryl Raine

At least 245 union officials are still being detained under emergency regulations in addition to about 1200 workers, says the Labour Monitoring Group (LMG).

The total number of trade unionists known to have been detained since the start of the state of emergency was 2324, the LMG said today in its latest round-up of union detentions.

"Of the 245 individuals being detained, 203 are members of the Congress of SA Trade Unions (Cosatu)," said an LMG spokesman. Detainees include:

- 16 Cosatu officials.
- 41 officials and members of the Metal and Allied Workers' Union.
- 24 officials of the Commercial, Catering and Allied Workers' Union.
- 18 officials of the National Union of Mineworkers.

Also being held are 29 officials of the Council of Unions of SA.

The 1200 workers being held are members of the SA Black Municipal Workers' Union. The workers were fired in May for going on strike.

Suzman gets Govt pledge on detainees

By David Braun, Political Correspondent

CAPE TOWN — The Deputy Minister of Law and Order, Mr Adriaan Vlok, has undertaken to investigate complaints that people are not being informed about the detention of their relatives.

He has also promised to investigate specific cases of people the Progressive Federal Party believes should not be in detention at all.

Mr Vlok made the undertaking to PFP law and order spokesman Mrs Helen Suzman at a meeting in Pretoria.

Mrs Suzman said the Deputy Minister had given her a fair hearing and taken note of all her representations.

"My main purpose was to convey to him that the relatives of many people who had been detained under the state of emergency had not been informed that they had been held, or where they were being held.

"This is creating considerable dismay and anxiety.

'INSTRUCTION WILL BE MET'

"Mr Vlok told me an instruction had been issued to the police that relatives were to be informed of detentions.

"He said he would investigate my complaint and ensure that the instruction was met."

Mrs Suzman said she had also brought a number of specific cases to Mr Vlok's attention of people whom, she felt, should not be in detention.

"He said he would investigate these cases.

"I also told him that people were not always allowed to leave clothing for detainees and often did not know where they could apply for permission for visits.

"Mr Vlok promised to give me the names of the commissioners in the various areas so that I can pass on the information to PFP and other monitoring offices."

SOXWETAN, Friday, July 11, 1986

NUN FREED BY COURT

Her detention was not legal

A JUDGE has ordered the release of Dominican nun Sister Clare Harkin after finding her arrest and detention after a funeral in Guguletu on June 23 was illegal.

In the Cape Town Supreme Court on Wednesday Mr Justice Marais said riot policeman Captain Jacob Johannes Oosthuizen who ordered her arrest "did not apply his mind" to a crucial fact — why a conventional arrest and prosecution would not have ended the threat to public order.

He was finding on an application by Miss Angela Dempsey, known as Sister Therese, the acting regional superior of the Dominican order, for an order declaring Sister Clare's arrest illegal.

The judge said if Captain Oosthuizen had considered this fact he would have realised that it would have ended Sister Clare's participation in the day's events as effectively as her detention.

ANOTHER application challenging state of emergency regulations was made in the Orange Free State Supreme Court yesterday in Bloemfontein.

The application was made by Mr Adam Hercules Bloem and Mrs Johanna Januarie Bloem, of Kroonstad, for the release of their son and daughter-in-law, Mr Dennis Victor Bloem and Mrs Edith Bloem, who were detained, purportedly in terms of section 3 (1) of the emergency regulations on June 12 and 13 respectively.

The application is being heard by Mr Justice M T Steyn, sitting with Mr Jus-

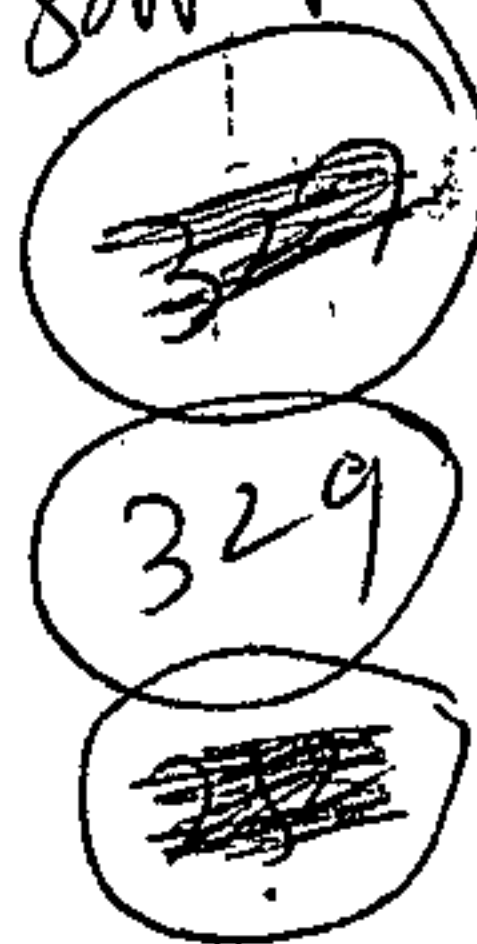
Court bid to have couple freed

tice J W Edeling and Mr Justice G A Hattingh.

The respondents are the State President, the Government of the Republic of South Africa, the Minister of Law and Order, the Commissioner of Police, the Minister of Justice, the Officer Commanding Heuningspruit Police Station and the Commissioner of Prisons.

Mr and Mrs Bloem have applied for the release of their son and daughter-in-law from custody, alternatively, that the access to the detainees should not be limited and that they should be allowed to see their legal representatives, or that consideration should at least be given to applications for their legal representatives to see them. — Sapa.

11/7/86
Sampson



SOVETIAN, Friday, July 11, 1986

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Court order against police

Cape Times 11/7/80 (329)
DURBAN. — A Durban judge yesterday granted a temporary interdict restraining the police from assaulting a detainee, Mr Hamilton Mkhize, being held in Westville Prison.

Mr Justice Didcott granted the order after an urgent application by the youth's father, Mr

Linda Phineas Mkhize.

The Minister of Law and Order, the Commissioner of Police, Durban, and the commanding officer of the prison must show cause on July 16

why they should not be interdicted and restrained from assaulting or unlawfully interrogating Mr Mkhize. — Sapa

CAPE TIMES 11/7/86
**Swede held
in Pretoria** 329

STOCKHOLM. — A Swedish civil-rights campaigner has been arrested and imprisoned by the South African security police, the Swedish Foreign Ministry said yesterday.

It is believed that she was arrested at her home in Pretoria during the night three weeks ago, a spokeswoman said.

Pretoria's envoy to Stockholm, Mr Anthony Drake, was called to the Swedish Foreign Ministry yesterday to be told of Sweden's disquiet over the arrest, she added.

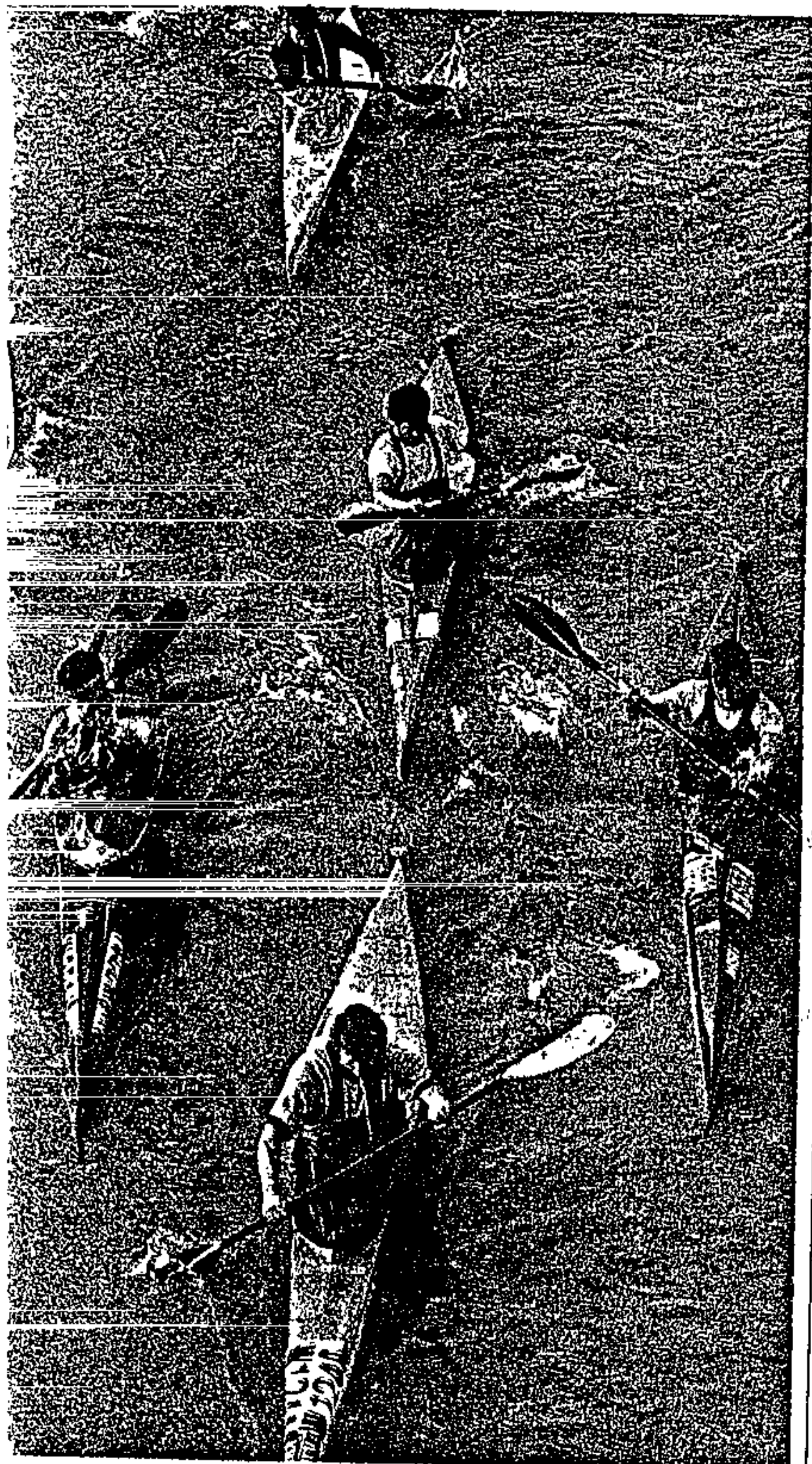
The detainee, an active campaigner for the Black Sash civil-rights movement who has lived in South Africa for 30 years, helped a number of black women make inquiries to the police about their arrested husbands only days before her own detention. — Sapa-Reuter.

Set free after start of court action

329 W/C ARGUS 12/7/86

FOR FREE

Doctor



Picture: DOUG PITHEY, Weekend Argus

Canoeists head for the finish of the 1986 KWV Berg River Marathon at Veldrif on the West Coast.

ace a Chalupsky family affair

D KIRKBY
Reporter

Twenty-two-year-old Herman Chalupsky finished this year's marathon in a time of 16:15.23, followed by Northern Transvaal's Greyling Viljoen in 16:18.56 and Transvaal's Christo Engelbrecht in 16:23.07.

man's older brother Oscar narrowly missed claiming the title last year.

This is the first time in the 25-year history that no Western Province canoeist has been in the top three at the end of the Berg.

Chalupsky finished this year's marathon in a time of 16:15.23, followed by Northern Transvaal's Greyling Viljoen in 16:18.56 and Transvaal's Christo Engelbrecht in 16:23.07.

followed by Milnerton Springbok Rob Clegg (16:30.49).

Mynardt Marais claimed sixth spot (16:35.49) with Nico Viljoen taking seventh position (16:36.09), Henk Watermeyer (16:40.41), Pierre van der Merwe in ninth position (16:40.52) and Graham Monteith in tenth position (16:44.11).

The first junior home was Herman Kotze of Stellenbosch (17:02.36).

Viljoen claimed first position in today's race followed by Rob

Weekend Argus Reporter

NEWLY qualified Dr Hassan Mahomed has been released, soon after a court action which sought to declare his detention unlawful was postponed for further evidence.

Dr Mahomed said today he was "terribly relieved".

He said he had been playing cards with his cell-mates about 11 pm last night when he was told to pack his things.

"It was such a shock. Totally unexpected. I was the only one in the cell to be released," he said.

Dr Mahomed and 19 others were taken to Kraaifontein police station and then released.

KTC refugees

According to papers before the Supreme Court this week, Dr Mahomed was arrested in Athlone on June 16 while on his way to deliver a stove to KTC refugees.

His father, Dr Abdullah Eshaak Mahomed, a surgeon, asked the court to declare the detention of his son unlawful and to order his release from Victor Verster Prison.

The Minister of Law and Order, the Minister of Justice, the Commissioner of Police, and the officer commanding Victor Verster Prison were the respondents.

Dr Abdullah Mahomed said in an affidavit that his two sons were involved in relief work, among 55 KTC refugees sheltering at the AME church in Athlone.

Dr Hassan Mahomed was not a member of any political organisation, nor had he been involved in political activity.

Because of a June 16 commemoration service at the church, in which his son was not involved, the refugees were moved to a private home.

His son was asked to fetch a gas stove which had been left behind.

A relief worker, Mrs Julia De Wee, said she went to the church on June 16 to fetch her pot to make soup at home for the refugees.

On the way home she met Dr Hassan Mahomed and they walked towards her home. She was carrying some folded sheets which had been handed to her at the church. She had not looked at them.

Police car

As they approached the house a police car stopped and a policeman demanded to see the papers she was carrying. She and Dr Mahomed were taken to the police station. She was later allowed to leave.

Constable Gideon Swanepoel said he saw a man carrying papers and a woman carrying a gas stove in Athlone on June 16. As he approached them he saw them exchange the papers and the stove, which made him suspicious.

At first glance he formed the impression the documents were "subversive".

Mr Justice Howie postponed the hearing for oral evidence and for the court to obtain clarity on the circumstances of Dr Mahomed's detention.



Picture: HANNES THIART, Weekend Argus

Joyfully reunited with his family today after his detention, Dr Hassan Mahomed hugs his father, Dr Abdullah Eshaak Mahomed, and sister Yasmin.

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lap, the Brazilian said of his pace-difficult in today's final qualifying session to unseat Piquet. — UPI

32 detainees on 'hunger strike'

Own Correspondent

JOHANNESBURG. — Thirty-two detainees in Modderbee Prison on the East Rand are reported to be on a hunger strike which they intend to continue until the state of emergency is lifted and all detainees are released.

They are also protesting against conditions at the prison.

A spokesman for the Prisons Service, Colonel Aubrey van Vuuren, said yesterday that detainees did sometimes go on so-called hunger strikes, either on their own or by instigation from outside.

"It is clear that these so-called hun-

ger strikes are a calculated effort to obtain maximum publicity or propaganda value," he said.

"Detainees who refuse to eat, are provided with three meals per day, and are treated strictly in accordance with the internationally accepted guidelines embraced in the Tokyo Declaration.

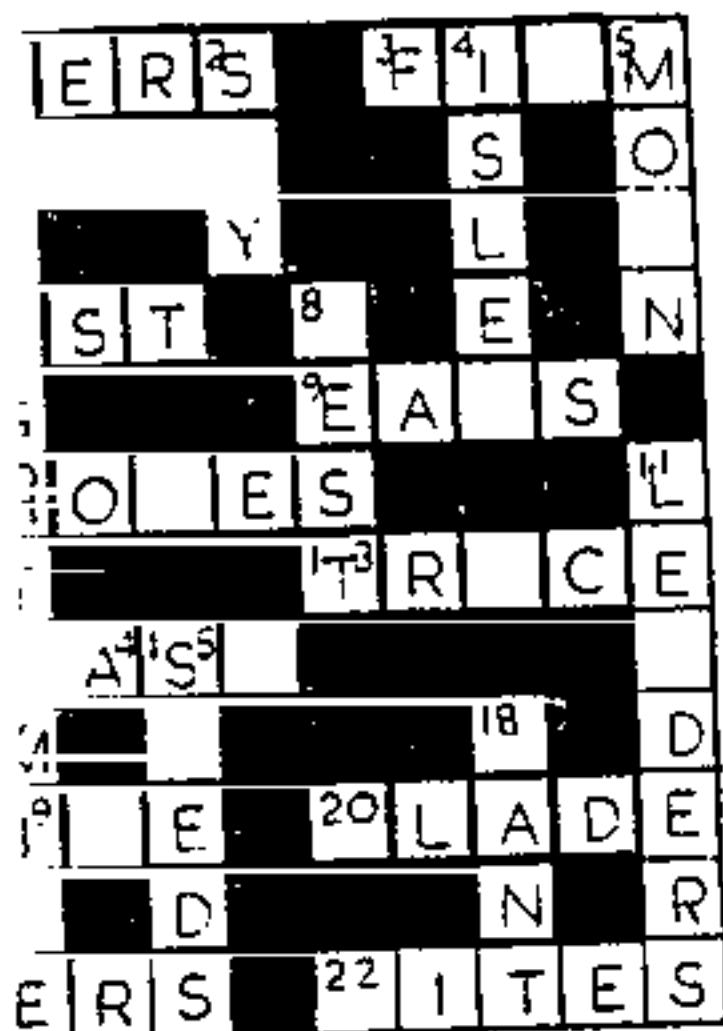
"Detainees are also permitted to buy foodstuffs at the prison tuck shop and most of them do make use of this facility while on a so-called hunger strike."

Colonel Van Vuuren said appropriate internal channels existed through which requests and complaints could be dealt with.



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No 558



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No 558



3 867 people are missing — PFP

CAPE TOWN — In the first month of the emergency, 3 867 people have been confirmed as having "disappeared", the national director of the Progressive Federal Party, Mr Neil Ross, said yesterday.

This figure included those who had "reappeared" or had been released from detention, but the actual figure of those who have disappeared is thought to be far higher, he said, citing an under-estimation of 57% during the last emergency.

Mr Ross said the PFP had consolidated its lists of those who had disappeared with other monitoring organisations country-wide.

"Our biggest problem in Cape Town is consolidating the names of people missing from KTC, Guguletu, the Crossroads area and Khayelitsha. The collection of names has been very erratic as it is hard to determine how people have gone missing because of the confusion in the area."

Mr Ross said the collection of names from rural areas was also problematic, despite "extensive" monitoring.

"A number of our informants have themselves gone missing, and the number of people missing is quite alarming although there are big gaps in our information." — Sapa

329
Eve Ross 12/7/86

3 500 people reported 'missing' since emergency

By David Braun,
Political Correspondent

CAPE TOWN — About 3 500 people are "missing" in connection with the state of emergency, the Progressive Federal Party Missing Persons Bureau has said.

Mr Neil Ross, director of the bureau, said the PFP's computer lists contained about 2 320 names of people who have been reported missing by relatives and friends.

The PFP's lists were weak on Transvaal names, he said. But, if one added the names on lists kept by the Detainees' Parents Support Committee, it was clear that about 3 500 people were known to be missing.

"Missing" is a euphemism for detention in terms of the emergency regulations.

Mr Ross said the names on the missing list did not include those people who had re-appeared. It was a list of people known or believed to be in emergency detention.

"Quite a large number of people who went missing since the start of the emergency have re-appeared," he said.

The PFP list was compiled from information supplied by relatives and friends of people known or believed to be in detention. In terms of the emergency regulations, the names of people in detention may not be published.

Mr Ross said that a high proportion of the names were those of people from rural areas — particularly small towns in the Cape.

MINERS' STRIKES

"Whole groups of people have been reported missing at the same time — for example after people attended certain church services at Elsie's River and at Graaff-Reinet (where a congregation went missing)."

Mr Ross said it was uncertain how many people involved in the miners' strikes in the Free State and Northern Cape had gone missing, because the lists for these areas were sketchy.

He appealed to anyone with information on people who might have gone missing to telephone the PFP at one of its regional offices.

The PFP is also available to try to assist people with advice on how to establish if a particular person is in detention, where the person was being held, and what procedure to follow to apply for visits.

Up to 3 867 missing PFP

Staff Reporter

IN the first month of the emergency, 3 867 people have been confirmed as having "disappeared", the national director of the Progressive Federal Party, Mr Neil Ross, said yesterday. This figure included those who had "reappeared" or had been released from detention, but the actual figure of those who have disappeared is thought to be far higher, he said, citing an under-estimation of 57 percent during the last emergency. Mr Ross said the PFP had consolidated their lists of those who have disappeared with other monitoring organizations about eight percent of those on the lists had been confirmed as having been released as having police detention.

Collection

"Our biggest problem in Cape Town is consolidating the names of people missing from KTC, Guguletu, the Crossroads area, and Khayelitsha. The collection of names has been very erratic as it is hard to determine how people have gone missing because of the confusion in the area."

Mr Ross said the collection of names from rural areas was also problematic, despite extensive monitoring. "A number of our informants have themselves gone missing and the amount of people missing is quite alarming although there are big gaps in our information."

Some of the rural towns from which people have gone missing, with where available totals in brackets, include: Grahamstown (41), Port Alfred (34), Kenton-on-Sea (31), Upington, Carnarvon (16), Mossel Bay, Beaufort West, Willemoore, Plettenberg Bay, Riversdale, Oudtshoorn (39), George, Worcester, Paarl, Victoria West, Vredendal, Steytler, Queenville, Adelaide, the East London and the Mooiplaas rural sections.

In Graaff-Reinet, the PFP has a list of 240 detained people, although another monitoring group report 278 names of missing people.

WJE Post 12/17/86 202 214

Prisons Service statement on hunger strikers

PRETORIA — The Prisons Service here has reacted to reports that 32 state of emergency detainees in Modderbee Prison on the East Rand are on a hunger strike until a list of their demands have been met, with the following statement:

"It can be mentioned for your information that it sometimes does happen that detainees go on so-called hunger strikes, either on their own or by instigation from outside.

"It is clear that these so-called hunger strikes are a calculated effort to obtain maximum publicity or propaganda value.

"Detainees who refuse to eat are provided with three meals a day, and they are treated strictly in accordance with the internationally accepted guidelines pertaining to the handling of those persons as is embraced in the Tokyo Declaration.

"Detainees are also permitted to buy foodstuffs at the prison tuck shop and most of them do make use of this facility while on a so-called hunger strike.

"The prisons service is satisfied that the people entrusted to its care are treated in a responsible and professional way in accord-

ance with the relevant rules.

"Appropriate internal channels exist for detainees through which requests and complaints can be dealt with.

"Detainees' food, as in the case with prisoners, is provided according to an approved diet scale drawn up in consultation with dieticians from the Department of National Health and which corresponds to international nutritional standards.

"All medical treatment is given by a medical practitioner. Treatment prescribed by the doctor is recorded and strictly complied with. The doctor is assisted by trained nursing staff employed by the SA Prisons Service.

"The Minister of Justice, Mr H J Coetsee, requested the Judges President of the different provincial divisions of the Supreme Court specially to release judges from time to time to visit detainees in prison under the emergency regulations in order to ascertain on a continual basis the circumstances surrounding their detention in prison and to submit the usual reports on their findings as is normally the case with all prisoners in general." — Sapa

'Toti trial: woman gets bail

By SIBUSISO MNGADI

IN a rare occurrence in an Internal Security Act trial, a nine-month pregnant woman was granted R6'000 bail by a Durban judge - but there were strict bail conditions attached.

Dudu Charity Baby Buthelezi, 32 - one of 10 people 20 facing charges under the Internal Security Act - was granted bail on "humanitarian grounds", so that she could have her baby outside prison.

Buthelezi - who is expecting her baby within the next three weeks - was released after the defence team made a representation to Natal Attorney-General Mike Imber.

It comes two days after a ruling by a full bench of three Durban judges, ME Kumleben, JM Diddcott and ED Friedman, that certificates issued by Imber, precluding the ten from obtaining bail, were invalid.

Buthelezi's bail conditions require her to:

- Report to the Umlazi police station between 7 and 9am and between 5 and 8pm.
- Notify the investigating officer Major ARC Taylor or his representative, Lieutenant HJP Botha or Imber or his representative when she goes to hospital and give them details of her hospitalisation. According to the conditions, her reporting to the police station would be suspended during her confinement. But it should be resumed upon her discharge from the hospital.
- Inform the Taylor or Botha when she is discharged.
- Surrender her passport or travel document to the police.
- Refrain from leaving the Durban magisterial district without permission from Taylor, Botha, Imber or his representative.
- Not to communicate with any state witnesses.
- Not to leave her home between 9pm and 6am unless with Taylor's written permission.
- Not to become involved in any activity of the ANC, UDF or Natal Medical School Representatives Council.

Buthelezi - a former administrative secretary of the MSRC - is appearing with Dr Sibongiseni Dhlomo, Dr Vejeinand Indurjith Ramlaklan, Sibusiso Robert Ndlanzi, Jude Francis, Orduway Qonda Msomi, Siphiso Stanley Bhila, Phumezo Nxumweni, Mapiki Dlomo and Bafu Bawana Nduqu.

According to the indictment, Buthelezi allegedly joined the ANC and agreed to work for them, particularly to arrange transport and accommodation for ANC members. She was trained inside the country and in Swaziland, it is alleged.

Kids under 'school arrest' now

EMERGENCY regulations banning pupils from being outside their classes during school hours or taking part in non-educational activities, and banning outside speakers from addressing pupils, came into force in Cape Town on Wednesday.

In terms of the regulations, no registered pupil in any of the six Peninsula magisterial districts may be outside a classroom except during breaks, visits to the changeroom or when changing classes.

While on the school premises, pupils are also banned from taking part in non-educational activities which are not supervised or ordered by a teacher.

Pupils at home are not allowed to be outside the boundaries of their homes unless they are on their way to and from school.

Security force members may give written exemption from these orders. — Sapa.

The workers' victory...

By KHULU SIBIYA

THE government's decision to lift the ban on indoor gatherings of trade unions, barely two days in operation, was welcomed as a workers' victory by the trade union movement.

The government has admitted that the bans were imposed in error and that only meetings in Soweto, Meadowlands, Diepkloof and Dobsonville were affected while trade unions should not have been affected in the first place.

Unions throughout the country had expressed total rejection of the "arbitration action" taken by the authorities. The Media Workers' Association of SA, Metal and Allied Workers Union, Commercial, Catering and Allied Workers Union and the National Union of Mineworkers had filed court challenges against the ban this week.

The Congress of SA Trade Unions said: "The Government is beginning to

take stock of the power in the worker's hands. This shows that it was reckless in the first place to impose these bannings. It also shows that by the stroke of the pen they can remove fundamental democratic rights of the people.

"We now call upon the state and employers to stop victimising workers taking part in their legitimate workers' activities."

Mwasa spokesman Tyrone August said: "The ban was a naïve and clumsy attempt to cripple the independent trade union movement struggle for workers rights and the struggle against apartheid."

He said the fact that the ban was lifted was a small but significant victory.

Three court bids to challenge emergency

CITIZEN BY MONO BADELA 327
THREE separate court challenges have been made to have the state of emergency declared invalid. 13/7/80 2002

The latest, involving the biggest non-parliamentary opposition movement in the country, the United Democratic Front, is taking State President P W Botha to the Port Elizabeth Supreme Court on Monday.

In the application, which was filed yesterday, the UDF was cited as the first applicant and UDF secretary Mohammed Valli Moosa was cited as the second applicant.

They seek to declare invalid and of no force and effect regulations 7 and 11 of the regulations promulgated in terms of the Public Safety Act 3 of 1953 - as contained in the Government Gazette of June 12, this year.

They will also seek to declare invalid and of no force and effect orders made by the divisional commissioner of the Eastern Cape police, cited as the second respondent.

The papers were served on: Mr Botha; Eastern Cape divisional commissioner Brigadier Snetler; commissioner of the South African Police, General Johan Coetzee, who is third respondent; and on Law and Order Minister Louis le Grange, cited as the fourth respondent.

Earlier in the week, a top trade union, the Metal and Allied Workers' Union (Mawu) brought an application before the Durban Supreme Court for an order declaring the state of emergency null and void. The matter will now come before the full bench of the Natal division of the Supreme Court.



In a separate development, three major unions, the Commercial, Catering and Allied Workers' Union of South Africa (CCAWUSA) and the giant National Union of Mineworkers (NUM) announced they would challenge in the Supreme Court government's ban on indoor meetings in the Johannesburg and Rodepoort area.

Lawyers of the Media Workers' Association of South Africa (MwASA) were preparing an application to challenge the ban.

The application seeks to declare that Brigadier Snetler is not entitled to make any orders, rules or by-laws, in terms of the Public Safety Act, or the regulations framed by the State President.

The application also seeks to declare that a meeting to be held by the UDF in the Rio Cinema, New Brighton, on Tuesday next week is not a gathering prohibited by emergency regulations in force at present.

The application was filed to the registrar of the Port Elizabeth Supreme Court and to the state attorney by the Johannesburg-based civil rights lawyer, Irish Naidoo.

The divisional commissioner of police in the Eastern Cape, amongst other things, prohibited in the area the movement of persons and any gathering of the UDF on June 19 and July 1. On July 4 he turned down an application by a UDF lawyer to hold the planned meeting.

Mr Moosa in his application contends that Regulation 7 is invalid in that it does not specify, or specifies inadequately, the persons to whom the emergency powers were delegated to.

Mr Moosa also contends that regulation 11 was invalid and of no force and effect.



A huge hug and a bottle of champagne for Beauty Buthezi outside court this week after her release on bail - to meet a delighted aunt Emet Gumbi.

THE EMERGENCY: A CHALLENGE

'Free our men'

CP Correspondent
THE detention of two King William's Town lawyers under the emergency regulations will be challenged in the Grahamstown Supreme Court on Monday.

The application is being brought on behalf of attorneys John Smith and Dudley van Heerden, partners in the firm Smith, Tabata and Van Heerden.

It is being brought by their wives, Naomi Smith and Ingrid van Heerden, who are asking that their detention be declared unlawful - alternatively that they be given access to their lawyers.

The respondents include Law and Order Minister Louis le Grange, Justice Minister Kobi Coetsee and the Commissioners of Police and Prisons.

In affidavits, Smith said the regulation authorising the detention was pro-

claimed when the state of emergency was not yet in existence.

Smith also details what she calls the "personal animosity" of the head of the King William's Town security police towards the firm.

She alleges that the head of the security police - listed as the third respondent - threatened her husband and his partners with detention in February because of his annoyance at "constantly having to furnish details of detainees to the firm".

"The hostile attitude of the third respondent - consistent with the threat made to John - has been evident in the consistent refusal of the third respondent and his juniors to help in the most elementary enquiry concerning the fate of John and Dudley after their initial arrest on June 14, 1986."

Smith also says that no member of the force can be of the opinion that the detention of the two men was necessary for the maintenance of public order, as is

required by the provisions. Rather, she could only conclude that they had been detained because of their professional involvement as representatives of detainees and others being held by the police, she said. This was supported by what she knew of "their strong commitment against violence, and their religious and academic backgrounds".

The application was made on July 2, but was postponed to Monday by consent to allow the respondents to file their affidavits.

THE EMERGENCY: A CHALLENGE

Two get court's protection

CP Correspondent
IN LESS than a week, two-teenage detainees in Durban have been given protection by the Supreme Court against the police.

They are Madoda Mkhize and Barbara Smyley Mkame.

Although the emergency regulations make it difficult to bring any action against any member of the security forces - Justice Diddcott made it quite clear during the hearing of the first interdict last Friday, that when police commit an act such as assault, they cannot try to

claim indemnity and the court may intervene.

The cases were brought by Durban's Legal Resources Centre and in each case a doctor has been asked to visit the teenager in question, make a detailed physical examination and then submit a report back to the court.

On Tuesday Diakonia worker Elizabeth Mkame brought an application for the police not to assault or unlawfully interrogate her granddaughter, 16-year-old schoolgirl Smyley Mkame.

Mkame said she was told by a lawyer there was nothing she could do to protect

her child "because of the emergency" but then she read in *City Press* about the application brought last Friday by the father of two detainees.

Linda Phincas Mkhize applied for protection for his son Madoda last Friday, and on Wednesday this week for similar protection for his son Hamilton.

He told the judge that he saw his two sons together when he visited them at Westville Prison.

Madoda complained that the police severely assaulted

him when he refused to admit to having stored, made and thrown petrol bombs. He said they put a gas mask on his face and completely cut off his supply of air. He said he felt he was going to die each time this happened.

This week Mkhize told the judge that his other son Hamilton complained of police assaults, saying he had been slapped repeatedly by the police.

Last week Diddcott granted the order for Madoda, but said there was no evidence that Hamilton had been assaulted.

Diddcott had ruled that a judge should take a statement from Madoda.

He granted a temporary order barring police from assaulting or unlawfully interrogating Madoda.

And he also asked a district surgeon to examine Madoda thoroughly and report back to the court on July 16.

★ Diddcott has directed lawyers for the Mkhize family to argue the principle, on Wednesday, of whether Madoda's statement should be added to the record.
★ See Page 7

CHOICE WHERE AS NO CHOICE BEFORE

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19 detained at church ³²⁹ service freed

Staff Reporter ^{News 14/7/86}

DR Richard Stevens, head of the department of biblical studies at the University of the Western Cape, and 18 others detained at a church service in Elsies River on June 15, have been released.

Dr Stevens was freed early on Saturday and returned to work today.

He said he was told at 10pm on Friday that he would be released.

"I had hoped to be released ... but still it came as a real surprise," Dr Stevens said.

● On Friday a Goodwood magistrate ordered the officer commanding Victor Verster Prison in Paarl to produce Dr Stevens and another emergency detainee, teacher Mr Steve Louw, to stand trial on August 12.

They are to face charges in connection with an allegedly illegal gathering on May 19 during an incident involving school pupils outside Goodwood Magistrate's Court.

Dr Stevens and Mr Louw did not appear on Friday and the court heard they were being held under the emergency.

Chairman hits at labour arrests

THE chairman of one of SA's largest food manufacturers has sharply criticised government over labour arrests and said detentions were disrupting production.

Premier Food Industries chairman Peter Wrighton told shareholders of Jabula Foods that 31 of the company's workers were arrested while attending the funeral of a colleague, allegedly murdered in a labour dispute.

"The workers had been given permission by senior management to attend the funeral."

As this action was disrupting production and causing tension in labour

relations, Wrighton called on the authorities to charge or release the workers.

"Representations to various authorities have not been successful."

Wrighton advised shareholders that trading conditions would continue to remain difficult for the immediate future in view of the state of emergency. He said the company's trading performance for the first two months of this year could be regarded as satisfactory under the circumstances.

MICK COLLINS

SA double-crossed him over coup bid

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Stow 14/7/86

PARIS — Mercenary leader Colonel "Mad Mike" Hoare said yesterday South Africa had double-crossed him by sponsoring his assault on the Seychelles in 1981, then jailing him when it collapsed.

Speaking for the first time about the abortive raid, he claimed the South African Defence Force provided half of his 50 men, with funding from the National Intelligence Service.

Colonel Hoare said he was told the State President, Mr P W Botha, had personally approved the raid.

His men were caught on arrival at the airport disguised as rugby players on holiday. They escaped back to South Africa aboard an Air India plane and were convicted of contravening international civil aviation codes, although Colonel Hoare insisted that the Indian pilot took them voluntarily. Indian authorities refused to testify in South Africa.

Colonel Hoare said his original contacts "disappeared" during his trial because the South African Government wanted to appear as an innocent party which defended international justice.

Colonel Hoare's book, "The Seychelles Affair," is to be published next month in London.

He revealed its main points to an Associated Press correspondent who knew him as a Congo mercenary leader in the 1960s.

Approached by Manham

Colonel Hoare said he was first approached in London by a former Minister of deposed Seychelles leader, Mr Jimmy Manham. He agreed to recruit 100 men to overthrow President France-Albert Rene for five million dollars (about R12 million).

Mr Manham's support wavered, Colonel Hoare said, and plans changed frequently. Backing shifted to Mr Gerard Hourau, a disinherited young Seychelles politician.

"From five million dollars we went to three million and then to one," he said. "I have a chapter called Cut-Price Coup."

Mr Hourau's backers could only come up with 200 000 dollars, he said, "and at that point South Africa stepped in and took the whole thing out of my hands".

An aircraft was chartered in Swaziland to take "Ye Ancient Order of Frothblowers" rugby team to the Seychelles.

Arms were to be smuggled aboard a yacht. To save time, Hoare tried to hide 100 guns in a shipment of toilets, but he got word that Seychelles authorities were warned. He then had to pack the guns into false bottoms of his men's suitcases.

French traveller

The plan nearly worked, he said, except for a French traveller picked up on an unscheduled stop on the way. The extra passenger was the second-to-last man through customs.

An inspector found prohibited fruit and, looking for fruit in the last man's bag, discovered an assault rifle.

Colonel Hoare attacked immediately. He lost one man and was beaten back from the main barracks. His men secured the airport and killed an armoured car driver.

Despite warnings, the Air India passenger plane landed, low on fuel. Artillery landed two metres from the plane, Colonel Hoare said, and he persuaded authorities to stop firing. The grateful pilot then offered to fly his men to safety, he said.

Referring to his trial, Colonel Hoare said: "Once the trial had not to testify, the South Africans had the perfect opportunity to let us go. The trial was entirely a South African affair to show that they conformed to international norms."

● A fair and lengthy trial followed the Seychelles affair and all information was brought into the open, Mr Leon Mellet, of the Bureau for Information, said last night. All allegations should be viewed in the light of the trial, he said. — Sapa-AP.

Child burnt to death as death toll rises to 138

By Sue Leeman,
Pretoria Bureau

Seven people died in unrest at the weekend — six of them in the troubled homeland of kwaNdebele, according to the Bureau for Information.

In a particularly gruesome killing a child aged between 10 and 15 years was hacked and burnt to death.

These deaths bring to 138 the number of people killed in unrest-related incidents since the imposition of the state of emergency on June 12.

However, the bureau said the downward trend of unrest-related incidents was continuing.

Five people died and a 60-year-old man, Mr Johannes Mazibuko, was slightly injured in an explosion at his home in kwaNdebele at 1 am on Friday, the bureau said.

Police are investigating.

Yesterday, police found the charred body of a youngster, thought to be between 10 and 15 years old, in a burnt-out car near Waterval in kwaNdebele.

The body was so badly burnt that the victim's race or sex could not be determined.

One foot appeared to have been chopped off and was found some distance from the car.

Police could not determine whether the other foot and hands had also been severed from the body.

It was estimated that the youngster had been killed at least two days before the body was found.

In Soweto, a 32-year-old man was stabbed to death and his body set alight.

The bureau added that a few other incidents had occurred, the worst being in Umhlanga near Durban where a shopowner was attacked and robbed and had his car stoned. Damage is estimated at R35 000.

Union 'Won't help send baby to jail'

THE SA Black Municipal and Allied Workers' Union (Sabmawu) yesterday again rejected a police offer to reunite an ailing six-month-old baby with its mother — in jail.

"As a prison is a place for criminals, we are morally bound not to assist in sending the child to jail," a Sabmawu spokesman said yesterday, ref-

erring to the plight of the infant whose health is said to have deteriorated since his mother's detention on July 3.

He said the union had reaffirmed its stand on the matter during a national executive council meeting at the weekend. Also, the union had embarked on a publicity campaign — whose theme is 'Help

Us Save The Child".

The mother is a member of Sabmawu.

Said the Sabmawu spokesman: "As committed Christians we are morally bound by our religion and follow the words of our Lord who says: 'Suffer the children who come unto me, for theirs is the king-

dom of God'.

"If the prison was the church, then the union would have gladly taken the baby to the house of the Lord. We want to make it clear to the authorities that the union was responsible for the baby's wellbeing from the day its mother was detained," he said.

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2 Cape Times, Monday, July 14, 1986

Detained unionists: Workers may act

Own Correspondent

JOHANNESBURG. — Employers in most parts of South Africa may today be hit by worker action in protest against the detention of trade unionists.

A spokesman for the Labour Monitoring Group (LMG) said yesterday the support for the action was likely to be uneven.

He said certain unions in the Transvaal, Natal and Eastern Cape had agreed on some form of action today, but in the Western Cape the stayaway had been called off.

Meanwhile, employer organizations have appealed to trade union leaders to resist the call for the planned worker action.

The secretary of the Federated Chamber of Industries' manpower committee, Miss Friede Dowie, said yesterday the FCI could not issue guidelines on how employers should respond to the stayaway because this was "strictly a company matter".

However, the FCI had previously issued the guideline of "no work, no pay" but also urged employers to be aware of the factor of intimidation and not to take precipitate action, she said.

Since Jan 11/72 (S) (S) (S) (624)

Education crisis

DET IS UNABLE TO HELP PUPILS IN DETENTION

THE Department of Education and Training cannot do anything to secure the release of teachers and pupils recently detained under the state of emergency regula-

SOWETAN Reporter

tions, a spokesman for the department said.

The spokesman however said detained teachers would be paid their salaries while in

detention.

It is not known how many teachers and pupils have been detained since the declaration of the state of emergency.

Asked what the department was doing to secure the release of the detained teachers and pupils, the spokesman said the matter was beyond their control and those detained remained the responsibility of the

security forces.

He promised that released students could go back to their respective schools and continue with their classes.

He also clarified certain issues, including the demotion and re-registration of pupils. Only

pupils who pass examinations will be promoted to the next class. The re-registration of pupils was at the discretion of principals who wanted to ascertain,

after the continuous disruption of classes, how many pupils had enrolled.

He described as "unsubstantiated," a newspaper report that Soweto teachers had been told by the department to clean their classrooms.

"It is not expected of them (teachers) to physically clean the classrooms".

The spokesman confirmed that a number of women have recently been employed and paid by DET to clean classrooms at secondary schools.

Detainees to stand trial

CAPE TOWN — A Goodwood magistrate has ordered the officer commanding Victor Verster Prison in Paarl to produce two emergency detainees to stand trial on August 12.

They are Dr Richard Stevens, 41, a lecturer in biblical studies at the University of the Western Cape, and Mr Steve Louw, 28, a teacher at Belhar Senior Secondary School No 1.

They are to face charges in connection with an allegedly illegal gathering on May 19.

The court heard that Dr Stevens and Mr Louw were in Victor Verster Prison under the emergency regulations.

Sapa

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DD 14/7/86

PFP: 3 867 or more people are missing

DD 14/7/86
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CAPE TOWN — In the first month of the emergency, 3 867 people have been confirmed as having "disappeared" the national director of the Progressive Federal Party, Mr Neil Ross, said at the weekend.

This figure included those who had "reappeared" or had been released from detention, but the actual figure of those who have disappeared is thought to be far higher, he said, citing an under-estimation of 57 per cent during the last emergency.

Mr Ross said the PFP had consolidated their lists of those who have disappeared with other monitoring organisations country-wide.

He said that only about eight per cent of those on the lists had been confirmed as having been released from police detention.

"Our biggest problem in Cape Town is consolidating the names of people missing from KTC, Guguletu, the Crossroads area and Khayelitsha. The collec-

tion of names has been very erratic as it is hard to determine how people have gone missing because of the confusion in the area."

Mr Ross said the collection of names from rural areas was also problematic, despite "extensive" monitoring.

"A number of our informants have themselves gone missing, and the amount of people missing is quite alarming although there are big gaps in our information." — Sapa

Cape Times 14/7/86 329 **'Politicization' by detention**

Staff Reporter

DETENTION is "a politicizing experience for anyone", says Dr Hassan Mahomed, who was released from Victor Verster Prison late on Friday night — three days after a Supreme Court application for his release was postponed.

Relaxing at his parents' Athlone home yesterday, 24-year-old Dr Mahomed said his experience as a detainee had changed him.

"I've learned a lot. I met quite a wide spectrum of people. It's a politicizing experience for anyone. Anyone will come out more radical than they went in."

Dr Mahomed, a houseman at Groote Schuur

Hospital, was arrested when he was 'arrested in Athlone on June 16 and found his first day as while he was helping a prisoner "very upset- KTC refugees move from KTC refugees move from the AME Church to a nearby house. ting". Yesterday he was calm and humorous about future plans — "I think my job is still there."

"Well, of course I'm overjoyed," he said when asked how it felt to be out of prison, "but obviously it's not a complete happiness because a lot of people are left behind."

He said his release was totally unexpected. "I was released from Victor Verster about 11pm. They came to call me in my cell about 9.30pm. They call your name and say 'pak jou goed'. That's when you know you are being released."

He was "quite upset"

His father, specialist surgeon Dr Abdullah Mahomed, said Hassan's superior at Groote Schuur had said he should "take a few days off to readjust".

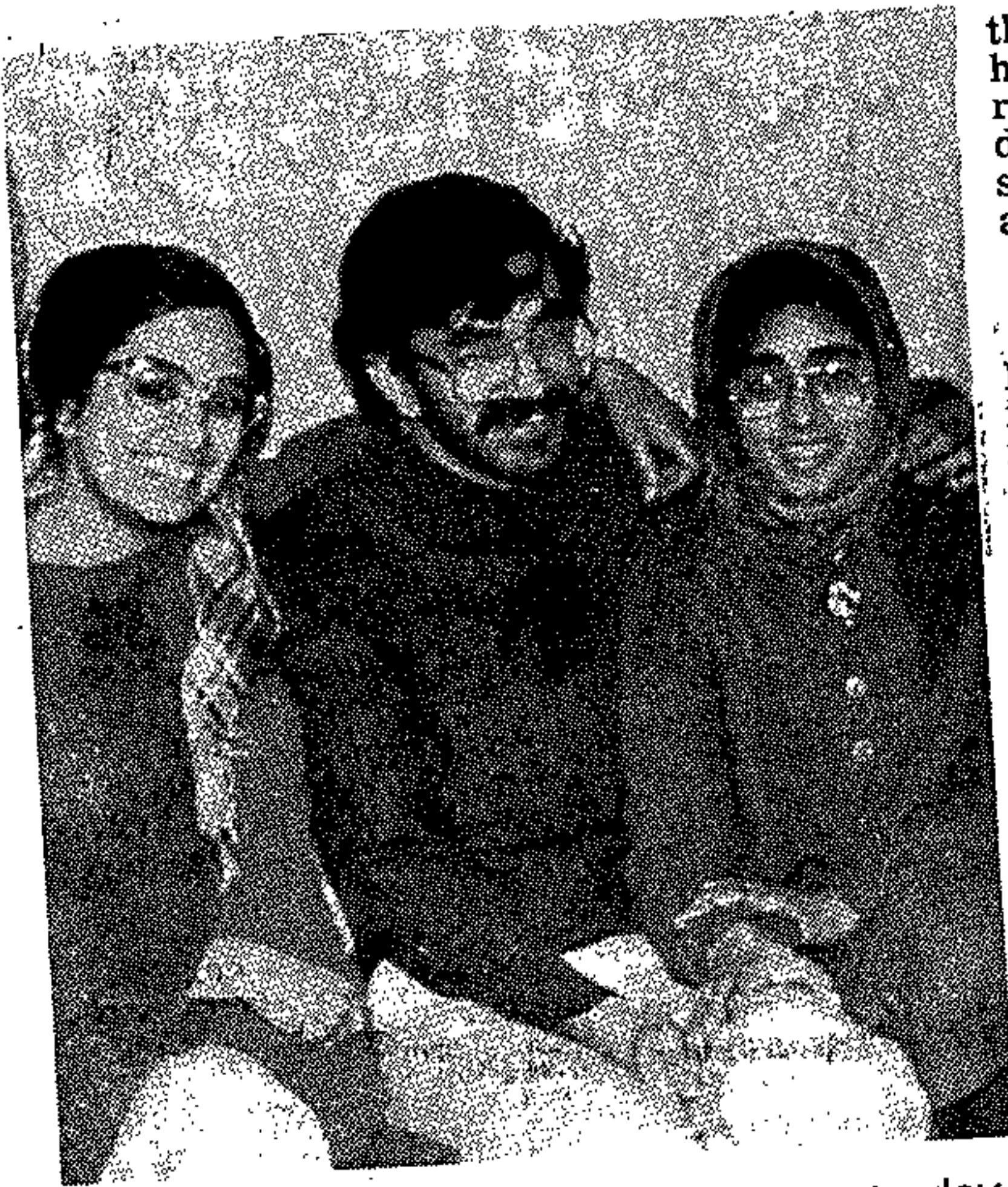
Dr Mahomed's application for a court order declaring his son's arrest unlawful was postponed last week by Mr Justice C T Howie so that clarity could be obtained on whether his son had been redetained or whether his detention had been extended by ministerial order.

The court ruled also that evidence would be heard when the hearing resumed relating to a dispute over the circumstances of Dr Mahomed's arrest.

'Subversive'

A police affidavit said Dr Mahomed was carrying "subversive" documents at the time. An affidavit filed by Ms Julia Dewee, who was arrested with Dr Mahomed but released later that day, said he was carrying only a gas stove while she was carrying papers given to her at the AME Church.

Constable Gideon Swanepoel said he thought the documents subversive because they contained photographs of a police Casspir and a policeman pointing a gun at a black woman. A photograph of ANC leader Mr Oliver Tambo "confirmed" his suspicions.



Dr Hassan Mahomed at home yesterday with his sisters Riyani (left) and Yasmin.

Call to resist stayaway

EMPLOYERS in most parts of SA will be hit by a stayaway today as workers respond to plans by union leaders for a day of action in protest against detention of union leaders.

The scale of the action is difficult to predict.

Union leaders yesterday declined to comment on the range of action planned.

A spokesman for the Labour Monitoring Group (LMG) said that the support for a day of action was likely to be uneven.

He said certain unions in the Transvaal, Natal and Eastern Cape had agreed on action, but in the Western Cape the stayaway had been called off.

Meanwhile, employer organisations have appealed to trade union leaders to resist the call for a stayaway.

Secretary of the FCI's manpower committee, Friede Dowie, said yesterday the FCI could not issue guidelines with regard to how employers should respond to the stayaway because this was strictly a company matter.

THELMA TUCH

However, the FCI has previously issued the guideline of no work, no pay but also urged employers to be aware of the factor of intimidation and not to take precipitous action.

Dowie predicted that companies, particularly smaller employers, would begin to take a harder line against workers who stayed away because they "simply cannot cope" in view of the slump.

The unions most likely to offer widespread support to the day of action are three Cosatu affiliates — the Metal and Allied Workers Union (Mawu), the Catering and Allied Workers Union (Cawusa) and the National Union of Mineworkers (Num).

Cape Times 14/7/86
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Tears of joy as 53 go free

Staff Reporter

TEARS of joy flowed outside the Wynberg police station late on Friday night when 24 women and two girls detained at a church service on June 15 where reunited with their families after 26 days.

The women, many of them mothers, and two girls under the age of 16 were among the 225 people detained at St Nicholas Church, Elsie's River.

The Supreme Court was told that police carrying "whips or rifles" had arrested the entire congregation.

Twenty-seven men, including the head of the Department of Biblical Studies at the University of the Western Cape, Dr Richard Stevens, and another St Nicholas priest were also released on Friday night.

Dr Stevens said the

feeling among both groups was joy at being released and incensed at being removed from a "peaceful, bona fide church service".

The parish secretary, Mr Ronald Phillips, said that many women, although glad to be with their families, were still shocked at being taken from the service where there had been "no political provocation or message of subversion".

Mr Phillips said the entire congregation had now been released. To his knowledge, no charges had been brought.

According to an affidavit made in support of an urgent application for the release of Cape Times reporter Andre Koopman before the Supreme Court last month, "a squad of approximately 12 policemen arrived carrying either long whip-like implements or rifles" soon after the church service ended.

"With the arrival of the police pandemonium ensued: People ran for shelter towards the altar and choir stalls as they were unable to leave the church by the only open door.

"Dr Richard Stevens tried to calm the congregation and had some success. Some members of the congregation knelt and prayed, others cried while still some others commenced to sing the hymn 'Be still and know that I am God', the affidavit said.

A Captain Van Schalkwyk announced while walking up the aisle that the service was an illegal gathering. Dr Stevens tried to speak to him.

The affidavit said: "Captain Van Schalkwyk told Dr Stevens that he had nothing to say and then pulled Dr Stevens off the altar through the opening in the altar rail with such force that Dr Stevens fell to the floor."

A service of praise and thanksgiving, led by the Anglican Dean of Cape Town, the Very Rev Edward King, was held at St Nicholas Church last night.

'Jumble of words' confuses judge

DURBAN — A Natal judge yesterday said he could not make "head or tail" of the regulations governing the state of emergency.

Mr Justice J M Didcott was speaking in the Supreme Court at an urgent application for the state of emergency, imposed on June 12, to be declared invalid and for the emergency regulations to be lifted and all emergency detainees freed.

The application, being heard by a full bench, has been brought against the State President, Mr P W Botha, and the Government by the Metal and Allied Workers' Union with the wife of one of its detained members, Mrs Dudu Mchunu.

Mr Ismail Mahomed SC, for the union, told a packed courtroom that because the emergency announcement had not been tabled in all three Houses of Parliament within 14 days, as required by the Public Safety Act of 1953, it had become invalid from June 26.

He said the State President was empowered to promulgate emergency regulations only after a state of emergency had been declared.

But Mr Botha had simultaneously declared the emergency and promulgated the emergency regulations with effect from midnight on June 11, and had thus acted ultra vires.

On the wording of the regulations, Mr Mahomed said much of it, particularly that relating to "subversive" activities, was so vague as to be "meaningless".

Mr Justice Didcott agreed, saying he had tried in vain to understand the "jumble of words" in the regulations.

"I cannot make head or tail of the regulations," he said. "Whoever formulated them had written 'a lot of nonsense'".

Mr Justice Didcott asked whether a Jehovah Witness minister would be committing an offence if he told his congregation not to perform military service.

Detained King lawyers: judgment is reserved

Dispatch Correspondent PORT ELIZABETH — Judgment was yesterday reserved by the Grahamstown Supreme Court in an application to secure the release of two King William's Town attorneys, of the firm Smith, Tabata and Van Heerden, from detention.

The presiding judge, Mr Justice Zietsman, also reserved judgment in an application brought earlier yesterday by Mr Denis Kuny, SC, on behalf of the applicants, which requested that the matter be deferred for oral evidence.

The two attorneys, Mr John Smith and Mr Dudley van Heerden, both 27, were said in court to have been detained on June 14.

The application was brought by their wives, Mrs Naomi Smith and Mrs Ingrid van Heerden.

The respondents are the Minister of Law and Order, the Commissioner of Police, the head of the Security Branch, South African Police, in King William's Town, the Minister of Justice and the Commissioner of Prisons.

Mr Kuny argued that in the papers before the

court there were "conflicts so deep-rooted" that it would be impossible for the court to solve unless the matter was deferred for oral evidence.

On the applicants' papers, he said, there was a history of hostility and antagonism on the part of the security police towards the two detainees.

The respondents denied this allegation.

Mr Kuny said a large question mark hung over the issue of whether, at the time of the arrest and detention, the necessary grounds for the detainees' arrest existed; and whether the arresting officer had allowed the "feud" to colour his outlook.

This could not be argued on papers before the court because the arresting officer denied that the feud existed, he added.

The second ground for his application to have the matter deferred to oral evidence was the basis of the arrest, Mr Kuny said.

He added there was doubt whether the detainees had been arrested under Section 50 of the Internal Security

Act or under the state of emergency regulations.

Mr J. J. Nepgen SC, for the respondents, argued there was no basis for the submission that the detainees might have been detained under Section 50. It was clearly stated by the respondents, he said, that the two attorneys had been arrested and detained under the emergency regulations.

Indeed, their detention period had been extended by the minister in terms of the emergency regulations, he said.

Mr Nepgen submitted that if the application was deferred for oral evidence the evidence would of necessity be of a hearsay nature and would therefore be inadmissible.

In replying to this submission, Mr Kuny argued that the court could order that the detainees be allowed to give direct evidence.

Mr Nepgen in turn said the court was not empowered to order that the detainees be allowed to give evidence.

Mr Justice Zietsman reserved his judgment in this application.

During his argument

in the main application, Mr Kuny submitted that the arresting officer's powers of detention were not unfettered.

The powers of the police, despite the state of emergency, were still subject, to some extent, to judicial review, he added.

Mr Kuny argued the initial arrest and detention was unlawful because the arresting officer could not have properly held the opinion that the detention of the two attorneys was necessary for the maintenance of public safety; and that, consequently, the extension of their detention was illegal.

Mr Nepgen said the deciding factor was not whether the arresting officer was justified in holding the opinion that the detention of the two attorneys was necessary, but whether he held such an opinion.

He submitted that the arresting officer had held such an opinion, and that the court's power was therefore precluded.

Mr Kuny was assisted by Mr John Suttner of Johannesburg and instructed by Mr Dumisani Tabata, of King William's Town and Mr Bonisile Sandi of Grahamstown. Mr Nepgen was assisted by Mr Johan Froneman and instructed by Whitesides.

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Tuesday July 15 1986 5 A

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Police barred from beating girl detainee

The Argus Correspondent

DURBAN. — A Durban judge has granted a temporary interdict restraining the police from assaulting or unlawfully interrogating a 15-year-old girl who was allegedly detained after she was found wearing a June 16 T-shirt.

Mr Justice Didcott granted the interim interdict after an urgent application by the girl's grandmother and guardian, Mrs Elizabeth Mkame.

MEDICAL EXAM

The Minister of Law and Order, the commissioner of police in Durban and the commanding officer of Westville Prison must show cause on August 5 why they should not be interdicted and restrained from assaulting Miss Barbara Smyley Mkame or interrogating her in any way other than that prescribed and permitted by law.

A district surgeon was also requested to visit her and give her a thorough and detailed medical examination.

Mr Chris Nicholson of the Legal Resources Centre, who appeared for Mrs Mkame, said that while the respondents were not consenting to the order, they did not oppose it.

Court order protects schoolgirl detainee

Own Correspondent

DURBAN — A judge here yesterday granted a temporary interdict restraining police from assaulting or unlawfully interrogating a 15-year-old girl allegedly detained after being found wearing a June 16 T-shirt.

Mr Justice Didcott granted the interim interdict after an urgent application by the girl's grandmother, who is also her guardian.

The Minister of Law and Order, the Commissioner of Police in Durban and the commanding officer of Westville Prison must show cause on August 5 why they should not be interdicted and restrained from assaulting the teenage detainee or interrogating her in any way other than that prescribed and permitted by law.

Medical examination

A district surgeon was also requested to visit her and give her a detailed medical examination.

Mr Chris Nicholson of the Legal Resources Centre, who appeared for the girl's grandmother, said while the respondents did not consent to the order they did not oppose it.

In her affidavit, the guardian said she and her granddaughter had attended a church service in Claremont on June 16. After the service she had gone home and her granddaughter left with schoolfriends.

Minutes after getting home some of her grand-

daughter's friends rushed in to tell her her granddaughter had been detained.

They told her members of the South African Defence Force had asked her to open her jacket to show what T-shirt she was wearing.

Her granddaughter had been wearing a June 16 T-shirt.

The girl's guardian said that evening a Special Branch policeman had phoned to tell her her granddaughter was being detained under emergency regulations at Westville Prison.

She had been allowed to visit her on July 1 and had spoken to her through a glass screen in the company of policewomen.

The grandmother added: "She was very distressed and was crying.

"She said she was asked where she got the T-shirt and if she was a 'Comrade'. She said that in two days of her detention she had been severely beaten.

"She expressed grave concern for her future well-being in prison. She was in a very emotional state. She looked exhausted, underweight and very afraid."

The child's guardian said she was too concerned for her granddaughter's safety to question her about the beating in the presence of the policewomen.

A newspaper report about a Mr Mkhize who had obtained a court order preventing the authorities from assaulting his son while in detention prompted her to approach the Legal Resources Centre.

BUS. DAY 15/7/86

Emergency application

329

AN URGENT application asking that the state of emergency be nullified began before a full bench in the Supreme Court, Durban, yesterday.

The Metal and Allied Workers' Union, and the wife of one of its detained members, Dudu Mchunu, brought the application against President P W Botha and government.

The union is seeking an order declaring the state of emergency, imposed from midnight on June 11, to be without cause and effect from June 26 on the grounds that the emergency announcement was irregular.

The union is also seeking the

release of everyone detained in terms of the emergency regulations, including six of its own members.

Ismail Mahomed, SC, appearing for Mawu, argued yesterday before a packed courtroom that in terms of the Public Safety Act of 1953 the emergency announcement should have been tabled in all three houses of Parliament within 14 days of June 11.

It had therefore become invalid from June 26.

He also argued that the relevant legislation empowered the State President to promulgate emergency regulations only after a state of emergency had been declared.

Mahomed said that because the state of emergency and the security regulations pertaining to the emergency had been announced simultaneously, the regulations had been void from the outset.

One of the three judges hearing the application, Mr Justice J M Didcott, asked Mahomed what the courts could do if the order were granted and the State President reimposed the state of emergency.

Mahomed said he would deal with the question at a later stage.

The application is being heard by Mr Justice M E Kumleben, Judge Didcott and Mr Justice P W Thirion. — Sapa.

Some say 15/7/86

Police barred from beating detainee

A DURBAN judge yesterday granted a temporary interdict restraining the police from assaulting or unlawfully interrogating a fifteen-year-old girl who was allegedly detained after she was found wearing a June 16 T-shirt.

Mr Justice Didcott granted the interim interdict after an urgent application by the girl's grandmother and guardian Mrs Elizabeth Mkame.

The Minister of Law and Order, the Commissioner of Police in Durban and the Commanding Officer of Westville Prison must show cause on August 5 why they should not be interdicted and restrained from assaulting Miss Barbara Smyley Mkame or interrogating her in any way other than that prescribed and permitted by law.

Affidavit

Mr Chris Nicholson of the Legal Resources Centre who appeared for Mrs Mkame said while the respondents were not consenting to the order they did not oppose it.

In her affidavit, Mrs Mkame said that she and her granddaughter had attended a church service in Claremont on June 16. After the service she had gone home and her grand-daughter left with some school friends.

About ten minutes after she got home some of her grand-daughter's friends had rushed in to tell her that Barbara had been detained.

She said they told her that members of the South African Defence Force had asked her to open up her jacket to see what T-shirt she was wearing

Mrs Mkame said her grand-daughter had been wearing a June 16 T-shirt.

She had been allowed to visit her on July 1 at the prison where she had spoken to her through a glass screen in the company of police women.

"Smyley was very distressed, upset and was crying when I saw her.

"She said she was asked where she had got the T-shirt from and whether she was a member of "comrades". She said that in two days of her detention she had been severely beaten. She said these experiences had been very painful."

Mrs Mkame said she was too concerned for her grand-daughter's safety to question her about the beating in the presence of the policewomen.

53 church detainees freed

Pretoria Correspondent

The remaining 53 members of the 189-strong Elsies River church congregation who were detained last month have been released.

This has been confirmed by the Repression Monitoring Group (RMG) based in Cape Town.

A spokesman for the RMG said two groups of people — one from Pollsmoor Prison in Cape Town and the other from Victor Verster Prison in Paarl — were released on Friday.

The detainees were part of the St Nicholas Church congregation who were arrested on June 15 after a church service for those who died on June 16 1976 during the Soweto uprising.

The Bureau of Information said at the time that it was not a church meeting, but a political meeting.

A spokesman for the PFP Unrest Monitoring Group's Action Committee, said today that 24 women and two girls under the age of 16 were reunited with their families.

Our Own Correspondent reports that Dr Richard Stevens, head of the department of biblical studies at the University of the Western Cape, was one of those released.

SA forcing good guys into retreat

CN 7/14/85 15/7/8

EVENTS of a nature that may not under the present dispensation be described, overtook Mr Amon Msane, chairman of the Johannesburg branch of the Commercial, Catering and Allied Workers Union, when he stepped off an international flight at Jan Smuts Airport last Wednesday on his return from a two-month tour of the United States.

It evidently did not matter to those in charge of the events that Mr Msane was carrying a letter signed by Senator William Roth, a conservative Republican of some standing, and a Democratic colleague, Senator Edward Kennedy, requesting that the events not occur.

Nor, perhaps more importantly, was it deemed of much consequence that the events would be a considerable embarrassment to Mr Msane's employer, the 3M Corporation, the giant United States multinational, and, by extension, the 250 or so other American firms still operating in South Africa.

Obscure reasons

The events were not entirely unexpected — witness the Roth-Kennedy letter — because Mr Msane had said some things in the US which, under current circumstances, tend to precipitate events. In particular he had publicly urged his employer to fold its tent. Ironically, the events may hasten the fulfilment of his demand.

Staying in South Africa is an increasingly Sisyphean proposition for the 250. It hardly needs to be restated that they are under intense domestic pressure to get out. And while it is chic to accuse them of exploiting South Africa's cheap labour, there are no longer fortunes to be made in them thar masses.

In 1984, US operations in South Africa suffered losses equal to nine percent of the book value of their direct investments there.

The reasons only — the modifier is used advisedly — 53 US companies have pulled out since the start of 1985 are becoming daily more obscure to the managements of those who remain.

Aside from a natural reluctance to abandon assets (Bell and Howell, for example, sold out to a European company for

one dollar and took a \$14-million bath), the explanations are tending towards the abstract.

There is talk of setting bad precedents, of looking unreliable, of loyalty to customers, of the need to keep fingers in the pie. But it is talk, and, when the city of San Francisco says it is not going to buy your \$300-million trash-to-energy plant because of your South African connection, or school systems say they will not buy your books or equipment, talk becomes extremely cheap indeed.

For many companies the bottom line on staying has become a sort of corporate noblesse oblige. A member of the US Corporate Council on South Africa, Mr Sal Marzullo, told a meeting of Sullivan Code signatories in New York recently: "It isn't money anymore. No one makes much money there anymore, you know that. It's now a moral obligation to see this out."

Mr Marzullo is sincere. The captains of American industry have a tendency to see themselves as the guardians of capitalism and its reputation. In South Africa, they perceive a tremendous opportunity to

prove that they and their beloved system are forces for good.

Although there are obviously other, more venal considerations, this is at least part of the rationale behind the \$158 million the Sullivan signatories have spent on good works since 1977 and IBM's \$30-million computerized reading-to-write project.

Unfortunately, the moral dimension becomes meaningless if it is not permitted to function. The argument that US companies are a benign and moral influence is vitiated when, for example, Pretoria sends events to overtake employee Mr Msane, or, more broadly, flatly refuses to be influenced by appeals for more meaningful reform while at the same time, through its actions, helps convince the would-be beneficiaries that American firms, indeed capitalism as a whole, are evil.

At this point even the most missionary of chief executive officers begins to sense the law of diminishing returns.

"It's a waste of money," sighed an executive recently on his return from a trip to South Africa. "There is no appreciation in the black com-

munity for the money spent. Black leaders look at it as dirty."

These are the words of a businessman in the last throes of deciding to withdraw. He is implying that the last justification for resisting the disinvestment activists and staying on has been cut from under him.

Under these circumstances, the Reverend Leon Sullivan's increasingly shrill exhortations for US companies to step up their positive efforts sound hollow and hollow, especially since he has promised to demand a total corporate retreat if apartheid is not certifiably dead by May 31 next year.

The applause was modest, according to a Wall Street Journal reporter who managed to attend the closed session unobserved, the audience numb. Most already believe they have gone the extra mile.

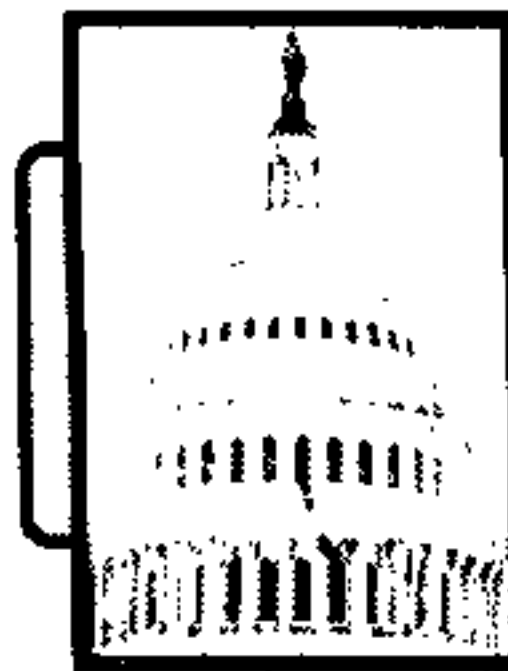
Modest applause

No doubt there will be the usual heated denials and clarifications, but it now requires a real leap of faith to believe that even companies like IBM and General Motors will not be retiring from what is literally becoming the field of combat within the next year or two.

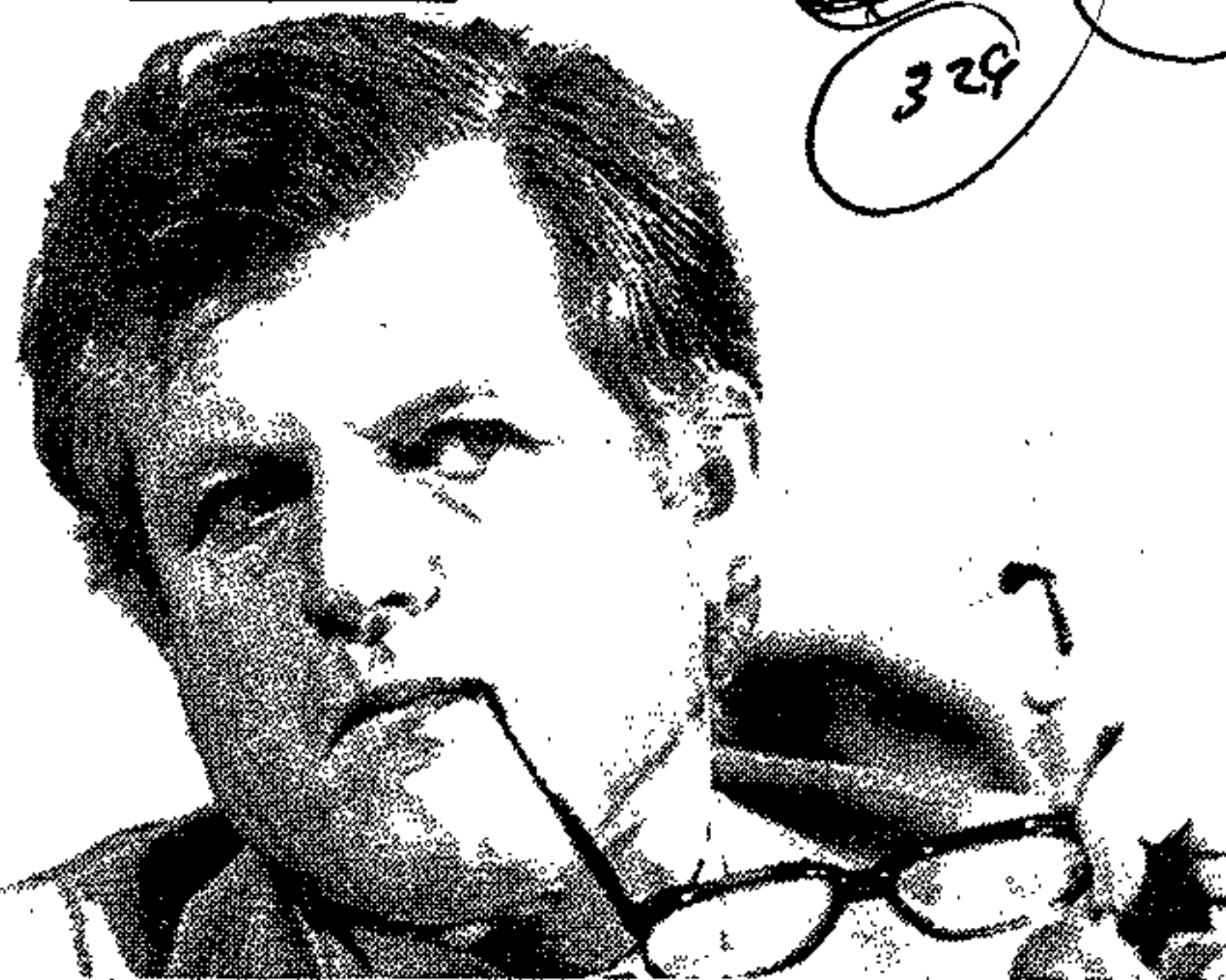
The journal's man quoted a senior executive of major US manufacturer as saying: "I don't know of a single company down there that isn't looking at contingency plans to leave."

The consequences are hard to gauge. Yes, access to certain types of badly needed technology and expertise may be lost, but most firms will likely leave much of their existing plants in the hands of new owners, and will, as has been the case with many those already out (GTE and Bell and Howell, for example) continue to sell their products through local distributors — always assuming American law permits.

The real damage will likely be more intangible. Their record may have been spotty and fitful, but more than any other foreign investors, US firms have on the whole been trying to do some good. Pretoria is doing its best to ensure their efforts and money are wasted. It wants isolation and it's going to get it.



Washington Letter by SIMON BARBER



Senator Edward Kennedy . . . joint plea with a conservative Republic ignored by SA government.

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BUD DAY

329

15/1/78

"THE VITAL VIEWPOINT"

Cosatu president freed from detention after two weeks 'but restrict

PRESIDENT of the 500 000-member Congress of SA Trade Unions (Cosatu) Elijah Barayi was released on Friday after two weeks of detention, a union spokesman said in Johannesburg yesterday.

A National Union of Mineworkers (NUM) spokesman said Barayi was "released under strict conditions on his movements and his rights".

He was not allowed to leave the magisterial district of Carletonville without

permission from government.

The Police Directorate for Public Relations said it was not prepared to comment on alleged restrictions on Barayi.

NUM Press officer Marcel Golding said Barayi's recent release had contributed to the lack of widespread action on the mines yesterday.

Cosatu's call for protest action against the state of emergency met with a sporadic response yesterday, except in the Eastern Cape where there was a fairly

CLAIRE-PICKARD CAMBRIDGE,
DIANNE GAMES and Sapa

widespread stayaway.

Thousands in the Eastern Cape reported for work but returned home shortly afterwards. Nearly 3 000 municipal workers left their offices in the Eastern Cape, while General Motors in Port Elizabeth closed its plant after hundreds of workers returned home.

The Labour Monitoring Group reported a 24% stayaway among blacks in

Cosatu-organised factories in the manufacturing sector of the Pretoria-Witwatersrand-Vereniging (PWV) area and an 11% stayaway in the region's retail industry.

The group was not aware of action, such as stoppages, by those who came to work yesterday.

Major employers in Durban and Pinetown only reported a few isolated stayaways.

Cosatu called off the stayaway in the Western Cape and Northern Natal at the

weekend. Union leaders on the Reef it had been difficult to organise stayaway as restrictions on union made communication difficult.

Mines affected by the stayaway yesterday were Anglo American's Ficksburg, Rand Mines' Duvha and Rietpruit, Illovo, Gencor's Matla colliery and coal's Kriel colliery. NUM said coal's Kriel colliery had also affected, but this was not confirmed management.

Protest over detentions

BERNE. — The Swiss Foreign Ministry has lodged a direct protest with its South African counterpart in Pretoria over the detention under emergency laws of two clergymen holding Swiss passports. (329)

"This direct intervention represents an important further step in our efforts on behalf of the two detainees," a ministry spokesman said.

Switzerland earlier demanded and was granted the right to visit the two men. — Sapa-Reuter.

AR 6/16/78

Detained girl to study in jail

Staff Reporter

WESTERFORD High School matric pupil Helena Thornton, 17, detained under the emergency regulations on June 16, has received study material in prison.

Her mother, Mrs Amy Thornton, said today she took three assignments prepared by Westerford teachers to Polls-moor Prison on Monday.

329 "I think she is under a great deal of strain. She has been told she will be detained indefinitely. Studying under these conditions requires a lot of self-discipline," she said.

● Mr Robin Carlisle, a Progressive Federal Party member on the President's Council, said in the council on June 20 that Helena was detained for possessing the United Democratic Front magazine Upfront.

Wednesday July 16 1986

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UWC to try again to help detainees study

Education Reporter

FRESH attempts to provide study material for detained University of the Western Cape students are to be made by the rector, Professor Richard van der Ross.

About 40 UWC students, including Student Representative Council members, are believed to be in detention under the emergency regulations.

Professor van der Ross said the university was "making every effort" to get permission for books and other study material to be given to the students.

Several attempts had been unsuccessful, he said.

He said the students were detained in mid-June. Mid-year exams began this week.

"The university will do everything possible to enable any detained student to meet academic requirements. We will set special tests if necessary," added Professor van der Ross.

He hoped permission for the students to be supplied with study material would be granted as it was "not good for a student to be mentally inactive for too long".

Four students — Mr William Pieterse, Mr Ricardo Smith, Mr Jacob Marques and Mr Andrew Windvogel — were released from detention on Monday, campus coordinator Mr Errol Nourse said. Dr Richard Stevens, head of UWC's biblical studies department, was freed on Saturday.

● Detained girl to study in jail, Page 7.

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16/07/86
Sowetan
(329)

Mum set free, rejoins sick baby

THE sickly six-month-old baby who was separated from his mother after she was detained a fortnight ago, has been reunited with her at their Tembisa home.

Thabang, whose heart-rending story was published in the *Sowetan* last week, is now back in his mother's loving arms. The mother, Mrs Victoria Tlhatlha, a former Tembisa Town Council employee, was released from detention on Monday this week.

"I am so happy," said Mrs Tlhatlha. "I had spent sleepless nights in prison, worrying about my baby."

Mrs Tlhatlha, a member of the South African Black Municipal Workers' Union (Sabmawu), was fired by the town council after participating together with 1 000 other council employees in a wage strike.

Rejected

Her release comes after police had offered to reunite her and the baby in prison, an offer rejected by the union.

The Bureau for Information had also been quoted in *The Star*, saying the Sabmawu's refusal to provide information about the matter had cast doubt on the truth of the reports about the child.

Campaign

Sabmawu general secretary Mr Philip Dlamini said yesterday that the Help Us Save The Child campaign — initiated to help publicise Thabang's plight — would not be dropped. The campaign would now focus on the plight of "children who are now in jail, as well as imprisoned mothers".

Mr Dlamini said about 600 Sabmawu members who were detained under the emergency regulations have been released.



Mrs VICTORIA Tlhatlha and Thabang yesterday.

CML 710-16 16/7/86

Detained workers must not lose jobs, urges CCI

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Political Reporter

DETAINED workers should not lose their jobs, the Cape Chamber of Industries (CCI) said in its latest notice to employers.

The CCI said that special guidelines have been issued to employers after the Federated Chamber of Industries (FCI) met the Minister of Manpower, Mr Pietie du Plessis, recently to discuss the impact of the state of emergency on the detention of trade union leaders.

Employers are urged to "communicate clearly to all workers that the

employment relationship with workers will not be affected by involuntary absence from work", the CCI said in its weekly bulletin.

If an employer suspects that an employee is detained, immediate confirmation should be sought from the police.

Written documents relating to bona fide trade union matters can be distributed on company premises, just as closed-door meetings can be held indoors.

The Minister of Law and Order, Mr Louis le Grange, has publicly assured industry representatives that security forces would not inter-

fere in a legal strike, the CCI said.

"If workers participating in an illegal strike on company premises, are out of the public eye, behave and do not contravene any emergency regulations, the security forces will not interfere. However, should management report that workers are out of control, or should they contravene emergency regulations, and/or endanger life or property, this may be necessary," the CCI added.

In the case of an employee's detention, the local Divisional Commissioner of Police should be contacted.

327 007/786

Bureau reports 12 more unrest deaths

Dispatch Correspondent
CAPE TOWN — Twelve more deaths in unrest were reported by the Bureau for Information yesterday — the highest death toll in a day since the state of emergency was declared on June 12.

This brings the official death toll to 150 in the past 35 days.

In the latest unrest report on the 24-hour period until 6 am yesterday, the bureau said that although the number of unrest-related incidents "remains low", 12 people had died in "black-on-black violence".

According to the report, the burnt body of a man was found at 9 am at Kwaggafontein in KwaNdebele. The man had not yet been identified.

At midnight police found the bodies of nine men in a partially burnt-

down house in Vlaklaagte, KwaNdebele. It is believed they were shot with an AK47 rifle and then set alight with the house.

Seventeen AK47 shells were found at the scene. No further details were available and police are investigating.

At Tweefontein in KwaNdebele the police found the burnt body of a man at 5 pm. He was identified as Mr. Janie Shabalala, 38.

In Umlazi near Durban Mr. Duminsani Ngidi, 30, was knifed to death by a group of about 10 people at 9.15 pm.

● Progressive Federal Party MP Mrs Helen Suzman, said there had been "nothing but bloodshed and a rising death toll" since the government decided to incorporate the Moutse district into KwaNdebele.

Judgment hailed as victory for the rule of law

Court rejects key emergency clauses

327
BWDM
17/7/86

THE rejection by the Durban Supreme Court yesterday of certain key clauses in the state of emergency regulations has been hailed as a victory for the rule of law.

A blow was also struck for the rights of detainees when Mr Justice Didcott found the clause denying them access to lawyers "improper".

In a precedent ruling, he and Mr Justices Thirion and Kumbledon described the clauses thrown out as "unintelligible" and "hopelessly uncertain".

Progressive Federal Party (PFP) spokesman Helen Suzman slammed the government's "incompetence", saying it

Business Day Reporters

was to be hoped that "any self-respecting minister whose regulations have been shown to be so lacking in validity would resign."

"It's just too bad that the media have had to labour under these restrictions, that have now been declared null and void, over all these weeks."

Suzman added that the ruling affected one of the basic civil rights — the public's right to know.

Lawyers said the judgment was a substantial step forward for media freedom and a reaffirmation of the public's right

to criticise government despite the emergency.

The judges declared void all or parts of five of the six definitions of "subversive statements" on grounds of vagueness.

However, they rejected the application by the Metal and Allied Workers Union (Mawu) for the entire state of emergency to be declared illegal on procedural grounds.

Mr Justice Didcott accepted the State's argument that Parliament had recessed before the 14 days in which the

● To Page 2

Victory for the rule of law

17/7/86

regulations should have been tabled and that they could be presented when the session resumes on August 18.

Emergency powers still in force are detention without charge, curfews, sealing off of areas and the power to shut down publications.

He said only one of the six definitions was precise enough to be considered lawful — the one forbidding incitement of people to participate in unlawful strikes, boycotts, processions, civil disobedience or to oppose compulsory military service.

Mr Justice Didcott said the clause barring any statement advancing the object of any unlawful organisation was found to be "hopelessly uncertain", while the one banning statements engendering hostility between one person or group and another was considered "unintelligible".

He also ruled against a clause prohibiting statements that would tend to weaken public confidence in government's ability to maintain the public order or end the emergency.

Mr Justice Didcott found fault with

certain phrases in other clauses.

On the provision forbidding statements calling for disinvestment, sanctions or foreign action against SA, he said disinvestment and sanctions were reasonably clear but "I do not know what 'foreign action' is. What is action, what is foreign? The words 'foreign action' must go".

The judges approved the clause against inciting people to resist or oppose government in connection with the emergency, but ordered the removal of a clause about incitement against "the administration of justice".

A spokesman for the State President, P W Botha, said last night he had "no comment", while Bureau for Information chief Leon Mellet said the bureau had taken "note" of it.

Mellet said: "The bureau is advising the media to study the judgment carefully, particularly with regard to its implications for reporting during the state of emergency."

● From Page 1

one of the six clauses defining a

oppose the government in 1986

Police chief's assurance on attorneys

COMMISSIONER of Police General Johan Coetzee has pledged to take urgent steps to protect the interests of clients whose attorneys may have been detained under the current state of emergency.

Coetzee yesterday also undertook to try to arrange for access to detained attorneys for the purpose of dealing with matters relating to their practices.

He gave the assurance that no attorney had been detained purely by reason of the performance of his normal professional duties.

Coetzee's assurances were given at a meeting between him and senior police officials and a delegation of the Law Societies of the Cape, Transvaal and Natal.

Delegation leader, Transvaal Law Society president Edward Southey, said: "Where attorneys have been detained, the Commissioner gave the further assurance that because of problems that might arise in connection with the control of trust accounts and possible prejudice to clients, priority will be given to investigation of detained attorneys' cases."

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BUS DAY 17/1/86
The Commissioner further said that this attitude would be adopted in relation to all professional persons whose detention could cause prejudice to the public.

"To alleviate urgent problems which may arise in relation to detained attorneys, or problems attorneys may experience in regard to clients who may have been detained, the Commissioner has agreed to appoint a member of the council of one of the three law societies to act in a liaison capacity between the profession and police headquarters."

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Deportation order stands

17/1/86 BUS DAY
REPRESENTATIONS by an American Lutheran missionary, the Rev Brian Burchfield, against a government notice last week ordering him to leave SA by midnight today, have been turned down by Home Affairs Minister Stoffel Botha.

This was confirmed in Pretoria yesterday by a minister spokesman.

Monday's deadline for Burchfield to make representations to Botha for a reconsideration of the order was extended to noon yesterday.

After the representations had been considered, the minister had not changed the original order, the spokesman said. — Sapa.

Doctor freed judge rules detention unlawful

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The Argus Correspondent

PRETORIA. — A doctor and director of the Mamelodi Sun-downs Football Club, in detention for more than a month, has been released by order of a Supreme Court judge here.

Following an urgent application, Mr acting-Justice Roux declared the detention of Dr David Motsiri Itsweng, 40, of Mamelodi, to be unlawful and he ordered the Minister of Law and Order to pay the costs of the application, including the costs of two counsel.

In an affidavit Dr Itsweng's wife Pamela denied her husband was involved in political activities or that he had been affiliated to any political organisations.

She said although Dr Itsweng lacked interest or involvement in politics, "he opposes the policy of apartheid". Her husband was, however, opposed to the use of violence "of any description" as a means of obtaining change.

Mrs Itsweng said she and her husband were awakened by a knock on the door of their home at 2am on June 12.

Arrest threat

An officer of the Security Branch told the couple he was arresting Dr Itsweng in terms of the Internal Security Act for "public violence".

Mrs Itsweng twice went to the police station but was told that she could not see the doctor and — on her second visit — "that if I did not stop coming to inquire at the police station I would be arrested".

The next day Mrs Itsweng was told her husband was being held under Section 3 of the emergency regulations.

She said: "I was quite surprised by this because, firstly, I had been told that he had been held under Section 50 of the Internal Security Act and secondly, because I was not aware of

a declaration of a state of emergency."

Mrs Itsweng said she had been told that "it is unlawful to hold a person under the emergency regulations when his arrest has been effected under the Internal Security Act".

In reply to Mrs Itsweng's affidavit Lieutenant Jacob Jan Henrik van Jaarsveld of the security branch, who ordered Dr Itsweng's arrest, denied the doctor had been a peaceful and politically inactive citizen.

Undermining

The police officer said the doctor had come to the attention of the security branch as long ago as 1972 when, as a student, he had been a member of the South African Students' Organisation, "a front organisation of the African National Congress".

Lieutenant van Jaarsveld said that in the past 18 months the doctor had taken part in activities "directly aimed at the undermining of the existing order".

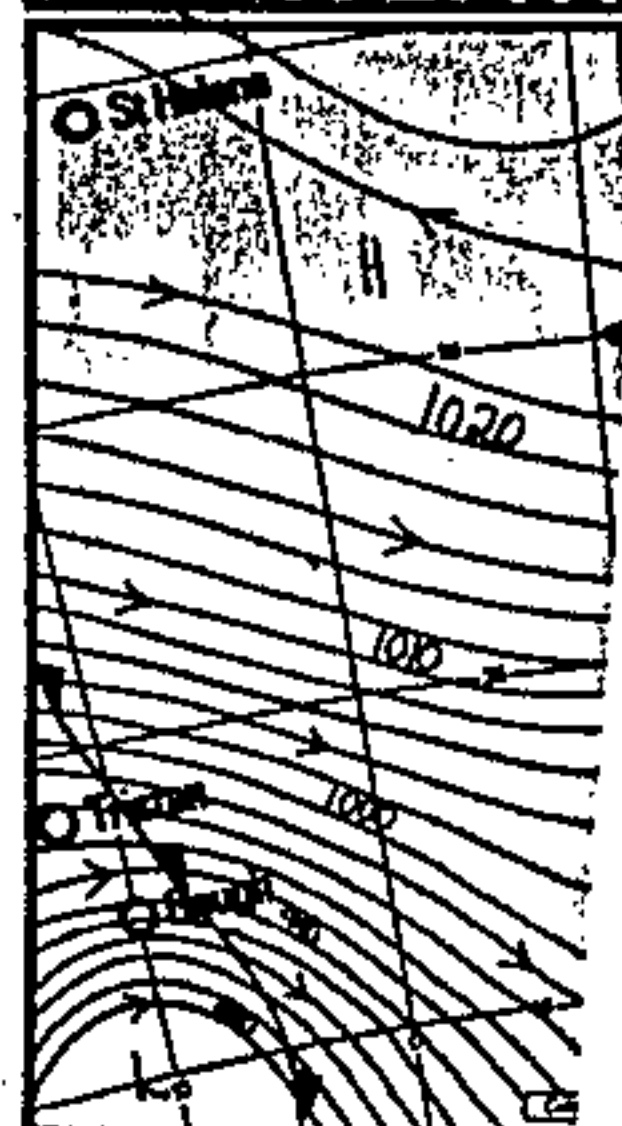
Although Dr Itsweng was not a public political figure, he had acted behind the scenes and, the police officer said, he was convinced the detainee was an active supporter of the ANC.

Lieutenant van Jaarsveld said: "When I had Dr Itsweng arrested and detained I was, as were other officers of the security police, aware that a state of emergency would be declared on June 12."

On June 13 it was ordered that Dr Itsweng be held in terms of the emergency regulations and his detention under the Internal Security Act was withdrawn.

Lieutenant van Jaarsveld said this was done because when the emergency was declared last year many suspects vanished. "By the above-mentioned actions a repetition was prevented."

WEATH



The cloudy cold tomorrow but i rain again

Cold

WEATHER forec and Overberg for row:

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- ☐ Wind: Fresh to
- ☐ Minimum temp will be between 1

Full moon.....
Last quarter.....
New moon.....
First quarter.....

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Rises tomorrow.....

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Tomorrow: 0002; 1258

Today: 0536; 1751
Tomorrow: 0643; 1900
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Mercury: 17/07/86

Assurances over detained attorneys

PRETORIA—The Commissioner of Police, Gen Johan Coetzee, has pledged to take urgent steps to protect the interests of clients whose attorneys have been detained under the current state of emergency, according to a Press statement released yesterday by the law societies of the Transvaal, Cape and Natal.

The assurances were given at a meeting between Gen Coetzee and senior po-

lice officials and a delegation from the three law societies, the statement said.

'Gen Coetzee also undertook to try to arrange for access to detained attorneys for the purpose of dealing with matters relating to their practices.

'He gave the assurance that no attorney had been detained purely by reason of the performance of his normal professional duties,' the statement said. — (Sapa)

ALBERT BOUTER, AGUS 17/7/86 329

Detained lawyers: New concessions

The Argus Correspondent

JOHANNESBURG. — The Commissioner of Police, General Johan Coetzee, has granted concessions to detained attorneys and their clients.

It is understood four attorneys are still in detention. Independent groups have estimated that 3 000 people have been detained under the emergency.

At a meeting with the Transvaal, Cape and Natal Law Societies on June 4 General Coetzee pledged to protect the interests of clients whose attorneys were in detention.

He also said he would try to arrange for access to detained attorneys for the purpose of dealing with matters relating to their practice.

Mr Edward Southey, president of the Transvaal Law Society said: "Where attorneys have been detained the commissioner gave the further assurance that because of problems which might arise in connection with the control of trust accounts, and possible prejudice to clients, priority will

be given to the investigation of the detained attorneys' cases."

Mr Southey said General Coetzee had told the delegation this attitude would be adopted in relation to all professional people whose detention "could cause prejudice to the public".

Mr Stanley Treisman, vice-president of the Transvaal Law Society, has been appointed by the commissioner to liaise between the profession and police headquarters if urgent problems arise in relation to detained attorneys or an attorney's detainee clients, Mr Southey said.

He added that General Coetzee "gave the assurance that no attorney had been detained purely by reason of the performance of his normal professional duties".

The bid for access to detained attorneys was started by the Transvaal Law Society, Mr Southey said.

The announcement comes in the wake of the union challenge to the state of emergency in the Natal Supreme Court, in which Mr Justice Didcott said a ban on detainees' access to lawyers was improper.

Friday.

Argus

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17/7/86

Lawyers to seek visits for 700 detainees

The Argus Correspondent

JOHANNESBURG. — Applications to visit at least 700 of the thousands of people believed to be detained under the emergency laws are to be lodged within the next few days in the wake of yesterday's landmark Natal Supreme Court ruling.

The rejection of important clauses in the emergency regulations has been welcomed by lawyers, opposition politicians and human-rights groups as an important victory for the rule of law.

Attorney Mr Peter Harris of the Johannesburg firm Cheadle, Haysom and Thompson, which instructed advocate Mr Ismail Mahomed in the Durban application, said his firm acted for 400 detainees.

TELEXES TO PRETORIA

"Telexes will be sent to Pretoria today applying for attorneys to visit all of them," he said.

Another prominent human-rights lawyer, Mrs Priscilla Jana, said she would be taking similar steps for visits to about 300 detainees represented by her firm.

A fresh challenge to the emergency regulations was likely to be launched in the Transvaal this week, she said, centring on the detained editor of The New Nation, Mr Zwelakhe Sisulu.

Landmark court ruling on emergency

Lawyers will push to see 700 detainees

17/7/86 SMK

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Staff Reporters

In the wake of the landmark ruling by the Natal Supreme Court yesterday, applications will be made within the next few days to visit at least 700 of the thousands of people believed to be detained under the emergency laws.

The panel of three judges rejected important clauses in the emergency regulations.

This has been welcomed by lawyers, opposition politicians and human rights groups as an important victory for the rule of law.

Attorney Mr Peter Harris of Johannesburg, whose firm instructed counsel in the application, said it was acting for 400 detainees.

"Telexes will be sent to Pretoria today applying for attorneys to visit all of them."

Another prominent human rights lawyer, Mrs Priscilla Jana, said she would take similar steps later this week to secure visits to about 300 detainees represented by her firm.

She said a fresh challenge to the emergency regulations was likely to be launched in the Transvaal this week, centring on the detained editor of *The New Nation*, Mr Zwelakhe Si-sulu.

A Johannesburg lawyer said the court's findings would give the media some degree of certainty, but that "it would be foolhardy to believe the tight control of the media has been loosened".

He welcomed the court's decision to uphold the right of detainees to have access to legal representation.

Spokesmen for the Metal and Allied Workers' Union (Mawu), which brought the case to court, and the Congress of SA Trade Unions (Cosatu), one of the chief targets of emergency actions, were not available for comment this morning.

Mr John Allen, national organiser for the Southern African Society of Journalists (SASJ), said the judgment should be a clear indication to the Government that attempts to suppress basic democratic freedoms would be hopeless in the long term.

The national chairman of Lawyers for Human Rights, Mr Jules Browde, said the judgment had removed important obstacles for the media — newspapers had a clearer idea of what they could publish because several "unintelligible" definitions of the term subversive had been rejected by the court.

Mr Browde said the court's ruling applied particularly to Natal, but similar actions could be brought in other provinces.

The Natal decision would be "strongly persuasive" in other courts.

A spokesman for the Detainees' Parents Support Committee welcomed the decision and said

the judgment was "a sad reflection on our law-makers".

A spokesman for Law and Order Minister Mr Louis le Grange said the Minister was "grateful that a Full Bench of the Natal Supreme Court has ruled so completely in the Government's favour".

The Minister had, however, "taken note of those faults which have been scrapped by the Bench".

"We will decide later whether to appeal against the scrapping of these clauses or to reformulate them," he said.

The Bureau for Information said it had "taken note" of the judgment. It warned the media to study the judgment carefully before reporting anything under the emergency.

Mr Harris highlighted the fact

that although the court had ruled as valid a clause against inciting people to resist or oppose the Government, Mr Justice Didcott had qualified this by saying opposition should not be read as mere criticism, but as resistance.

"Mr Justice Didcott reaffirmed 'the right of the public to vehemently criticise the Government in spite of the state of emergency'," said Mr Harris.

A professor of Constitutional Law at Unisa, Professor Marinus Wiechers, said the court had effectively upheld the principle of the rule of law.

"It has said that the courts can never accept that there is an existing state of affairs where normal laws do not apply," he said.

See Page 4

Law expert hails Natal judgment

by Hannes de Wet

17/7/86
Star

The Natal Supreme Court's rejection yesterday of key clauses in state of emergency regulations was a "remarkable activist judgment", an expert in constitutional law said today.

"It confirmed that the judiciary in South Africa is prepared to lean backwards to look after individual rights — despite the fact that we have no Bill of Rights," Professor Dion Basson, an expert in constitutional law at the University of Pretoria, told *The Star*.

Professor Basson said not even English courts would go to such lengths to meet the rights of the individual.

The three judges on the Natal Bench upheld the legality of the state of emergency, but rejected several clauses concerning subversive statements and detainees' rights of access to lawyers.

Professor Basson said: "The Government will now probably simply replace them with new, clearer clauses which cannot be rejected by the court on the basis that they are too vague."

"Had the Durban Bench ruled that the state of emergency was illegal, the Government could simply have issued new regulations this morning. The only condition would have been that these regulations be ratified by Parliament at the next session."

The constitution did not allow the judiciary to rule on the content of any law. There were only technical loopholes — on procedural matters and the clarity of clauses in the law.

"The series of judgments on state of emergency clauses we had in the past few weeks indicate that the courts were going all-out to apply these loopholes."

"Similar court actions on the emergency regulations and judgments in favour of the individual, where possible, can be expected in the future," Professor Basson said.

18/7/86.

327 SNAK

Govt unmoved by court's decision on emergency

By Sue Leeman and Kym Hamilton,
Pretoria Bureau

The Government has weathered a week in which the onslaught against its emergency powers reached a peak — but it remains convinced that it has chosen the right course for South Africa.

"The status quo remains" is the message from government sources after a major challenge in the Natal Supreme Court which altered certain definitions in the emergency regulations and entrenched the right of detainees to see their lawyers.

Government spokesmen say the state of emergency could continue for many months despite repeated assertions by the authorities that law and order have been restored.

The Natal court's refusal to overturn the

emergency has been hailed by the Government as a victory.

The Bureau for Information has been particularly firm on the matter with bureau chief Mr Dave Steward saying the judgment did not "really have much of a practical effect".

When a transcription of the oral judgment had been received the authorities would decide if any action should be taken, Mr Steward said yesterday. But he refused to be drawn on whether the definition of a subversive statement would be rewritten.

He conceded that the court had changed the definition but warned that speculation in the media up to now had been precipitate and misleading.

"The main elements of the definition were left intact," he said.

Mr Steward said the Government did not regard the decisions as a "landmark" or as an example that the country was returning to the rule of law.

"Our courts have always been independent," he said.

The bureau has maintained repeatedly that the security forces have everything well in hand and that the number of daily unrest incidents has been sharply reduced.

But the number of unrest deaths rose by 19 to 157 this week and there were several outbreaks of violence in areas such as KwaNdebele.

A spokesman for the Minister of Law and Order, Mr Louis le Grange, said the Minister was delighted that the Natal Bench "has ruled so completely in the Government's favour".

But he made little reference to the fact that five of the six definitions of "subversive" in the emergency regulations were thrown out on the grounds of vagueness. It appears that the Government will not appeal this point — although it may reword the rejected definitions.

Nevertheless, the ruling by the Natal tribunal that judges opened some doors for those most deeply affected by the state of emergency.

After the judges' decision that detainees must be allowed access to lawyers, applications are flooding in for attorneys to visit their clients.

This, according to legal experts, has entrenched an important principle.

Several detainees were released this week, among them prominent Pretoria medical

practitioner and soccer boss Dr David Itseng.

There are now plans to try to secure the court's release of the editor of the *New Nation* newspaper, Mr Zwelethi Sisulu, at the same time again challenging the emergency.

In another significant move, the courts have restrained police from assaulting a 15-year-old girl in detention in Natal. She was allegedly picked up for wearing a June 16 T-shirt.

The challenge to the state of emergency in the Natal Supreme Court was launched by the Metal and Allied Workers' Union (Mawu) which contended that the emergency was illegal because it was not tabled in all three Houses of Parliament. Other procedural objections were also raised.

SOWETAN, Friday, July 18, 1986

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PRISONER'S ILLNESS 'COVERED UP'

A PRISON official, Lieutenant Johan Siphosithole, "covered up" the illness of a prisoner who died in Leeuwkop about a year ago, an inquest magistrate was told yesterday.

This evidence emerged at an inquest into the death of Mr Siphosithole Sibeko of Orlando East, who died on July 25, 1984 in Leeuwkop Prison at the age of 43.

The hearing was held at the Randburg Magistrate's Court before Mr J W Marais and Professor W H E Bunge.

Cross-examined by Professor Bunge yesterday, Leeuwkop Prison's Dr Stephen Herbst named Lt Sithole as the person he suspected of having covered up Mr Sibeko's illness.

Dr Herbst had earlier told the court under cross-examination by Dr Percy Yutar, "it appears either that someone was trying to cover up the illness or it was undiagnosed through complete lack of knowledge".

When he was later cross-examined by Professor Bunge, Dr Herbst said Lt Sithole was a

Prison official is implicated by doctor

qualified male nurse who did a three-year course in nursing.

He said Lt Sithole was not trained to diagnose but to prescribe treat-

ment for patients.

Asked by the professor why Lt Sithole was given such a post when he was not trained to diagnose, Dr Herbst said

that question could be answered by the authorities.

Dr Herbst said he was available 24 hours for emergency cases and Lt Sithole knew that.

He said Lt Sithole could have phoned him when Mr Sibeko's condition deteriorated. He also said all members of the medical staff knew

He said Lt Sithole could not understand why Lt Sithole did not alert him to Mr Sibeko's serious condition.

He was also worried about the missing documents on Mr Sibeko's treatment and condition.

The hearing was postponed to September 2.

Mrs E G Bowen led evidence. Dr Yutar and Mr T C Tiedemann represented Mr Sibeko's widow, Mrs Matlakala Sibeko.

Burnt bodies identified

FOUR of the nine bodies found burnt inside a house in KwaNdebele on Tuesday, have been identified — and almost all the dead are pupils from Mamelodi, Pretoria.

Those identified at the Government mortuary in Pretoria yesterday were Benjamin Mafadi (16), a former pupil at the Ga-Melodi Higher Primary School; Abram Makulani (15), Victor Hlophe (17) and Jeremiah Magagula (15).

were still rushing to identify their bodies.

Mr Joseph Makulani, whose son, Abram was a standard 8 pupil at the J Kekana High School, yesterday said he became worried when his child did not turn up when the schools reopened on Monday. "I last saw him about a month ago and only heard over the radio that some people had been killed," Mr Makulani said.



Most ignore call for 'day of action'

Cape Times 329
15/7/86
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Staff Reporter

THE national "day of action" in protest against the detention of trade unionists met with a sporadic response yesterday, except in the Eastern Cape where support was fairly widespread.

The Labour Monitoring Group said in its "limited survey" of Cape Town firms there seemed to be no evidence of a mass action.

This was confirmed by a spokesman for the Cape Town Chamber of Commerce, who said only "normal Monday absenteeism" had been reported.

A random survey by the Cape Times also found this trend.

Called off

Worker action was called off in the Western Cape on Friday afternoon.

Thousands in the Eastern Cape reported for work but returned home soon afterwards. Nearly 3 000 municipal employees left work in the Eastern Cape while General Motors in Port Elizabeth closed its plant after hundreds of workers returned home.

The Labour Monitoring Group reported support of 24 percent in factories organized by the Congress of South African Trade Unions in the manufacturing sector of

the Pretoria-Witwatersrand-Vereeniging area.

In the PWV's retail industry support was about 11 percent.

The LMG was not aware of action, such as stoppages, by those who came to work yesterday.

Major employers in Durban and Pinetown reported a few isolated stayaways.

Mines affected by the action yesterday were Anglo American's Erfdeel South Division gold mine, Rand Mines' Duvha and Rietspruit collieries, Gencor's Matla colliery and Amcoal's Arnot colliery.

Steel and Engineering Industries Federation of South Africa director Mr Sam van Coller said the action had a "very limited effect" on the industry.

The Kelloggs factory on the East Rand reported a 100 percent absenteeism.

On the Reef, Putco reported that buses carried only 30 percent of their usual passengers from Alexandra, while buses from Edenvale, Springs and Boksburg were about 70 percent full.

Putco reported normal services in other areas and trains ran normally.

● Comments by officials of Cosatu and its affiliates have not been reported in compliance with the emergency regulations.

3 emergency detainees released in Durban

Three people in Natal have been released from emergency detention and lawyers have visited several others in the wake of the Supreme Court ruling given in Durban this week.

Durban detainees Miss Sarah Hills, Mr Jeremy Routledge and Miss Marie Odendaal were set free yesterday.

As the effects of the Durban judgment are beginning to be felt the United Democratic Front is set to appeal to the courts over restrictions placed on its meetings and those of its affiliates in the Eastern Cape.

The UDF application will seek to invalidate the emergency regulation empowering "any person authorised" by the Commissioner of Police to issue wide-ranging orders, such as that which banned the meetings.

The matter was raised briefly in the Port Elizabeth Supreme Court on Monday before Mr Justice Jones and was postponed until next week for a full Bench to hear it in Grahamstown.

Two further applications centring on emergency detainees are likely to be brought within the next week in the Rand Supreme Court and will seek to underscore the Durban judgment which has allowed lawyers access to detainees.

The applications concern the detained editor of *The New Nation*, Mr Zwelakhe Sisulu, and a prominent churchman, who may not be named as his detention has not been officially confirmed.

ity of the emergency regulations themselves is in dispute, have made SA's courtrooms a central arena for challenges to the State of Emergency.

Last week's Rand Supreme Court order for the release from emergency detention of TV sound man Theophilus Mashiani (*Current affairs* July 11) was followed within days by another in the Cape Supreme Court, which resulted in the release of Sister Clare Harkin, a nun of the Dominican Order.

In both cases it was found that the arresting officer had insufficient grounds for believing the detentions were "necessary for the maintenance of public order, or the safety of the public or that person himself, or for the termination of the State of Emergency."

In the Cape Supreme Court, Mr Justice Robin Marais said that the power given by emergency regulations to members of a force to arrest and detain without warrant were "not unfettered." He said he wished to emphasise that a member of a force should apply his mind not to whether an arrest was *desirable* but to whether it was *necessary* for the purposes set out in the regulations.

Meanwhile, the Free State Supreme Court last week reserved judgment after an application for the release of alleged Kroonstad United Democratic Front activists Dennis Bloem and his wife Edith.

Court argument

In this case the grounds for the application were more far-reaching. Counsel for the applicants — parents of the detainees — argued that the emergency regulations had lost their validity when they had not been tabled in all three houses of parliament within 14 days of their promulgation, as was required by the Public Safety Act.

Counsel for the respondents — who include the State President and government of SA, the Minister of Law and Order, the Commissioner of Police, the Minister of Justice, the Officer Commanding Heuningspruit Police Station, and the Commissioner of Prisons — disputed this contention.

As the *FM* went to press, a similar case was being argued before a full bench of the Natal Supreme Court. The Metal and Allied Workers' Union (Mawu) has applied for an order declaring the State of Emergency and the emergency regulations of no force and effect, and the continued detention of people under the regulations, unlawful. The application has been brought against the State President and the government.

One aspect of the applicants' argument is the same as that used in the Bloemfontein case. Counsel for the applicants has also said the relevant legislation empowered the State President to promulgate emergency regulations only *after* a State of Emergency had been declared. Because the State of Emergency and the regulations pertaining to it had been announced simultaneously, the regulations had been void from the outset, he argued. Mawu also seeks an order declaring that the paragraph in the emergency regulations purporting to contain a definition of a

"subversive statement" is vague and of no cause and effect in law.

□ In the week to Tuesday, the Bureau for Information reported 17 deaths, taking the total number of fatalities since the emergency was declared to 132. And Police Commissioner Johann Coetzee announced the arrest of five alleged African National Congress "members and collaborators."

STATE OF EMERGENCY

The courts ponder

Two separate Supreme Court orders for the release of emergency detainees last week, and two more pending cases where the legal-

18/7/86
2 646 unionists held
SAR

The number of trade unionists known to have been detained at some stage during the emergency now stands at 2646, the Labour Monitoring Group said yesterday.

A report by the group said the figure for elected union leaders held individually had risen from 245 to 269 since the last count.

In addition, en masse detentions of unionists had taken place, usually in connection with a labour dispute. Reports had now reached the group of mass detentions of Commercial Catering and Allied Workers' Union members at Checkers in Randburg and Woolworths in Eastgate. Ccawusa accounts for the highest number of detained leaders (40).

The LMG had been informed by the SA Black Municipal and Allied Workers' Union that half of the 1 200 workers arrested while on strike in Tembisa had been released.

Mercury: 18/07/86

Lawyers apply to see detainees

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Mercury Reporter

CIVIL rights lawyers in Durban wasted no time yesterday in making urgent applications to prison authorities in various parts of Natal to visit detainees in the wake of this week's Supreme Court judgment which rejected certain clauses in the emergency regulations.

Mr Chris Albertyn, a lawyer for the Congress of South African Trade Unions, said he had made an application to the prison authorities in Eshowe to visit eight Cosatu detainees yesterday.

'I expect to have a response today,' he said.

Mr Richard Lyster, of the Legal Resources Centre in Durban, said the LRC had made applications to visit two detainees yesterday and the permission was granted within hours.

'Prison authorities appear to be heeding the judgment. However, it appears according to the judgment that permission for visits to detainees by their legal representatives is not necessary.'

In Johannesburg lawyers there had also taken advantage by making applica-

tions to visit detainees.

Mrs Priscilla Jana, a civil rights lawyer, said she would also make application to visit 300 detainees.

Sapa reports that a Johannesburg attorney, Mr Peter Harris, whose firm represents 400 of the detainees, said he will be telexing Pretoria for permission for attorneys to visit all of them.

A spokesman for the South African Society of Journalists, Mr John Allen, said the ruling was a clear indication to the Government of the futility of attempting to suppress 'democratic freedoms'.

Warning

Although the judgment had definitely changed the state of emergency regulations' definition of subversive statements, this did not really have much practical effect, the head of the Bureau for Information, Mr Dave Steward, said yesterday.

At a Press conference in Pretoria, he said the Government would study the transcription of the orally-delivered judgment as soon as it was available and would then decide how it would react, 'if at all'.

Mr Steward reiterated the bureau's warning to the media that it should study carefully the judgement, 'particularly when it comes to reporting on unrest-related incidents'.

In a prepared statement, Mr Steward said the Government had 'taken note' of initial reports of the judgment by a Full Bench of the Supreme Court in Natal.

'As we understand it the following points do, however, appear to emerge from initial reports concerning the judgment,' said Mr Steward.

'Firstly, the application of the Metal and Allied Workers' Union to have the state of emergency and the regulations set aside was rejected, as was the application for the release of certain persons detained in terms of it.

'In addition, it would appear the Judges rejected certain parts of the definition of a subversive statement.

'An initial analysis of the judgment would, however, indicate that the main elements of the definition have in fact been left intact.'

The Metal and Allied Workers' Union yesterday welcomed the judgment and launched an attack on both local and foreign media, saying newsmen had not seen fit to challenge the regulations in any 'effective way'.

'The media, along with big business, have throughout limited themselves to the most mealy-mouthed and half-hearted protests to the very people who drafted these sloppy regulations,' it said.

Detainees' application dismissed

BLOEMFONTEIN — The Free State Supreme Court today found the emergency regulations were not invalidated by the fact that they had not been tabled in the three Houses of Parliament within 14 days of their promulgation.

The court dismissed, with costs, an application for the release of Mr Dennis Victor Bloem and his wife, Edith, of Kroonstad, who were detained under the emergency regulations on June 12 and 13 respectively.

The judgment was delivered by Mr Justice M T Steyn, with the concurrence of Mr Justice J W Edeling and Mr Justice G A Hattingh. — Sapa

Breakthrough as lawyers see detainees

By CARMEL RICKARD and
WEEKLY MAIL REPORTERS

SECURITY detainees in Natal were yesterday allowed to consult lawyers — the first time such a right has been granted in South Africa on a mass basis — but some authorities in the rest of the country are still not granting lawyers access.

The visits to detainees which began yesterday are expected to lead to large-scale releases or a spate of court applications either for their release or for improvement in their detention conditions.

A legal expert said yesterday that access to detainees will allow lawyers to monitor the reasons for every detention, the conditions under which detainees are being held and their treatment in custody.

If the lawyers find the detention of their client was not necessary "for the maintenance of public order, or the safety of the public or the detainee himself", they will be able to challenge the detention immediately.

And recent judgements in the Transvaal and the Cape have shown that the bench will not allow any detention which falls outside these parameters.

Already, two Durban detainees who were granted visits yesterday were immediately released.

Sarah Hills, detained a fortnight ago, was freed shortly after a two-hour visit by a lawyer from the Durban Legal Resources Centre



shop Desmond Tutu presides at a confirmation ceremony near
conciliation and urged the congregation to love their enemies

Picture: STEVE HILTON-BARBER, Atrapix

land's civil servants strike

By PAT SIDLEY

Government's entire
been on strike
week. The strike is
protest against the
s to take
this year.
firmly yesterday
Commissioner-
der Merwe, who
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us sources in
aid the strike is in
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revolt against
in response to
notably the
khoto vigilantes.
ht, the royal kraal
hakho, the head of
al authority, was

allegedly raided.

Prince James Mahlangu, part of the royal household told Weekly Mail he was woken by men on his property at about 10pm.

"They arrived in three Casspirs and scaled the security fence around the kraal. They came into the yard and into the rooms.

"Then, without any shame, they went to the room of our king and interrogated him about independence, among other things."

Prince James says he demanded a search warrant. He was told the men, unaware they were in the royal kraal, were searching for "a nest of criminals".

The prince said he believed the men were new to the area and may have made a mistake. Van der Merwe told him he would look into the matter.

The prince was visited two days later by an apologetic officer who promised to take it up.

Van der Merwe yesterday said the police had been "approaching people who had been involved in burnings.

"There was no action against the royal kraal," he said. No policemen had spoken to the king.

SEFAKO NYAKA reports that the nine youths found shot with an AK-47 assault rifle and then set alight inside a house in Kwandebele on Tuesday may have been victims of a hoax by vigilantes.

The nine, all pupils at the J Kekana Senior Secondary School in Mamelodi, Pretoria, had fled the township early this month after a spate of petrol bomb attacks on their homes.

This week two 15-year-olds who escaped from the ordeal told how they were "tricked".

● To PAGE 2

**DOES
PARLIAMENT
MATTER?**

THE CASE FOR AND
THE CASE AGAINST
PAGE 12

during which she signed a 10-page affidavit which would have been used to apply for her release.

And Jeremy Routledge, held since June 21, was released yesterday afternoon shortly before he was due to see a lawyer.

In Pietermaritzburg yesterday morning, a detainee, who may not be named, was allowed to consult his lawyer.

Legal experts yesterday cautioned that the government could resort to "getting the presses at the Government Printers rolling again", producing new regulations.

This week's key Natal Supreme Court is also expected to be followed by further Supreme Court applications challenging Emergency regulations.

The judgement did not overturn the Emergency, but it did restate the principle that on certain issues the

● To PAGE 2

NEWSPAPER HAVE BEEN CENSORED TO COMPLY WITH THE EMERGENCY REGULATIONS

P. T. O

Legal breakthrough for detainees

WEEKLY MAIL

18/7/86
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● From PAGE 1

court may still intervene to set aside Emergency regulations. The Natal court made short shrift of the "ouster" clause in the Public Safety Act, which attempted to prevent the courts from ruling on any aspect of the Emergency regulations.

Legal experts said the Emergency regulations which imposed strict conditions on legal access and were declared invalid by the Natal court could now be called into question countrywide. However, a number of lawyers outside Natal said they were still having to make special court applications to see their clients.

For example, the wife of Zwelakhe Sisulu, detained editor of the fortnightly New Nation newspaper, will bring an urgent application in the Witwatersrand Supreme Court next Tuesday for her husband to be given access to his lawyers.

Other Johannesburg lawyers said they planned to apply for access to a number of detained clients — the total runs into hundreds — but did not yet know how the authorities would react to these applications.

The head of the Bureau for Information, Dave Steward, said at a press conference yesterday that the government would study the Natal judgement and then decide how to react, "if at all". The judgement had definitely changed the definition of "subversive statements" but this did not have much practical effect, he said.

However, press lawyers yesterday disagreed with Steward's interpretation, saying the state's ability "to hold all the newspapers in a state of

thrall" and then "act against selective targets" had been severely curtailed.

The judgement, by a full bench of the Natal Supreme Court, was handed down on Wednesday in a challenge by the Metal and Allied Workers Union (Mawu) to the legality of the State of Emergency.

Security law expert Professor Tony Mathews of Natal University's Law School described the full bench decision as "an important judgement". He took issue with a representative of the Minister of Law and Order, who reacted to the decision by saying he was grateful to the court for upholding the Emergency, and for "ruling so completely in the government's favour".

Mathews said this was not an accurate description of what the judges had done.

"They have ruled that on a narrow

technical point raised by the applicants, they were unable to declare the Emergency void," he said.

"This does not mean the judges were upholding or approving the Emergency. Rather they were saying that the technical argument advanced for invalidating the Emergency was not acceptable. And that is a very different thing."

He said that on the "more substantive issue", the court was quite clear that a significant part of the regulations was void.

"That reaffirms the right of the court to rule on Emergency powers and in this the judgement was good and should be welcomed."

He described as "a great victory for the union" the ruling on access by lawyers to detainees.

"Now the authorities may not deny access; they can regulate conditions of visits and this is the normal situation."

"The judgement reaffirmed that the courts have the power of intervention and there seem to be other possibilities of applications which could be made to the courts. Other Emergency regulations are possibly susceptible to attack despite the ouster clause."

"The judges' upholding of the right of legal access indicates that the court will treat some basic rights as so fundamental that Parliament — rather than the courts — will have to take them away. This has always been the case, but it was important to re-affirm it at this stage."

The harshest blow by the court was to the section defining a subversive statement of the section — described by Justice John Didcott during argument on the application as a "travesty of the art of draftsmanship". Only two provisions escaped without part or all being struck off as "void for vagueness".

The whole of the section making it an offence to promote any aim of any unlawful organisation was thrown out. So was that which prohibited the creation of feelings of hostility in anyone towards anyone else.

Mawu yesterday welcomed the judgement and attacked the local and foreign media.

"The media, with the honourable exception of Weekly Mail, City Press and New Nation, has carefully played down the fact that not a single one of them saw fit to challenge the regulations in any effective way."

Lawyers act on judgment

CAL Tink
18/7/86
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Own Correspondent

DURBAN. — Civil rights lawyers wasted no time yesterday in making urgent applications to prison authorities to visit detainees in the wake of this week's Supreme Court judgment which rejected certain clauses in the emergency regulations.

Mr Chris Albertyn, a lawyer for the Congress of South African Trade Unions, said he had made an application to the prison authorities in Eshowe to visit eight Cosatu detainees yesterday.

Mr Richard Lyster, of the Legal Resources Centre in Durban, said the LRC had made applications to visit two detainees yesterday and the permission was granted within hours.

"Prison authorities appear to be heeding the judgement. It appears according to the judgement that permission to visit to detainees by their legal representatives is not necessary.

"However, the visit must fit in with the programme of the investigating officer," he added.

In Johannesburg lawyers there had also taken advantage by making applications to visit detainees, Sapa reports.

Mr Peter Harris, whose firm represents 400 of the Mawu detainees on whose behalf the application was made, said he will be telexing Pretoria for permission for attorneys to visit all of them.

Mrs Priscilla Jana, a civil rights lawyer, said she would also make application to visit 300 Mawu detainees.

Mrs Jana said new challenges to the emergency regulations could be expected this week in the case of the detained editor of "New Nation" Mr Zwelakhe Sisulu.

Attack on media

● In a statement to Sapa in Johannesburg, the Metal and Allied Workers' Union yesterday welcomed the judgment given in its application against the state of emergency.

It launched an attack on both local and foreign media, however, saying newsmen had not seen fit to challenge the regulations in any "effective way".

"Mawu welcomes the decision of the Natal Supreme Court to strike out most of the definitions of 'subversive statement' in the emergency regulations. We particularly welcome the decision of the court that lawyers should not be barred from visiting their clients in detention," the union said.

The union said it found the reaction of the media to the emergency "highly distasteful."

"The challenge made by Mawu against the state of emergency was a challenge which had to be made. It has now re-affirmed the right of the public to criticize and comment on the actions of the government."

The statement picked out a Business Day editorial, which appeared yesterday and which said: "The court has vindicated entirely the spokesman for the press who argued in vain with Louis Nel, Deputy Minister of Information, that the regulations were so sloppy... as to be impossible to obey."

'Mealy-mouthed protests'

The comment was "most irritating and Business Day, along with the rest of the media, with the honourable exception of Weekly Mail, City Press and New Nation, has carefully played down the fact that not a single one of them saw fit to challenge the regulations in any effective way".

"The media, along with big business, have throughout limited themselves to the most mealy-mouthed and half-hearted protests to the very people who drafted these sloppy regulations."

Mawu ended its statement by saying the press must realize that they are seen now as being "part of the problem, not part of the solution."

● Govt to study Mawu decision, page 2

● Cabinet costing a small fortune in court, page 3

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Emergency ruling valid only in Natal

Mercury Correspondent

CAPE TOWN—Prof Dennis Davis, associate professor of law at Cape Town University, said last night that the Durban judgment declaring void sections of the emergency regulations only applied in Natal.

In other provinces the judgment, which also gave detainees the right to see lawyers, would have 'persuasive authority' but not the force of law, he said.

Because most definitions of 'subversive statement' had been declared invalid in Natal, this meant that newspapers and organisations were freer there to make and publish statements than elsewhere in the country.

He said that, had the Court declared the emergency declaration invalid, the Government would probably have declared

another state of emergency.

'I think the Government is now obliged to do one of two things. It should preferably withdraw the "subversive statement" provisions in the regulations, with the exception of the one upheld by the Court, and make clear that detainees in all provinces should have access to legal advisers.

'Alternatively, the Government should redraft the regulations so as to make them clear.'

Prof Davis added: 'The control that exists at the moment in regard to subversive statements really rests on self-censorship as a result of uncertainty. If the Press knew clearly what they could not publish, they would also know what they can publish and at the moment they do not.'

Police confirm detention

EAST LONDON — Ciskei Police yesterday confirmed the detention of the chairman of the East London Progressive Teachers' Union, Mr. Ntsikelelo Bugane.

The commissioner of police, General Ernest Kutta, said Mr Bugane, of Zone 12, was being held under Section 26 of the Ciskei National Security Act.

Mr Bugane is a teacher at Qaqamba Senior Secondary School in Duncan Village. — DDR.

28/6/88
DD

solo triple circumnavigation of the globe that started at Perth, Western Australia, and crossed the Atlantic for the Brazilian coast and a rounding of Cape Horn.

Police tell lawyers they can see detainees

Own Correspondent

JOHANNESBURG. — Police yesterday told lawyers that from Monday they could begin to visit some of the estimated 4 000 state-of-emergency detainees.

In another development, the editor of New Nation, Mr Zwelakhe Sisulu, was released from John Vorster Square here.

His lawyer, Mrs Priscilla Jana, said an application had been lodged in court on Thursday for his release and legal documents served.

She said that early yesterday she was informed that the State Attorney had said he would not oppose the action and later was told the Minister of Law and Order, Mr Louis le Grange, had given permission for legal consultation with Mr Sisulu.

During her visit yesterday afternoon, she said she was informed that he was to be released. She said she saw the move as linked to various court cases around the country challenging the emergency.

Another Johannesburg lawyer, Mr Peter Harris, said the regional chief of the security police, Brigadier Gerrit Erasmus, had confirmed that lawyers would be able to visit detainees.

He said lawyers sent letters to police on Thursday demanding access to clients among the emergency detainees and citing Wednesday's Natal Supreme Court judgment.

Mr Sisulu said he was surprised to find on his release that his newspaper had not been closed. He said he had received no news in jail.

"It's a great relief to be out. I wish it will be a precedent for others."

In Cape Town, attorneys sent a telegram to Mr Le Grange yesterday telling him that if he was not going to accept that the Natal judgment implied they could visit detainee clients, they would take him to court.

A senior partner in one firm said last night that they were pushing for "access to our various clients, who number quite a few".

It is reliably understood that some legal firms in Cape Town have more than a hundred detainee clients each.

Various requests for permission to visit detainees before the Natal judgment had been "refused or ignored", another attorney said.

A number of Johannesburg detainees have already been granted access to their lawyers and at least one detainee has been released after his lawyer applied to see him, according to a report from Sapa.

Johannesburg attorney Mr Ismail Ayob said that one of his associates, detained on June 23, was released after police were informed by telex that the firm would bring an urgent application to see him.

● Picture, page 2

Freed editor tells of arrest

By Phil Mtimkulu

Mr Zwelakhe Sisulu, editor of *New Nation* newspaper, was released from detention yesterday.

"As far as I was concerned I was being abducted by bandits," he told newsmen.

Mrs Zodwa Sisulu had told *The Saturday Star* of how her husband was picked up from their Dube home by four white men — two of whom were wearing balaclavas — on June 26.

At the time, the Minister of Law and Order confirmed the detention but denied that Mr Sisulu had been taken by men wearing balaclavas.

Mr Sisulu said his family was awoken by knocks on the door by people shouting that he should open.

"When I opened, four men, two wearing balaclavas, entered the house. They asked me to identify myself but when I asked them who they were they did not identify themselves.

"When I identified myself they said I was the person they were looking for and said I must get my clothes, which I did.

"They then shoved me to their car. I was taken to Protea and later to John Vorster Square. As far as I was concerned I was being abducted by armed bandits," he said.

Mr Sisulu said he was not worried for himself but for his family.

He said while in detention he was interrogated twice, each time for about 30 minutes. His interrogators asked him about the policy of the ANC, the *New Nation* and the National Education Crisis Conference. He was held in solitary confinement.

Mr Sisulu's release came after his attorney, Mrs Priscilla Jana, had served papers on the State Attorney demanding access.



Mr Zwelakhe Sisulu, editor of the *New Nation* newspaper, embraces his attorney, Mrs Priscilla Jana, yesterday after his release from detention.

IN 1978 Anton Mostert, then judge, felt compelled to disclose the Info scandal. Then Judge King and others began expressing their revulsion at influx control and the Group Areas Act. And now we are experiencing a series of tough judgments striking at such Ministerial actions as detentions and proclamations. From this approach, after this week's historic Natal decision on the terms of the emergency regulations, there can be no return....

The courts and the executive

It would be easy, but wrong, to underplay this week's judgment of the Natal Supreme Court on the emergency regulations. True, it did not nullify the proclamation but, in striking out major portions of the definition of a "subversive statement", it raised three issues which lie at the heart of the public weal.

The first is the notion that in some way the Government (i.e. the Executive or the Cabinet) is "above the law" or "superior" to Parliament. Nothing, as the Natal case shows, could be further from the truth. Parliament makes the law, the Government administers it.

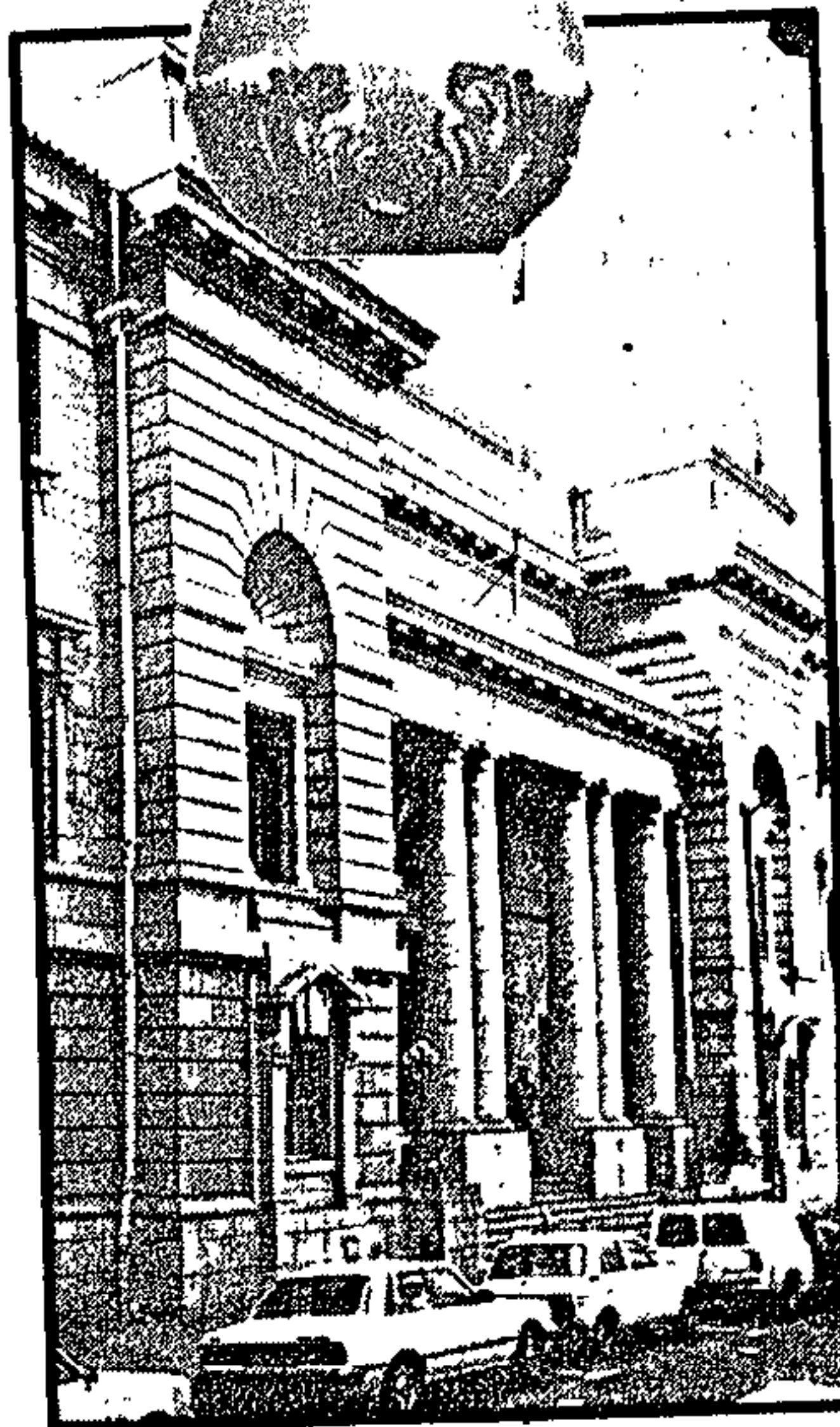
This principle applies from the State President to the lowliest village management board. In the present case, Parliament gave the State President (i.e. in effect the Minister of Law and Order) the power, in the Public Safety Act, to issue regulations under the state of emergency. But this power is subject to two constraints, both enforceable by the Supreme Court — the Minister may not go beyond the power granted him, and his regulations must not be vague.

This concept of the Government being subject to the law, like every ordinary citizen, was dramatically restated in 1981 in the Groote Schuur case. The Government started to build houses for six deputy ministers on land to which the public, in terms of a 1910 Act of Parliament, had access. The Cape Supreme Court had no difficulty in ordering the Government to demolish them.

The second issue raised by the Natal judgment is that we have been living through what can be described only as a judicial revolution — quiet and orderly, one hastens to add — as it may be.

IN South Africa, as in most countries, there have always been two schools of thought as to the proper role of judges. The conservatives believe that a judge's task (in the context of Government action) is merely to implement its will as expressed in its legislation.

I believe the conservatives are wrong. For two reasons. First, they are denying their — our — inheritance, Roman-Dutch law. That law, which we received by a quirk of history, was distilled and purified by the two greatest groups of lawyers the world has ever known — the Romans of the 1st and the Dutch of the 18th century.



Justice — 'Now we are experiencing a series of tough judgments striking at such Ministerial actions as detentions and proclamations...'. ABOVE: The Cape Town Supreme Court... "There has been some idle talk that the Natal judgment "applies" only to that province. I do not see it so."



By BRIAN BAMFORD SC, MP.



Mr Justice Contlives

gan expressing their revulsion at influx control and the Group Areas Act.

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Roman-Dutch law is perfectly explicit. There shall be no discrimination — e.g. on grounds of race — and the power of the State must be held constantly in check.

Let me give one example of the strength and, if you like, the "liberalism" of the Roman-Dutch law.

We are often told that we should return to the rule of law and *habeas corpus*. But the latter is the English concept. We have a better remedy a thousand years older — the Roman interdict *de libero homine exhibendo*, literally "concerning the showing of a Free man".

The second reason the conservatives are wrong is that they fail to understand that every government should at all times be treated with the deepest suspicion.

EVERY government ducks and weaves, prevaricates, flouts the public's right to know, betrays confidences, tells lies. Every government would like to suppress a hostile newspaper or detain a dissident (all this of course in the national interest, which happens to equate with the need to maintain power).

If this is so, then the other schools are correct. They believe that the Supreme Court, so far from being an instrument of government will, is the ultimate protection of human rights, of the Roman-Dutch ethos, and in this sense stands adversary to the government. Not only should it so stand, but it should proclaim it, and take pride in it.

This was in fact the position, suitably muted, during the 50 years of Union, culminating in the peerless court of Centlivres, Greenberg, Schreiner, van der Heever, Hoexter and Fagan.

But then disaster struck. The Government, determined to remove coloured men from the common roll in the Cape, and by so doing to prevent a possible United Party victory in the following general election, packed the Appeal Court with five new appointees, none of whom by any stretch of the most benevolent imagination could have aspired to such high office.

The next 20 years saw the Appeal Court heavily Government-orientated in its attitudes to discriminatory legislation and executive action. The breakthrough came in 1978 when Anton Mostert, then judge, felt compelled to disclose the Info scandal, and when Judge King and others be-



Justice — 'Now we are experiencing a series of tough judgments striking at such Ministerial actions as detentions and proclamations...'. ABOVE: The Cape Town Supreme Court... "There has been some idle talk that the Natal judgment "applies" only to that province. I do not see it so."



Le Grange... did not resign.



Mr Justice Didcott, of the Natal Bench of the Supreme Court... striking out major portions of a "subversive statement".



Mr Justice Centlivres

gan expressing their revulsion at influx control and the Group Areas Act.

And now we are experiencing a series of tough judgments striking at such Ministerial actions as detentions and proclamations. From this approach, after the Natal decision, there can be no return.

The third issue raised by the case is Ministerial responsibility. The meaninglessness of the definitions of a "subversive statement" were a monumental blunder in the Department of Law and Order. Not only that. In the light of the awesome penalties prescribed, the definitions, now mercifully struck down, imposed a rigorous self-censorship on all our newspapers. It is a real wonder that in the past few weeks we have read a single word of criticism of South Africa.

In any other country such a blunder would have cost the Minister his head.

IT must be remembered that the doctrine of Ministerial responsibility does not require that the Minister be personally at fault — a British Agriculture Minister resigned because a form had gathered dust in his department; a West German Defence Minister when an air force fighter crashed; a Japanese Aviation Minister when a passenger jet's tail-fin sheared off owing to faulty repairs. The point is, a Minister voluntarily seeks the salary and perks of his high office, and just as he may claim the kudos of a department well run, so must he pay the price when mistakes are made.

In Mr le Grange's case, this is not the first episode. It was he who believed that the Seychelles mercenaries were only running around in the bush shooting out of a few windows. "Now you tell me what law they contravened" — as if the perpetrators of the forcible deviation of an Air India jet from Mahe to Durban were fortunate to land in a country which knew not the crime of hijacking. And when convictions ensued, still he did not resign.

Mr le Grange it was, also, who gave an account to Parliament last year of the Uitenhage shootings which was later shown (however unwittingly) to have been false. And still the Minister did not resign.

Finally, there has been some idle talk that the Natal judgment "applies" only to that province. I do not see it so.

It would be a brave Attorney-General indeed who would indict an editor for a "subversive statement", the definition of which had been struck down by three judges, unanimously and in the strongest language, and with no appeal being noted. I would not like to be that Attorney-General when he rises before his Judge-President to lead the case for the prosecution.

State President angered by employers' stand on emergency

RIDICULOUS!

Weekend Argus Correspondent

DURBAN. — Angered by criticism of Government emergency actions the State President, Mr P W Botha, has told South Africa's largest employer organisation, the Federated Chamber of Industries, that its attitude is "quite ridiculous".

Leaked documents show that Mr Botha reacted angrily after the FCI put out a Press release saying that it "strongly disapproved of the state of emergency and the further detention of trade union and community leaders".

The president of the chamber, Mr John Wilson, confirmed this week that a row had erupted between the chamber and the State President after the state of emergency was declared.

"Repression"

In its statement the FCI "dissociated itself from the strategy of political repression and economic isolationism to which the South African Government is apparently committed".

In a private reply the next day Mr Botha said the FCI's assessment of the Government's position "is quite ridiculous".

He said there was no need for the Government to recommit itself and the country to the politics of reconciliation and negotiations because this had been done in his address to Parliament and to the nation the previous day.

"Kindly do not trouble me with your points of view if you are not prepared to take the trouble of familiarising yourself with mine.

"Unless you too come to grips with the realities of the security situation in this country and act accordingly you are bound to pay a heavy price. This is not a threat — it is a considered warning.

"Instead of criticising the Government in the most irresponsible fashion you should be helping it. That is your duty as a South African.

"I assure you that I have a very clear picture of the dangers with which we have to contend. I have a moral and statutory duty to combat these dangers with all the powers at the disposal of the State.

"Take my word for it that I know that I am doing what is in the interest of my country and the citizens — including members of the FCI.

In his reply to the State President Mr Wilson said that FCI decisions and Press statements were "not lightly taken" against the background of what was best for the socio-economic and political future of South Africa.

"It is our very real fear that the polarisation which must follow the declaration of the emergency and detention of black leaders will significantly retard, if not kill, the negotiating process."

Mr Wilson this week conceded that the FCI recognised that "there were many ways of skinning a cat" but said that in this instance it disagreed with the emergency measures.

Members of the FCI represented a large slice of the listed companies on the Stock Exchange and FCI had a duty to work for a strong and stable economy.

British unionists visit S A over detentions

Merc. 19/07/86

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LONDON—Two leaders of Britain's labour federation flew to Johannesburg last night to assess problems facing South Africa's unions during the state of emergency.

Mr Norman Willis, general secretary of the 10-million-member Trades Union

Congress (TUC), said he and Mr Ron Todd, head of the TUC's International Committee, particularly wanted first-hand information on the plight of union members who had been detained.

'A great many trade unionists have been arrest-

ed along with many brave church people and community workers and we want to identify with them,' Mr Willis said.

He said they hoped to see some of the union members who were detained under the emergency regulations.

Mr Todd said: 'We want to look at the rate of detainees and to see what it's done to their capacity to operate as a union. We also want to hear how they think we can help them.'

Mr Willis said he hoped the visit would affirm solidarity between South African and British trade unions.

Sanctions

'We want to see a lot of trade unionists, to show them our association and our solidarity with them.'

'We want to talk to them about what the circumstances are like, how they view the situation and see how they are operating in South Africa,' he said.

Asked for his opinion about sanctions, Mr Willis said: 'Sanctions is a hard option, but it's the option to influence the situation festering and breaking out into violence.'

'It is the way that is most likely to avoid violence.'

Prime Minister Thatcher's Government is opposed to sweeping economic sanctions, saying they would not work but would hurt the majority black population.

— (Sapa-AP)

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Judge orders doctor to be released

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PRETORIA. — A doctor and director of the Mamelodi Sundowns Football Club, in detention for more than a month, was released on Wednesday by order of a Supreme Court judge.

After an urgent application, Mr Acting Justice J Roux declared the detention of Dr David Itsweng, 40, of Mamelodi, unlawful.

The judge also ordered the Minister of Law and Order to pay the costs of the application, including the costs of the two counsel.

'Not involved'

In an affidavit, Dr Itsweng's wife, Mrs Pamela Itsweng, denied that her husband was involved in any political activities, or that he had been affiliated to any political organizations.

She said that although Dr Itsweng lacked interest or involvement in politics "he opposes the policy of apartheid". Her husband was opposed to the use of violence "of any description" as a means of obtaining change, she added.

Mrs Itsweng said she and her husband were woken by a knock on the door of their home at 2am on June 12.

A Lieutenant Henning Brand of the Security Police told the couple he was arresting Dr Itsweng in terms of the Internal Security Act for "public violence".

On the day of her husband's arrest, Mrs Itsweng went twice to the police station, but was told that she could not see him, and — on her second visit — that if I did not stop coming to inquire at the police sta-

tion, I would also be arrested".

The next day, Mrs Itsweng was told that her husband was being held under the emergency regulations.

In reply Lieutenant Jacob Jan Hendrik van Jaarsveld, of the Security Police, who ordered Dr Itsweng's arrest, denied the doctor had been a peaceful and politically inactive person.

He said the doctor had come to the attention of the Security Police as long ago as 1972, when, as a medical student, he had been a member of the South African Students Organization — "a front organization of the ANC".

The policeman said: "When I had Dr Itsweng arrested and detained I was, as were other officers of the Security Police, aware that a state of emergency would be declared on June 12 by the State President."

On June 13, it was ordered that Dr Itsweng be held in terms of the emergency regulations, while at the same time, his detention under the Internal Security Act was withdrawn. — Sapa

CH. 10/13
19/7/86

ICFTU³²⁹ warning on SA detainees

JOHANNESBURG. — The 83-million-strong International Confederation of Free Trade Unions (ICFTU) would consider taking a number of actions to ensure the release of detained trade unionists in South Africa.

Mr John Vanderveken, head of the ICFTU and its 12-man delegation which arrived in South Africa yesterday, told Sapa last night that the international trade union body would consider such action within the framework of its general policy on South Africa.

This could include asking foreign governments to pressure the South African Government into releasing the detainees, advising affiliate unions to refuse to handle South African goods and to take action against multinationals that did not adopt progressive labour relations policies in South Africa, he said.

Permission

The delegation hopes to visit detained trade unionists during its four-day visit to the country and has already sent telexed applications to the police for permission to do so.

The delegation yesterday held talks with representatives of the Council of Unions of South Africa and the Azanian Confederation of Trade Unions. It hoped to meet the Congress of South African Trade Unions last night.

Mr Vanderveken said the delegation would not meet the Inkatha-backed United Workers' Union of South Africa as it did not recognize Uwusa as "representative of black workers in South Africa".

The ICFTU has 134 affiliated unions in 94 Western nations. — Sapa



Newspaper editor Mr Zwelakhe Sisulu, left, at a Press conference in Johannesburg today after his release from detention

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Sisulu released from detention

Weekend Argus
Correspondent

JOHANNESBURG. — Mr. Zwelakhe Sisulu, editor of the New Nation newspaper, who was jailed under the emergency regulations on June 26, has been released.

After a newspaper report about Mr Sisulu's disappearance, the Minister of Law and Order, Mr Louis le Grange, in a departure from procedure said he had been detained but denied allegations that Mr Sisulu

was abducted by men wearing balaclavas.

Mr le Grange said this was "a lie aimed at discrediting the police to create confusion and doubt".

Mr Sisulu gave an account to local and overseas reporters today of how he came to leave his home that differed from the account given by Mr le Grange.

Mr Sisulu's release came after his attorney, Mrs Priscilla Jana, served papers on the State Attorney demanding the

right of legal access to him.

The State Attorney telephoned to say he would not be opposing the application and that she should not proceed with it.

She was then given legal access.

While at John Vorster Square, Johannesburg police headquarters, to see Mr Sisulu yesterday, she said she was told the Minister of Law and Order had sent a telex that Mr Sisulu should be released.

Emergency: '10 000

Weekend Argus Reporters
and Correspondents

ABOUT 5 000 people have gone missing since the declaration of the state of emergency, according to the records of the Progressive Federal Party's missing person's bureau.

But an "informed calculation" by the bureau estimates that the real figure could be in the region of 10 000.

Mr Neil Ross, PFP national director of political organisation, said the response to the establishment of the missing persons' bureau had been "overwhelming".

The bureau was set up a month ago to gather information and help families of missing people by advising them how to approach the authorities to find out whether their relatives were in detention.

Some people reported missing had later reappeared.

Mr Roy Ainslie, regional director of the PFP in Natal, said the names of 4 300 people had been collated.

Mr Ainslie said he expected the total figure of detainees countrywide to be about 10 000.

He said that during the previous state of emergency, monitoring groups succeeded in

collecting the names of 57 per cent of the number eventually disclosed by the police.

It was even more difficult to collect information this time because of the regulations prohibiting the publication of detainees' names.

Detentions in the rural areas were virtually impossible to monitor.

Mr Ross said large numbers

of people had disappeared from rural towns, among them Graaff Reinet, Upington, Cathcart, Middelburg, Harrismith, Kimberley, Welkom and Port Alfred.

The Border and Eastern Cape were worst affected.

Many trade unionists had disappeared and whole church congregations had gone missing.

W/E Post
14/7/86

Visitors want to meet detained unionists

JOHANNESBURG — The International Confederation of Free Trade Unions delegation currently on a "solidarity visit" to trade unions in South Africa, today urged the Minister of Law and Order, Mr Louis Le Grange, to allow them to meet trade unionists in detention.

The delegation has "grown increasingly alarmed about the plight of the detainees", since holding talks with representatives of a number of union federations, said Mr Brendan Barry, a member of the delegation and press officer for the British Trades Union Council.

"We have heard reports of horrific beatings and are gravely worried about the detainees' families and the unions' ability to function properly," he said.

ICFTU's general secretary and head of the delegation, Mr John Vanderveken, said: "It is vital that we are allowed access to meet detainees directly. Many of them have been held continuously since June 12 without being seen by family, friends, lawyers or any other independent outsiders."

The delegation arrived in Johannesburg yesterday, and has held talks with unionists from the Council of Unions of SA, the Congress of SA Trade Unions, the Azanian Confederation of Trade Unions and lawyers who act for unions and detainees. — Sapa

Court challenges likely after Natal ruling on emergency

15/1-ARGu.5 197/86

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DURBAN. — A spate of challenges to the state of emergency regulations are on the cards following this week's landmark judgment by the Natal Bench of the Supreme Court.

Although an important aim of this week's test case brought by the Metal and Allied Workers Union — to end the emergency — failed, a significant breakthrough was made, notably the right of security detainees to consult their lawyers.

Natal lawyers who have flocked to the prisons to visit detainees, now intend applying to the courts for their release or protection.

Three freed

Already three Natal detainees have been set free. Durban's Legal Resources Centre lost no time in applying to see its clients and within a day of the judges' ruling that it was a common law right to have legal access, three detainees were released. Art student Sarah Hills, science teacher Jeremy Routledge and career advisor Marie Odendaal are now free.

Other challenges to the state of emergency are also in the offing. An application is expected in the Cape for curfews to be lifted, and lawyers in Natal are considering challenging the wide powers granted the security forces under the emergency.

Administrative problems were the only hiccup in the way of Natal's lawyers this week as they jostled to see their clients. By the weekend, more than 50 Natal detainees had been visited by legal representatives and legal teams elsewhere in the country had applied to police headquarters for access.

Mr Justice Didcott, sitting with Mr Justice Kumbleben and Mr Justice Thirion, rejected Mawu's contention that the

emergency regulations should be thrown out because correct Parliamentary procedure had not been followed.

But they ruled in favour of Mawu in cutting out "vague" sections of the law on "subversive statements".

Mr Justice Didcott said it was not the court's role to redraft legislation, but it could excise "bad law" if it was unintelligible.

Quoting the British judge Lord Goddard, he said law should be clear enough for the ordinary person to understand without having to resort to legal advice.

He slammed sections of the emergency regulations, calling them variously "a jumble of words", "singularly ineptly drafted" and "a lot of nonsense".

The State President had gone "way beyond his powers" in defining "subversive" as something which had the effect "of engendering feelings of hostility ...".

As Mr Justice Kumbleben said, "rugby front-line forwards do this every day".

The judges ordered the Government to pay half of Mawu's costs, on the basis that this represented the proportion of Mawu's success in the application. No appeals have been made so far.

Sisulu released from detention

Dispatch Correspondent

JOHANNESBURG — Police yesterday told lawyers that from Monday they could begin to visit some of the estimated 4 000 state of emergency detainees held without charge.

This had been confirmed in a telephone call from the regional chief of the security police, Brigadier Gerrit Erasmus, said a Johannesburg lawyer, Mr Peter Harris.

Meanwhile, Sapa reports that the editor of The New Nation, Mr Zwelakhe Sisulu, was released from detention yesterday.

"It's a great relief to be out. I wish it will be a precedent for others," Mr Sisulu said.

The national treasurer of the United Democratic Front, Mr Azhar Cachalia, was also released yesterday after being in detention since June 12, a spokesman at his law firm said.

Mr Sisulu's attorney, Mrs Priscilla Jana, said he was officially informed of his release while in her presence yesterday when a telegramme was received at John Vorster Square from the Minister of Law and Order, Mr Louis Le Grange.

Free State Court rules on detainees

Mercury: 19/07/86

(329)
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BLOEMFONTEIN—The Free State Supreme Court yesterday found that the emergency regulations were not invalidated by the fact that they had not been tabled in the three Houses of Parliament within 14 days of their promulgation. The Court dismissed,

with costs, an application for the release of Mr Dennis Victor Bloem and his wife, Edith, of Kroonstad, who were detained under the regulations on June 12 and 13 respectively.

The judgment was delivered by Mr Justice Steyn, with the concurrence of Mr

Justice Edeling and Mr Justice Hattingh.

Mr Justice Steyn said the days upon which tabling of the emergency regulations could, in fact, be effected fell to be determined by the procedure of Parliament.

Because such tabling had to be done in accordance with that procedure and by virtue of the inability of a court of law to pronounce effectively on the validity thereof, there was one day still available for such tabling.

As that day had not yet arrived, the conclusion must be that the tabling of the regulations on August 18 will, in parliamentary terms, not be out of time even if they may be so in terms of the relevant statute.

On the rights of access to detainees — an alternative plea to the application — the Judge said it was common cause between the parties that up to the present all requests made by the applicants on behalf of Mr and Mrs Bloem that legal representatives be allowed to see them, had

been refused, and that no access to the detainees by any legal representatives acting on their behalf had, thus far, been permitted.

The Judge was satisfied that regulations 3 (10) and 5 did, in fact, restrict access to detainees by lawyers and that the refusal thus far to grant permission for such access to Mr and Mrs Bloem was not in any way legally improper.

Requests

He was equally satisfied that access without permission to detainees by lawyers after the extension of their period of detention under regulation 3 (3) was likewise prohibited.

The Judge said, however, that it took the police 11 days to answer requests made on behalf of Mr Dennis Bloem, but the final demand of June 27 for such access was left unanswered. Letters of June 23 and 27 relating to Mrs Edith Bloem were left unanswered.

The necessary reaction was eventually forthcoming in the replies by the respondents in their affida-

vits that opposed the application to the Supreme Court.

This was, however, not good enough, said the Judge.

'It should be evident to everyone concerned that severe distress to their families and relatives is in the overwhelming majority of instances occasioned by the arrests and detentions of persons under the conditions of the security regulations.

'And although administrative difficulties are certain to be encountered by those whose task it is to deal with requests relating to detainees, it is nevertheless imperative to deal with such requests as expeditiously as possible. In this case that was unfortunately not done,' said the Judge.

The respondents were the State President and Government of the Republic of South Africa, the Minister of Law and Order, the Commissioner of Police, the Minister of Justice, the Officer Commanding Heuningspruit Police Station and the Commissioner of Prisons. — (Sapa)

CMB Tumbis 19/7/86 329



Attorney Mrs Priscilla Jana with the editor of the New Nation, Mr Zwelakhe Sisulu, who was released from detention in Johannesburg yesterday.

CTPR
**Too many
days spoil
the broth**

20/11/86 329
FATHER of six, Alphus Thuputlela has lost his job for being detained.

Mamelodi chef Thuputlela learnt upon his release after 27 days inside that he had lost the job he held for 14 years.

Isak van Rooyen, catering manager at the medical clinic which employed Thuputlela, said: "Police told us he could be detained for up to three or eight months, so we had no option but to replace him."

Thuputlela said he was seeking legal advice.

He was released after he told police he knew nothing about politics and had no knowledge of civic organisations or people's courts.

He had shown Van Rooyen a letter from the police confirming that he had been detained, but Van Rooyen said: "There is nothing I can do to help."

Sapa

ICFTU to call for action

JOHANNESBURG. — An international delegation of trade union leaders yesterday said it would call on the Commonwealth summit meeting in London next month "to unite around a meaningful programme of action".

At a press conference here a 12-man delegation from the International Confederation of Free Trade Unions (ICFTU) said it had "overwhelming evidence" of a willingness by the victims of apartheid to endure further suffering in the interests of achieving the transformation needed in their society.

Detainees

The ICFTU head and the leader of the delegation, Mr John Vanderveken, said the group had during their three-day visit often heard pleas for hard-hitting sanctions against South Africa.

It said it knew of 269 trade union detainees.

The delegation said it had met trade unionists, community leaders businessmen and religious leaders since its arrival on Friday. It is due to meet the Minister of Manpower, Mr Pietie du Plessis, today.

A request to the Minis-

ter of Law and Order and the Commissioner of Police to visit detained trade union leaders has received no reply.

The delegation's statement said that no solution to South Africa's problems could be found that excluded the growing influence of the trade union movement "as a vital and vigorous force for peaceful change" in South Africa.

Mr Vanderveken said the Anglican Archbishop-elect of Cape Town, Bishop Desmond Tutu, had told him the trade union movement was the "cutting edge for change" in this country.

Tutu

The ICFTU represents about 85 million workers in 94 countries.

By tomorrow all members of the group will have left South Africa.

Bishop Tutu, who sees President P W Botha to discuss South Africa's state of emergency this week, said his talks with the delegation had been very good.

"They've come to express their solidarity with their fellow trade unionists in this country and it's quite important for our country to know that our trade unions have very, very powerful friends," he said. — Sapa

CAPE TIPS 21/7/86

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Capit Times 21/7/86 329

Detainee describes 'mental deterioration'

MARITZBURG. — A man held in solitary confinement since June 24 under the emergency regulations has told a Supreme Court judge of his mental deterioration and fears that he could suffer psychological damage.

In an affidavit before Mr Justice J J Kriek on Friday, Mr Peter Kerchhoff said he was suffering from insomnia and was "aware of extreme nervous tension and depression brought about by being held in solitary confinement".

Mr Kerchhoff and his wife Joan, who work at the Maritzburg Agency for Christian Social Awareness, brought an

urgent application for his release on the grounds that his detention is "unlawful and of no force and effect" and that he is being held in solitary confinement "without justification".

The application was brought against the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the commanding officer of the New Prison, Maritzburg.

Mr Kerchhoff said that since his detention there he had not had exercise in open air.

In an affidavit, Mrs Kerchhoff said that when her husband was arrested at 3am on June 12, a police major told them the arrest was in

terms of the Internal Security Act of 1982.

Later that morning a policeman told her Mr Kerchhoff was being detained under the emergency regulations.

As the police first arrested her husband under the Internal Security Act, Mrs Kerchhoff claimed, they had to comply with the provisions of the Act. This stipulates that a detainee must be released after 48 hours unless his further detention is authorized by a magistrate, and cannot be held for more than 14 days without being charged.

The hearing was adjourned until Wednesday. — Sapa

'Hundreds' of employers join pleas on detentions

By DICK USHER, Labour Reporter

INTENSE behind-the-scenes pressure against the state of emergency has been put on the Government by hundreds of employers responding to demands from trade unions.

They have been sending messages to the Government urging an end to the emergency and the release of detainees.

Because the employers have preferred to adopt a "private" approach the number is not known, but observers estimate that countrywide they run into hundreds.

This is in addition to public statements and actions by leading employers and employer federations such as AE & CI, the Federated Chamber of Industries (FCI), the Association of Chambers of Commerce (Assocom) and others.

According to weekend reports President P W Botha called the attitude of the FCI, the country's largest employer organisation, "quite ridiculous".

Leading employers have met the Minister of Law and Order, Mr Louis le Grange, to object to detention of trade unionists. They said the absence of leaders actively involved in settling disputes was leading to serious problems in industry.

269 officials held

According to the Labour Monitoring Group (LMG) at least 269 office-bearers and officials of unions were in detention last week.

An earlier LMG statement said that those held included 41 officials and members of the Metal and Allied Workers' Union (Mawu), 24 from the Commercial, Catering and Allied Workers' Union (Ccawusa) and 18 from the National Union of Mineworkers.

These and other independent unions have recognition agreements with hundreds of employers throughout South Africa.

Since the imposition of the emergency on June 12 shop stewards at individual companies have approached their managements to send messages to the Government urging an end to the emergency and the release of detainees, specifically union members and leaders.

According to observers many employers have responded to the call and have preferred to adopt this low-key approach to the emergency.

But the LMG noted that workers were becoming disillusioned with the gap between liberal statements by top businessmen and the behaviour of some local managements.

21/7/86
Unionist free

229
Staff Reporter

A PROMINENT Western Cape trade unionist, a member of the Clothing Workers' Union (Clowu), was released from detention late on Friday after being detained since the declaration of the state of emergency on June 12.

She may not be named in terms of the emergency regulations. Six other Clowu unionists are still in detention in the Western Cape.

several days later this week.
The Soweto Civic Association

restriction amounting to censorship. The restriction have the effect of



NEARLY 50% of 114 company managements canvassed by the Labour Monitoring Group (LMG) in the PWV area of the Transvaal said the state of emergency had made no difference to industrial relations.

But 37% of their replies stressed a decline in productivity — apparently due to stayaways — and expressed concern about the emergency's effect on worker-management relations.

The LMG said many companies feared the emergency would politicise labour-capital relations and would encourage

Emergency's effect on industrial relations

DIANNA GAMES

the linking of community/political issues to the workplace.

Fifteen said relations had improved since the emergency, suggesting that was because there was reduced militancy in the workplace and townships were now safer, allowing workers to get to work.

The LMG also reported on manage-

ment attitudes after the "Day of Action" stayaway organised by the Council of South African Trade Unions (Cosatu) last Monday.

The Metal and Allied Workers' Union (Mawu) reported a hardened response by employers to the stayaway by issuing warnings, although most employers had adopted the "no work no pay" policy.

The LMG said the relatively low average turnout on Monday — 24% took ac-

tion on Cosatu factories in the Transvaal — masked the uneven response as many factories had a 100% stayaway.

It said this was possibly a combination of poor communications in some areas and declining militancy. As well, 2 646 trade unionists had been detained at some stage during the emergency and 269 elected trade union leaders and officials were known to be in detention.

goalkeeper Trevor Daniels. Celtic beat Pirates 5-3 in an action-packed match at Hartleyvale yesterday.

A

From page 1

Boesak emerged from the church and spoke to a large number of people who had gathered outside, asking them to go home.

"As I drove away from the church two teargas canisters came in my direction, one missing the car and the other going right through the back windscreen, smashing it and landing next to me," he said. "I was overcome by fumes and had to be helped from the car by onlookers.

"I will definitely speak to my lawyers in the morning about laying a charge against the person or persons who teargassed me."

All attempts yesterday by the Cape Times to get permission to publish the details of the incident were turned down.

The local police liaison officer, Lieutenant Attie Laubscher, referred the request to the Bureau for Information, which in turn referred the Cape Times to the Police Directorate of Public Relations in Pretoria.

The directorate then referred the Cape Times once again to the Bureau for Information, which gave the standard reply that it could not give newspapers legal advice.

Boesak in teargas attack

By CHRIS ERASMUS and RONNIE MORRIS

THE president of the World Alliance of Reformed Churches, Dr Alan Boesak, is considering laying charges after a teargas canister was lobbed into his car at a church service in Elsie's River yesterday.

The incident occurred as Dr Boesak left the Holy Trinity Catholic Church in Halt Road. Certain actions took place during the church service but these may not be reported in terms of the emergency regulations.

500 people

Speaking from his home after the incident, Dr Boesak said he had attended the service, which was led by Dr J C Adonis, along with four other ministers.

"There were about 500 people at the service, which was an inter-denominational service held in support of and solidarity with the fam-

ilies of detainees," said Dr Boesak.

"There were people from Atlantis, Worcester, Cape Town, Belhar and Elsie's River itself. I was not due to speak at the service, but I had been asked to lead the lighting of the candles."

About 4pm, as he was lighting the candles, Dr Boesak said he saw certain people approaching the church, some of whom entered it.

Dr Boesak continued to lead the congregation during these events. After about an hour-and-a-half, all the members of the congregation except three were able to leave the church and go home.

The three missing people are Gregory Platt, aged 16, Ms Marlene Matthews, a worker at the Hanover Park Advice Office, and the church caretaker, Mr Mervyn Christians.

After the service Dr

♦♦♦♦

To page 2

A



SISULU IS RELEASED

By LANGA SKOSANA

NEW Nation Editor, Mr Zwelakhe Sisulu was released from detention at the weekend after spending 22 days in solitary confinement at John Vorster Square police station under the emergency regulations.

He confirmed on his release that he was arrested by men who masked their faces with balaclavas.

He said he did not know the reason for his detention or that of many of the emergency detainees being held.

Challenged

He feels what prompted his early release was possibly the publicity his detention received and also the comments by a Natal Supreme Court

judge, Mr Justice Didcott, when the state of emergency was challenged in court.

The judge, sitting with two other judges, ruled against "vague" sections of the law on "subversive" statements.

Lawyers

Mr Sisulu believes that more people are likely to be released in the wake of that judgement. Lawyers, he felt, should challenge cases of groups of detainees in court rather than challenge individual cases.

Another emergency detainee released with Mr Sisulu on Friday was Mr Azahar Cachalia, an attorney. He was detained when the state of emergency was proclaimed on June 12.



ZWELAKHE Sisulu and wife Zodwa and their two children with children of relatives at his Dube home yesterday. The children are (from left), Moyikwa (6), Zoya (4), Nomonwabisi (2). The baby in arms is Vuyelwa (1).

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SOWETAN, Monday, July 21, 1986

UDF is crippled says treasurer

JOHANNESBURG —

The national treasurer of the United Democratic Front (UDF) said yesterday he was having great difficulty carrying out functions for the organisation as all the group's office bearers were either in detention or "deep in hiding".

Mr Azhar Cachalia, an attorney who was released from detention at John Vorster Square on Friday, said the UDF was a "legal and above-board organisation and I now cannot function or contact other office bearers as they are deep in hiding or in detention".

He said he was detained at midnight on June 12 when the second state of emergency was declared.

Mr Cachalia's release came shortly after an application claiming his detention was unlawful was filed before the Rand Supreme Court. — Sapa

Kennedy plea for detainee

THELMA TUCH

SENATOR Edward Kennedy has appealed to President P W Botha to release a 34-year-old Grahamstown teacher detained on July 2 under state of emergency regulations.

In a letter from Washington to Botha, Kennedy and Nancy Kassebaum, chairman of the US Senate sub-committee on African Affairs, ask that steps be taken to assure that the teacher was not mistreated while in the custody of security forces at Port Elizabeth prison.

The detainee cannot be named because of emergency regulations.

Jack Viviers, a spokesman for the State President, said yesterday it was policy not to comment on Botha's correspondence.

The Bureau for Information refused to confirm the detention of the woman concerned as such information contravened emergency regulations.

THE Government decided on Friday to release Mr Zwelakhe Sisulu, editor of the *New Nation*, who is the only emergency law detainee the Government admitted was in jail.

Sisulu was released after spending almost a month in jail without trial.

His detention is not something new in the Sisulu family. In fact, almost the entire family has had to contend with some trauma, invariably political, for 30 years.

His father, mother, brothers and sisters have all had brushes with the security police in one way or the other. They have also had stints in jail.

Mrs Albertina Sisulu, Zwelakhe's mother, believes the Government's intention is to harass her family. She also thinks this will go on for some time.

The head of the family, Mr Walter Sisulu, who is former secretary general of the banned ANC, is serving life with Mr Nelson Mandela.

Mrs Albertina Sisulu is at present on R1 000 bail pending an appeal against a conviction for furthering the aims of the ANC. Mr Maxwell Sisulu and Miss Lindiwe Sisulu are in exile.

Uprising

Mr Lungile Sisulu is in and out of jail, Nonkululeko was attacked when an uprising broke up at Fort Hare University and Njongumzi is serving five years in prison.

"Not one member of my family has gone unscathed or not suffered harassment in some way or the other," Mrs Sisulu, who is one of the longest-serving nursing sisters in Soweto, said.

30 years on - the traumas are still there



Mrs ALBERTINA Sisulu.



Mr ZWELAKHE Sisulu.

A way of life for the Sisulus

By LANGA SKOSANA

Her husband spent many years under house arrest, confined to his house for 12 hours on weekdays and for 24 hours during weekends and public holidays.

The family operated a dry cleaning depot from their Orlando West home and because Mr Walter Sisulu was under house arrest the business suffered.

His house arrest came in the wake of the defiance campaign of 1952, and was the result of a programme of action planned by the former African National Congress.

Mr Sisulu was arrested in 1963 and appeared in the famous Rivonia trial with Mr

Nelson Mandela charged with high treason.

Mrs Sisulu, who as a young nurse married Walter, shared with her husband the fight against injustices. She spent many years alone trying to bring up her children - being a "father" and at the same time a mother to all of them.

Supportive

She says she has to keep a low profile as a nurse, and played a supportive role to her husband.

That was not to be for long, however, because in 1956 as executive member of Fedswa she was a leader of thousands of

women who marched to the Union Building protesting against the issue of passes to black women.

For her part in the protest she was kept in jail for a month awaiting trial. She was freed after her lawyer, Nelson Mandela, argued her case in court.

Mrs Sisulu received the distinction of being the first woman in South Africa to be banned under the infamous 90-day detention law.

Her banning orders which started in 1963 lasted for 17 years, during which period she was in and out of jail for various contraventions of security laws.

Last year, Mrs Sisulu was arrested for

treason and kept in solitary confinement for three months awaiting trial. She was acquitted in that case.

But before that she spent another stint in solitary confinement in 1982 awaiting trial for furthering the aims of a banned organisation.

She was found guilty and sentenced to four years imprisonment suspended for five years. She is at present on R1 000 bail pending an appeal against conviction.

Two of the Sisulu children who decided to quit South Africa are Max and Lindiwe.

Lindiwe Sisulu, who was a student at the Roma University in Lesotho, was arrested and kept in solitary confinement for 11

months without being charged.

On her release in 1977 she had to undergo psychiatric treatment and was attended to by a doctor in Hungary. She has never returned.

Max Sisulu quit South Africa in 1963. He had been harassed and jailed without trial before he gave his back to this country. He had a valid travel document when he left.

Zwelakhe Sisulu's position as editor of the *New Nation* has put a special focus on him.

He is a trained journalist who worked for the now defunct *Rand Daily Mail* and the banned *World* and *Weekend World*.

He travelled to the United States on the coveted Nieman Scholarship and studied at Harvard University.

He received extensive training in the labour field and as president of the Media Workers' Association of South Africa (Mwasa), Mr Sisulu was able to balance between the Black Consciousness ideology and the non-racial ideology of the United Democratic Front.

He feels strongly that the South African struggle is a worker struggle.

Mr Sisulu has been detained on several occasions without trial and was banned and house arrested three years ago.

Cape Times 22/7/86
Freed unionists restricted

Staff Reporter

FOUR trade unionists, who were released from detention over a week ago, have been served with wide-ranging restriction orders which prevent them from attending political meetings or speaking to the press.

Ms Rae Lazarus, an or-

ganizer for the General Workers' Union, has been confined to the magisterial district of Cape Town.

The others are Mr Elijah Barayi, president of Cosatu; Mr Daniel Samela, the Chemical Workers' Union's national organizer, and Ms Joyce Sedibe, a Cusa organizer.

(228)
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(186)

2 Cape Times Tuesday, July 22, 1986

Squatter leader in court

Staff Reporter

THE leader of Old Crossroads, Mr Johnson Ngxobongwana, was released on R100 bail after appearing briefly in Wynberg Regional Court yesterday in connection with a charge of sedition.

According to the charge sheet, Mr Ngxobongwana appeared with four other Old Crossroads residents: Mr Mosert Ngozi, 35, Mr William Nsala, 41, Mr Thandeka Mkhafa, 28, and Mr Zimas Mninz, 24.

Mr Ngxobongwana was released on bail and the other men were remanded until their next appearance tomorrow.

Mr M Marais was the magistrate. Mr W Downer appeared for the State. Mr Brian Lutzno appeared for all five men.

PAC case: Youth held for 7 months

Staff Reporter

AN 18-year-old youth who has been in detention in the Sea Point police cells for seven months yesterday told a Cape Town regional magistrate "only God knows when I will be released from detention".

The youth, who may not be identified by order of the court, was giving evidence for the State in the trial of six men and a youth charged under the Internal Security Act with terrorism and furthering the aims of the banned Pan African Congress.

The men are Mr Mzwandile Mciteka, 25, Mr Andile Gusha, 23, Mr Donald Mxutu, 66, and Mr Simon Mayholewene,

all of Guguletu, Mr Bathemba Lugulwana, 33, of Langa, Mr Taelo Ntlaba, 19, and a 17-year-old youth, both from Paarl.

The public and the press were initially barred from the hearing but the court was later declared open after Mr F Bunting, for five of the seven, had applied for the trial to be heard in open court.

He said it was in the public interest for justice to be seen to be done.

The seven have pleaded not guilty to charges of subverting or endangering the authority of the Republic, demoralizing the general public of a defined area by instilling fear or prompting them to do or not to do something, between January 1983 and January 1986 in the Peninsula, at Mbekweni, Paarl and at Lady Frere near Umtata.

They also pleaded not guilty to participating in the activities of the PAC, alternately furthering the organization's aims.

The State also alleges that Mr Lugulwana and Mr Mciteka were in-

involved in the establishment of an organization called Azanian National Youth Unity (Azanyu) which was formed in Bonteheuwel in 1983.

The State alleges that it was stated at Azanyu meetings that the aims of the PAC should be furthered. It was also allegedly said that the military wing of the PAC, the Azanian Peoples Liberation Army, was formed to subvert the authority of the State through violence.

The youth, who had been a member of Azanyu, said under cross-examination by Mr P Hazell, for two of the men, that he had been told he would be kept in custody while the matter was being investigated.

Mr Mxutu and Mr Mayholewene were granted bail of R200 each and the others were remanded. The hearing continues.

Mr J M Lemmer was the magistrate. Mr A Duminy prosecuted. The seven were represented by Mr F Bunting, instructed by Mr Wallace Mgoqi of Syfret, Godlonton, Fuller, Moore Incorporated, and Mr P Hazell instructed by Mr Ramesh Vassen.

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BUNNY GIRL WAITRESSES
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serve you better



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PORTUGUESE, SPANISH
AND BRAZILIAN DISHES
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CESAR'S RESTAURANT, 94 Long St, 24 8520, 44 5893

Dispatch Correspondent
DURBAN — An 18-year-old youth who has been in detention in the Sea Point police cells for seven months yesterday told a Cape Town regional magistrate "only God knows when I will be released from detention".

The youth, who may not be identified by order of the court, was giving evidence for the state in the trial of six men and a youth charged under the Inter-

Only God knows when I'll be free — detainee

nal Security Act with terrorism and furthering the aims of a banned organization, the Pan African Congress.

They are Mr Mzwandile Mciteka, 25, Mr Andile Gusha, 23, Mr Donald Mxutu, 66, and Mr Simon Mayholewen, all

of Guguletu, Mr Bathemba Lugulwana, 33, of Langa, Mr Taelo Ntlaba, 19, and a 17-year-old youth, both from Paarl.

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The youth, who had been a member of Azanyu, said under cross examination by Mr P. Hazell, for two of the men, that it was unjust that he had been in detention since January and added that he did not respect the law that allowed this.

Mr Hazell said to the youth: "I put it to you, if you do not give evidence,

2/12/86
237/86
327

400 people detained in Natal, says PFP

Political Reporter

FOUR hundred people have been detained in Natal in six weeks since the state of emergency was declared, says Progressive Federal Party Natal Coast director Roy Ainslie.

Mr Ainslie said that since June 12, the day on which the emergency was declared, 195 people had been detained in Durban, 120 in Pietermaritzburg/Howick and 23 from the University of Zululand.

The area with the next highest number of detentions was Dundee with 19, followed by Empangeni (18), the South Coast (eight), Northern Natal (six), Tongaat (four), Newcastle and Port Shepstone (each with three) and Glencoe with one detention.

The number of detentions in Natal recorded by the PFP has increased by 88 in the past week.

Mr Ainslie said the PFP had collected the names of 4 300 people detained around the country during the state of emergency and knew of 700 other detentions.

He said the number of detentions was probably much higher than the figure recorded by the PFP because during the last state of emergency monitoring groups recorded only 57% of the actual number of people detained.

Mr Ainslie said anybody who wanted to report that people were missing or detained should telephone 304-8507/8/9.

CAPE TIMES 23/7/00
**30 refugees
disappear**

By CHRIS BATEMAN

AT LEAST 30 people have gone missing from Nyanga East refugee centres in the past two days.

Reliable township sources said the first person disappeared from the Zolani Centre about 8am on Monday. Then 21 people went missing from the Methodist Church Hall about 5am yesterday.

About an hour later seven people disappeared from the AME Church Hall, and the 30th person left the Zolani Centre about 2pm yesterday.

The Cape Times has the names of 28 of the missing people, which may not be published in terms of emergency regulations.

SPARK 23/7/86

329

Professor reports on Wits detainees

Two academic staff members and 20 students of the University of the Witwatersrand are in detention, according to a pamphlet issued on campus yesterday by deputy vice-chancellor Professor Mervyn Shear.

The pamphlet, issued to let students and staff know the steps the university has taken on behalf of the detainees, does not identify them "in view of the emergency regulations".

In the pamphlet, Professor Shear details representations the university has made to the Government for their release and to ensure their wellbeing

while in detention, and calls on the authorities "to charge or release them".

According to the pamphlet, the Student Affairs office of the university:

- Maintains a detailed register of all Wits detainees.
- Attempts to confirm all detentions with the Commissioner of Police.
- Contacts families and parents "wherever possible".
- Arranges for exams to be deferred if necessary, and tries to get relevant study material to the detainees — "although we have not yet been successful in all cases in having study material delivered to detainees, we will not cease our efforts".

"The administration has spoken to senior police officers and been assured that all the Wits detainees are in good health, are visited regularly by judges and magistrates, have regular access to a district surgeon and are given medication if necessary," the pamphlet says.

"We shall not cease in our efforts to secure their release."

Thousands of the pamphlets were distributed all over campus yesterday and posted to staff members.

PLEASE PRINT CLEARLY:

NAME: JORDY TONY

SCHOOL OF ECONOMICS

PLEASE INDICATE BY A CROSS THOSE PERIODS WHERE YOU ARE NOT AVAILABLE FOR TUTORIALS DUE TO OTHER CLASSES

AS NOT SURE WHEN STATISTICS WILL BE.

Detainee application postponed

Republic of South Africa and the Minister of Law and Order

Mr Bill was detained on June 20.

An order was to be sought that:

- The Minister of Law and Order furnish Mrs Bill with a copy of the order in terms of which her husband was being detained.
- Reasons for and information on the order be issued.
- The cleric's legal representative be allowed to interview him with a view to making representations to the Minister of Law and Order for his release.

An urgent application for legal representatives to gain access to an emergency detainee, the Rev Jean-Francois Bill, and asking for reasons for his detention, was postponed indefinitely in the Rand Supreme Court yesterday.

The court was told that a copy of the detention order had been furnished and legal representatives had been allowed to see Mr Bill, who is the moderator of the Evangelical Presbyterian Church of South Africa.

His wife, Mrs Mary Cameron Bill, brought the application against the State President, the Government of the

	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
10	X	19	28	37
11		20	29	38
12	X	21	30	39
13	X	22	31	40
14	X	23	32	41
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As wife brings application

LAWYER FREED

Sweafan
23/7/86
329

A LAWYER, who has been in detention for more than five weeks under emergency regulations, was released yesterday — three hours after his wife brought an urgent application in the Pretoria Supreme Court for his release.

Mr Richard Ramodipa, national treasurer of the Black Lawyers' Association, was arrested at his offices in Potgietersrus at about 2.45pm on June 12.

His wife, Mrs Kgeledi Ethel Joyce Ramodipa, brought the urgent application before Mr Justice H J Preiss arguing that his detention was unlawful. Mr Louis le Grange, Minister of Law and Order, and the officer commanding at Nylstroom prison were quoted as first and second respondents.

Mrs Ramodipa said the application related to the arrest, imprisonment and deprivation of her husband's liberty. "Such improper invasion upon his right to liberty is reason enough to approach this honourable court for redress by way of urgency. The continued incarceration of Richard causes continued damage and prejudice," she said.

By MONK
NKOMO

Mrs Ramodipa, who was represented by Mr Ronnie Selvan, SC, and Mr Dikgang Moseneke, instructed by Seriti, Mavundla and Partners, also submitted in affidavits that her husband has always expressed his rejection of the policy of apartheid as practised within the Republic.

Her husband had always expressed support for a democratic society which would permit all citizens of the Republic participation in the democratic process.

Protection

"He has always believed in a strong legal system which does not only maintain law and order but would also afford equal protection to all citizens under law," the court heard.

Mrs Ramodipa said her husband was arrested by three security policemen at his offices. After he was arrested two black policemen returned to his office and told an articulated clerk Ms Queen Victoria Vilankulu, that Mr Ramodipa was under arrest but they did not know the reason for his arrest.

Ms Vilankulu immediately went to the local police station where she was told by a policeman that the lawyer had been arrested in terms of Section 50 of the Internal Security Act.

Mrs Ramodipa said his arrest coincided with the declaration of the

To Page 2

Lawyer
freed

← From Page 1

state of emergency but no facts existed upon which any person acting bona fide and honestly could hold the opinion that her husband's arrest or detention was necessary for any of the purposes mentioned in Section 3(1) or emergency regulations promulgated on June 12.

"In any event," Mrs Ramodipa said, "I have been advised that it is unlawful to hold a person under emergency regulations when his arrest has been effected under the Internal Security Act."

Mr Justice Preiss postponed the hearing after Mr Piet Kamp, counsel for the respondents, submitted that Mr Ramodipa was released from Nylstroom prison at 1.30pm yesterday. The judge reserved judgment on the costs of the application.

CONFIDENTIAL 23/7/86

Some City lawyers can see detainees

329

Supreme Court Reporter

THE government appears to have suffered a sudden change of heart over allowing local lawyers to visit detained clients — until yesterday, permission for visits was consistently refused.

However, a number of City attorneys reported yesterday that they had received permission to visit detainees or expected to receive such permission following the required written formalities.

Others said they were still waiting to hear.

Yesterday a little rain of telexes from officialdom appears to have descended but the apparent change of heart this suggests is "not consistent", according to one attorney.

Another says the authorities are being "very difficult", particularly in cases where large numbers of people were detained at the same time.

In such cases, authorities are demanding a separate letter seeking permission for a visit for each person, although all have the same lawyer.

Ban on legal access

Lawyers applying for permission for family members to visit detainees are often finding it difficult to meet the requirement that they supply details, including ID numbers, of the family members.

The change in policy follows the judgment of the Natal Supreme Court on an application brought by the Metal and Allied Workers' Union last week which declared certain sections of the emergency regulations, including the ban on legal access to detainees, invalid.

Legal opinion is divided on whether this judgment extends to the rest of the country. It is certain, however, that it would be persuasive, were comparable issues to be tested in another court.

This may happen quite soon. A number of local attorneys are working on applications relating to the emergency regulations.

CAPE TIMES 23/7/74
329 88

Stayaways at five Athlone schools

Education Reporter

MANY PUPILS from five coloured high schools in the Athlone area stayed away from school yesterday in support of demands for the release of teachers and fellow pupils from detention.

Apparently pupils have decided on a stayaway because they want an end to "harassment" of teachers and pupils, a written guarantee from the Department of Education and Culture that police will not enter the school premises, and the release of detained teachers and pupils.

'Almost no pupils'

The liaison officer for the Minister's Council, Mr Thinus Dempsey, confirmed yesterday that five senior secondary schools in the Athlone area — Modderdam, Arcadia, Heideveld, Cathkin and Uitsig — were affected.

"Almost no pupils" attended school at Cathkin while at Modderdam, Heideveld and Uitsig attendance was below 50 percent. Some pupils had stayed away at Arcadia but attendance was "satisfactory," he said.

Attendance was normal at the other 21 high schools in the Athlone area and also at Mitchells Plain, Wynberg, Bellville and Paarl, Mr Dempsey said.

23/7/86
23/7/86
400 people
detained⁽³²⁹⁾
in Natal,
says PFP

Political Reporter

FOUR hundred people have been detained in Natal in six weeks since the state of emergency was declared, says Progressive Federal Party Natal Coast director Roy Ainslie.

Mr Ainslie said that since June 12, the day on which the emergency was declared, 195 people had been detained in Durban, 120 in Pietermaritzburg/-Howick and 23 from the University of Zululand.

The area with the next highest number of detentions was Dundee with 19, followed by Empangeni (18), the South Coast (eight), Northern Natal (six), Tongaat (four), Newcastle and Port Shepstone (each with three) and Glencoe with one detention.

The number of detentions in Natal recorded by the PFP has increased by 88 in the past week.

Mr Ainslie said the PFP had collected the names of 4 300 people detained around the country during the state of emergency and knew of 700 other detentions.

He said the number of detentions was probably much higher than the figure recorded by the PFP because during the last state of emergency monitoring groups recorded only 57% of the actual number of people detained.

Mr Ainslie said anybody who wanted to report that people were missing or detained should telephone 304-8507/8/9.

Detainee challenges emergency measures

24/7/85
Own Correspondent

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DURBAN — A detainee brought an urgent application in the Durban Supreme Court yesterday for an order declaring sections of the emergency regulations which allow for the arrest and detention of people to be invalid and without effect.

Mr. Solomon Lechesa Tsenoli, who has been in detention in Westville Prison since July 12, is also seeking an order declaring his own detention under the emergency regulations unlawful. He says he was held before the regulations came into effect.

Mr. Justice Wilson adjourned the application to July 31, when it will be heard by a Full Bench.

In Johannesburg tomorrow, the United Democratic Front (UDF) is expected to bring an urgent application in the Rand Supreme Court challenging some emergency regulations.

The UDF is to seek, among other things, for an order declaring that:

- An order by the Divisional Commissioner of the South African Police (Soweto Division) in a Government Gazette of July 10 — which prohibited meetings in certain areas of various organisations — is invalid.

- That a meeting planned by the UDF for July 26 in Soweto is not a prohibited gathering.

The respondents will be the State President, the Divisional Commissioner of the South African Police (Soweto Division), the Commissioner of the South African Police and the Minister of Law and Order.

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Detainee NM 24/7/86 in solitary applies to Full Bench for release

Pietermaritzburg
Bureau

AN URGENT application for the release of a Pietermaritzburg man who is being detained in solitary confinement in terms of the emergency regulations is expected to be heard by a Full Bench of the Supreme Court here tomorrow.

The application has been brought by the detainee, Mr Peter Kerchhoff — an organiser of the Pietermaritzburg Agency for Christian Social Awareness (Pacsa) — and his wife, Joan, on the grounds that his detention is unlawful and that he has been held in solitary confinement since June 24 without justification.

Mr Kerchhoff and his wife claim in affidavits that his mental health has deteriorated as a result of his confinement and they fear he could suffer psychological damage.

They claim there are no reasonable grounds for believing that his detention is necessary for public safety and state that he has never been involved with any unlawful organisations and in fact condemns violence.

Mrs Kerchhoff said her husband had a 'deep Christian faith' and was deeply concerned with ending all suffering and injustice. 'He works for no one except Pacsa and he has never been implicated in nor advocated violence or any illegal activity.'

Marches

The chief of the Security Branch here, Brig B J Beukes, stated in an affidavit that he had information that Mr Kerchhoff made contact with a member of the ANC while on an overseas visit last year.

In addition he alleged that Mr Kerchhoff played a leading role in the organisation of protest meetings, marches and rallies, in particular to commemorate June 16 (Soweto day) and June 26 (to commemorate the Freedom Charter), which were banned in terms of the emergency this year, and which, given the explosive situation, could have endangered public

He believed Mr Kerchhoff was aware that any such meetings were a potential cause of unrest leading to the loss of lives and damage to property as had been seen so frequently and 'tragically' in the past.

Injurious

He alleged that Mr Kerchhoff was also involved with a large number of organisations, in which he played an important role, which were concerned with the organisation of demonstrations. The details of these organisations could not be revealed owing to the sensitive nature of his information, Brig Beukes said.

A psychiatrist, Dr B Lind, recommended in a letter before the Court that 'as a medical practitioner and member of the Medical Association of South Africa which is a signatory to the Declaration of Tokyo where solitary confinement was defined as torture', Mr Kerchhoff ought to be released from solitary confinement since there was evidence that it had been 'injurious to his mental health'.

He said Mr Kerchhoff was receiving medication for an abnormal degree of depression and anxiety, which he was suffering mainly as a result of his solitary confinement.

Brig Beukes said Mr Kerchhoff was being held in solitary confinement for practical purposes and not as a punishment because he was the only white person in detention at the New Pietermaritzburg Prison following the release of other detainees on June 25.

24/7/86 H/M 329

Court postpones application by Durban detainee

Court Reporter

AN URGENT application by a detainee held under the emergency regulations, seeking to have certain of the regulations pertaining to the arrest and detention of detainees declared invalid and ultra vires, was postponed in the Supreme Court, Durban, yesterday.

Mr Justice Wilson postponed the application, brought by Mr Solomon Lechesa Tsenoli against the State President, the Minister of Law and Order and the Minister of Justice, to July 31 for a Full Bench hearing.

Mr Tsenoli has asked for a rule nisi to be issued against the respondents on the grounds that sections 3 (1) and 3 (3) of the regulations are invalid because the President has not determined the circumstances under which the summary detention of anyone is necessary for the provision of the public safety or the maintenance of law and order as he is required to do under the Public Safety Act.

He also claims that his detention is unlawful and that the ministers of Law and Order and Justice be directed to release him.

In an affidavit he said he was arrested at his Lamontville home on June 12 at 3 45 a m, at which time the state of emergency had not been declared.

Mr M Wallis, instructed by Y Mahomed and Associates, appeared.

24/7/82
SIPHO NGCOBO

PROMINENT civil rights lawyers complain policemen listen to prison interviews.

They say the State is infringing the law by having a third party at supposedly confidential consultations with clients.

Government's approval of lawyers' applications to visit state of emergency detainees followed a Natal Supreme Court ruling annulling parts of emergency regulations.

Lawyers say they have been allowed to see one detainee at a time with a policeman present within sight and hearing distance.

Prisons Service liaison officer Lt-Col Roy Gamble referred all inquiries to the police.

A Police Public Relations Directorate spokesman, in Pretoria, says that if lawyers have any queries they should complain formally to the Commissioner of Prisons.

Lawyers say police listen

"The commissioner is the one who grants permission to lawyers."

Peter Harris, of Cheadle, Thomson & Hayson, a Johannesburg law firm, who says he has permission and access to about 11 detainees, complains consultations have not been private because of the police presence.

"In every consultation a member of the police would sit and listen while I was talking to my client. It was absolutely difficult to discuss matters of confidential nature. I regard this behaviour as an infringement upon the right of the attorney to consult a detainee," Harris says.

Another Johannesburg lawyer, Ismail

Ayob, complains of police presence when consulting with a colleague, Azaar Cachalia.

Cachalia, an attorney with Ismail Ayob & Associates, was released during the same consultation last week after spending more than a month in detention.

Ayob and Harris say their firms have made many applications to visit detainees.

A spokesman for Priscilla Jana & Associates confirms they have made applications, but are awaiting replies from the Commissioner of Police.

Krish Naidoo, another lawyer representing detainees, says he has made 150 applications to visit clients.

24/7/86

COURTS

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Wife asks court to free her husband

Staff Reporter

A GARAGE owner and butcher from Retreat was detained on June 14 when police found United Democratic Front posters and Eid pamphlets at his service station asking Muslims to be sensitive to human suffering, the Supreme Court heard today.

Mrs Zerene Jaffer asked the court to order the release of her husband Adam.

The respondents are the Minister of Law and Order, the Minister of Justice, the Commissioner of Police, and the officer commanding Victor Verster Prison.

She claims the police acted with malice when they detained him.

She said Mr Jaffer was not a member of any political organisation and had not been involved in politics. Nearly all his time was taken up by his businesses.

In an affidavit Mr Faried Akleker, manager of Jaffer's Service Centre, Wynberg, said that at 8.20am on June 14 four policemen arrived at the garage. Mr Jaffer was not there.

Searched

A policeman said two UDF posters on a window advertising the June 16 stayaway were illegal and told Mr Akleker they would arrest him.

Mr Akleker said: "I informed them that I did not know that the posters were illegal."

A policeman read one of many Eid pamphlets on the counter and drew the attention of the other policemen to it.

They searched the premises and found more leaflets. They radioed for help and four police vehicles arrived.

Mr Akleker telephoned Mr Jaffer at the butchery.

"I told him that the police were at the garage... and they were demanding to see him."

When Mr Jaffer arrived he said he was aware of the Eid pamphlets but that Eid was over and they were just lying there.

He said he had no knowledge of the posters and that he had not been at the garage.

The police asked Mr Jaffer to accompany them to the police station for questioning. He said he could not because his butchery was very busy on Saturday morning. They insisted, saying the sooner he came along with them the sooner he would be released.

Mr Akleker said: "He was not informed in my presence that he was being detained."

He added that he did not know how the UDF posters came to be on the window. He said: "I went to the bank on Friday June 13 and when I returned I saw that posters had been pasted on to the window."

"Human suffering"

He said Mr Jaffer was not at the garage on Friday or Saturday.

"The first time he saw the posters was after the police called him to the garage."

A copy of the Eid pamphlet included in the papers said: "Muslims should not be insensitive to the human suffering in this country."

In an affidavit Mr Jaffer said the garage was used as a collection point for contributions for Crossroads refugees.

The pamphlets were removed from the area used to store goods for Crossroads.

He said he had not seen the posters. The last time he visited the garage before his arrest was Thursday June 12, when there were no posters.

Constable Trevor Edgar Edson said in an affidavit that he was on patrol in Wynberg on June 14 to, among other things, "look for posters and literature calling people to stay away from work on Monday June 16".

Constable Edson and a colleague removed three "stayaway" posters at OK Moslem Butchery. Mr Jaffer was present.

Call for stayaway

Soon afterwards he was called to the garage, where he told Warrant Officer J E Stipp about the posters.

Warrant Officer Stipp said he saw two stayaway posters on the garage's display window. "The posters called for a stayaway action on June 16," he said.

The police had information that organisations planned large-scale violence on June 16 by using those who were not at work.

"I was therefore of the opinion that for the maintenance of the public order and safety on June 16 it was necessary to take all steps to oppose propagating stayaway action."

Warrant Officer Stipp said Mr Jaffer denied knowledge of the pamphlets but not of the posters. He did not know it was illegal to display the posters.

At the police station Warrant Officer Stipp read the pamphlets but could find nothing relating to June 16.

"I was of the opinion that Mr Jaffer participated in sticking up the posters at the garage and butchery and that he identified himself with the call contained in them."

(Proceeding)

Case files 24/7/86
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Swiss clergyman still held'

BERNE. — The Foreign Ministry has confirmed the release of the Rev. Guy Subilia, a Swiss clergyman, after more than a month's detention under South African emergency laws but says another Swiss-born priest is still being held. Four Swiss or Swiss-South African citizens were arrested last month, prompting protests from Berne. The Swiss Foreign Ministry told South Africa's chargé d'affaires they should be either charged or released. The Swiss Protestant Press Service reported Mr Subilia's release late on Tuesday, but no immediate official confirmation was available.

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Detention of two lawyers upheld

The Argus Correspondent

EAST LONDON. — The Supreme Court in Grahamstown has turned down an application for the release of two King William's Town lawyers detained under the emergency regulations.

The application for the release of Mr John Smith and Mr Dudley van Heerden, detained on June 14, was brought by their wives, Mrs Naomi Smith and Mrs Ingrid van Heerden.

The respondents were the Minister of Law and Order and of Justice, the Commissioners of Police and of Prisons and the head of the King William's Town security police.

The lawyer's wives said in their application that the policemen detaining the men could not have formed the opinion that their detention was necessary for the maintenance of public order.

Mrs Smith alleged "personal animosity" on the part of the head of the security police, Major André Nel, towards the lawyers, because of their legal work on behalf of detainees.

However, Mr Justice Zietsman said he was not persuaded the policemen had acted in bad faith.

Major Nel said in an affidavit that the lawyers had been engaged in plans for demonstrations and these charges had been met with only very general denials.

The judge also rejected an application for the hearing of oral evidence.

An application for leave to appeal was noted.

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Unionists held now total 321 — LMG

By Sheryl Raine

The number of individual trade unionists known to be detained under emergency regulations has risen from 269 last week to 321, says the Labour Monitoring Group (LMG).

In its latest report issued yesterday the LMG said the increase was only partly due to new detentions. Reports of previous detentions in outlying areas were only now reaching the LMG and were affecting totals.

"There is still no news of the en masse detentions reported some time ago," said the LMG.

These included 31 Food and Allied Workers' Union (Fawu) members detained after a funeral at Groblersdal, about 600 members of the SA Black Municipal and Allied Workers' Union detained in Tembisa, and 81 Commercial, Catering and Allied Workers' Union (Ccawusa) members held in Rustenburg.

Altogether 2 700 trade unionists were known to have been detained at some time or another during the state of emergency.

The Congress of SA Trade Unions (Cosatu) is still most affected by detentions. At least 81 percent of those being held are from Cosatu unions. At present Ccawusa is the worst affected with 52 individuals in detention, followed by the Metal and Allied Workers' Union (41) and Fawu (33).

The number of unionists released from detention under restrictive conditions remains the same and includes Mr Elijah Barayi, president of Cosatu.

Group says 190 go missing daily

By Jo-Anne Collinge

About 190 people across the country are reported missing — believed detained — each day, says the Community Research Group (CRG), a group of Wits University social scientists.

In the Johannesburg area alone, a conservative estimate of the daily number of fresh detentions currently stands at 20, the CRG reports.

It points out that detention has been much more intensely used during the present state of emergency than during last year's emergency. In the last emergency, which covered about seven months and two weeks, about 7 900 people were held at an average rate of about 1 000 per month.

During the present emergency, which is now six weeks old, the CRG has been able to identify 3 400 detainees, it says.

It adds that it has knowledge of thousands more people being taken into custody, presumably as emergency detainees, but cannot identify them.

Under the last emergency most detainees were released after the 14-day period of initial detention. This time "relatively few releases have come to our attention", the research body states.

Analysing the field of activity of some 700 identifiable detainees, the CRG says 74 percent are political and community workers, 23 percent are trade unionists and three percent are involved in other fields of activity, such as church work and journalism.

● The CRG states that lawyers are considering action in relation to new forms of security force activity in the Johannesburg area. Details of this activity may not be released as the emergency regulations make it an offence for non-official sources to report on the actions of a member of the police, army or prison service.

Fewer incidents of unrest, says bureau

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Pretoria Bureau

In the first five weeks of the national state of emergency South Africa was calmer than at any time in the preceding 18 months, statisticians for the Bureau for Information said yesterday.

Daily incidents of unrest were about 67 percent below those of the first months of the year, the bureau said.

But, at this stage, long-term predictions would be premature, said the bureau's director of research, Dr Kobus Neethling.

The number of deaths was also declining, from 31 in the fifth week to 20 in the last week which ended at 6 am yesterday.

Although the daily number of deaths was still higher than in 1985 — when about 800 people lost their lives in political violence — the incidence of "black-on-black" violence was increasing.

Last year, 36.6 percent of the deaths were caused by "black-on-black" violence. In the first five months of this year, the figure stood at 58 percent and had increased to 72 percent in the six weeks of the national state of emergency.

But unrest was confined to certain areas, with Soweto and the Eastern Cape accounting for almost 50 percent of the incidents during the first five weeks of the emergency.

kwaNdebele, the tiny homeland north of Pretoria where independence plans have caused violence which claimed at least 32 lives in the first five weeks of the emergency, accounted for 7.8 percent of countrywide unrest incidents.

Plea for detainee

THE Council of Unions of SA has appealed to the Minister of Law and Order to grant leave to a detainee to attend a funeral of a relative in Soweto.

Late yesterday a spokesman for the Ministry of Law and Order told the *Sowetan* that they had not yet received the request, sent by Cusa in a telex on Wednesday.

The family of the detainee, who may not be identified in terms of emergency regulations, was last night involved in a 11th bid to have him released to attend the funeral. The detainee's relative is to be buried on

Sunday.

Cusa asked for help from — among other organisations — Amnesty International to have the detainee released.

• Fifty-two trade union leaders and officials have been arrested since last week under the state of emergency, the Labour Monitoring Group (LMG) said in its latest report yesterday.

All in all, 2 700 unionists have been detained since the state of emergency was declared and 81 percent were members of the Congress of SA Trade Unions.

RSC briefings

THE Department of Co-operation and Development Aid is holding countrywide briefing sessions with councillors of all race groups to explain how Regional Services Councils function.

The secretary of the Demarcation Board, Mr Phil Smith, yesterday said the next meeting set to listen to debates on the feasibility of the re-

gion — including Tembisa, Soweto and Johannesburg — would be held in Johannesburg from July 31.

Despite the intensive efforts to get the complex scheme off the ground, officials of the department said it could take four months from now to effect the Johannesburg Regional Service Council. 25/7/86

Passport bid fails

THE Department of Home Affairs has turned down a passport application by trade unionist Mr Phandelani Nefolovhodwe who was due to attend a labour conference in Australia on July 1.

The unionist was told this in a letter dated July 15 — five days after the eight-day meeting had ended.

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APARTHEID BAROMETER

STATE OF EMERGENCY DETENTIONS

THE government has refused to release the number of those detained under the Emergency regulations. According to Detainees Parents Support Committee the names of just over 3 000 Emergency detainees are known to them. They estimate about 8 000 people have been detained so far under the Emergency. About 1 000 of these are believed to have been released so far.

According to the independent Labour Monitoring Group, a total of 2 646 trade unionists had been detained by July 15. This figure includes 269 office bearers and officials.

DETENTIONS BY ORGANISATION

	PWV	Tvl country	E-Cape	N-Cape	W-Cape	Natal	OFS	Unknown	Total
Students/ scholars/ teachers	130	36	31	21	22	81	38	7	366
Unionists/ workers	77	36	17	14	13	42	34	22	255
Community/ Political	183	78	195	34	33	78	33	9	643
Clergy/ churchworkers	26	21	20	7	8	17	1	3	103
Media	2	0	6	0	5	0	0	0	13
Other/Unknown	328	154	445	90	384	62	122	54	1 639
TOTAL	746	325	714	166	465	280	228	95	3 019

Figures supplied by the Detainees' Parents Support Committee

EMERGENCY DEATHS

According to figures released by the government's Bureau for Information, by 6am on Wednesday morning this week there had been 174 deaths since the start of the Emergency. These figures do not include unrest deaths in the "independent homelands".

BRAIN DRAIN

South Africa recorded a net migration loss of 2 157 for the first four months of the year, compared with a migration gain of 5 011 during the same period last year.

A total of 4 760 people emigrated between January and April — an average of nearly 1 200 a month. Last year 2 948 people emigrated between January and April. A total of 2 603 people immigrated between January and April this year, compared with 7 959 during the same period last year.

The Central Statistics Service figures show that 758 of the emigrants were professional people including 162 engineers (122 last year), 27 doctors and dentists (19), 79 accountants (21), 95 educationists (42) and 161 administrative and managerial employees (119). The immigrants included 409 professionals (1 046), making a net loss of 349 professional people.

WEALTH DISTRIBUTION

The white share of total disposable income in South Africa was 55,5 percent in 1985, according to a Bureau of Market Research survey. The other 44,5 percent was shared by blacks, coloured and Indians.

According to the bureau, the black, coloured and Indian share of total disposable income rose by 12,2 percent, while between 1980 and 1985 the white share fell by 17,9 percent.

GROUP AREAS ACT REMOVALS

The Minister of Constitutional Development and Planning, Chris Heunis, said in parliament last year that by August 1984 a total of 126 176 families had been moved from their homes under the Group Areas Act of 1950. He did not say how many people this involved. Of these families, 2 418 (two percent) were white, 83 691 (66 percent) were coloured, and 40 067 (32 percent) were Indian. The forced removal of Africans occurs under other laws.

By the end of 1984 a total of 899 group areas had been proclaimed. Of these 451 group areas were for whites (83,6 percent by area), 326 for coloured (10,6 percent) and 122 for Indians (5,6 percent). Whites comprise about 13,9 percent of South Africa's population, coloured 8,1 percent, Indians 2,5 percent, and Africans about 75,5 percent, (including those living in the "independent homelands").

BANNED BOOKS, PUBLICATIONS, OBJECTS

Unbanned:

The Male Member (Kit Schwartz)

PRISONERS OF CONSCIENCE: Dennis and Edith Bloem

Kroonstad United Democratic Front leader, Dennis Bloem and his wife, Edith, were detained under the Emergency regulations on June 12. An application for their release, brought by their family members, was refused in the Bloemfontein Supreme Court last week.

Dennis Bloem, who runs a family-owned general dealer business in the coloured township of Brenthurst, near Kroonstad, is one of the founders of the UDF area committee in the area. During the past year he has been detained four times for a total of nearly nine months. Between June and December last year he was held under section 29 of the Internal Security Act. This year he was twice detained under section 50 of the Internal Security Act before being detained under the Emergency regulations six weeks ago. He has never been charged with any offence. This is Edith Bloem's first period of detention.

Dennis Bloem also worked closely with civic associations and student groups in the African township of Seelsoville. In January this year at least two members of the township council allegedly fired at him in his car. An urgent Interdict restraining certain councillors from further threatening him was refused by the Bloemfontein Supreme Court. Both his house and his shop have been petrol-bombed.

The Bloems, both in their forties, have a large extended family dependent on them.

Postal campaign to free unionist

By Sheryl Raine

Thousands of postcards from overseas bearing the photograph of a detained South African trade unionist are on their way to the Union Buildings in Pretoria in the hope that they can help set him free.

The postcards, addressed to the State Presi-

dent, have been translated into six languages and are part of a massive campaign by the International Metalworkers' Federation (IMF) to secure the release of Mr Moses Mayekiso and other detainees.

Mr Mayekiso, general secretary of the Metal and Allied Workers' Union and a well-known Alexandra community leader, was first held

under emergency regulations, was refused visitors and could not be named.

A landmark ruling in the Natal Supreme Court giving lawyers access to emergency detainees has not helped to secure visiting rights to Mr Mayekiso. His family has been told by the police that his detention has been transferred to section 29 of the Internal Security Act which does not allow visits. However, section 29 permits publication of his name but not his photograph.

Despite the law, the IMF postcards will carry Mr Mayekiso's face far and wide within the South African postal service as they travel to Mr P W Botha.

Detention not new for activist

By Mike Siluma

As is the case with many activists opposed to the Government, unionist Mr Moses Mayekiso's present detention is not his first.

Mr Mayekiso, general secretary of the Metal and Allied Workers' Union (Mawu), has twice been held under emergency regulations — first during last year's emergency and again during the present one.

He was first detained in 1984 under the Internal Security Act on charges of "economic sabotage" following a regional work stayaway called in the Transvaal that year. The boycott — up till then the most successful in more than two decades — was called to force the authorities to accede to various black demands.

The case against Mr Mayekiso collapsed, however, his co-accused having fled the country.

Mr Mayekiso was last year elected chairman of the Alexandra Action Committee, a mass-based organisation which has spearheaded resistance in the township.

Detainee 'didn't want her baby'

A THREE-month-old baby was separated from its detained mother because the mother indicated she did not want the baby to stay with her in prison, according to the Liaison Division of the SA Prison Services.

The Sebokeng mother, Busi Mdaka, was released this week, but while she was detained the baby was taken to her once a day for breast-feeding.

It is the policy of the Prison Services to admit to prison with female prisoners their infants who are wholly or partly dependent on breast-feeding, as well as other small children who are fully dependent on their mothers, and to accommodate them at the state's expense for as long as it is considered to be physically and/or psychologically essential.

This also applies to babies who are born while their mothers are in prison.

The prisoner in question indicated to the police that she did not want the baby to stay with her in prison.

"Her request was honoured and the baby was brought to her for feeding when required," a Prison Services representative said yesterday.

Rural areas bear detentions' brunt

THE small rural towns and villages of the western Cape are bearing the brunt of the State of Emergency. According to unrest monitoring groups, the hinterland outside Cape Town has "been hit really hard" by mass detentions.

The Progressive Federal Party unrest monitoring team has received reports of between 200 and 300 detainees arrested in the coastal town of Mossel Bay — and of these, 100 are said to be breadwinners.

"There is no doubt that the situation is worse in the countryside," said Val Rose-Christie of the PFP, who this week visited the townships of Worcester, Ashton and Montague to investigate the situation.

"We spoke to eight or nine mothers who have children in detention. Some have had no access rights. They have waited for more than a month for the detentions to be confirmed."

Rose-Christie said some parents were only given permission last weekend to visit their children who have been held since June 16.

An attorney is investigating allegations of abuses.

Rose-Christie said she had heard reports of 89 detentions in the tiny township of Robertson. She said the

By MOIRA LEVY,
Cape Town

monitoring team did not enter because there was a heavy police and army presence.

In the tiny settlement of Carnarvon in the eastern Cape, 14 people are believed to have been held since the first week of the Emergency. However there has been no independent confirmation of the detentions and next of kin have not been notified.

CA Engel, a representative from a Cape Town legal firm, confirmed rural towns and villages are bearing the brunt of the detentions.

His firm, EM Moosa and Associates, is representing almost 130 detainees from Vredenburg, Upington, Worcester, Touws Rivier, Oudtshoorn and Carnarvon. Engel said allegations of police assaults in Carnarvon are being investigated.

Those being detained are mainly students or members of UDF-affiliated organisations, he said. "In Oudtshoorn, where there has been the biggest swoop, the authorities have clamped down on the people associated with the community newspaper, Saamstaan."

Another Cape Town attorney, Alex Abercrombie, said his firm had between 100 and 200 clients from outlying rural towns.

Sources claimed in the George township of Lawaaiakamp about 200 people were believed to have been detained; in Knysna the toll is also approximately 200, and reports of detentions are coming in from Swellendam, Riversdal, Somerset West, Malmesbury, Paarl, Grabouw, Beaufort West, Knysna, Middleburg, Atlantis and Saldanha Bay.

A representative of Cape Town's Repression Monitoring Group said it was possible to identify "a definite decline in the conditions of detention on a scale from white to African and from female to male. By far the most fortunate category of detainees is that of white women."

He said it was particularly difficult to get confirmation of the detention of Africans, "and we cannot get food to them or organise visits for their families. We know of some who were arrested before June 16 and who have not had a change of clothing or even jerseys for the colder weather."

A representative of the Department of Information said it was not policy to comment at all on detainees.

Detainee reports reach 190 per day

By RUTH BECKER

REPORTS of "missing" people, believed detained, are running at about 190 per day, according to the university-based Community Research Group (CRG).

CRG calculates that the number of people held in the first six weeks of the Emergency is about five times the number of people held in the equivalent time in the last Emergency.

This week the Detainee's Parents Support Committee claimed to have the names of 3 019 people known to be in detention. They estimate 8 000 have been detained since the State of Emergency was declared on June 12.

About 1 000 have been released, they estimate.

Detainees whose occupation or place of residence is unknown rate the highest, totalling 1 639. Members of community or political organisations remain the hardest hit with detentions nationwide totalling 643. The second most affected group is students and teachers, where detentions nationally number 366. Detentions among trade unionists and workers has reached 255.

The Labour Monitoring Group (LMG) report 321 elected trade union leaders and officials presently in detention. The increase of 52 people from last week is partly accounted for by recent detentions but is also due to reports of previous detentions in outlying areas only recently filtering through.

Altogether the LMG calculate some 2 700 trade unionists to have been detained at some stage during the Emergency, 81 percent of these from the Congress of South African Trade Unions (Cosatu). The Commercial Catering and Allied Workers' Union (Ccawusa) is the worst hit Cosatu affiliate, with 52 detentions amongst its membership, followed by 42 from the Metal and Allied Workers' Union (Mawu) ranks.

The IMF has also launched a campaign to free Mawu general secretary, Moses Mayekiso, currently held under Section 29 of the Internal Security Act. (See page 14)

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A new development in the Johannesburg area is late night raids on houses and flats, where floor plans are drawn of premises, occupants are photographed and questioned on personal matters such as car registrations, recent travels and bank account numbers.

According to the CRG, lawyers are investigating this and considering

urgent legal action to stop it.

They also note a recent pattern in Johannesburg where organisations such as the Alliance of Black Reformed Churches of SA (Abreca), Learn and Teach magazine, the South African Council for Higher Education (Sached) and the Health Information Centre have been raided. "Large numbers of leaders and activists of political and community organisations managed to evade arrest and appear to be carrying on their work while in hiding," the report says.

The Pietermaritzburg Detainees' Support Committee (Descom) have 130 confirmed detentions in their area, of whom 60 have been released.

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reporting detentions is highlighted in the Cape-based Repressive Monitoring Group's weekly sheet. Under the heading "Danger Doughnut" they write:

"Three people are reported to not returned home following incident which occurred at interdenominational church service on Sunday afternoon and cannot described under the Emergency regulations. It is believed that the above-mentioned persons are in a doughnut at a person whose occupation cannot be described under the Emergency regulations.

"It is not clear whether the doughnut was filled with jam or not," the sheet adds.

Judge orders the release of detained city businessman

By SUE LUPTON
Staff Reporter

ARGUS 25/7/86

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THE Supreme Court, Cape Town today ordered the immediate release of city businessman Mr Adam Jaffer, who has been in detention since June 14 when posters calling for a June 16 stayaway were found by police at his butchery and garage.

His wife, Mrs Zerene Jaffer, applied to the court yesterday for an order for his release.

Mrs Jaffer claimed that the police acted mala fide (in bad faith) when they detained her husband and did not apply their minds to the matter.

Granting the order today Mr Justice Berman said he would have "preferred more time to deal with the matter".

He declared the continued detention of Mr Jaffer to be "unlawful" and ordered that he be released from Victor Verster Prison.

The judge said he would give reasons on Tuesday.

If he thought it necessary to deal with the issue of whether Mr Jaffer's arrest and detention were "lawful or not lawful", he would do so then.

At the start of yesterday's hearing the judge asked to be addressed on whether there was any point detaining Mr Jaffer after June 16, assuming the arrest and detention to be legal.

After the order was granted relatives and friends of Mr Jaffer embraced and wept outside the court.

Mr Dullah Omar who, with Mr I Farlam, SC, represented Mrs Jaffer, said the written order would be taken today to Victor Verster to secure Mr Jaffer's release.

● Mr A L Gafoor, secretary of the Chamber of Muslim Meat Traders (Commtra), said in a statement that Mr Jaffer was chairman of Commtra and his detention had been a setback to the organisation.

"Commtra is relieved at the judgment ordering Mr Jaffer's release. We hope that the judgment will set a precedent for the release of others still in detention."

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OTHER PEOPLE

The rebel behind that smiling postcard face

That Moses Mayekiso is in detention now is hardly surprising — he's been in and out of prison ever since he was a youngster. What makes this spell inside different is a massive postcard campaign calling for his release

ANY day now thousands of picture postcards showing a smiling man in a Metal and Allied Workers Union (Mawu) T-shirt will cascade onto the desk of President PW Botha in the Union Buildings.

The message Botha will read on the back of these picture postcards says: "I demand the release of Moses Mayekiso, general secretary of the Metal and Allied Workers Union, and all the trade unionists and other political prisoners in South Africa".

They have been posted by trade union members around the world and come in six languages. They protest the detention of a man whose history of union and community activism has made him a bulls-eye target for imprisonment and harassment since his schooldays in the Transkei.

Mayekiso's current detention under section 29 of the Internal Security Act came hours after his return to South Africa from an overseas trip last month. He was aware that his arrest was something of a foregone conclusion, but he came anyway, carrying the credentials he needed for entry through the prison gates: political unionism, community resistance and the cause of international condemnation.

Mayekiso arrived in Johannesburg in 1974 unable to speak the Transvaal languages and with only vague connections in Alexandra. Twelve years later he is a key figure, not only in the township but in the struggle against apartheid.

Mayekiso's resistance to this system goes right back to his childhood in Cala, Transkei. Born in 1948 of extremely poor parents who battled to finance his schooling, he began to protest authoritarian methods of control in the schools. Subsequently expelled for being a "ring-leader" of those who opposed this condition, he managed to complete his matric only after working for a year.

In 1960 when Mayekiso was twelve, the resistance of black workers in the Cape spilled into the rural areas. Thousands came home to fight state authority in the homelands — the resultant local rebellions and subsequent repression that affected his area left a deep impression on the young boy.

His first job was as a miner in Welkom earning 80 cents a day. Mayekiso stayed only long enough to witness the effects of underground

Moses Mayekiso ... as a detainee, his photograph may not be published

working conditions which often resulted in death or maiming, before moving on to Johannesburg where he found work as a building labourer for R15 a week.

At the start of 1976 he started working for Toyota and it was here that he began to realise the arbitrary power of the foreman to dismiss and punish at will. This awareness at work coincided with his feelings about what he saw daily in the townships during the 1976 uprisings.

Mayekiso joined Mawu and while still with Toyota was elected a shop steward and, finally, Mawu's national treasurer.

A turning point of sorts came in 1979 when he played a leading role in a series of strikes at Toyota over union recognition and the scrapping of management controlled liaison committees. The workers were dismissed and selectively re-hired. Mayekiso found himself out of a job.

Mawu then employed him as a full-time organiser. Working on the East Rand and trying to cope with the widespread worker interest in trade unions, Mayekiso helped introduce the concept of shop steward councils. These councils brought together workers from all the organised factories to discuss common problems. Today they have become the basis of the union movement.

Rapid organisation of the East Rand working class culminated in two dramatic strike waves in 1981 and 1982. Between July and November 1981 there were more than 50 strikes involving about 25 000 workers. With the shop steward councils at the heart of the action, workers demanded an end to the arbitrary powers of management: the unfair dismissal of

workers, racist actions of foremen and increased work-loads. Between January and May 1982, there were 32 recorded strikes involving 14 000 workers. These were mostly over the demand for a R2 an hour "living wage".

A year later Mayekiso was Mawu's Transvaal organiser and began to play an increasingly important role in the unity talks that led to the formation of the Congress of South African Trade Unions (Cosatu).

He next hit the headlines as one of the leaders of the 1984 November stayaway in the Transvaal. For Mayekiso this was an important moment because he was clearly breaking from the early cautious position the Federation of South African Trade Unions (Fosatu) had pursued on alliances with community organisations.

Working with top United Democratic Front and Congress of South African Students (Cosas) leaders in the Transvaal regional stayaway committee, Mayekiso was moving into a new kind of politics, one based on working relationships between worker organisations and their mass-based community counterparts. Soon after the stayaway he was detained and charged with "economic sabotage" in terms of the Internal Security Act. But after his co-accused fled into exile, charges against him were dropped.

He continued his involvement in community politics in Alexandra. Last year he was instrumental in the establishment of grassroots organisational structures in the township — yard committees, block committees and the street committees that send delegates to the Alexandra Action Committee. In a recent interview Mayekiso said that what had been established in Alexandra was part of a nation-wide movement in an attempt to build up "community-based organs of people's power".

There has been an international outcry from major trade union federations to Mayekiso's latest detention. The International Metal Workers' Federation has pointed out that Mayekiso is a "good friend" of trade union leaders in Britain, the United States, West Europe and Japan and has asked its affiliates to pressurise companies operating in this country to protest the detention of all trade unionists. The IMF has also launched the international postcard protest campaign, the small cardboard results of which will soon be causing more than the wood of PW Botha's desk to groan.

RESTRICTED

Reports on these pages have been censored to comply with Emergency regulations

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"It is not clear whether the doughnut was filled with jam or not," the report adds.

PFP: 4 members held in E Cape

CAPE TOWN — Four black members of the Progressive Federal Party — including a local branch chairman — had been detained in the Eastern Cape, the PFP's secretary-general, Mr Robin Carlisle, said yesterday.

The detentions were confirmed in the list of detainees released by the Ministry of Law and Order last week.

Speaking at a press conference after a meeting of the PFP's federal council, Mr Carlisle said the four men detained were Mr Bennie Moyakhe, the 73-year-old chairman of the Tuba Branch of the party outside East London, Mr M. Mkohlakili, Mr L. G. Lobi of De Aar and Mr C. J. Fuzile of Duncan Village.

An application for their release would be brought, probably in the next few days, in the Grahamstown Division of the Supreme Court.

Mr Carlisle said Mr Moyakhe was in very poor health and was being held at Fort Glamorgan.

All representations made by senior party MPs had met with no success and the party had been told that the men would not be released, he said. — Sapa

● The names of some of the 8 551 people detained under the emergency regulations are published today on page 13. More names will be published later as they become available and with space permitting.

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Court bid to free Jaffer

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By SHAUNA WESTCOTT
Supreme Court Reporter

THE judgment of Mr Justice Robin Marais, who recently ordered the immediate release of a detained nun was wrong and "bad law", an advocate argued in opposing a similar application yesterday.

Mr W G Burger, SC, was appearing for the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the Officer Commanding Victor Verster Prison, who are opposing an application for the release of Mr Adam Jaffer.

Mr Jaffer was detained on June 14 at his Wynberg service station.

An affidavit filed by Warrant-Officer Jacobus Stipp said he arrested Mr Jaffer after finding two June 16 stay-away posters stuck up on the inside of a show window at the garage.

W/O Stipp said he was of the opinion that Mr Jaffer was involved in putting up the posters, and that he allied himself with the stay-away call. It was therefore necessary for the maintenance of public order and the ending of the state of emergency to arrest and detain him.

He said it was well-known that "certain organizations" were aiming at a worker stay-away on June 16 to show sympathy for the people killed by security forces in the 1976 Soweto uprising.

The police also had information that "people or organizations had the further aim of committing large-scale violence on June 16 by using the masses who did not go to work on that day".

Mr Burger argued that the fact that W/O Stipp had formed an opinion, even if it was extremely unreasonable, was all that was required for a lawful arrest and detention. Mr Justice Marais "went too far" in saying that before an opinion could be formed, alternatives had to be considered.

"One cannot smuggle into this type of case, where *mala fides* (bad faith) is the only issue, any failure to apply the mind," Mr Burger said. "The judge has really

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slipped into saying that because it was a stupid opinion to form, it was unlawful."

A policeman could not be required to go through "all sorts of mental gymnastics and debates with himself" before he could form an opinion.

Earlier, Mr I G Farlam SC, appearing for Mr Jaffer and his wife Zerene, said the respondents should submit a copy of the ministerial order extending Mr Jaffer's detention.

The State Attorney produced this after shuffling through his file. Mr Farlam then said a copy of the original detention order should be submitted and Mr Justice H Berman suggested that the State Attorney might find this in his "Pandora's box". It was found and duly handed in.

Mr Farlam referred to the judgment given by Mr Justice Marais, who found the arrest of Sister Clare Harkin unlawful because the policeman who arrested her had failed to apply his mind to the possibility of a conventional arrest and to the necessity, as defined in the emergency regulations, for both her arrest and detention.

Mr Farlam said W/O Stipp had similarly failed to apply his mind to the possibility of arresting Mr Jaffer under ordinary law.

Mr Farlam argued further that the member of a force issuing a detention order should apply his mind to the question of how long it was necessary to detain the person.

It was clear from W/O Stipp's affidavit that he did not believe it was necessary to detain Mr Jaffer for the full 14 days allowed for in the regulations.

Therefore, even if Mr Jaffer's arrest was lawful — which it was not — his prolonged detention was unlawful and should be set aside.

Mr Farlam was assisted by Mr A M Omar and instructed by A Pohlonker and Co. Mr Burger was assisted by Mr C Y Louw and instructed by the State Attorney's Office.

CAT 7148 25/7/06
Michaelis student released

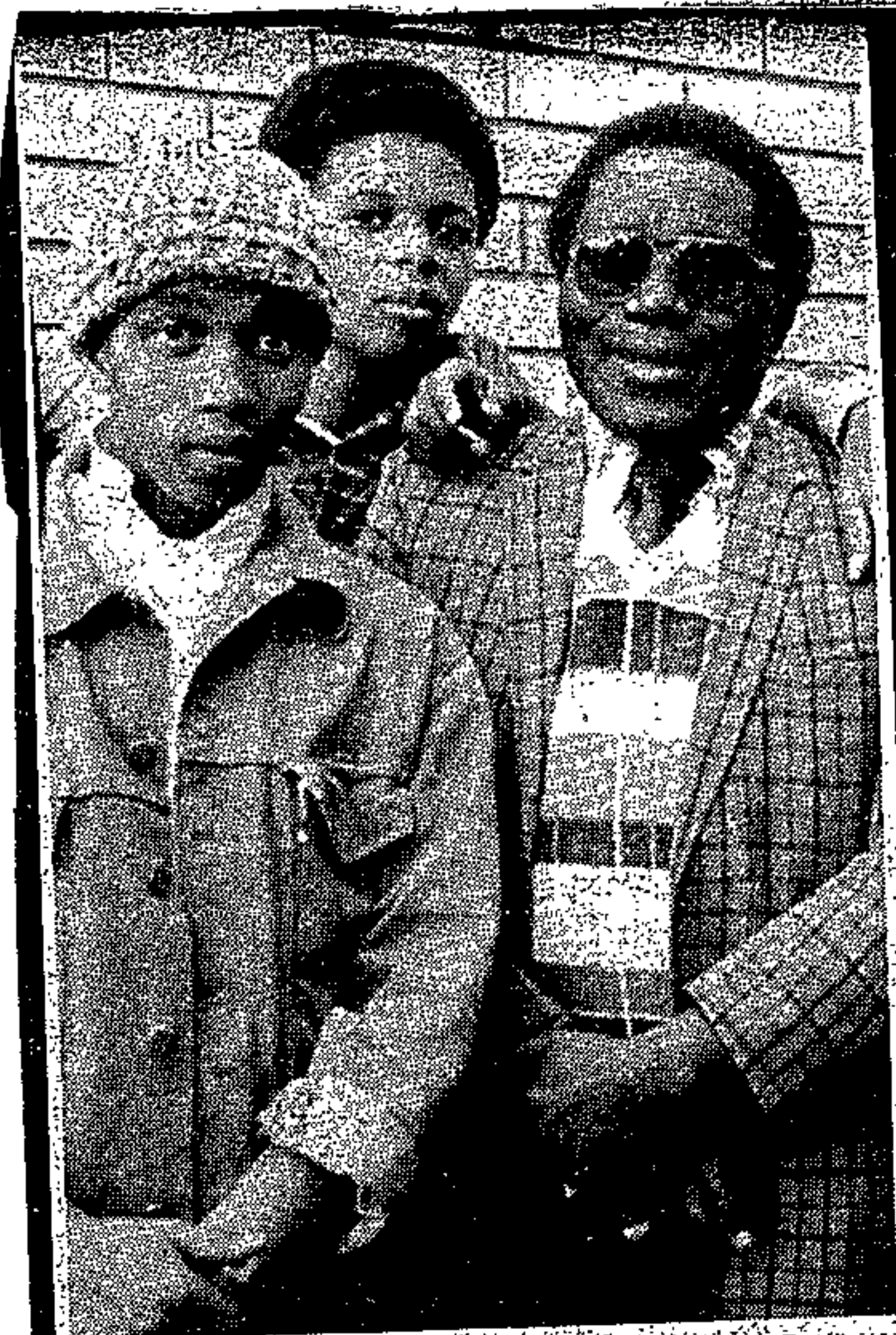
Staff Reporter

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A STUDENT from the Michaelis School of Fine Art was released this week after two-week's of detention under the emergency regulations.

Mr Ivor Sias, 27, of Gardens, said he was on study leave in Somerset East where he was staying with his aunt, when he was detained near her home on July 7.

Yesterday Mr Sias said he was recovering from his "nightmare" and hoped to be given an extension to write exams later.



TWO PUPILS from Pace College in Soweto who were released from detention on Wednesday with their headmaster, Mr Oswald Mtshali (right).

Pupils are freed

FIVE pupils from Pace College in Jabulani, Soweto, were released from detention on Wednesday after being held for 42 days.

The five, who were initially held under Section 51 of the Internal Security Act and were later declared emergency detainees are Hlula Msimang (16), Lebelo Maloka (18), Abel Mogase (17), Motsamai Sekoalane (18) and Franklin Tau (16).

There was jubilation at the school yesterday when the five were re-

By NKOPANE MAKOBANE

united with other pupils. They were welcomed by the staff and pupils.

Meanwhile, the Reverend Molefe Tsele, an executive member of the National Education Crisis Committee (NECC) yesterday said it was true that a telex sent to Mr Sam de Beer, Deputy Minister of Education and Development Aid, had not mentioned a request for a meeting.

This was an error by the person who sent it. The original text contained that point," he said.

Mr Molefe said apart from the omitted request, they had asked members of the Federated Chamber of Industries on July 12 to relay a message to education officials that they wanted to meet them. The NECC had also briefed Bishop Desmond Tutu prior to his meeting with the State

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School crisis

← From Page 1

President, Mr P W Botha, that they wanted to discuss the school crisis with the Government. The NECC yesterday insisted it wanted to meet with DET to solve the crisis.

The Azanian Peoples Organisation (Azapo) yesterday said South Africa's educational system would not function normally unless the Government heeded the legitimate demands of the people.

A spokesman told the *Sowetan* yesterday that the present educational crisis in black schools is directly linked to the political situation in the country.

He said talks between DET officials and community leaders were "long overdue".

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Sowetan 25/7/86

PFP calls for review of all detentions

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By Bruce Cameron Political Staff

THE detention of every person held by the police since the declaration of the emergency should be urgently reviewed, says Mr Peter Soal MP, the Progressive Federal Party's director of special projects.

Following court decisions "there is a mounting wave of concern that many of the thousands detained are being wrongly held", he said.

"One hears stories daily about individuals being unjustly detained."

Questioned

Mr Soal said the emergency should be lifted as a result of the court judgments, that have not only ordered the release of detainees but have also questioned the vagueness of the Emergency Regulations.

The Deputy Minister of Information, Mr Louis Nel, as the Government conduct in the state of emergency, should give an immediate assurance that all detentions would be reviewed immediately, Mr Soal said.

Mr Nel was not available for comment.

After more than 40 days in detention Mr Adam Jaffer was released yesterday to be reunited with his six-year-old son Reyhaan, relatives and friends.



Helena Thornton, 17, a pupil at Westerford High School, was released after 40 days in detention. An application for her release was to have been heard on Monday.

Detained teacher Mr Neville van der Rheede, detained on May 2, became a father on Monday. It was the couple's first child, but his wife Carol does not know if he knows.



26/7/86 Court orders Jaffer's release

By SHAUNA WESTCOTT
Supreme Court Reporter

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RELATIVES of detainee Mr Adam Jaffer struggled to hold back tears of relief yesterday as Mr Justice H Berman ruled his continued detention unlawful and ordered his release.

Mrs Zerene Jaffer, who brought the urgent application for her husband's release, and his mother Mrs Rachmat Jaffer, were among the crowd which packed the Supreme Court.

Mr Jaffer was detained on June 14 at his Wynberg service station after a police warrant-officer decided he had been instrumental in sticking up June 16 stayaway posters in a window at the garage. The policeman also decided Mr Jaffer supported the stayaway call and was therefore a menace to public order.

Mr Justice Berman said he would give the reasons for his decision on Tuesday afternoon. He would also make an order on costs and, if he deemed it necessary, would also rule on whether the arrest and initial detention of Mr Jaffer was unlawful.

The court order follows a day of argument on Thursday during which Mr W G Burger SC — counsel for the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the Officer Commanding Victor Verster Prison referred to a court order for the release of detainee Sister Clare Harkin.

Mr Burger said Mr Justice Marais's decision in that case was wrong because a policeman was not required to apply his mind before making an arrest under the emergency regulations, he merely had to form an opinion. Policemen could not be expected

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to go through "all sorts of mental gymnastics" before forming such an opinion.

Counsel for Mrs Jaffer, Mr I G Farlam SC, dismissed this, saying there was "abundant authority" for the correctness of Mr Justice Marais's approach.

He argued that, like Sister Clare, Mr Jaffer could have been arrested and charged under the ordinary law of the land.

Mr Farlam also said a policeman should apply his mind to how long it was necessary to hold a detainee. If this was not implicit in the emergency regulations, they were so unreasonable that they were *ultra vires*.

Mr Farlam was assisted by Mr A M Omar and instructed by A Pohplonker and Co. Mr Burger was assisted by Mr C Y Louw and instructed by the State Attorney's Office.

10 000 may be missing

Staff Reporter

INFORMED calculations by monitoring groups estimate that the number of people missing since the declaration of the state of emergency could be as high as 10 000.

According to the records of the Progressive Federal Party's missing person's bureau, about 5 000 people have gone missing, with the Eastern Cape and Border area worst affected.

The figure of 10 000 is reached by increasing the number of people known to be missing, some 4 300, by 43 percent, because during the last emergency monitoring groups collected the names of just 57 percent.

A Repression Monitoring Group (RMG) spokesman said it was even more difficult to collate names this year because of the regulations prohibiting the publication of detainees' names.

The RMG estimates that 3 500 people were detained from June 12 to July 12, averaging 113 detentions a day, a 61 percent increase on the number detained during this emergency compared to the last.

The following is a list of 164 people released from detention in the Western Cape. The list is incomplete as monitoring groups said they were too busy monitoring detentions to collate up-dated lists of those released.

Some 189 men, women and children were detained at St Nicolas Anglican Church, Elsie's River, on June 15.

Abrahams David 12/6 to 20/6
Abrahams Gregory 12/6 to 22/6
Abrahams Lee Ann
Adams Bethina 12/6 to 20/6
Adams James, Elsie's River 15/6
Adams Suphia, Elsie's River
Adonis Myra, Elsie's River 12/6 to 20/6
Adonis Leonard Jacques, Elsie's River 15/6
Albertus Mohamed Anwar, Worcester, 19/6 to 24/6
Amin Ahmed 17/6 to 20/6
Arendse William 12/6 to 20/6
Asbey Rooney 12/6 to 20/6
Ashmoodia Nazeen 17/6 to 20/6
August Cyril, Elsie's River 15/6
Badenhorst Andrew
Barnard Charles
Bassiek Willie
Bell Belinda, Elsie's River 15/6
Burchfield Rev Brian, DEPORT-ED
Blauuw Moffat
Bosman Rodney, Elsie's River

Hartman David, Observatory
journalist
Hermanus Susan
Hill Jackie
Jackson Glenda
Jackson Joshua
Jackson Manual
Jackson Father Austin
Jacobs Stanley
Jaffer Adam, Wynberg, released 25/7
Job Hazel
Johanathan Stanley
Johannes Richard
Johannes David, Elsie's River
Johns Barry, Elsie's River 15/6
Juries Robin
Kawie Richard, Elsie's River 15/6
Kleynhans Nico, Elsie's River 15/6
Koopman Andre, journalist
Koopman Natimel
Laban Father Devaraj, Elsie's River 15/6
Lakay Brenda, Elsie's River 15/6
Lazarus Rae, Transport and General Workers' Union organizer CT
Le Roux Janice, Elsie's River
Le Roux Margaret
Lee Dr Tennyson, Bellville
Lekay Christiaan
Lekay Eugene
Light Clinton, CT 12/6
Loff Desmond, Ashton 17/6
Lombard Edwin, Elsie's River 15/6
Louw Joshua
Louw Wayne
Loux Joseph
Madala Andrew 17/6 to 20/6
Mahomed Dr Hassan, Athlone
Manuel Thomas 12/6 to 20/6
Marinus Joan, Elsie's River 15/6
Marks Joseph, CT UDF executive
Marks Joseph Junior
Marques Stephanus, Elsie's River 15/6
Marques Jacob, UWC 14/7
Martin Rev Charles, CT
Martinus John 12/6 to 20/6
Martinus Chris 12/6 to 20/6
Mettler Valerie, Elsie's River 15/6
Meyer Anthony 12/6 to 20/6
Meyer Timothy 12/6 to 20/6
Myers Susan, CT 12/6
Nellis Abie, Elsie's River 15/6
Ngcali Monde, CT 12/6
Ngoma Joseph, CT 15/6
Ockhuis Dirk 12/6 to 20/6
Ockhuis Hendrick 12/6 to 20/6
Philaude Desmond 12/6 to 20/6
Philaude Tobias, Elsie's River 15/6
Phillips Jackie 17/6 to 20/6
Phillips Ronald, Elsie's River 17/6 to 20/6
Pieters Bernice 17/6 to 20/6
Pieters Ronelle, Elsie's River 15/6
Pieterse Alicia, Elsie's River 15/6
Pieterse William, UWC
Pietersen Brenda 17/6 to 20/6
Pietersen Lillian 17/6 to 20/6
Pietersen William Elsie's River 15/6
Pretorius Anthony 12/6 to 20/6
Pretorius Mervyn 17/6 to 20/6
Prichardt Yolanda 12/6 to 20/6
Rambold Dennis 17/6 to 20/6
Ramora Arlene 12/6 to 20/6
Ramora Susan 12/6 to 20/6
Redelinghuys Adrian, Elsie's River
Redelinghuys Mary 12/6 to 20/6
Redelinghuys Brian
Roux Lena 12/6 to 20/6
Rumble Dennis
Sabor Neville 12/6 to 20/6

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Brown Danny
Brown Valencia
Carelse Clarion, Elsie's River
Christiaans Jeremiah
Claassen Quintin
Conradie Andre Ashton 30/6 to 30/6
Damons Bettie
Daniels Louise
Daugherty Scott, Elsie's River 15/6
Davids Kevin
De Bruyn Trevor, attorney, Worcester 19/6 to 24/6
Diamond Nimrod
Erasmus Elizabeth, general secretary Clothing Workers' Union
Evans Mike, former End Conscription Campaign Executive 22/7
Fester Charlene, Elsie's River 15/6
Fick Leslie, Elsie's River 15/6
Fields Patricia, Elsie's River 15/6
Fisher Martin
Fortuin Charmaine
Fortuin Hazel, Elsie's River 15/6
Fortune Denis
Fortune Grace
Fourie Armien
Francis Elizabeth, Elsie's River 15/6
Gaseby Elise
George Jerome, Elsie's River
Giose Gerald, Elsie's River 15/6
Gouath Jacqueline
Grootboom Richard
Harkin Sister Clare, Dominican nun

Saff Cedrick 17/6 to 20/6
Saff Daniel
Saff Joy
Saff Pietie
Saff Sarel
Saff Earnest
Samuel Byron 12/6 to 22/6
Samuels Bernard
Samuels Edward
September Brian 17/6 to 20/6
Sias Ivor, released 22/7
Sicily Dion 12/6 to 20/6
Simons Maria
Simons Sophia
Simons Wilhelmina
Sirimja Arlene 12/6 to 20/6
Snell Felicity, Elsie's River
Snyman Eddie
Stevens Dr Richard 15/6
Swartz Joan
Swartz Noleen
Thompson Zelda
Thornton Helena, released 25/7
Timotheus Deborah
Van Houston Dan
Van Niekerk Marion
Ventura Alan
Ventura Elroy, Elsie's River 15/6
Ventura Mathilda, Elsie's River 15/6
Viljoen Anthony
Weeder Sheila, Elsie's River
Wens Patrick
Weeder Denise, Elsie's River
Wildeman Shereen, Elsie's River 15/6
Williams Rod
Windvogel Andrew, UWC
Ziegler Grace, Elsie's River 15/6
Ziegler Peter 17/6 to 20/6

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A family reunited after six weeks of separation: Mr Adam Jaffer, his wife Zerene and son Reyhaan.

Jaffer 'elated, devastated'

BY SUE LUPTON, Weekend Argus Reporter

"ELATED" and "devastated" were how Mr Adam Jaffer described his feelings after being released from detention after more than 40 days.

"I'm elated at having been released, but at the same time I'm devastated to have to leave the 900-odd other emergency detainees in the prison, who generally don't know why they are being detained," said Mr Jaffer outside Victor Verster Prison, Paarl, yesterday.

He was reunited with his wife Zerene, six-year-old son Reyhaan, other relatives and friends outside the prison.

His release was ordered by Mr Justice Berman after Mrs Jaffer applied to the Supreme Court, Cape Town, for the detention of her husband to be declared invalid.

Mr Jaffer owns a butchery and service station — both in Wynberg —

where June 16 stayaway posters were displayed when he was arrested on June 14.

"There are many cases similar to mine and I feel confident that if these case were taken up by attorneys these people would also be released," he said.

He said his physical condition was good, although he had experienced "excruciating cold" in the prison.

He said the spirits of the detainees were "very high", although many were very angry that they had been "just removed from society". Many breadwinners feared they would lose their jobs and that their families were destitute.

Mr Jaffer was set free about three hours after his attorney, Mr R Phoklonker, handed the court order for his release to the head of the prison. The reason given by prison authorities for the delay was that documents had to be brought from Cape Town.

● Mr Jaffer's sister Zubeida, a former journalist and now a trade union organiser, was detained in solitary confinement for seven weeks in 1980 and again for 42 days ending in January this year.

Miss Jaffer, married to community worker Johnny Issel, was pregnant during her last detention and gave birth to a daughter a month ago.

Their journalist brother, Mansoor, was detained, released and re-detained late last year.

Their uncle, Mr Khalib Desai, principal of Alexander Sinton Senior Secondary School in Athlone, was released from detention on Sunday. He had been treated for a heart complaint at City Park Hospital during his detention, which began on June 17.

● Certain comments by Mr Jaffer on his detention have been restricted to comply with emergency regulations.

No release for Christian group leader

Weekend Argus Correspondent

MARITZBURG. — A Full Bench of the Supreme Court reserved judgment on an application for the release of Mr Peter Kerchhoff, detained on June 12.

He is the organiser of the Maritzburg agency for Christian Social Awareness.

The application was launched by his wife.

Helena's 40 days in detention

By LINDA GALLOWAY Weekend Argus Reporter

leased yesterday. A court application for her release was to have been heard in the Supreme Court,



came before the court on July 18 and 23. It was adjourned until Thursday for hearing by Mr Justice Kriek, Mr Justice Thirion and Mr Justice Law. Judgment was reserved yesterday.

Mr Kerchhoff said he had been in solitary confinement in the sense that there were no other prisoners in the section where he was being kept. He had been there since June 24.

whelmed Helena Thornton, 17, who emerged from Pollsmoor Prison after 40 days in detention.

Subdued because of her mixed feelings at having to leave close friends behind and emotionally overwhelmed to be reunited with her family.

Helena, a matric pupil at Westford High School, Newlands, was re-

The family reunion in Rondebosch was joyous.

Holding hands

"I'm looking forward to my first really peaceful sleep," said her mother, Mrs Amy Thornton, between answering telephone calls from wellwishers and making her own calls to "hundreds of people all over the world."

Helena was quiet, holding tightly on to the hands of her two sisters,

Dorothy, 19, and Juanita, 22.

She spoke softly: "It was hard to leave. The others are living in hope. On one hand there was the warm, close relationship between us, but at the same time we were so aware of how vulnerable and powerless we were."

Subversive

Helena was detained after a service on June 16 in the Congregational Church in Belmont Road, Ronde-

bosch, when she returned to the church to fetch her bag which contained United Democratic Front pamphlets, *Crisis News*.

"Someone had opened it and seen the pamphlets. I was told they were subversive," she said.

There followed 40 days of almost total isolation. The order extending her detention came before the 14-day limit on emergency detentions was up.

Helena was not obliged to make statements while she was in detention because her mother refused permission for her, a minor, to sign documents.

Questioned

"I was questioned," she said.

Mrs Thornton described the four-week "battle" to get study material to her daughter and for visiting rights.

"We had tremendous support from her school, teachers and friends and phone calls from people all over the world."

Helena was adopted by Amnesty International as a "prisoner of conscience."

Weekend Argus

Reporter

DETAINED teacher Mr Neville van der Rheede became a father this week — but his wife Carol does not know if he knows.

He's a Dad: Does he know?

Mrs van der Rheede gave birth to the couple's first child — a girl — at Mowbray Maternity Hospital on Monday morning.

Mr van der Rheede, who has taught at Arcadia High School in Bonteheuvel for six years, was detained at his home in Westridge, Mitchell's Plain, on May 2 and held under Section 29 of the Internal Security Act.

Carol has not seen him since. Both mother and daughter

were doing very well, according to hospital staff, but tears welled in Carol's eyes as she made a plea for the authorities to release her husband.

Trying to stifle her emotions, she said simply: "I miss him very much. I would have liked him to be here. I don't know if he knows our child has been born."

"I don't know why they took him. I just can't forgive them."

Overwhelmed and relieved to be home after 40 days in detention, Helena Thornton, second from left, is given welcoming hugs from sisters Juanita, left, Dorothy, right, and her mother, Mrs Amy Thornton.

Mrs Carol van der Rheede and daughter Jody.



Mother gets her detainee son freed

By Estelle Trengove

Only two hours after legal action was scheduled yesterday for the release of a Witwatersrand emergency detainee, the State consented to free him.

Mrs Mutumalano Maria Mphehlo brought an urgent application in the Rand Supreme Court for the release of her son, Petrus Abdul Mphehlo (27), who was detained during on July 8.

She said that, taking into account the circumstances of his arrest, she did not believe any policeman could bona fides have come to the conclusion that it had been necessary in terms of the emergency regulations.

Papers filed in the application were served on the State Attorney at 5.10 pm yesterday, said the Legal Resources Centre lawyer representing Mrs Mphehlo, Mr Steve Kahanovitz.

The application was to be heard at 6 pm, but was settled when the State agreed to release Mr Mphehlo.

Restricted



FLAVOUR OF FRANCE

MISSISES

AM Times 26/7/86

Confirmed detentions

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THE families and/or lawyers of the following state of emergency detainees have been informed in writing by the authorities of their detention:

Benjamin, John Frederick (14): June 22, Ashton
Carolus, Mr Jeffrey: June 17, Ashton
Coombe, Ms Jane: UCT student, June 12, Mowbray
Conradie, Mr Hubert F: June 17, Ashton
Hardnick, Mr Josef: June 22, Montagu
Hendricks, Mr Tony: June 17, Ashton
Hlongwana, Mr Samuel: Worcester
Jenkins, Mr Daniel: June 17, Ashton
Liddle, Ms Leslie: Western Province Council of Churches, June 12, Cape Town
Marawu, Rev Howard: General Workers Union organizer, June 12, Langa
Matshoba, Mr Shepherd: Worcester
Mbothwe, Mr Alvin S: June 27, Nyanga East
MacKenzie, Mr Ian: UCT social work student, July 12, Hout Bay
Ngikashé, Mr Temba: June 12, Paarl
Oliphant, Mr Reginald: Saamstaan journalist, Oudtshoorn
Pekeur, Mr Hermanus: June 17, Ashton
Pretorius, Mr Daniel J: June 17, Ashton
Robertson, Mr David: June 17, Ashton
Sebeko, Mr Harris: Worcester
Steenkamp, Mr Braam: June 15, Cape Town
Stefoor, Mr Nick: Montagu, July 2
Steyn, Mr Victor: UCT law student, June 12, Athlone
Stuurman, Mr Clive: Saamstaan journalist, Oudtshoorn
Stuurman, Mr Melford: Guguletu, June 12
Tiyo, Mr Fezile S: Paarl, June 12
Williams, Mr Stephen: Worcester
Whitwell, Nicholas (17): Westerford High School pupil, June 15, Wynberg

● 10 000 may still be missing, page 7

Cosatu leaders emerge

●From PAGE 1

is posing serious problems.

"If the South African government can so easily choose to ignore the overseas sanctions lobby, it is hardly going to allow itself to be pressured by big business," said Mervyn King, managing director of Kirsh Industries.

However, Gordon Waddell, chairman of Johannesburg Consolidated Investment, said: "There is a view held, I suppose by the majority of business, that the State of Emergency was necessary and desirable to restore law and order. That is its only value, but it will work only if the causes of the disturbances are addressed as a matter of urgency.

Johan van Zyl, executive director of the Federated Chamber of Industries, said that while the Emergency could create a period of relative calm in the country, the question was what one did with the time.

"The difficulty with the Emergency is that a lot of people whom we should be negotiating with are in jail."

Donald Masson, managing director of Kanhym and past president of the Afrikaans Handelsinstituut, said that if the State of Emergency had not been introduced, "the economy would have been finished. There was no way we could have continued to do business while people were burning down schools and murdering one another".

Cusa's Piroshaw Camay, one of nine unionists released from detention this week, said he was angry and bitter that so many others were still in detention.

"As far as we are concerned we will have to rethink our strategy and reorganise with regard to state action. We will also take big business to task for what we feel they have failed to do to secure the release of those detained," he said.

The Labour Monitoring Group, in a report this week on how the detentions have hit unions (see page two), noted that employers — apart from a few notable exceptions — have been silent, a fact "which casts doubt on their public commitment to the removal of apartheid".

Employers who have been outspoken include Tony Bloom, chairman of the Premier Group, and Mike Sandar, managing director of AECL.

Sandar said: "The heavy-handed belligerent approach of the authorities is uncalled for... We have dealt with these people (unionists) for years. They play a constructive role in resolving conflict in the community and in our factories and their absence

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Detained EL clerics: judgment reserved

GRAHAMSTOWN — Judgment was reserved in the Supreme Court here yesterday in the application for the release of two East London clerics who are being held in detention under the security legislation.

The application was brought for the release of the parish priest of the St Francis Xavier Catholic Church in Duncan Village, Father Graham Cornelius, and Ds Eddie Leeuw of the Nederduitse Gereformeerde Kerk.

Affidavits made by the Bishop of the Diocese of Port Elizabeth, the Rt Rev Michael Coleman, a priest in King William's Town, Father Thomas Fahy, the minister of the Trinity Methodist Church in East London, the Reverend Paul Welsh, Mrs Lizzie Leeuw, a social worker, and Ds Charles Meyer, from the Nederduitse Gereformeerde Kerk were handed to the court.

In his affidavit Bishop Coleman said Father Cornelius was engaged in projects aimed at the upliftment of poor, needy and oppressed people, and his involvement in the community activities had always been to help people, in particular the underprivileged.

Bishop Coleman said no report had ever reached him in which it was said that Father Cornelius had ever been involved in any activities to even remotely promote violence.

"It is inconceivable to me that the arrest and detention of Father Cornelius could ever be deemed necessary for the maintenance of public order or the safety of the public, the affidavit stated.

He said he was refused a visit to Father Cornelius when he made a telephonic application on July 15, and said the official Catholic Prison's Chaplain, Father Jordaan, was also refused entry.

Father Fahy said in his affidavit that Father Cornelius always showed concern for those who were disadvantaged and less fortunate than others, including those who were victims of the apartheid system, and due to that, involved himself in various community activities.

"At no stage did I ever hear Father Cornelius advocating any method of violence and at no stage did I ever hear him propagating, discussing or preaching violence, and neither were any reports that he had behaved in this way ever made to me by third parties, the affidavit stated.

He said the very presence of Father Cornelius in the community would have a stabilising effect, and said "depriving the community now of his presence has the direct opposite effect.

He said Father Cornelius did not have a "Jeckyl and Hyde personality.

He said under the circumstances, he found it incomprehensible how any member of the Police Force could legitimately form the opinion that the detention of Father Cornelius was necessary for the maintenance of public order or the safety of the public unless such an opinion was motivated by malice, or was formed as part of a campaign to silence or victimise the church and church ministers for "some unknown reason.

He said he was not aware of any threats to Father Cornelius, and so his detention could not be said to be in his own interest.

The Superintendent of the East London Circuit and Vice-Chairman of the Queenstown district of the Methodist Church, Mr Welsh, said he was aware that Father Cornelius gave the necessary assistance to people who were injured during shooting incidents in Duncan Village during September 1985, and said he was also aware that Father Cornelius had brought certain legal proceedings against the police and security forces to interdict them from harassing and assaulting members of the community.

He said on June 12 this year, when the state of emergency was declared he went with Father Cornelius and other priests to plead with Colonel Kriek for the release of the members of the Duncan Village Residents Association.

He said Father Cornelius was detained on June 14.

Mrs Lizzie Leeuw, wife of the detained Ds Eddie Leeuw, said Ds Leeuw had worked in East London for the past five years, and was detained on June 15 by five armed policemen.

The study was searched and various documents and books were taken, she stated.

Mrs Leeuw said no explanation was given as to why Ds Leeuw was arrested on that day, but later she was informed that he was held in terms of the security legislation.

She said her husband had tried to help with the suffering of the community as much as possible, and said he was the chairman of Afesis.

She said her husband went to Father Cornelius and asked him for help during the unrest when many people were wounded and needed medical attention.

Mrs Leeuw said she had never known Ds Leeuw as a man who would propagate violence of any kind.

Captain Charles van Wyk of the Security Police said Father Cornelius was arrested after he gave an order to Warrant Officer Naude to arrest him.

He said Father Cornelius's arrest was according to him, necessary for maintaining public peace and safety.

He said Father Cornelius was the guardian of the Duncan Village Residents' Association which he had reason to believe was an "alternative structure of the African National Congress (ANC).

He said the aim of these organisations was to undermine the state and to put up a different form of government, and said the association was responsible for the fact that there were no emergency services in the area during the unrest.

The members of this association were responsible for the boycott and also for stayaway actions, which went hand in hand with large scale intimidation, forced upon people by burning down houses, murdering people by the "necklace method, and said he also had reason to believe that the residents' association

brought people before the so-called "people's courts.

He said according to his information, Father Cornelius let the association use his church grounds for meetings where he planned stayaways and boycotts.

Captain Van Wyk said on June 10 a ban was placed on all meetings which were to be held on June 16, and said on June 10 Father Cornelius went to Mdantsane where he attended a meeting where ways were discussed to get around the ban.

"Because of the fact that Father Cornelius attended the meeting and his involvement with the residents' association, I believed that he was planning to hold a service on June 15, and that, if such a meeting was held, it would have brought about danger to the public and would have disturbed the peace in the community, the affidavit read.

He said he could not tell the court who his informants were, as he feared for their lives should they be identified.

He said Afesis was not the innocent organisation which was brought to life to help the needy any more, but had widespread interests.

He said Ds Leeuw was arrested when it was known that he became a member of the Buffalo Flats Tenants Association, which, according to Captain van Wyk, was also an "alternative structure.

He said the association was established in April this year, and at the first meeting certain people, who did not agree with the viewpoints of this organisation, were forced to flee from the hall, some for their lives.

He said he also had information that Ds Leeuw was in possession of a speech which he would deliver at a memorial service on June 15, and said as far as was his experience, these type of meetings, held to commemorate June 16 1976, just led to more violence.

Advocate Bristow, instructed by H. Lalla and Company appeared for the applicants, while Advocate Neppen appeared for the respondents. — DDR.

Two UCT students released

Staff Reporter

TWO University of Cape Town students, Ms Arona Dison, 19, and Mr John Zachariades, 24, were released from emergency detention at the weekend after spending 14 days in Pollsmoor Prison.

The two, who were released at lunchtime on Saturday, were detained on July 11 and face charges under Section 10 of the emergency regulations for "distributing subversive statements".

They were both detained at Observatory Station.

'Concerned'

Ms Dison, a second-year law student, said yesterday she was "happy to be released".

"However I am very concerned about the thousands being held indefinitely in detention throughout the country," she said.

She said she missed the five women friends she had made in detention, especially the two mothers of school-going children who had been there for six weeks.

She said it was "wonderful" to have had a visit by her mother, who was "very upset at my detention, but very supportive".

Mr Zachariades, a final-year chemical engineering student, said his release came as a "total surprise".

He said his detention order had been extended the Friday before his release and he had prepared himself "to spend more time".

Catholic bishops seek release of 26 detainees

29/7/86
Pretoria Bureau

The South African Catholic Bishops Conference (SACBC) has lodged an urgent application in the Pretoria Supreme Court for the release of leading cleric Father Smangaliso Mkhathshwa and 25 others.

Father Mkhathshwa was detained at the start of the state of emergency on June 12.

OTHER APPLICANTS INVOLVED

A spokesman for the SACBC said the conference had applied to have the detention of the 26 declared unlawful and that the application would be heard tomorrow.

The SACBC was the first applicant but there 15 other applicants were involved, he said.

The respondents are the Minister of Law and Order, Mr Louis le Grange, and Justice Minister Mr Kobie Coetsee.

Man detained after saying he would stay away — claim

11/6/43 29/7/86 (329)
By DENNIS CRUYWAGEN
Staff Reporter

A CABINET-MAKER claims he was detained for 42 days after he was overheard telling a convict friend he was considering staying away from work on June 16.

Mr Nathan Cottle, 24, of Mitchell's Plain was freed last night — hours after papers were served on the Minister of Law and Order, the Minister of Justice and others informing them of an application to the Supreme Court on Thursday for his release.

Mr Cottle, who lost his job while in detention, said that on June 15 he visited a friend serving a sentence at Brandvlei Prison.

"He asked me about life outside. I told him about the unrest and said I might not go to work the following day."

Mr Cottle said the conversation was overheard. Later he was arrested.

He was released last night and reunited with his family.

He said: "My release happened very quickly and was a surprise."

He said he believed 80 other detainees were released from Victor Verster Prison yesterday.

BUS DRIVER

His mother, Mrs Esther Cottle, said the family was not told her son was in detention.

She said: "A bus driver told a Nicro social worker about my son's detention. She called and told us he was being held. But for her we would not have known what had happened to Nathan."

She reported her son's detention to his employers — but he was dismissed six days later.

● Report restricted under emergency regulations.

No charge against detainee

Own Correspondent

JOHANNESBURG. — Charges against a detained conscientious objector Philip Wilkinson — scheduled to appear in court today for failing to report for a military camp — have been dropped.

The State withdrew the charge on July 13 when Mr. Wilkinson, who was detained on June 15 in terms of emergency regulations, appeared before a magistrate in Port Elizabeth.

However, Mr. Wilkinson remains in detention.

Earlier this year Mr. Wilkinson publicly announced his intention to refuse to render any further military service.

Military police arrested Mr. Wilkinson on May 29 minutes before he was to address an End Conscription Campaign rally.

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27c + 3c GST (PWV) Prices elsewhere on back page

BID TO FREE DETAINEES

Sowetan
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AN URGENT application for the release from detention of 26 people, including the general secretary of the Southern African Catholic Bishops' Conference, is to be heard tomorrow in the Pretoria Supreme Court.

The application has been brought by relatives of 17 of the detainees, and attorney Mr Brian Neville Currin, who is acting on behalf of the remaining nine prisoners.

The attorney has asked that "in the extraordinary circumstances that have arisen, and particularly where the liberty of the person is at stake" he be granted the *locus standi* (legal right) to approach the court on behalf of the detainees.

Mr Currin is acting on behalf of: Mr R

SOWETAN Correspondent

Mamoepa, Mrs J Ndou, Mr C Sibishi, Mr L Detsego, Mr S Ngwezi, Mr P Zondo, Mr C Simango, Mr T Masuku and Mr D Mokete.

The other detainees include the Rev Sman-galiso Mkhathshwa, the general secretary of the Southern African Catholic Bishops' Conference, and his nephew Mr Augustine Zwane, a Swazi citizen.

Mr Zwane was allegedly visiting his uncle to obtain advice about

Court to decide fate of 26

future studies when he was detained. In an affidavit, Mr Zwane's mother, Mrs Violet Cecelia Zwane, said she believed her son was only arrested because he was staying with Mr Mkhathshwa at the time.

Police

"I am certain that the members of the police force who visited the premises that night for the purpose of detaining my brother had not even known of the presence or existence

of my son and they could have had no reason to have detained him other than the fact that he happened to be present on the premises at the time."

The remaining detainees are: Dr Abraham Nkomo, Mr Jacob Masemola, brothers Mr Ramano Dau and Mr Khorombi Dau, Mr Titus Mafolo, Mr Post Molepo, Mrs Rosina Mphahlele, Mr Arthur Mkhwanazi, and Mr Nathaniel Lekgoro, all of whom were arrested in Atteridgeville.

Those arrested in Soshanguve were Mr Hans Hlaethwa and his son Mr Theo Hlaethwa, Mr Jack Phahlamohlaka, Mr Alexander Mahlatjie, and Mr Sydney Manthata. The Rev Lucas Mabusela was arrested in Mamelodi.

Court refuses release request

Eve Post

29/7/86

Court Reporter

AN application for an order declaring the detention of Mrs Patricia Tobeka Malgas, of New Brighton, unlawful and for her release, was dismissed with costs in the Port Elizabeth Supreme Court today.

The application was brought by her mother, Mrs Lilian Misewe Mini.

Mrs Mini said she knew of no reason for her daughter's arrest on June 16 and alleged that she was not affiliated to any organisation, cultural, political or religious.

She described her daughter as a law-abiding, quiet-living, responsible mother.

The application was opposed by the Minister of Law and Order.

In an affidavit by Major C J Roelofse of the security police, it was alleged that Mrs Malgas was a member of the Port Elizabeth Women's Organisation — a militant organisation that incited people to unrest and violence at political funerals.

It alleged that she was married to Ernest Malgas, a trained terrorist, who had been convicted of sabotage in 1963 and served 14 years. Mr Malgas had continued his underground political activities and was an executive member of Pebco.

According to information, Mr Malgas had on several occasions given orders that people be killed by the barbaric "necklace" method.

Major Roelofse alleged that he also had information that Mrs Malgas was involved in intimidation and had acted as a messenger and link between the African National Congress and her husband.

When the application came before the court today, Mr Justice Kroon was asked to dismiss it with costs by consent in light of the replaying affidavits.

Mr J D Pickering, instructed by the Legal Resources Centre, appeared for Mrs Mini. Mr P J de Bruyn, instructed by the Deputy State Attorney, appeared for the Minister.

Court orders release of PE businessman

Court Reporter

AN order for the release from prison of a PE businessman, Mr Zaid Seedat, was granted by the PE Supreme Court today.

In an affidavit supporting his application, Mr Seedat, of Eugenia Street, Malabar, stated that he was at present serving 460 days imprisonment at the North End jail, PE.

He had been detained since July 7 as a result of warrants for his arrest, executed by his creditors.

On July 22 his estate

was provisionally sequestrated and Mr Seedat submitted that because of this and in terms of Section 20(1)2 of the Insolvency Act of 1936 he was entitled to apply for his release from prison.

It was further submitted that his imprisonment was to the detriment of himself and his creditors and served no real purpose because his estate had already been provisionally sequestrated.

His only income was derived from his trading

as a general dealer at Schauder Supplies, Highfield Road, Korsten, and the Spice Den, Rink Street, Central.

He submitted that his release from prison would enable him to actively participate in his businesses to the advantage of his creditors.

The application was not opposed and was granted by Mr Justice Kroon.

Mr N L J Van Rensburg (instructed by Ward Able and Son) acted for Mr Seedat.

Detainee's ³²⁹claims denied

Staff Reporter

THE Prisons Service has denied that a Muslim detainee had been unable to gain access to a Muslim clergyman. The man allegedly went on a hunger strike as a result.

They also denied that the man had to wait three weeks for a Koran, while Christian detainees had immediate access to Bibles.

A Prisons Service colonel, who said that his statement should be used in full, responded two days after a Cape Times inquiry which was routed through the Bureau of Information:

"In response to your inquiry you are advised to obtain legal advice with regard to the provisions of the emergency regulations before publishing.

However, it can be mentioned, for your information, that it sometimes does happen that detainees go on so-called hunger strikes either on their own or by instigation from outside. It is clear that these so-called hunger strikes are a calculated effort to

obtain maximum publicity or propaganda value.

"Detainees who refuse to eat are provided with three meals per day and they are treated strictly in accordance with the internationally-accepted guidelines pertaining to the handling of persons as is embraced in the Tokyo Declaration.

"With regard to the allegations concerning religion, the detainee required to see a Muslim minister of religion and a visit was arranged. The detainee was also informed of the date of the visit. Shortly after his admission, the detainee required to gain access to a Koran. The request was immediately attended to and the Muslim minister of religion delivered a Koran at the prison six days later.

"The Prisons Service is satisfied that the people entrusted to its care are treated in a responsible and professional way in accordance with the relevant rules. Appropriate internal channels exist for detainees through which requests and complaints can be dealt with."

UDF move curbs powers of police

BU 3 DAY 329 29/7/86

THE Rand Supreme Court yesterday declared it unlawful for divisional commissioners of police to issue orders in terms of the emergency regulations.

The immediate effect of this ruling was to set aside a ban by the Soweto Divisional Commissioner on a United Democratic Front (UDF) meeting which was to have taken place last Saturday.

But numerous other orders by divisional commissioners will now be invalidated by the court's rulings. These include:

- Gagging orders on 119 organisations including the UDF and the Congress of SA Trade Unions in six Cape magisterial districts, issued on June 21, by Brig Chris Swart, the Western Province divisional commissioner;

- The orders prohibiting students from entering school grounds in five areas for a limited period, given on July 4 by Western Province divisional commissioner Brig Chris Swart, and Witwaters-

LIAM EGAN

rand divisional commissioner Johannes Renier Petrus Bekker, on June 26;

- Curfew orders issued by Northern Free State and Northern Transvaal divisional commissioners affecting 11 areas;
- Orders prohibiting funerals during weekends and public holidays in numerous areas.

This is the second setback for government's emergency regulations after a recent ruling in the Natal Supreme Court which, among other things, allowed lawyers access to detainees.

In yesterday's judgment, Justice G Coetzee ruled against emergency regulations which empowered the Commissioner of the SAP to allow divisional commissioners to issue orders in terms of the regulations.

The court accepted that only the State

● To Page 2

Court ruling curbs police

BU 3 DAY 329 29/7/86

President had the authority, in terms of the Public Safety Act, to delegate this power and not the Commissioner of Police.

Advocate J Browde argued successfully that the effect of the divisional commissioner's order was "tantamount to banning the UDF as a lawful organisation".

An attempt to have a section of the emergency regulations which deals with

the powers of the designated authorities to confiscate "subversive" literature found invalid was successful in part only.

A Bureau for Information spokesman said it had not received any information concerning the court decision and would not be releasing the statement.

CPG Times 30/7/84 329

Jaffer now has 'better understanding'

By SHAUNA WESTCOTT
"IT IS totally immoral that people can be just whisked away," said Mr Adam Jaffer, hours after the Supreme Court ordered his release from detention in Victor Verster Prison on Friday.

Mr Jaffer, who owns a service station and a butchery, has not been detained before. He was arrested on June 14 after a policeman decided he had had a role in sticking up June 16 stayaway posters at his service station.

Mr Jaffer said that be-

ing in detention was a lesson. "It's given me a new perspective and a better understanding of the situation in the country."

He also made some very good friends and while he was happy to be reunited with loved ones and back in society, he was very saddened to leave them behind. "I was very emotional about it", he said.

He could not advise people who might be detained because in itself this was "a situation of lawlessness". His wife,

Zerene, still shocked from having her husband "whisked away" for six weeks, said: "I think it's quite terrible. I don't know what to say."

Mr Jaffer added: "To be suddenly removed from your family and environment comes as a shock, but knowing you have not done anything criminal helps you adjust. You are in a turmoil but the type of support you know you'll receive from friends, family and the community is a great help."

His immediate plans

are "to get back to normal and reconstruct where I left off before I was taken. I'm as committed as before, even more so".

Mr Jaffer said after court proceedings yesterday, in which Mr Justice H Berman gave reasons for his decision and ordered the Minister of Law and Order to pay costs, that his was "a hollow victory".

"I am concerned about all the people still in detention who can't afford to bring their cases to court."

Mr Jaffer said he had hardly had time to work in the three days since his release because he had been visited by so many people "wanting to know how their detained fathers, brothers and boyfriends are".

"It's a human tragedy," he said.

● The Chamber of Muslim Meat Traders, of which Mr Jaffer is chairman, said it was relieved at the judgment ordering his release. "We hope it will set a precedent for the release of others still in detention."

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'80/'81/'82/'83/'84/'85

Everything keeps going right



T7688/6 LS-FCB

Law student held after court case

A Wits University law student was in detention minutes after a Johannesburg magistrate passed sentence today on 36 students and five lecturers for contravening the Internal Security Act.

As a new detainee whose next of kin have not yet been informed, the student may not be named immediately, because of state of emergency regulations.

Mr T R Steenkamp fined each member of the group, arrested on May 30 in Braamfontein for illegally attending a prohibited gathering, R50 (or 10 days) suspended for a year.

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All the accused pleaded guilty through their legal representative, Miss K M Satchwell, who handed in a statement in explanation of plea.

Three of the arrested students, Student Representative Council president Claire Wright (23) of Berea, Thondeka Gqubale (20) and Black Student Society president Daluxolo Christopher Mpofo, are being held under the emergency regulations.

There were about 30 police officers outside the court.

X Report Restricted

Mother and baby held

AN SA Black Municipal and Allied Workers' Union shop steward has been detained with her 11-month-old baby, a union spokesman told the *Sowetan* yesterday.

According to the Sabmawu spokesman, the woman was taken away from her home on July 17 — leaving behind two small children, aged three and eight.

Her husband, a truck driver, is away in the country on business — unaware that his wife has been detained.

The two children were now being taken care of by the union, the Sabmawu spokesman said. "It is against Christian principles to keep a baby in such a place," he said.

The detained mother, who may not be identified in terms of the emergency regulations, was among 1 000 workers fired by a municipality two months ago.

Negotiations between the Food Beverage Workers' Union and strike-hit National Poultry resumed on Monday this week. About 90 workers at the Vaal-based company were dis-

missed after they downed tools in sympathy with four sacked colleagues.

A spokesman for the union told the *Sowetan* yesterday that the company, jointly owned by Premier group and Barlow Rand, had unfairly dismissed the workers.

The Farm Fare workers, evicted from a farm owned by the company in Meyerton, are temporarily staying at the union's offices in the Vaal.

The union spokesman also refuted allegations by management that the striking workforce had damaged company property and assaulted a supervisor during their strike. "These allegations are devoid of all truth," he said.

The wage dispute at Wynberg's Farm Fare remained unresolved yesterday. About 500 members of the Food and Allied Workers' Union demanded a weekly wage increase of R20 across-the-board.

The company has offered the strikers R6,40.

D-Day for the Minister of Manpower to set up a Conciliation Board, to solve a wage dispute in the mining industry, is August 1.

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Sowetan 30/7/81

Another court rules against orders

IN WHAT has been hailed as a far-reaching decision, a full Bench of the Grahamstown Supreme Court ruled yesterday that only the State President, Mr P W Botha, or delegates "specifically" named by him, could issue orders in terms of the state of emergency regulations.

The judgment went further to say that orders could only be issued "for any of the purposes for which the State President is authorised by the section to make regulations".

These are: providing for the safety of the public; maintenance of public order;

Business Day Correspondents

making adequate provision for terminating the emergency; and dealing with any circumstances which have arisen or are likely to arise as a result of the emergency.

The three judges, Judges Jones, Cloete and Kroon, ruled that insofar as Regulations 7 and 11 (promulgated in terms of the Public Safety Act No 3 of 1953) purported to grant the Commissioner of Police or the Minister of Law and Order the authority to delegate the power entrusted to them by the State President fur-

ther, they were invalid.

Accordingly, the Divisional Commissioner may not "make any orders, rules or by-laws" in terms of the Public Safety Act by virtue of Regulations 7 and 11.

This ruling effectively invalidates all orders made by the Divisional Commissioner of Police, Brigadier Ernest Schnetler, including the prohibition of meetings, restrictions placed on funerals in the Eastern Cape and curfews.

The judgment goes further than the

● To Page 3 ➔

Cape court goes even further

Transvaal judgment, which was handed down recently, in that it states only the Minister of Law and Order may, in terms of Regulation 11, authorise the seizure of publications.

The application, which successfully sought to have regulations banning meetings of various organisations set aside, was brought by the United Democratic Front (UDF) and its secretary, Mr Mohammed Valli Moosa.

The regulations were applicable in several magisterial districts.

Other urgent applications to challenge the State of Emergency are to be brought in the Durban and Cape Supreme Courts later this week.

Tomorrow, a key official of the United Democratic Front, Solomon Lechesa Tsenoli, who is detained at present, will

argue that his arrest and continued detention were unlawful because, at the time of his arrest on June 12, the state of emergency had not been declared or the regulations promulgated.

On Friday, the Western Cape Teachers' Union (Wectu) and the UDF will challenge the State President's power to delegate authority to make regulations.

Wectu and the UDF will argue that the State President does not have the power to delegate this authority as widely as he did in the emergency regulations. Specifically, they will argue that he does not have the power to delegate the power of delegation to the Commissioner of Police.

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329/86

Staff Reporters

Between 8 000 and 10 000 people are believed to be either reported missing or to have been detained in the seven weeks of the state of emergency, according to monitoring groups.

This number is more than the total held in the entire seven months of the previous state of emergency.

The Detainees' Parents Support Committee (DPSC) has compiled a list of 3 402 names of people either reported missing or in detention, or who have been detained and released.

The Star publishes the list on Pages 23 and 24 today.

It is the first such list to appear in a South African newspaper. But it is by no means comprehensive.

If the monitoring groups are correct, there may be between

Thousands missing or detained

4 000 and 5 000 names missing from the list.

The Minister of Law and Order refuses to give a figure for the total number of detainees.

The Star is legally entitled to publish the names of detainees because of assurances from two Cabinet Ministers that next-of-kin are always informed when anyone is detained.

In the view of the legal team which The Star consulted, this constitutes official disclosure in terms of the emergency regulations.

The list is published in the public interest and as a service to readers.

The Star publishes 3 402 names — Pages 23 and 24

Estimates by the University of the Witwatersrand Community Research Group (CRG) are that at least 190 people are detained every day. Among them are scores of children.

The Progressive Federal Party has added an additional 500 names to their computer at the Missing Persons' Bureau, bringing their number of people detained during the emergency to about 4 700.

conservative as field workers had difficulty reaching many rural areas and the real figure could be as high as 10 000. This figure would include people who are still being held and those who have been held and released.

A spokesman for the Bureau for Information said today that it was not the bureau's policy to comment on detentions.

According to the emergency regulations, the bureau cannot comment on detainees or alle-

gations regarding detainees.

"The next-of-kin are always informed and they can write to the Commissioner of Prisons about their relatives who have been detained."

Mr Neil Ross, head of the PFP Missing Persons' Bureau, said today about 2 500 names were now on their computer, but staff were still sorting through hundreds of other names on paper to check for duplications.

Mr Ross, who returned from a visit to Mossel Bay, Oudstroom, and

Graaff-Reinet and Grahamstown on Friday, said an enormous number of people had been arrested in Queenstown and Alival North.

He said the PFP's Queens-town contact reported about 200 arrests.

Allegations have been made in court that some detainees are forced to sleep on the floors of their cells without adequate covering.

They have also claimed that they are being denied normal rights of exercise.

Psychologists have expressed grave concern at the long-term effects on children held in detention.

Among the detainees are at least 41 children and youths — some as young as 11 — who are believed to have spent the past six weeks in cells in the Free State town of Frankfort.

Their status, as well as that of several 12-year-olds jailed in Parys, could not be ascertained as the Bureau for Information and the South African Police will not supply information on emergency detentions.

Conditions of detention under the emergency have been described by human rights organisations as punitive and harsher than those of convicted prisoners.

Detainees have no automatic rights to family visits, letters, study facilities — and, until recent court action, could not even

ALBANS 30/7/86 (329)

Policeman did not apply his mind — judge

By SUE LUPTON, Staff Reporter

MR JUSTICE Berman has found a city businessman's detention after June 17 was illegal because the policeman who arrested him was concerned only with possible violence on June 16.

The policeman did not "apply his mind" to whether Mr Adam Jaffer of Retreat should be held after that day.

The judge gave reasons in the Supreme Court yesterday for ordering Mr Jaffer's release on Friday.

The arresting officer could have signed an order detaining Mr Jaffer until June 16.

When a person was given a power it should be exercised "circumspectly", especially as "awesome" a power (to arrest and detain) as this.

'Apolitical person'

The judge said it was "unnecessary" to make a finding on the legality of Mr Jaffer's detention on June 14.

Mr Jaffer, the owner of a service station and butchery, was an "apolitical person".

He knew nothing of posters or pamphlets found at his garage on June 14 but, in spite of protestations, he was taken to the police station and then to Victor Verster Prison.

On June 25 his detention was extended by the Minister of Law and Order for an "indeterminate time".

Constable T E Edson said he found three posters in Mr Jaffer's butchery. He removed them, then went to the service station.

The judge described the posters as "air-sized, with an illustration of a black man and woman carrying the body of a child, bearing the words 'stayaway', 'SA Youth Day', and the names of three organisations — "presumably the sponsors" — UDF, NECC and Cosatu.

The judge said it was of "passing interest" that Constable Edson did not arrest Mr Jaffer.

The judge said Mr I Farlam, SC, for the applicants:

- Referred to the judgment of Mr Justice Marais, who ordered Sister Clare Harkin's release and attacked the correctness of Mr Jaffer's arrest; and

- Argued that regardless of the legality of Mr Jaffer's arrest, his detention after June 16 was unlawful.

Discussing Mr Farlam's second argument, the judge read Section 3.1 of the emergency regulations:

"A member of a force may ... arrest ... any person whose detention is, in the opinion of such member, necessary for the maintenance of public order or the safety of the public or that person himself, or for the termination of the state of emergency, and may ... cause to be detained, any such person ..."

The judge said it was "useful" to restate Mr Justice Marais's observations: "The power of arrest and detention ... is not an unfettered power which may be capriciously or arbitrarily exercised ..."

Mr Justice Marais had also found a precondition to the exercise of this power was that an opinion had to be held.

Mr Justice Berman said Mr Jaffer was arrested by Warrant Officer J Stipp, who "did not stipulate the period of detention" and intended the detention order to hold for 14 days.

The judge said there could be "no doubt" that Warrant Officer Stipp was concerned only with June 16 and believed "Mr Jaffer should be taken out of circulation until June 16 had come and gone".

The judge said an opinion was a "judgment or belief" based on applying one's mind to relevant facts.

Warrant Officer Stipp "never applied his mind to whether or not detaining Mr Jaffer after June 16 was necessary". He held "no opinion whatsoever" about this.

The debate on the correctness of Mr Justice Marais's findings on the legality of an initial detention order was "to a higher degree academic" because Mr Jaffer had been released.

"I doubt whether the correctness of the order or the correctness of Marais, J is a topic of heated debate at Mr and Mrs Jaffer's dinner table."

But it was important to the respondent (the Minister of Law and Order) and the public. Mr Justice Marais had granted leave to appeal and a definitive decision would be given by the Appeal Court.

He ordered the Minister of Law and Order to pay costs.

Mr Farlam appeared with Mr A M Omar, instructed by Mr A Pohlonker. Mr W G Burger appeared with Mr C Y Louw, instructed by the State Attorney, for the respondents.

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NATIONAL/INTERNATIONAL

Up to 10 000 missing or detained

The Argus Correspondent

JOHANNESBURG. — Between eight and 10 000 people are believed to have been reported missing or detained in the seven weeks of the state of emergency, according to monitoring groups.

This number is more than the total held in the entire seven months of the previous state of emergency.

The Detainees Parents Support Committee has compiled a list of 3 402 names of people either reported missing or in detention or who have been detained and released.

The Minister of Law and Order refuses to give a figure for the number of detainees.

Estimates by the University of the Witwatersrand Community Research Group are that at least 190 people are detained every day. Among them are scores of children.

The Progressive Federal Party has added an extra 500 names to their computer at the Missing Persons Bureau, bringing their figure for the number of people

detained to about 4 700.

However, monitoring groups cautioned that the figures were conservative as field workers had difficulty reaching many rural areas and the real figure could be as high as 10 000.

This figure would include people who were still being held and those who had been held and released.

The Bureau for Information has refused to comment on alleged detentions.

Mr Neil Ross, head of the PFP Missing Persons Bureau, who returned from a visit to Mossel Bay, Oudstroom, Graaff Reinet and Grahamstown on Friday, said today an "enormous" number of people had been arrested in Queenstown and Alwal North. He said the PFP's Queenstown contact reported about 200 arrests.

Monitoring groups said today that detentions were confirmed by telephone, by a visit from the police, by the issuing of a visit permit or by either telex or writ-

ten confirmation to a family or lawyer.

Allegations have been made in court that some detainees are forced to sleep on the floors of their cells without adequate covering.

They have also claimed that they are being denied normal rights of exercise.

Psychologists have expressed grave concern at the long-term effects on children held in detention.

Among the detainees are at least 41 children and youths — some as young as 11.

Their status could not be ascertained as the Bureau for Information and the police will not supply information on emergency detentions.

Conditions of detention under the emergency have been described by human rights organisations as punitive and harsher than those of convicted prisoners.

Detainees have no automatic rights to family visits, letters and study facilities — and until re-

cent court action could not even consult lawyers.

Mr Stan Treisman, vice-president of the Transvaal Law Society, said: "We would like to see far greater access by independent groups of lawyers." He proposed the establishment of teams of volunteers to visit detainees and intercede on their behalf.

Other legal experts expressed "abhorrence" for any form of detention without trial.

Mr Jules Browde SC, spokesman for Lawyers for Human Rights, said: "This system is a complete anathema to anyone concerned with civil liberties."

Professor June Sinclair, Dean of Law at the University of the Witwatersrand, said: "It's awful, absolutely awful." She declined to comment on the recent spate of detentions as "I cannot make a statement I know to be in contravention of the law".

The CRG has raised another concern: overcrowding. It points out that prisons were already ac-

commodating 30 percent more than capacity before the emergency influx.

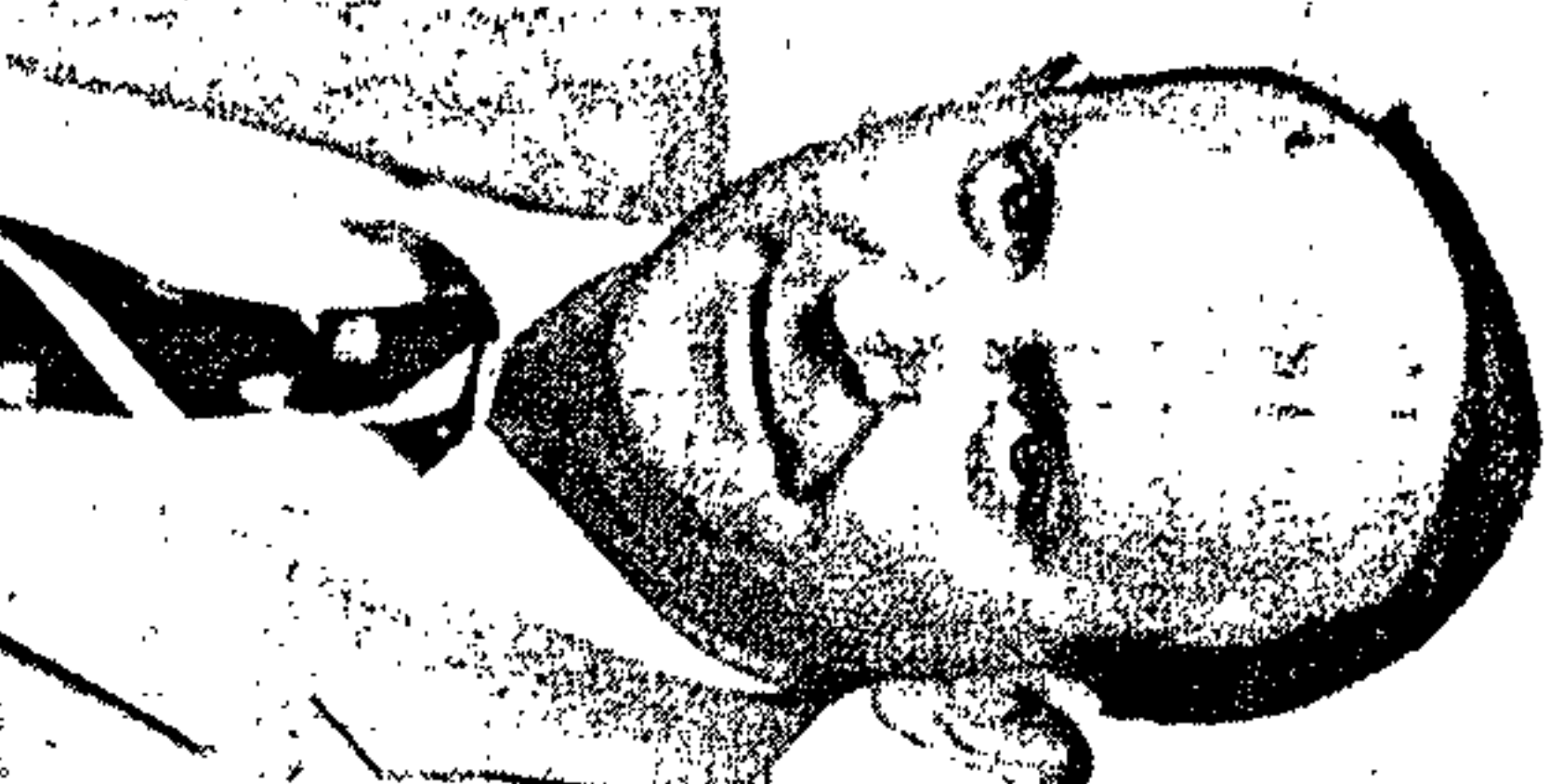
Indications from recent court cases are that many are being kept in police "lock-ups" round the country rather than in prisons.

Last week Wits law lecturer Mr Raymond Suttner, detained at John Vorster Square, argued in papers before the Pretoria Supreme Court that such "lock-ups" were not equipped for long-term custody.

He complained: "I have since June 12 been forced to sleep on the floor. I have been denied any form of floor covering."

He also stated that in 19 days he had received a total of 90 minutes' exercise time instead of the expected daily allowance of an hour.

Both he and detained trade unionist Mr Sipho Kubbeka, in separate actions, told the court they had been kept in solitary confinement.



Mr Neil Ross

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**MOTLEY Happy
MGOLOMBA Mbuyiselo
MTHEMBA Nitahla
MZOLISA Michael
MZOLISWA Maluso
MZOLISWA Newies
NBISWA YI Mcedisi
NBUNBWANA Sandile
NDUDULA Langa**

MARKTISE FULMINE DULCAN VIMAGE
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MANWEI IAIWA NOOS Duncan Village RA
MALI Mongezi Duncan Village RA
MALI Paul Duncan Village RA
MENDIMONGUWA MABOBI Duncan Village RA

MAPISA Ryan Duncan Village RA

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SOTENI Nomsa

SWELINDAWO Xolani
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TOTYI Nemphu
TOTYI Nenanihi
WHITTLES Albert

FORT BEAUFORT
LENTO PAWU

GRAAF REINET
? Bongwe

? Sedongile
? Tsewu

? Zinakile
BAARTON Baba
BAATJIES Ronnie
BAM Nonana
BAM Oupa
BAM Thumsunga
BAM TIES Mchico

**DEB WUEN
BELL Xolle**

BITTERHAND Gordon
BITTERHOUT Broer
BITTERHOUT Loko
BLOUW Saw
BLOUW Xoliswa
BLOUWS Nomlanga
BOKWE Mabinuku -
BOOI Noplando

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MTELELENI Sam Duncan Village
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MTEKU Mqibiy Duncan Village RA
MTATI Loto UDF
MPISA Ryan Duncan Village RA
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MORETLOANE Tabane Duncan Vi
MINGOMA Sanga Duncan Village RA
NGOMGA Sanga Duncan Village RA

RA	MARQOLAZA	Freddie Duncan	Village RA
RA	MARQOLAZA	Mzwandile Duncan	Village RA
RA	MAGEHA	Thlant Duncan	Village RA
RA	MAGOLU Benjamin	Duncan	Village RA
RA	MARINISE Miteletl	Duncan	Village RA
RA	MAKINISE Puntzile	Duncan	Village RA
RA	MAWETYANA Koos	Duncan	Village RA
RA	MALI Mongezi Duncan	Village RA	
RA	MALI Paul Duncan	Village RA	
RA	MANDINDUYAWANA Miteletl	Duncan	Village RA
RA	MARISA Ryan Duncan	Village RA	
RA	MARWEXU Mnyuselw Duncan	Village RA	
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RA	MARWEXU Nesipo Duncan	Village RA	
RA	MARWEXU Thembinkosi Duncan	Village RA	
RA	MAGEHA	Mazvi Bongani	Village RA
RA	MERKELEIN Mhleli	Duncan	Village RA
RA	MAGULUWA Tembha	Duncan	Village RA
RA	MALALA Phakamisa	Duncan	Village RA

NUBO Thembekile
 NYAYOWA Themba (Re)
 OLIPHANT David
 OLIPHANT Gilbert
 OLIPHANT Lindomi
 OLIPHANT Moses
 OLIPHANT Peter

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**REINERS Thobeka
ROBILF Zolile**

STURMAN John

TUTU Nulmle

VENA Bonisile

WELMAN Wandisa

YAKOLO Boy
YAMANI Doctor

YOYO Peter

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Policeman 'held no opinion'

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Supreme Court Reporter

THE Supreme Court ordered the release from detention of Mr Adam Jaffer because the policeman who detained him "held no opinion whatsoever as to whether his detention after June 16 was necessary", Mr Justice H Berman said yesterday.

Mr Jaffer was arrested and detained on June 14 by Warrant-Officer Jacobus Stipp who felt Mr Jaffer had been instrumental in sticking up June 16 stayaway posters at his Wynberg garage and butchery.

Mr Justice Berman ordered on Friday that his continued detention was unlawful and that he should be "released forthwith" but said he would give reasons for the order yesterday.

'Awesome power'

The judge said W/O Stipp might have laboured under the misapprehension that a detention order signed by a member of a force ran for 14 days. However, Section 3 (2) of the emergency regulations made it plain that such a detention should not exceed 14 days.

"It hardly seems necessary to add that when so awesome a power is given to a person, it should be exercised circumspectly. The greater the power, the greater the circumspection with which it should be exercised."

It was clear from W/O Stipp's affidavit that "his attention was riveted to Monday, June 16, and that his intention was that Mr Jaffer should be taken out of circulation until June 16 had come and gone".

'Arbitrarily exercised'

The judge said the observations recently made by Mr Justice Robin Marais when he ordered the release of a detained nun could usefully be repeated — that the power of arrest and detention conferred by the emergency regulations "is not an unfettered power which may be capriciously or arbitrarily exercised".

The precondition for the exercise of this power was that an opinion had to be held that the arrest and detention was "necessary for the maintenance of public order, or the safety of the public or that person himself, or for the termination of the state of emergency", as set out in Section 3 of the regulations.

Mr Justice Berman defined an opinion as a judgement or belief arrived at as a result of the application of one's mind. Where the mind had not been applied, there could be no opinion. Since W/O Stipp had failed to apply his mind to the necessity for Mr Jaffer's detention after June 16, he had no opinion, and Mr Jaffer's detention after that date was therefore unlawful.

Ministerial order unlawful

Since a person unlawfully detained could not lawfully be further detained, the ministerial order extending Mr Jaffer's detention beyond 14 days was also unlawful.

Turning to the question of whether the arrest of Mr Jaffer was unlawful, Mr Justice Berman said it was unnecessary for him to rule on this because it was "academic to a high degree" since he had already ordered Mr Jaffer's release.

Both counsel argued this point, with Mr I G Farlam SC citing the judgment of Mr Justice Marais as authority for the view that an arrest in terms of the ordinary law of the land should have been considered, and the respondents' counsel, Mr W G Burger SC, accusing the learned judge of error.

Dinner table topic

"I very much doubt whether the correctness of the arrest is a topic for heated debate at Mr and Mrs Jaffer's dinner table," Mr Justice Berman remarked. He added, however, that it was a question of great interest to the public and to the respondents — the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the Officer Commanding Victor Verster Prison.

It was for this reason that Mr Justice Marais had given leave to appeal in "the nun's case" and a definitive decision on this question would be handed down by the Appellate Division.

Mr Justice Berman ordered the Minister of Law and Order to pay costs, as he was ordered to do in "the nun's case" by Mr Justice Marais.

Mr Farlam, with Mr A M Omar and instructed by A Pohlonker and Co, appeared for Mr and Mrs Jaffer. Mr Burger, with Mr C Y Louw and instructed by the State Attorney's Office, appeared for the respondents.

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IT'S A LIE, SAY SA POLICE

NEW YORK — A US human rights group yesterday documented the deaths of seven South African blacks under police detention in April and May.

The Lawyers Committee for Human Rights, in its third report on South Africa this year, said two of the victims were shot dead by security forces and cited evidence that the other five "were subjected to assaults by police... that contributed to, or were the direct cause, of death".

Police have denied that the two victims were shot dead while in police detention and that a further five were subjected to brutal assault by police.

Among the deaths catalogued were those of a journalist and anti-apartheid activists the committee said was refused medical treat-

ment, and a leader of the United Democratic Front. Both died in the Lebowa homeland, north of Pretoria, the report said.

South African authorities said the UDF member died of a heart attack a day after he was detained on April 10, but the report quoted his wife as saying his body bore clear signs of a beating.

Interviews

The New York-based committee said its report was based on interviews with family members, doctors, lawyers and other people in South Africa. It said South African authorities have refused to accept any responsibility for the deaths and scheduled no inquests.

The committee said the seven deaths occurred between April 2 and May 20 before im-

SOWETAN Reporter

position of the June 12 emergency, which further tightened security laws.

It said that since then more than 4 500 new detentions had been made. The 61-page document said a member of the Azanian People's Organisation was detained on the evening of April 4 with six other activists at a shebeen and taken to the Mahwelereng police station.

The statement issued by Public Relations Division, SAP, Pretoria, yesterday said that although mention is made of seven people who allegedly died in police detention, details of only two are supplied.

"Both these people were, according to the report, held by Lebowa Police". It further emphasised

that until a judicial authority had decided on these cases, "we consider it presumptuous for anyone to state, as a fact, that the police were responsible for these deaths".

'Death'

It added that the allegation that inquests were not scheduled in certain cases was a "blatant lie".

"In all cases of death

in detention, post mortems are performed, and the law is allowed to take its normal course. The next-of-kin have the right to appoint a doctor of their own choice to attend the examination. It is also not uncommon for a private pathologist to perform a further examination at the request of the next-of-kin."

It stated further that the remains of such a person were, in all

cases, handed to the next-of-kin for burial.

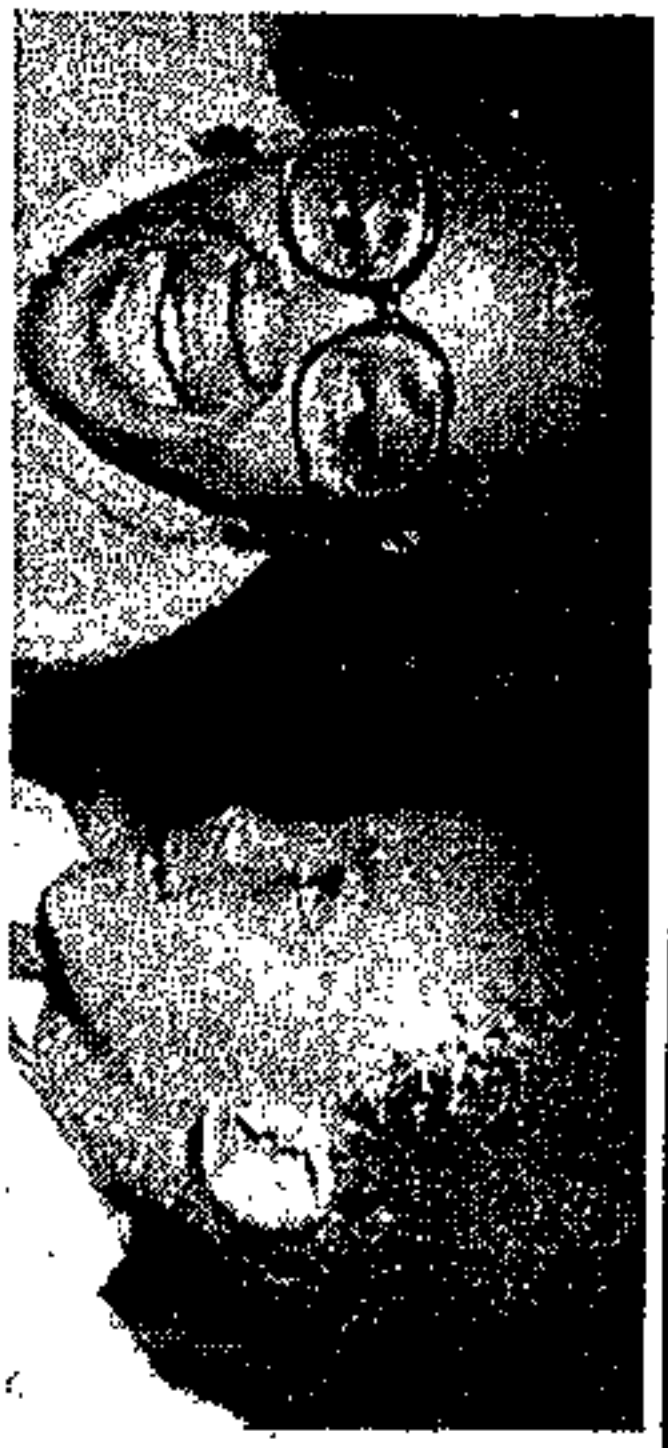
"There is thus no substantiation for the allegation that relatives are not allowed to view the remains."

The statement added that much was made of the "notoriously brutal detention authorities" and the fact that the emergency regulations were likely to contribute to "more cases of assaults, torture and ultimately death inside

South Africa's police and prison cells".

During the last state of emergency, in excess of 7 000 people were detained. "As far as we are aware, not one incident of ill-treatment at that time has been proved in court."

"It is therefore difficult to comprehend why the human rights committee believes that these atrocities will now become commonplace," the statement said.



Mrs SOPHIA Mosime (45), of Mmabatho, who has been employed as a utilisation officer in Bophuthatswana's education department, will fly to the United States where she will study towards a masters degree in educational technology, is seen with her son, Seboka.

Plea for aid

THE Urban Foundation is appealing to the private sector to sponsor a primary school science programme which was launched in the Transvaal last week.

The private sector can either adopt a school or sponsor the science programme for a group of schools in an area. The programme was launched at KwaThema last Monday.

The Urban Foundation is faced with implementing it in the Transvaal region. Mr Henry Jeffreys, who is responsible for the administration of the programme at the foundation, can be contacted at (011) 835-1620.

Detentions confirmed

HAMISH McINDOE

THE detention of a number of trade unionists has been confirmed by the Commissioner of Police.

Among those detained are: Vusi Mavuso, West Rand organiser of the Chemical Worker's Union; Tembinkosi Mkaliphi, Cosatu acting-chairman for the Eastern Cape; Jabulani Ntuli, Durban shop-steward of the National Union of Textile Workers; Mzwale Mayekiso, member of the Alexander Action Committee; Peter Maake, Student Representative Council member at Turfloop; Donsie Khumalo of the Retail and Allied Workers' Union; and Jacob Nku, David Sibhangu and Johannes Komane, shop-stewards of the Metal and Allied Workers' Union in Brits.

THINGS (SUN)
20/4/86

Elation over Sisulu release

329

Sunday Times Reporters
THE release of detained newspaper editor Mr Zweekhe Sisulu this weekend was greeted with widespread elation.

PFPS spokeswoman on Law and Order, Mrs Helen Suzman, said she was delighted at the news when it was broken to her in Plettenberg Bay, where she is holidaying.

At the same time, I wonder why the Government found it necessary to arrest him under these peculiar circumstances.

"I hope all other detainees will be released and the state of emergency lifted as soon as possible," she said.

The national president of the Black Sash, Mrs Mary Burton, said from her Cape Town home: "I do not know how to express my delight.

"His release coincided with that of one of our mem-

bers, Mrs Gill de Vlieg.

"I hope this will lead to the release of other detainees."

Mr Sisulu's delighted mother, Mrs Albertina Sisulu, said she was happy that her son was released.

"As a mother, I am very happy, but I wish other detainees could also be released."

Mr Sisulu, who was detained for 22 days, was not available for comment.

● Meanwhile, the Bureau for Information has confirmed that four more people were killed — all by security force action — in the 24 hours ending 6am yesterday.

The incidents all involved alleged stoning of security force patrols and took place in Zwijndorp and Walmer, in Port Elizabeth, Grahamstown and Dysselsdorp, in the Eastern Cape.

Carl 7/21/66 30/7/66
Jobless after detention 329

Staff Reporter

A VALHALLA PARK cabinetmaker, released from prison on Monday after 43 days in detention, has returned home to find his rented room "repossessed" and himself out of a job.

Mr Nathan Cottle, 24, said the first inkling he had that his wife and 10-month-old child had moved was when he received a parcel from Mitchells Plain while in prison.

Mrs Cottle said yesterday that the day after her husband had been detained she telephoned to inform his Epping factory manager. She also moved in with her mother in Mitchells Plain.

She said the manager had told her that he would "do everything he could" to ensure the job stayed open. However, a week later an unemployment card and company letter arrived.

Mr Martin Neethling, managing director of the Epping furniture factory where Mr Cottle worked, promised to investigate "fully", adding that Mr Cottle's lawyer had already been in touch with him.

Court rules out detainees' release 329

Pretoria Bureau
A Full Bench of the Pretoria Supreme Court yesterday dismissed an application for the release from detention of Mr Raymond Suttner and Mr Siphokuhleka.

The two men had asked the court to declare their detentions in terms of the emergency regulations unlawful.

Delivering the brief decision yesterday, Mr Justice H J Preiss said reasons would be given later.

It was decided to make known their decision immediately because the two men were in detention, many other detainees were possibly waiting for the outcome, and the matter was of considerable public importance, said Mr Justice Preiss.

The applicants were also ordered to pay the costs.

Mr Justice L Harms and Mr Justice A P Myburgh concurred. Cases involving at least 29 other detainees were stood down until today and tomorrow. Mr Suttner is a senior law lecturer at the University of the Witwatersrand.

He has been in detention since June 12 — the day the national state of emergency was declared — and was originally told he was being held under the Internal Security Act.

He was later told an emergency had been declared and he was being held in terms of the emergency regulations. However, he was given no reasons for his detention.

Mr Kubheka is a member of the Paper and Allied Workers Union. He was also detained on June 12 under the Internal Security Act. The court heard he had

been given no reasons for his detention, but was at one stage informed he was being held under the emergency regulations.

Three other urgent applications lodged with the court yesterday sought orders for the release of 29 men and women and that their detention in terms of section 3 (1) of the emergency regulations be declared unlawful.

In one application, the court was to be asked to order the release from detention of 26 people, including the general secretary of the South African Catholic Bishops' Conference, Father Smangalis Mkhathswa, and his nephew, Mr Augustine Zwane.

The application has been brought by the relatives of 17 of the detainees and a Pretoria attorney, Mr Brian Currin, who will ask for locus standi to act

on behalf of the other nine.

They are: Mr R Mamoepa, Mrs J Ndou, Mr C Sibishi, Mr L Detsego, Mr S Ngwezi, Mr P Zondo, Mr C Simango, Mr T Masuku and Mr D Mokete.

Mr Currin said in an affidavit he had originally received instructions to act for the detainees from the Detainees Support Committee (Descom). However, meetings of Descom had been banned under the emergency regulations, many of its members had been detained and to the best of his knowledge, Descom had ceased to function.

The court will be asked to release the men on the grounds that they were originally arrested under the Internal Security Act. They are now being held under the emergency regulations without having been formally re-arrested.

Human rights 'are deteriorating in SA'

By Claire Robertson

In the past few months there had been a deterioration in human rights in South Africa with "very serious problems" arising from the state of emergency, Mr James Montgomery, United States Deputy Assistant Secretary of State for Human Rights and Humanitarian Affairs, said yesterday.

At the end of a nine-day visit to South Africa, Mr Montgomery told a Press conference in Johannesburg it was clear that "very serious problems would stem from the emergency, detention without trial, the abuse of prisoners — and accountability on the part of the police force".

He had "frank and open" talks with the departments of Foreign Affairs and Justice and met representatives of the police.

"I certainly discussed

with them the effect of problem areas here on the ongoing debate in the US ... It makes policy-making for us very difficult."

Mr Montgomery met several detainees after their release. "A very unpleasant experience," he said but declined to give details of what he had heard of their treatment in detention.

"I was struck by the role of courts ... how important they are to everyone. People do go to the courts, and they do get relief."

He said he had visited South Africa to look at the human rights programme maintained by the US in South Africa — "one of the largest such programmes".

"I will recommend the continuation of our programme and, in some cases, I might consider recommending modest increases," he said.

Deputy Mayor in court

Vereeniging Bureau

The Deputy Mayor of Vereeniging, Mr Samuel Jacob Gross, appeared in the Vereeniging Regional Court on Tuesday on a charge of illicit diamond dealing.

Mr Gross (65), of Brandmuller Drive, Three Rivers, appeared with Mr Johannes David Burger (37), of Heidelberg Flats, Berea, and Mr Anthony Mosivoa Tchabi (48), of Beech Street, Three Rivers.

They were not asked to plead and no evidence was led.

The men allegedly were caught on Monday dealing in seven uncut diamonds with a mass of 13,54 carats and valued at about R5 700.

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CONTROL DATA INSTITUTE

CP says there's no real point but...

Most laud detainee list

Staff Reporters

There has been mixed reaction to *The Star's* decision to publish the names of detainees.

While most groups supported publication, the Conservative Party said there "was no real point" in publishing the names.

Some prominent figures missing or detained include Ms Claire Wright, Wits SRC President, Mr Patrick Lephunya, the United Democratic Front's Transvaal secretary, Mr Chris Ngcobo, a leading member of the University of the Witwatersrand's Black Student Society and a member of the Azanian Students' Organisation (Azaso), Sister Bernard Ncube, president of the Federation of Transvaal Women, Mr Aubrey Mo-

koena, secretary of the Release Mandela Committee and Mr Edgar Ngoyi, Eastern Cape president of the UDF.

Progressive Federal Party MP Mrs Helen Suzman warmly welcomed publication, saying it was "absolutely essential that South Africa is made aware of the names of people who have been detained and those that are missing".

"It is in the public interest that we are kept informed," she said.

DPSC commends

"I never understood why the Minister would not answer my questions on detainees that I made in Parliament," she added.

A spokesman for the Detainees' Parents Support Committee said: "We commend *The Star* for performing this service."

"There are thousands of families in South Africa who are suffering considerable anguish as a result of not knowing the whereabouts of their missing relatives," he said.

A spokesman for the United Democratic Front which has, according to monitoring groups, been hardest hit by detentions commented: "We would hope that more newspapers and the mass media in general will now take a more courageous stand and will publish with greater consistency not only detentions but the kinds of incidents that are occurring in townships around the country."

Govt supported

Dr F A van Staden, secretary of the Conservative Party in the Transvaal, said the CP had supported the Government's decision to take action against "people committed to overthrowing the Government by violence".

"There is very little point to publishing the names," he said.

For the first time the names of some prominent people who have gone missing have been published.

Bias questioned

These include Azapo's Southern Transvaal vice-chairman Charles Mabitsela, former Azasm vice-president Mr Thami Mcerwa, Mmahwelereng community leader Dr Tshehla Hlahla and the president of the the Azanian National Youth Unity (AZANYU), Mr Carter Seleke.

The Azanian People's Organisation general secretary, Mr George Wauchope, said the list was inadequate in that Black Consciousness organisations were not consulted for names of detainees before the list was published.

"Although we understand the conditions of getting names of detainees with the state of emergency in effect, we question the ideological bias because very few names of BC people are included. We could have been consulted because we have also been monitoring the detentions of our members."

Long queues wait for news about detained relatives

By Jo-Anne Collinge

There is a well-worn office in central Johannesburg where queues of anxious relatives of detainees often stretch out into the corridor.

Inside, the telephone rings incessantly (reports of more detentions from remote spots on the platteland), and the endless round of taking details, writing letters to the authorities, contacting lawyers, goes on. This is the daily work of the Detainees' Parents Support Committee.

Here hundreds of desperate questions are fielded daily. Questions like: "Will the lawyer get him out?" or "What do I do — there was blood on the dirty clothes I received back from my child?"

This week three of the sad and worried figures in line were Mrs Johanna Skosana, Mrs Joyce Nkosi and Mr Thomas Khumalo.

Mrs Nkosi and Mrs Skosana are neighbours in the East Rand township of Daveyton. They both have teenage daughters — and the girls have now been in detention for a week under the emergency provisions.

MOTHER WAS WORKING NIGHT SHIFT

Prescilla Nkosi is "just 14 years", her mother says. The child was taken from her home more than a week ago in the early hours.

"I wasn't home because I work night shift. When I got there my son told me we should go to the police station."

Mrs Skosana's major worry is the health of her 16-year-old daughter, Nurse. "She suffers from asthma and she gets attacks, especially when she is in a cold or damp place."

Nurse was taken away in the same yellow van as Prescilla.

Both mothers have since received written confirmation from the police that their daughters have been taken under regulation 3 of the emergency provisions. Prescilla is in the Benoni police cells and Nurse in Heidelberg Prison.

Sunday will be a day filled with tension for the Skosana and Nkosi families. On Sunday the 14-day initial period of detention expires. If the girls are not freed then, it means an order for their continued detention has been issued — and then their detention becomes endless — with no guaranteed family visits, no home-cooked food, no automatic right to study.

MONEY DEPOSITED FOR DETAINED SON

The two mothers left the office carrying letters applying for the privilege of a single visit to their children. But they were cautious ... they had overheard Mr Khumalo telling his tale of repeated visits to Diepkloof Prison near Johannesburg in an effort to see his 18-year-old son, Phinda Abraham.

Abraham is a matric pupil in Soweto and was taken within hours of the declaration of the state of emergency. The fact that he was taken in the initial swoop — which netted key activists — suggests that he was directly involved in organisational work. But Mr Khumalo has no knowledge of this.

In a family where the parents have struggled to give their children advanced education (Abraham's elder brother is at university), it has been a heavy blow to see a son disappear into the cells months before the completion of his schooling.

Mr Khumalo, who was recently retrenched, spends many days making the weary journey to Diepkloof Prison. He has managed to deposit some money there in Abraham's name. One of the few rights emergency detainees have is to receive money.

But he says his dearest wish — just a few hours with his teenage son — has been refused three times.

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Footnotes

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**Newspapers to
go to court
over emergency**

JOHANNESBURG — English newspaper groups in South Africa have joined forces to challenge emergency regulations affecting newspapers.

An application is to be brought before a full bench of the Natal Supreme Court in Pietermaritzburg on August 11, by the Argus Printing and Publishing Company Ltd, South African Associated Newspapers Ltd, Natal Newspapers (Pty) Ltd and Natal Witness (Pty) Ltd.

The State President, the South African Government, the Minister of Law and Order and the Commissioner of Police have been named as respondents. Six regulations — numbers seven to 12 — are to be challenged, along with police orders issued in terms of regulation 7.

The state of emergency was declared in terms of the Public Safety Act of 1953. In many instances the emergency regulations affecting newspapers are so "unreasonable, unjust and unduly oppressive," counsel will argue, that they could not have been the intention of the legislature when the act was passed in 1953.

Counsel for the applicants will further argue that, in many cases, the regulations are ultra vires, or exceed the power or authority conferred upon the State President by that act.

Regulation 7(1) — empowering the Commissioner of Police or any person authorised by him to issue orders in line with the emergency regulations — will be attacked on this basis, and it will be argued that if it is ultra vires, so also are the orders issued by police in terms of that regulation.

Regulation 10, which concerns "subversive statements," will be attacked on the basis that it exceeds the State President's powers in terms of the act, that it is unreasonable, and "manifestly unjust in its scope, and unduly oppressive" by prohibiting activities which would otherwise be perfectly lawful.

This last argument will also be used to challenge the regulation which prohibits publishing photographs.

Regulation 9 "attempts to detail a range of activities which would otherwise be perfectly lawful", counsel will argue.

Regulations 11 and 12 deal with the seizure or banning of publications.

It is claimed that regulation 11 unlawfully vests a "subjective discretion" in the person making the seizure and the State President does not have the power to confer this subjective discretion on the minister. — Sapa

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Afrikaans Press criticises Nel for defending curbs

Deputy Minister Mr Louis Nel has been criticised in two Afrikaans newspapers this week for his defence of the media restrictions under the state of emergency regulations.

In a letter in *Die Burger*, Professor H J Grosskopf of the Department of Journalism at Stellenbosch University said: "How can he pretend that the political debate in South Africa is continuing undisturbed over the whole spectrum? It is simply not happening."

Columnist Hennie Kotze wrote in *Die Vaderland*: "The restrictions have a paralysing effect on the media and could influence the public in general to start thinking that the state of emergency offers a permanent solution for the unrest in the country."

Replying to a Media Council call that curbs on the media should be scrapped, Mr Nel said the public was "well informed" about unrest-related incidents.

Criticism and news reporting was continuing despite the emergency regulations.



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other policeman.

● See Page 7

'Man held after Biko audition'

By Craig Kotze,
Crime Reporter

An Alexandra man, Mr Johannes Manana (37), was detained by Security Police on June 10 after going to Zimbabwe to audition for the role of Steve Biko in Sir Richard Attenborough's latest film.

"He was not involved in politics at all" said his wife, Mrs Matsepo Manana.

Mr Manana's detention under section 29 of the Internal Security Act led to a legal battle in the Rand Supreme Court where the police action was upheld.

"He was arrested on the information provided by a single unnamed witness who was not allowed to be cross-examined," the family's lawyer said.

Steve Biko, a leader of the Black Consciousness Movement, died in police custody in 1977.

...wife, Pam, and Durban Turf Club chairman Mike Rattray.

Court bid fails to get lecturer released

389
Mexc. 31/07/86

Mercury Correspondent

JOHANNESBURG—A Full Bench of the Supreme Court, Pretoria, yesterday dismissed with costs an urgent application for the release of Raymond Suttner, a lecturer at the University of the Witwatersrand and Sipho Kubeko, of the Paper Wood and Allied Workers' Union.

This could prove a major setback for other similar urgent applications such as that of the South African Catholic Bishops' Conference asking that the deten-

tion of its secretary-general Fr Smangaliso Mkatswa be declared unlawful.

The Full Bench, consisting of Justices Preiss, Harms and Myburgh, also ruled against the alternative application that the Minister of Law and Order, Louis le Grange, and the officer commanding John Vorster Square be ordered to furnish Suttner and Kubeko with reasons for their detention.

Included in the dismissed application was a request for an order that the applicants not be de-

tained in isolation from other emergency detainees and that they be provided with proper sleeping facilities, including a bed, mattress and an adequate supply of blankets.

The Full Bench rejected the argument put forward by the applicants' counsel, Mr L Goldblatt, claiming that their detention was unlawful because it did not follow the required procedure.

Reasons for the dismissal of the application will be furnished at a later stage.

Remorse, 'more real'

PRICE MAINTAINED

DET letter slaps effective ban on W Cape SRCs

Dispatch

Correspondent
CAPE TOWN — The Department of Education and Training (DET) has effectively banned all old-style student representative councils from operating in schools under its control in the Western Cape.

This follows a letter from the circuit inspector of education and training, Cape Town, to members of SRCs.

The letter was attached as appendix 3 to a letter to parents, dated July 7, informing them of steps to be taken in normalising education.

Under the heading "Membership of an irregular body", SRC members were told:

"According to my information you are a member of a body that purports to be the student's representative council of ... school.

"I therefore wish to draw your attention to the following:

"The SRC of which you are a member has not been constituted according to the guidelines stipulated by the minister.

"The director-general also gave instructions that before an SRC may be established a copy of the proposed constitution must be submitted

by the principal of the school to the regional director for his approval. Such a constitution was neither submitted, nor approved by the regional director.

"Because your council did not adhere to the conditions as set out you and the council of which you are a member are therefore now severally and jointly informed that your council is forthwith disbanded."

According to a liaison officer for the DET in Pretoria, Mr Job Schoeman, there had been no instructions from head office for the letter to be sent out.

However, regional offices could take their own steps.

The Minister of Education and Development, Dr Gerrit Viljeon, had drawn up guidelines in 1984 and because of the problems experienced with various groups in schools he had decided to limit SRCs to three guidelines, he said. They were:

- That members are democratically elected by secret ballot;

- That they limit their activities to the school at which they have been elected; and

- That they are not allowed to affiliate to outside organisations.

Swefer 3/17/86

329

COURT BID FAILS

By MONK NKOMO

THE Full Bench of the Pretoria Supreme Court yesterday dismissed an application by two Johannesburg men, who included an executive member of the United Democratic Front, to nullify their detention under the state of emergency regulations.

Mr Raymond Sorrel Suttner, a senior law lec-

By MONK NKOMO

turer at Wits University and UDF official, and Mr Sipho Kubheka, an official of the Paper, Wood and Allied Workers' Union, sought an order directing the Government to either release them or give reasons for their detention.

Government

The respondents were the State President, Mr P W Botha, the South African Government, Mr Louis le Grange, the Minister of Law and Order, and the officer commanding at John Vorster Square Prison. The applicants were represented by Mr L Goldblatt, SC, and Mr R Sutherland, instructed by

Mr Peter Harris of Cheadle, Thompson and Haysom.

Mr J D M Swart, SC, appeared for the respondents.

Mr Justice Preiss with Mr Justice Harms and Mr Acting Justice Myburgh concurring, dismissed the application with costs and said reasons for their decision will be issued soon.

In their affidavits both applicants said they were arrested at their homes in Alexandra and Johannesburg on June 12 in terms of Section 50 of the Internal Security Act. Their detention was extended and were both now being held under the emergency regulations.

Praise for publishing names of detainees

Major human rights and political organisations have hailed the decision of *The Star* to publish the names of thousands of people who are believed to be in detention.

But the Conservative Party has described the move as irrelevant, and there has been criticism that the list is incomplete.

The United Democratic Front, which has the greatest number of members detained, has expressed the hope that the move signals a more courageous stance by the media in the face of emergency restrictions. The Front's recognition was echoed by the Progressive Federal Party and the Detainees' Parents Support Committee.

Black Sash national president Mrs Mary Burton commented today: "The state of emergency has had the effect of cushioning people from the truth. I hope the publication of these names makes people aware of the magnitude of detentions. Most people will realise that locking people up is no long-term solution."

The national head of Lawyers for Human Rights, Mr Jules Browde, said: "It is important for people to know what is going on."

Southern African Society of Journalists president Ms Pat Sidley said: "We welcome the decision. Publication helps both the detainees and the public. But it's a pity it took so long."

● See Page 11.

329 3/7/10

Over 3 000 still detained

MORE than 3 000 people are still in detention under state of emergency regulations according to the Detainees Parents Support Committee.

The DPSC said it has on record the names and details of over 3 000 persons reported by families, friends and other sources to be missing or in police custody under circumstances which suggest that these people are in emergency detention.

"In addition, there have been reports of mass detentions of striking workers and others, totalling approximately 2,000, whose names are not individually known to the DPSC.

"Finally previous experience has shown that if and when the veil of secrecy over detention figures is withdrawn momentarily by the authorities, the official figure invariably turns out to be substantially higher than the estimated figure.

"This is particularly true when detentions take place in country towns and rural areas," the DPSC said.

The DPSC report also has a breakdown of the figures according to occupation, area and affiliation to community or political organisations.

A number of court actions taken by individuals governing the emergency are listed and show a number of successes.

There has also been strong action taken against the media by the State which has resulted in detentions and the deportation of two foreign correspondents of the

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State of emergency regulations face a legal onslaught

Business Day Reporters

STATE of emergency powers are under a barrage of attack in the courts as a flood of applications challenge the regulations on many fronts.

Five cases either challenging the emergency regulations, or detentions of individuals, were heard in the Rand, Pretoria, and Cape Town Supreme Courts yesterday, with several more cases due in the next few days.

The onslaught against the regulations has led to a number of detainees being

freed, and many of the restrictions on the media being lifted.

While a list of provisions restricted the media at the start of the emergency, seven weeks later only two major constraints remain — the reporting on actions of the security forces, and certain restrictions on taking and publishing photographs.

Legal opinion has led newspapers to begin publishing the names of detainees,

another area previously restricted.

Prominent people said to be in detention include UDF leader Frank Chikane, Nusas president Claire Wright, Carole Vale, wife of prominent social scientist Peter Vale of Grahamstown University, Mawu vice-president Jeffery Vilane, Cosatu Pretoria regional secretary Donnie Khumalo and Oscar Malgas, a senior Ccawusa official.

Separate lists of detainees kept by monitoring groups such as the Detainees

Parents' Support Committee (DPSC) and the PFP's Missing Persons Bureau have vastly different versions of the numbers in detention.

This has led for calls for the authorities to disclose an official list of detainees, to establish who is in detention, and who is missing.

PFP spokesman Harry Schwarz said such an official list should be issued as a matter of public importance.

Schwarz said although the PFP had

● To Page 2 ➡

Onslaught on emergency laws

sations and banning their meetings. The matter was settled out of court.

□ The Necc and two others brought an application against the President and the Minister of Education and Development Aid in the Rand Supreme Court asking that that court invalidate regulations barring unregistered pupils from attending school. The case will be heard on August 5.

□ In a case which went against the applicants, a full Bench of the Pretoria Supreme Court yesterday dismissed with costs an urgent application for the release of Raymond Suttner, a Witwatersrand University lecturer, and Sipho Ku-

beke of the Paper Wood and Allied Workers Union. Reasons for the dismissal of the application were not given and will only be furnished at a later stage.

□ Today UDF official Solomon Tsenoli, now in detention, will argue in Durban that his arrest and continued detention is unlawful.

□ Tomorrow action brought by the UDF and the Western Cape Teachers' Union will challenge the President's authority to make regulations and his power to delegate to the Commissioner of Police.

ARBUS 31/7/86

I was held on basis of rumours, clergyman tells court

By SUE LUPTON
Staff Reporter

AN OUDTSHOORN clergyman and his wife have claimed that his 45-day detention under the emergency regulations was based on "malicious rumours" and stemmed from his refusal to stand as a Labour Party election candidate.

United Congregational Church minister, the Rev John de Klerk, 46, was released on Tuesday after the launch of a court application for his arrest and detention to be declared invalid.

His wife, Mrs Jean de Klerk brought an application before the Supreme Court, Cape Town today against the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the officer commanding George Prison. The application is proceeding for costs.

In an affidavit Mr de Klerk said on June 14 two special branch policemen — a Warrant Officer Malherbe and a Sergeant Cloete — arrived at his home. They searched his office, taking "harmless" International Youth Year programmes.

HOLIDAY

At the church they found South African Council of Churches commemoration service programmes.

Mr de Klerk was planning a two-week holiday starting that day and "had absolutely no plans to organise a commemoration service".

On the way to the police station he told them he was due to conduct a funeral for an accident victim. They told him to return at 5pm to "see the colonel".

When he returned, they photographed him and took fingerprints. He asked: "Are you taking other ministers?" The answer was: "All the outspoken ones."

'I was detained on rumours'

ARBUS 31/7/86
(Cont. from Page 1) 329

tics in any form."

In 1984 Mr de Klerk turned down — "on Christian ethical grounds" — a request for him to stand for the Labour Party in parliamentary elections.

In November 1985 there was a split in the congregation

when 43 deacons walked out and a co-minister, the Reverend S Dolph, left the church.

"ARSONIST"

"Malicious rumours" were spread. "I was called an arsonist, an instigator of consumer boycotts and a dangerous person."

"... The only possible information that the security policemen who ordered my detention could have had, could be the false and malicious rumours spread by dissatisfied former members of the my congregation," said Mr de Klerk.

Mrs de Klerk said in an affidavit "the problems began" after her husband refused to stand for the Labour Party. She said 500 to 800 congregation members — of the total 10 000 — had left the church.

"I understand no reason for the breakaway and even the commission of inquiry set up by the Outeniqua regional Congregational ministers found that there was no reason."

He was taken to George Prison. During the trip Warrant Officer Malherbe drove "recklessly". They then travelled "at terrific speed" to get a warrant of arrest in Mossel Bay.

"After I was issued with a blue identification card I read that I had been detained in terms of Section 3(1) of the emergency regulations," said Mr de Klerk.

"LAW-ABIDING"

"I cannot believe that a good, law-abiding citizen and minister of religion of 23 years' standing can be summarily detained and locked away in a cold prison cell indefinitely.

"It is well known in the town that I am a man of reconciliation and I consider it to be my vocation to build bridges between God and man and man and man.

"I have never preached poli-

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The hearing was postponed to a date still to be determined for costs to be argued. The respondents were instructed to file opposing affidavits within 14 days.

Mr J Krige, instructed by E Moosa and Associates appeared for the applicant. Mr J A le Roux, instructed by the State Attorney appeared for the respondents.

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Sacked cabinet-maker gets his old job back

Staff Reporter **329**
MR Nathan Cottle, a cabinet-maker who lost his job when he was detained, has been reinstated following an investigation.

Mr Cottle, freed on Monday night after 43 days in detention, returned to his old job at an Epping company today, according to his wife Theresa.

Mr Martin Neethling, the company's director of production, said he personally investigated Mr Cottle's dismissal.

"I did not dismiss him. I resolved after the investigation to re-employ

him. He accepted," Mr Neethling said.

Mrs Cottle, who launched a court application to have her husband's detention declared illegal, said today: "I thank God that my husband was released and that he has got his job back."

Mrs Cottle said her husband's attitude to his detention was: "Life is too short to hold anything against anybody."

The court application, which would have begun today, was withdrawn yesterday.