

TOTALITARIANISM — GENERAL

1986

JULY.



# Death toll 93: Policeman dies after 'necklacing'

The Argus Correspondent

JOHANNESBURG. — The death toll since the state of emergency was declared on June 12 has risen to 93.

Among the latest deaths reported at the Bureau for Information's Press briefing in Pretoria yesterday was that of a 30-year-old railways policeman, Constable J E Rampele, saved earlier from a "necklacing" in Tembisa.

Three people are now known to have died in a bus accident after the rally in Soweto on Sunday addressed by the Chief Minister of Kwazulu, Chief Mangosuthu Buthelezi.

Bureau spokesmap Mrs Ronel Henning also confirmed that there were two mini-lim-pet mine blasts yesterday morning at water pipelines near Durban.

No one was injured but the mines exploded 15 minutes apart, an indication that the second blast had been intended to injure or kill repair teams, she said.

The bus accident occurred in Orlando West on Sunday afternoon when youths allegedly

## EMERGENCY UPDATE

threw stones and a petrol bomb at a bus.

Bus driver Mr Edward Makhanya's clothes caught fire and he leapt out of the bus. The bus then struck and killed two pedestrians before smashing into a wall.

The driver of a second bus said a shot had been fired at him. There was a collision involving two other buses and a minibus.

Mr Makhanya and 48 of the 206 passengers were treated for injuries at Baragwanath Hospital. Yesterday 36 were still in hospital.

Police are investigating allegations that an unnamed youth died after being stabbed by passengers.

Four other unrest deaths reported yesterday are:

Mr Abraham Maleki and Mr Martin Maseko, both 19, were shot dead by a guard at the home of a Soweto councillor after the men allegedly threatened him with knives;

Mr Mazwadule Baaitjies of Zondi in Soweto, was allegedly stoned to death by 20 people;

A man allegedly shot himself in a Tembisa house when security forces fired buckshot and teargas after a shot was fired at a patrol.

● The bomb which injured Mr Stephen Pearce and his foster son, Mr John Ashburn, in the Pritchard Street Wimpy Bar in Johannesburg last week had been put under the table at which they were sitting.

The two men spoke yesterday at a Press conference in Johannesburg Hospital where they are recovering from burns and shrapnel wounds.

Both Mr Pearce, a civil engineer, and Mr Ashburn, a former security officer, should be discharged soon.



MICHAEL MORRIS of the Argus Foreign Service in London reports South African ambassador Dr Denis Worrall's appearance before Britain's all-party Foreign Affairs Select Committee to answer questions on the situation in the country.

AKG 5/7/86

327

25/86

# Worrall's answers

THE success of British Foreign Secretary Sir Geoffrey Howe's EEC peace mission to South Africa will depend on "how the state of emergency develops and the mood of the Government at the time," according to South Africa's ambassador in London, Dr Denis Worrall.

He told Britain's all-party Foreign Affairs Select Committee yesterday he could not speculate on the outcome of the visit or the likelihood of its success.

But he said South Africa approved of Mrs Thatcher's approach. "It's a more constructive approach, rather than just hammering South Africa. There is room for outsiders to attempt to break the cycle of violence and facilitate discussion and dialogue. That will be the basis on which South Africa will receive Sir Geoffrey."

On the Government's stand on the release of Mr Nelson Mandela — the key element of Sir Geoffrey's brief from the EEC — he said: "There are two problems and the Government must face up to these consequences. I sense that it is in the interests of South Africa that Mandela be released, but the fact is that the decision has to be justified to the white electorate because there is a reason he is imprisoned."

"And the fact is that every car bomb that kills people and every speech calling for the maiming of South Africans, the more difficult it is to release this obviously important figure if he persists in his view that the armed struggle is necessary."

The use of violence as a bargaining factor in negotiations was "unacceptable", but

the Government's view was that "if the ANC and other organisations renounce violence, there is no reason why we should not be involved in a negotiating process".

In an attack on the EPG initiative, he said: "The fact that they came for three weeks and failed, and said it was going to be a bloodbath and that no other diplomatic initiatives are needed — this is some presumptuousness."

He believed the EPG had not been given a chance to succeed. It was an initiative that had needed "time and flexibility".

The "most difficult" problem in South Africa was creating "a fully representative government" because there were no "clear answers" and no political models that would meet the country's multi-cultural needs.

He stressed the need for blacks to recognise "the self-interest of white Africans".

The Government, however, was committed to reform the constitution through the National Statutory Council once order had been regained through the state of emergency.

"I would disagree that the state of emergency means the Government is not reforming."

HE denied that South Africa was "on the brink of revolution" and said "no government can reform in an era of chaos. It's essential to re-establish order for reform to take place. The alternative constitutional form is something that has to be negotiated and the Government will deal with all people who renounce violence."

The notion that sanctions would bring change in South Africa was founded on a

"completely mistaken psychology". He warned that South Africa could take drastic retaliatory steps that would cause "chaos in southern Africa" if severe sanctions were imposed.

South Africa could also refuse to pay its international debts and set a precedent for nations like Mexico — and that "would bring down the whole Western financial system. I am not saying that is being considered. But it could happen if sanctions were imposed."

South Africa could also repatriate the "hundreds of thousands" of foreign workers now employed in the country and possibly deny its Front Line neighbours the transport infrastructure, fuel supplies and electricity they presently received.

"I am worried about sanctions. I want South Africa to grow, because it is the industrial giant of Africa, not just southern Africa."

Sanctions would have "serious economic consequences for South Africa and the psychological effect will be something else". President Botha had made it clear South Africa would not be influenced by measures taken against it.

"Sanctions and punitive action will be used by the Government to bolster its (domestic) support. We are already hurting from measures taken so far, but the notion that this is going to bring change involves a completely mistaken psychology."

Negative measures would be "very unhelpful". They would lead to higher unemployment and "it would mean that the eventual cake that has to be shared would be so much smaller".

HE said South Africa's Press was engaged in a "vigorous" and "critical" debate on the country's political future, despite curbs on reporting the state of emergency.

Closely questioned by the committee on the capacity of the Press to reflect events under the state of emergency, he the present restrictions on newspapers "relate only to the emergency and the handling of the emergency."

For the rest the media was able "to report freely on developments in the country and there is a vigorous political debate going on now. That has not been significantly affected by the restrictions."

The restrictions on reporting details of the emergency clampdown were aimed at preventing the "Government's opponents from using the media — it's a serious situation the Government faces and it's taking the kind of action any democracy would take if it were faced with similar circumstances".

He described the Press, particularly the English-language newspapers — he offered three copies of The Star from June 24, 25 and 26 to the committee as evidence — as "a vigorous and critical Press".

"The restrictions are temporary, but I would like to say that a vigorous debate is going on which is inconceivable in any socialist or communist society. Despite the restrictions, there is a high degree of Press freedom in South Africa."

The Press ban on the ANC — which was "committed to violence" — was to prevent its ideas "gaining credence".



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."

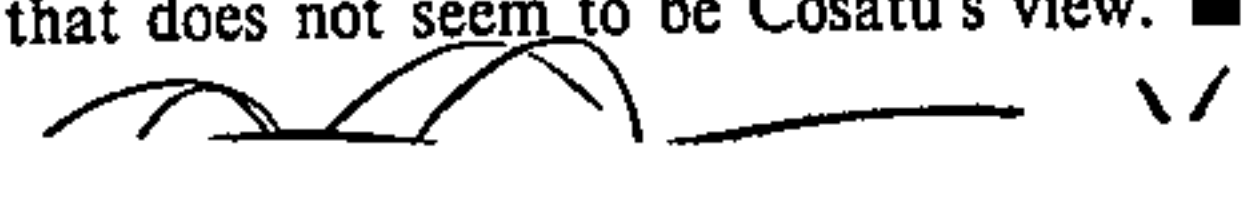
Unrepentant, Cosatu hit back at organised commerce and industry on Tuesday, challenging employers to show what they are doing to end the emergency beyond issuing statements of condemnation (see page 49).

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. ■





Bus Day 1/7/86  
327

## ON THE MOVE



**PETER WATT** has been appointed chief executive of Abardare 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 in between 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 126% 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.



CML Times 11/7/86  
329

# Sisulu arrest: IPI demands explanation

Own Correspondent

LONDON. — The International Press Institute (IPI) has demanded an urgent explanation from the Minister of Law and Order, Mr Louis le Grange, concerning the circumstances of the arrest of New Nation editor Zwelakhe Sisulu.

The IPI — an organization representing 2 000 editors and publishers worldwide — has asked

Mr Le Grange to confirm that he will do his "utmost to find out what has happened to Mr Sisulu".

Mr Sisulu, a former president of the Media Workers Association of South Africa (Mwasa), is the son of the jailed ANC leader, Mr Walter Sisulu. He is also a senior official of the National Education Crisis Committee (NECC).

The IPI's London-

based director Mr Peter Galliner called on Mr Le Grange to launch an immediate investigation into the circumstances of Mr Sisulu's arrest.

"If Mr Sisulu is in police custody, will you please see that he is immediately freed so that he can continue as editor of his paper which, as you know, was founded by the South African Catholic Bishops Conference earlier this year and is recognized as a highly responsible publication," Mr Galliner said.

Like Mr Thabo Mbeki, the son of jailed ANC veteran Mr Govan Mbeki, Mr Sisulu is seen as one of a handful of African nationalists in a "buffer" generation between the Tambos and Mandelas on the one hand and the comrades of the townships on the other hand.

The SACBC has said it is to take legal action against the police if Mr Sisulu is not released after 14 days of his detention.

## Allegations

The chairman of the Board of Publishers, Bishop Reginald Ormond, also made it clear that the paper will continue being published.

● Sapa reports that a spokesman for Mr le Grange yesterday would not comment when asked whether Mr Sisulu would be charged with any offence.

The ministry earlier confirmed that Mr Sisulu was detained on Friday, breaking its policy of not publicly confirming detentions to reject allegations that he had been abducted from his home by men wearing balaclavas.

The spokesman yesterday said that no decision had been taken on whether publication of New Nation would be stopped.



3 MAR 2/7/86

The Star Wednesday

## Industrial relations 'sharply deteriorating'

# 222 unionists still detained 327 ~~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.



# Meetings ban on nearly 100 organisations

ARGUS 2/7/86 324  
The Argus Correspondent

JOHANNESBURG. — Almost 100 organisations, including the United Democratic Front, Azapo and the Detainees Parents Support Committee, have been banned from holding meetings on the East Rand, in the Northern Free State and large parts of the Cape.

In a Government Gazette published yesterday divisional commissioners of police have imposed an indefinite ban on gatherings of the organisations in terms of the Public Safety Act.

## GATHERINGS

The areas affected include 35 magisterial districts in the South-Western Districts in the Cape, 13 in the Eastern Cape, 10 on the East Rand and seven in the northern Free State.

Almost 100 organisations are named by the Gazette, which further states that none of the organisations may arrange, organise or hold any gathering in any building in the 65 affected magisterial districts affected and that no one may encourage anyone to attend such a meeting.

## POWER TO EXEMPT

All notices advertising meetings have been banned and only the Commissioner of the South African Police can, on written application, grant an exemption.

Apart from the UDF and Azapo, other organisations which may no longer meet include the End Conscription Campaign, the Release Mandela Campaign and Committee, the Azanian Students' Organisation and the Azanian Students' Movement.

Most of the other organisation affected are local, civic, youth, women's and community organisations.

# Pupils discover silicon Mr Chips

Education Reporter

COMPUTERS in Peninsula schools are opening up a new world for pupils and teachers, thanks to the Cape Educational Computer Society (CECS).

This week the fledgling organisation held its first three-day camp for about 50 pupils from 20 Peninsula high schools at the Van der Westhuizen camp grounds at Strandfontein.

The society was formed last year by about 250 teachers who were concerned that many teachers and pupils were wary of computer technology.

"The society is made up of community-conscious teachers determined to see computers serving pupils and society," said projects officer Mr Doug Reeler.

It runs independently of the Department of Education and Culture in the House of Representatives.

## WORKSHOPS

Computer clubs have been formed at schools, workshops have been held and information exchanged in the society's monthly newsletter.

"We felt a need to counter the attitude that computers are tools of the rich and at the same time make pupils aware they could put their skills to the service of their community



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2/7/86

## Day passes 'without a death from unrest'

327

The Argus Correspondent

PRETORIA. — The Bureau for Information has declared that the death of a Port Elizabeth doctor on Monday night was not unrest-related — it was just "an ordinary crime".

This left the bureau with no unrest deaths to report for the 24 hours ending at 6am yesterday — the first time a day has passed without a fatality since the emergency was announced on June 12.

The death toll since June 12 is still 93, according to the bureau's figures.

Bureau spokesman Miss Ronelle Henning said at the daily briefing yesterday that the police had classified the doctor's killing as an "ordinary crime".

### BURNT-OUT

Earlier the bureau had said a can and two bottles of petrol were found near the body of Dr J M Hewana, 42, and arson was suspected.

The body was found near a burnt-out clinic in Motherwell.

Miss Henning said the 24-hour period to 6am yesterday was one of the quietest since the state of emergency was declared on June 12.

However, the bureau reported that eight people, including two children, had been injured in an explosion at Mosskays Motor Spares on the corner of Van Wielligh and Main streets in Johannesburg at 1.50pm yesterday.



July 1986

## UDF and Mawu to challenge emergency

THE Department of Education and Training's stringent new measures came under attack from more organisations yesterday.

A spokesman from the Azanian Students Movement (Azasm) said the measures that the DET intends implementing from next Monday would affect normal school attendance.

"The measures are meant to make Bantu Education tolerable," the spokesman said.

A statement from the East Rand Students Congress (Erasco) said DET instead of meeting the students' legitimate demands was worsening the situation.

"The DET should not undermine black people by taking decisions without consulting

them," the statement read.

Among measures to be implemented by DET are:

- Identity cards will be issued to all pupils;
- Teachers must not be shabbily dressed;
- Pupils must be re-registered for the new term.
- In yesterday's *Sowetan* we quoted the National Education Committee (NECC) as saying it appeals to pupils not to turn their frustrations on teachers and principals. In fact the NECC said it appealed to the Department of Education and Training not to turn its frustrations on teachers and principals. We apologise for the embarrassment this might have caused the NECC.



CAF Tennis  
2/7/86  
(2430)  
327

# Journals get heavy black pen treatment

By ROGER WILLIAMS  
Chief Reporter

FIRST there were whiteouts, now there are blackouts in news journals that have been arriving in South Africa from overseas since the proclamation of the state of emergency two weeks ago.

The black felt-tipped pen has taken the place of the technique of leaving white spaces in the costly and time-consuming process of self-censorship now being practised by publishers and distributors faced with heavy penalties for contravention of the emergency laws.

The South African edition of Time magazine, printed in Johannesburg, which had three blank pages last week, this week has a short quote by Mr Oliver Tambo, the ANC president, penned out.

And Newsweek, which last week was held back by the publishers in Zurich because of a 16-page cover-feature titled "South Africa at War", has gone on sale this week with signs of heavy self-censorship with the felt-tipped pen.

Large portions of a

four-page article headed "South Africa's '1984'" have been penned out by the distributors in Johannesburg.

Mr Richard Manning, Newsweek's South Africa bureau chief, was ordered out of the country this week by the government.

Probably the most-striking victim of the black pen this week has been the latest issue of one of the most-respected financial journals in the world, the Economist, published in London. Its entire cover picture has been black-penned, and pages 11 and 45 have been torn out. The index indicates that there was an article titled "South African third-world toughs" on page 11, and another article, "A funny way of making friends" on page 45.

A spokesman for a firm of distributors said from Johannesburg yesterday that all the black-penning had to be done by hand and that in the case of Newsweek, which had a South African circulation of about 6 500, this was "a pretty laborious and time-consuming process".



# Indoor meetings banned

THE Eastern Province Divisional Police Commissioner, Ernest Schnetler, has prohibited 52 organisations from holding or advertising indoor gatherings in the magisterial districts of Adelaide, Albany, Alexandria, Bathurst, Bedford, Cradock, Fort Beaufort, Hankey, Humansdorp, Kirkwood, Port Elizabeth, Somerset East and Uitenhage.

The organisations are:

Adelaide Youth Congress, Alexandria School Committee, Alexandria Students Council, Alexandria Youth Congress, Alicedale Civic Association, Alicedale Women's Organisation, Alicedale Youth Congress.

Azanian Peoples Organisation, Azanian Students Movement, Azanian Students Organisation, Black Students Movement, Black Students Movement, Women's Group Crisis Committee (sic).

Cookhouse Youth Organisation, Cradock Residents Organisation, Cradock Students Council, Cradock Women's Organisation, Cradock Youth Association.

Detainees' Parents Support Committee, East Cape Teachers Union, End Conscription Campaign, End Conscription Committee, Fort Beaufort Organ of Peace, Fort Beaufort Youth Congress.

Grahamstown Burial Action Committee, Grahamstown Civic Association, Grahamstown Committee of Democrats, Grahamstown School Committee, Grahamstown Students Council, Grahamstown Youth Congress, Grahamstown Youth Movement.

Northern Areas Youth Congress, Port Alfred Black Civic Association, Port Alfred School Committee, Port Alfred Students Council, Port Alfred Youth Congress, Port Elizabeth Black Civic Organisation, Port Elizabeth School Committee, Port Elizabeth Students Committee.

Port Elizabeth Women's Organisation, Port Elizabeth Youth Congress, Pro-Humanism Organisation, Release Mandela Committee, Save the Starving Community, Somerset East Residents Association.

Somerset East Youth Congress, Uitenhage Black Civic Organisation, Uitenhage Health, Safety and Cultural Association, Uitenhage Parents Committee, Uitenhage Students Committee, Uitenhage Women's Organisation, Uitenhage Youth Congress, United Democratic Front.



APR 2/7/86  
**SA unionists  
in England**

Own Correspondent

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.



2/7/86  
STAR

## Sweeping ban on 327 meetings

**Pretoria Bureau**  
In a Government Gazette published yesterday, almost 100 organisations, including the United Democratic Front, Azapo and the Detainees' Parents Support Committee, have been banned indefinitely from holding meetings on the East Rand, in the Northern Free State and in large areas of the Cape.

The areas affected include 35 magisterial districts in the South-Western Districts of the Cape, 13 in the Eastern Cape, 10 on the East Rand and seven in the Northern Free State.

The Gazette states further that none of the organisations may arrange, organise or hold any gathering in any building in the 65 magisterial districts affected and that no one may encourage anyone to attend such a meeting.

All notices advertising meetings of the organisations are banned.

The affected areas on the East Rand are Alberton, Benoni, Springs, Nigel, Balfour, Delmas, Heidelberg, Kempton Park, Boksburg and Brakpan.



# Papers break law regularly — lawyer

It is not a question of "if" but "when" newspapers contravene the emergency regulations, Mr Peter Reynolds, a media lawyer, said yesterday.

"Hundreds of contraventions must have been committed by newspapers since the emergency regulations were promulgated on June 12," he said (editions of two newspapers were taken off the streets for obvious contraventions committed almost before the ink on the regulations had dried).

"Yet, no newspaper has been informed of any prosecution against it.

"I think the answer is simple — the Government does not wish to prosecute for fear of the courts being called upon to interpret extremely wide and vague wording of the emergency regulations.

"Once a court has given an interpretation, the guidelines are set and that is exactly what the Bureau For Information has been trying to avoid since the start of the emergency.

"At present the newspapers are in a serious dilemma as to what they can and cannot publish; many of them have been advised that, when in doubt, do not publish, and at all times to adopt a serious and conservative approach to the restrictions imposed upon them.

"But once the regulations have been judicially interpreted, the newspapers will, within reason, know how far they can go, and with a greater degree of clarity, will also know what they can and cannot publish in the common interest."



## Bureau has chopped and changed

By Kym Hamilton,  
Pretoria Bureau

The Bureau for Information has issued a number of conflicting statements on its policy about the publication of photographs of bomb blast scenes.

After the Durban bomb blast which killed three, only pictures supplied by the bureau were permissible.

After the Wimpy Bar blast in Johannesburg last week, the bureau ruled that pictures could be published if they showed the ANC "in a cruel light".

Then this Tuesday the bureau stated categorically that no pictures of the limpet mine blast site in central Johannesburg could be published.

It did not provide its own picture material.

When challenged, a bureau spokesman said there was no appeal against this decision.

But Deputy Minister of Information Mr Louis Nel said such pictures could appear in the Press so long as they did not show the security forces in action.

Since the beginning, SABC-TV has screened footage from areas where the rest of the media have been banned from entering.

However, it is understood the bureau is now investigating the footage which appeared on SABC-TV on Tuesday night. It included shots of policemen clearing the blast site in central Johannesburg.

A morning newspaper is also understood to be under scrutiny.

In terms of the emergency regulations, photographs and comment on the conduct of the security forces are banned.

## Nel gives media three 'golden rules'

By Sue Leeman, Pretoria Bureau

The Deputy Minister of Information, Mr Louis Nel, says the media is exaggerating the extent of the Press curbs under the emergency.

Explaining the restrictions last night, Mr Nel said there were effectively three golden rules for the media to observe:

- No reports or photographs of security force actions were permitted.
- Disseminating subversive statements was forbidden.
- Reporting and photographing incidents of unrest and violence were banned.

Mr Nel said the media was quite free to report on the damage caused by bomb blasts, for example, and could say his Bureau for Information was wrong if its reports of an event differed from eyewitness accounts.

"For example, if you see a bomb going off outside your office window, you may report on it.

"If you see two people killed, you are entitled to say so."

However, Mr Nel sounded a warning that if a newspaper's version of events was later proved to be wrong, it could be prosecuted for publishing subversive statements.

Mr Nel said pictures of bomb victims could only be published with the permission of the Bureau.

The Deputy Minister warned that pictures of bomb damage could only be taken once security forces were off the scene.

"While they are on the site, they are empowered to prohibit the taking of visual material. However, once they have left, you may take and publish whatever pictures you like."

There was confusion on Tuesday when the Bureau ruled that no photographs of the site in central Johannesburg, where a limpet mine had exploded, could be published.

Asked to comment on specific reports, Mr Nel said, in his personal opinion, *The Star* could have published reports of the death toll in Sunday's bus crash in Soweto as soon as it received confirmed eyewitness accounts.



# Emergency bears fruit as peace returns — bureau

3/7/86  
By Kym Hamilton,  
Pretoria Bureau

The four-week-old state of emergency was working, with no deaths reported by the authorities in the 24-hour period ending at 6 am yesterday, the Bureau for Information has said.

However, there was still no indication on how much longer the emergency would remain in force.

Miss Ronelle Henning, deputy director of foreign media liaison, said the 24-hour period had been one of the quietest since the emergency was declared.

For the second day running there were no deaths. There were also no incidents involving petrol bombing or stoning of security force patrols.

There was only one incident in which a group of about 40 people pierced the tyres of a bus in Soweto, causing R480 in damages. In Kagiso, Krugersdorp, a group stoned a bus causing R200 damages.

In Fingo Village, near Grahamstown, a private truck was petrol-bombed and stoned. Four people were arrested.

## 'PREDICTIONS IMPOSSIBLE'

Three people were arrested in Daveyton near Benoni after a group of about 20 people threatened to necklace a man.

Miss Henning added that although it was not possible to predict how matters would progress, because radicals could regroup, the indications were that peace had been restored.

The state of emergency had had the desired effect and the decent majority of people could now go about their daily lives without fear, she said.

One of the underlying reasons for imposing the state of emergency was to create the right climate for negotiating South Africa's future constitutional dispensation.

The State President, Mr P W Botha, had extended his hand in friendship to those interested in going to the negotiating table, added Miss Henning.



# Orders on schools, funerals

PRETORIA. — People were yesterday prohibited from being on school premises in various Western Transvaal townships, while "customary" restrictions were placed on funerals in black areas in the Western Province, according to notices published in the Government Gazette here yesterday.

In terms of Emergency Regulation 7, Western Transvaal Divisional Police Commissioner Gerhardus de Waal ordered that no person may be present on school premises in townships in 14 magisterial districts until July 13 without official permission.

Western Province Divisional Police Commissioner Christoffel Swart placed restrictions on funeral ceremonies, being held for people who apparently died of unnatural causes, in the areas of Khayelitsha, Crossroads, Nyanga, Guguletu and Langa.

Funerals may not be held without the local police station commander being informed at least 12 hours beforehand.

Ceremonies may not be held over weekends or on public holidays, and memorial services may not be held outdoors. — Sapa



## Strict new curbs to be enforced at township funerals

The Argus Correspondent

PRETORIA. — New curbs have been placed on funerals in Khayelitsha, Nyanga, Guguletu and 22 townships in the Western Transvaal.

Included is a new restriction obliging the organisers of funerals to give the police written details of the service and the deceased at least 12 hours before the funeral.

In terms of a Government Gazette published yesterday funerals or memorial services for those who have "apparently died of natural causes" may not be held at weekends or out of doors.

### WRITTEN NOTICE

Written notice of the service must be handed by the organisers to the local police station commander at least 12 hours before the service.

This notice must include particulars of the deceased and must give the date, time and place of the funeral.

Mourners, who may not number more than 200, must travel by car from the church to the cemetery and only an ordained minister may officiate. He may not attack or criticise the Government in his address and may not advocate boycotts or question the state of emergency or actions of the security forces.

No banners or flags may be displayed and public address systems are forbidden.

The service may not last for more than four hours.



327 2186

## Bureau Tuesday quietest

PRETORIA — The limpet mine explosion in Johannesburg which injured eight people was the only serious unrest incident for the 24-hour period to 6 am yesterday, the Bureau for Information said yesterday.

No fatalities, stone-throwing or petrol-bomb attacks "aimed at the security forces" occurred.

Bureau spokesman, Mrs Ronelle Henning, said the lowest number of incidents since the state of emergency was reported on Tuesday.

Police arrested four people after a truck was petrol-bombed at Fingo Village, Grahamstown.

A bus was stoned in Kagiso, Krugersdorp and the tyres of a bus were pierced in Soweto.

Police arrested three men in Daveyton, Benoni, after a group of 20 people threatened to necklace a man. — Sapa



3/7/85 JAK

## 780 facing emergency charges 327

Pretoria Bureau

Police dossiers against 780 people detained in terms of the state of emergency have been completed and more are on their way, the Bureau for Information said in Pretoria yesterday.

The dockets relate to criminal charges of arson, murder, and assault.

Three groups of people have already appeared in court in the 24 hours ending at 6 am yesterday on charges relating to attempted necklace murders.

Miss Ronelle Henning, deputy director of foreign media liaison, said that once the detainees had been charged they would have normal access to lawyers and the law would take its normal course. Further details would be released as they became available.

Miss Henning was not able to say how many people had already appeared in court.



# Details about ban on indoor meetings

PRETORIA. — Details about Tuesday's ban on indoor meetings by political organizations have been released.

The orders were issued in terms of Emergency Regulation 7 by four divisional police commissioners and apply to magisterial districts within their divisions.

In the Northern Free

State 18 organizations have been banned from holding indoor gatherings in Bothaville, Kroonstad, Odendaalsrus, Parys, Sasolburg, Virginia and Welkom.

In the Eastern Cape 52 organizations have been banned from holding indoor gatherings in Adelaide, Albany, Alexandria, Bathurst, Bedford

Cradock, Fort Beaufort, Hankey, Humansdorp, Kirkwood, Port Elizabeth, Somerset East and Uitenhage.

On the East Rand 17 organizations have been banned from holding indoor gatherings in Alberton, Benoni, Kemplon Park, Springs, Nigel, Balfour, Delmas, Heidelberg, Boksburg and Brakpan.

In the South-Western Districts 20 organizations have been banned from holding indoor gatherings in Albertina, Calitzdorp, George, Heidelberg, Joubertina, Knysna, Ladysmith, Mossel Bay, Oudtshoorn, Riversdale, Uniondale, Beaufort West, Carnarvon, Fraserburg, Laingsburg, Sutherland, Victoria West, Williston, Burgersdorp, Colesberg, Hanover, Hofmeyer, Middelburg, Moltene, Noupoot, Richmond, Steynsburg, Venterstad, Aberdeen, Graaff-Reinet, Jansenville, Murraysburg, Pearston, Steytlerville and Willowmore.

The organizations are: Azanian People's Organization; Azanian Students' Movement; Azanian Students' Organization; Black Students' Movement; Women's Group; Crisis Committee; Bon-golethu Youth Organization; Bridgeton Youth Organization; Detainees' Parents' Support Committee; Graaff-Reinet Community Organization; Graaff-Reinet Youth Congress; Jansenville Youth Congress; Karoo Youth Congress; Klipplaat Youth Congress; Middelburg Residents' Association; Middelburg Youth Congress; Release Mandela Campaign; UDF; Zanolokhanyo Civic Committee, and the Zanolokhanyo Youth Organization. — Sapa



# No independent unrest reports

Cape Times 3/7/86 327

Staff Reporter

THE Bureau for Information has made it clear that newspapers will not be allowed to publish independent news reports of the actions of the police or the army during the state of emergency.

The head of the Bureau for Information, Mr David Steward, has told the Cape Times that the bureau will vet only reports of officially arranged visits to "unrest areas" or to observe security force action.

This means that newspapers are prevented from carrying any reports of or comment on other security force action they may observe or be told about because there will be no authorization for these reports to be published.

Mr Steward was asked for clarification of the position following confusion when the Commissioner of Police, General Johan Coetzee, issued an order on June 16 prohibiting unauthorized publication of news or comment on security force action.

Permission had to come from him "or any person authorized thereto" by him.

Newspapers found they could not get reports cleared, even in part, because reports sent to the police for clearance in terms of this order were referred to the Bureau for Information, which in turn said it was not in a position to give legal advice or to clear reports.

After discussions between the Newspaper Press Union and the police, a statement was issued by the

NPU on June 19 saying incidents of unrest involving the police "line function" would be handled by a police official at the Bureau for Information or by the police media liaison office.

As the official response to requests to clear reports remained unchanged, Mr Steward and the head of police media liaison in Pretoria, Brigadier Jaap Venter, were sent telexes last week asking which department or official was responsible for clearing reports in terms of General Coetzee's order.

In a telexed reply, Mr Steward said he was the person to whom the Commissioner of Police had delegated responsibility to authorize publication of reports in terms of section 7(1)(c) of the emergency regulations.

## 'Not a censor'

"The bureau is, however, not prepared to act as a censor with regard to such reports. It sees its task as providing information on the state of emergency, not as deciding which reports may or may not be published.

"It will accordingly exercise its powers in terms of order 7(1)(c) only in circumstances where it or its regional representatives arrange for journalists to visit unrest areas and/or observe the security forces carrying out their functions in terms of the state of emergency.

"It will continue to advise newspapers to consult their legal advisers on all other questions affecting their reporting on the state of emergency," Mr Steward said.



## Funerals hit by new set of controls

Pretoria Bureau

Restrictions have been placed on funerals for unrest victims in Western Transvaal townships and a new set of funeral curbs issued for Khayelitsha, Nyanga and Guguletu in the Cape.

Funeral organisers must give police written details of the service and the deceased at least 12 hours before the event.

In terms of a Government Gazette published yesterday, funerals or memorial services for those who "apparently died of natural causes" may not be held at weekends or out of doors.

Mourners may not number more than 200, must travel by car from church to cemetery and only an ordained minister may officiate.

He may not criticise the Government nor advocate boycotts nor question the emergency.

No banners or flags may be displayed and public address systems are forbidden.

The service may not last more than four hours.



# Ban silences 52 East Cape bodies

PRETORIA — Details of the ban placed on Tuesday on indoor meetings organised by political organisations have been released.

The orders were issued in terms of Emergency Regulation 7 by four divisional police commissioners and apply to magisterial districts within their divisions.

In the Eastern Province, 52 organisations are prohibited from holding or advertising indoor gatherings in the magisterial districts of Adelaide, Albany, Alexandria, Bathurst, Bedford, Cradock, Fort Beaufort, Hankey, Humansdorp, Kirkwood, Port Elizabeth, Somerset East and Uitenhage.

The organisations are: the Adelaide Youth Congress, Alexandria School Committee, Alexandria Students Council, Alexandria Youth Congress, Alicedale Civic Association, Alicedale Women's Organisation, Alicedale Youth Congress, Azanian People's Organisation, Azanian Students Movement, Azanian Students Organisation, Black Students Movement, Women's Group Crisis Committee, Cookhouse Youth Organisation, Cradock Residents Organisation, Cradock Students Council, Cradock Women's Organisation, Cradock Youth Association, Detainees Parents Support Committee, East Cape Teachers Union, End Conscription Campaign, End Conscription Committee, Fort Beaufort Organ of Peace, Fort Beaufort

Youth Congress, Grahamstown Burial Action Committee, Grahams-town Civic Association, Grahamstown Committee of Democrats, Grahamstown School Committee, Grahamstown Students Council, Grahamstown Youth Congress, Grahamstown Youth Movement, Northern Areas Youth Congress, Port Alfred Black Civic Association, Port Alfred School Committee, Port Alfred Students Council, Port Alfred Youth Congress, Port Elizabeth Black Civic Organisation, Port Elizabeth School Committee, Port Elizabeth Students Committee, Port Elizabeth Women's Organisation, Port Elizabeth Youth Congress, Pro-Humanism Organisation, Release Mandela Committee, Save the Starving Community, Somerset East Residents Association, Somerset East Youth Congress, Uitenhage Black Civic Organisation, Uitenhage Health, Safety and Cultural Association, Uitenhage Parents Committee, Uitenhage Students Committee, Uitenhage Women's Organisation, Uitenhage Youth Congress, and the United Democratic Front.

In the Northern Free State, 18 organisations are prohibited from holding or advertising indoor gatherings in the magisterial districts of Bothaville, Kroonstad, Odendaalsrus, Parys, Sasolburg, Virginia, and Welkom.

In the South Western Districts, 20 organisations are prohibited from holding or advertising indoor gatherings in the magisterial

districts of Albertina, Calitzdorp, George, Heidelberg, Joubertina, Knysna, Ladysmith, Mosselbaai, Oudtshoorn, Riversdal, Uniondale, Beaufort West, Carnarvon, Fraserburg, Laingsburg, Sutherland, Victoria West, Williston, Burgersdorp, Colesberg, Hanover, Hofmeyer, Middelburg, Molteno, Noupoot, Richmond, Steynsburg, Venterstad, Aberdeen, Graaff-Reinet, Jansenville, Murraysburg, Pearston, Steytleville and Willowmore.

The organisations are: the Azanian People's Organisation, Azanian Students Movement, Azanian Students Organisation, Black Students Movement, Women's Group Crisis Committee, Bongeletu Youth Organisation, Bridgeton Youth Organisation, Detainees Parents Support Committee, Graaff-Reinet Community Organisation, Graaff-Reinet Youth Congress, Jansenville Students Committee, Jansenville Youth Congress, Karoo Youth Congress, Klipplaat Youth Congress, Middelburg Residents Association, Middelburg Youth Congress, Release Mandela Committee, United Democratic Front, Zankhanyo Civic Committee, and the Zankhanyo Youth Organisation.

On the East Rand, 17 organisations are prohibited from holding or advertising indoor gatherings in the magisterial districts of Alberton, Benoni, Kempton Park, Springs, Nigel, Balfour, Delmas, Heidelberg, Boksburg and Brakpan.

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Pretoria Bureau

The Bureau for Information has issued a number of conflicting statements on its policy about the publication of photographs of bomb blast scenes.

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It did not provide its own picture material.

When challenged, a bureau spokesman said there was no appeal against this decision.

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However, it is understood the bureau is now investigating the footage which appeared on SABC-TV on Tuesday night. It included shots of policemen clearing the blast site in central Johannesburg.

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## Nel gives media three 'golden rules'

By Sue Leeman, Pretoria Bureau

The Deputy Minister of Information, Mr Louis Nel, says the media is exaggerating the extent of the Press curbs under the emergency.

Explaining the restrictions last night, Mr Nel said there were effectively three golden rules for the media to observe:

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Asked to comment on specific reports, Mr Nel said, in his personal opinion, *The Star* could have published reports of the death toll in Sunday's bus crash in Soweto as soon as it received confirmed eyewitness accounts.



31/3/86  
Source: DV

# Clamp on 18 bodies

EIGHTEEN political organisations have been prohibited from holding indoor meetings at various centres around the country by orders published in the Government Gazette on Tuesday.

The Divisional Commissioner of Police for the East Rand, Frederick George van Zyl has placed a clamp on the following organisations: Azanian People's Organisation, Azanian Students Movement, Azanian Students Organisation, Black Students Movement, Women's Group, Crisis Committee, Detainees Parents Support Committee, Duduza Civic Association, East Rand People's Organisation, End Conscription Committee, Kaitshong Action Committee, Kwa Thema Youth Congress, Ratan Release Mandela Committee, Tembisa Civic Association, Tsakane Youth Congress and the United Democratic Front.

The prohibition, under regulations, affects the following magisterial districts: Alberton, Benoni, Kempton Park, Springs, Nigel, Balfour, Delmas, Heidelberg, Boksburg and Brakpan.

The orders state that no organisation mentioned in this list shall organise, arrange or hold or otherwise bring about any gathering in any building in the stated magisterial areas and no person shall organise, arrange, hold or otherwise bring about such a gathering on behalf of or under the assistance of or with the assistance of such an organisation.

The order adds that no person shall at any time attend such gathering or propagate or encourage or promote such gathering or the attendance thereof or so or attempt to do so. No person shall publish or disseminate a notice in which such a gathering has been arranged or advertised.



# FIN MAIL WALKING A MINEFIELD

327

4/7/86

Current emergency regulations which have caused journalists and newspaper proprietors much heartache could also affect printers, whether they are under contract or not.

This has already caused anxiety at Kearthlands-Nasionale Litho, printers of the South African edition of the US's *Time* magazine and the *FM*.

Kearthlands refused to print the three-page story on SA in last week's *Time* on the advice of their attorneys, probably because they feared the plant could have been seized. The weekly magazine duly appeared with three blank pages.

A decision has apparently not been taken by the *Time* head office in New York on whether to continue printing in SA under current circumstances. A spokesman in Johannesburg refused to comment, saying that the contract with

Kearthlands was "a private matter between *Time* and Kearthlands."

Kearthlands GM Neil Henderson says that in the same circumstances he would refuse to print a dangerous article in the *FM*: "I can't afford to jeopardise our business. As the law is not clear, we cannot be too careful."

It is fairly obvious that printers who regard the news as a business rather than as a mission will err on the other side of caution.

In the same week, *Time*'s rival *Newsweek*, which is printed overseas and distributed by International Magazine Distributors (Intermag), did not appear on SA news stands. This was on the advice of Intermag's lawyers, after a mutual agreement with *Newsweek*.

This week both magazines appeared with passages deleted.



ANGUS: 7/1/86 522

## Henry Miller's *Tropic of Cancer* 'not undesirable'

THE Publications Appeal Board has lifted the ban on the May 23 issue of *Scope* magazine, the Directorate of Publications announced in Cape Town today.

The Appeal Board has ruled that Henry Miller's *Tropic of Cancer* is not undesirable provided it is distributed only by bookshops, libraries and wholesale book distributors.

The directorate has appealed against a committee decision that *Zoom Nr 32* by Zoom 2 Rue de Faubourg Poissonniere, Paris, is not undesirable and has asked for the imposing of conditions relating to distribution and display.

### DECISION

The Appeal Board has, however, provisionally decided that the publication is not undesirable, provided it is not displayed with any of the inner pages open for purposes of distribution. Representations could be made to the Appeal Board within 10 days, and should none be received the board's decision will be final.

The directorate has also appealed against a committee decision that the June/July 1986 issue of *Gazelle* by Viclen Promotions, Turffontein, is not un-

desirable. Representations could be made to the Appeal Board within 14 days.

A publications committee has on review ruled that *The Tragedy of Apartheid*, by Norman Phillips, is not undesirable.

From today it will be an offence to import and/or distribute a six-page 1986 calendar displaying girls with nude breasts (producer not stated).

Sixteen films were submitted for examination during the past week. Four were unconditionally approved and nine were conditionally approved. Three films were rejected. — Sapa.



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.

**F/N MAIL 4/7/86**  
**STRIKES**

## Emergency pressure

Strikes at about 100 retail outlets over the detention of leaders of the Commercial, Catering and Allied Workers' Union (Ccawusa) are over. But they demonstrated

how employers can get caught in the cross-fire during times of civil strife, and the difficulties of trying to settle strikes without the participation of top union representatives.

Although the retail sector has returned to normal, the chemical sector faces a rash of strikes over the same issue. According to reports, eight plants are affected. They involve members of both the Chemical Workers' Industrial Union, an affiliate of the Congress of SA Trade Unions (Cosatu), and the SA Chemical Workers' Union which is affiliated to the Council of Unions of SA.

A number of unionists, including two Ccawusa officials, were released from detention last week after serving 14-day terms under the emergency regulations. But in the last few days there have been further detentions of unionists, among them senior leaders of Cosatu, the National Union of Mineworkers and the Metal and Allied Workers' Union. Employers fear industrial action may spread to other sectors.

Rumours that Cosatu general secretary Jay Naidoo was among those detained proved false, but the detention of unionists (who may not be named) was the main item on the agenda of a special Central Executive Committee meeting to be held on Tuesday.

The return to work in the retail sector followed three meetings between employer representatives and government, and three lengthy and stormy negotiating sessions between employers and 14 representatives of the strikers.

The Ccawusa delegation was led by its president, Makhulu Ledwaba. He, however, was not able to be present at all the meetings. The other negotiators were mostly shop stewards inexperienced at dealing at top level. Hence the protracted nature of the talks.

The strike was clearly aimed at dumping the problem of the detentions in the lap of employers. Says Ledwaba: "Taxes from big business subsidise the State. They are obviously closer to government than we are, as evidenced by the fact that meetings were set up with (Law and Order Minister) Le Grange at such short notice." He adds: "The strike forced management to intervene with government, even though we didn't expect their meetings to achieve much."

Top retailers acknowledge that they may have some pull with government, but not as much as unions seem to believe. In this case Le Grange responded to management approaches cordially. But he was uncompromising on the question of law and order.

One management man involved sees business as having attempted to act as a mediator between government and the union. But, he says, "problems cannot always be resolved through mediation. Government and organised labour will eventually have to meet face to face."

The question that intrigues many is why the retailing sector was hit earlier and harder than any other. Employers give various explanations. One suggested that the labour movement chose to make the point in retailing because of its high public profile. An-

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.

Meanwhile, the Federated Chamber of Industries (FCI) met this week to consider its approach to union detentions. The FM understands that the issue was hotly debated. It appears that those in favour of a low-key approach won out in the end in contrast to the high profile stance the Premier Group and AECI have adopted.

**F/N MAIL 4/7/86**  
**KWANDEBELE**

## Statelet of siege

A curfew plus an order that "no person may play, loiter or aimlessly remain on any public road" has been imposed on the residents of KwaNdebele, partially house-arresting them.

The estimated 120 000 residents of Moutse, which was incorporated into KwaNdebele in January, are also governed by the new restrictions. Lebowa's attempt to reverse the incorporation of Moutse into KwaNdebele failed in the Pretoria Supreme Court recently. Lebowa argued that Pretoria failed (technically) to excise Moutse from Lebowa as it had amended the wrong proclamation. Last week, however, Mr Justice van Dyk ruled that the Department of Constitutional Development and Planning had amended the correct proclamation so ending Lebowa's jurisdiction over Moutse, which is now officially part of KwaNdebele.

The additional restrictions on KwaNdebele residents were imposed in terms of the State of Emergency by an order of the KwaNdebele police commissioner, Brigadier Christiaan van Nierkerk.

The curfew confines residents to their homes between 9 pm and 5 am, unless they are en route to work; many residents commute to jobs in Pretoria and on the Reef and some begin their daily journey as early as 3 am.

Among other restrictions, non-residents are prohibited from entering the homeland and only those with a job or home in KwaNdebele may stay in the area. School pupils

*Continued on page 38*



4/7/86

## CURRENT AFFAIRS

FIN MAIL

STATE OF EMERGENCY

327

## 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 Meisenholz, 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 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 likely to add to the tensions.



CARE TIMES 327  
4/7/86

## Police question editor

Own Correspondent

EAST LONDON. — The editor of the Daily Dispatch, Mr George Farr, was questioned by the police yesterday about a report published in the newspaper on March 22, 1986.

Lieutenant F Vos of the CID called on Mr Farr at his office to tell him that as a result of certain statements quoted in the report, a possible prosecution in terms of Section 27b of the Police Act was being investigated.

The report was about police action in Breidbach, near King William's Town, against a group of people waiting for the outcome of a court application challenging the banning of a service that was to have been conducted by a patron of the United Democratic Front and the president of the World Alliance of Reformed Churches, Dr Allan Boesak.



DAILY DISPATCH 327  
4/7/86

# Report: police question Editor

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The report quoted comments about the conduct of the police by a spokesman for the

King William's Town Civic Association, Mr J. Smith.

The Editor and two Daily Dispatch reporters are required to make statements confirming the accuracy of the reported comments.

The Editor assured Lieut Vos that the required statements would be made to his attorney for presentation to the CID.

● Section 27B of the Police Act provides that "any person who publishes any untrue matter in relation to any action by the Force or any part of the Force, or any member of the Force in relation to the performance of his functions as such a member, without having reasonable grounds (the onus of proof of which shall rest on such a person) for believing that that statement is true, shall be guilty of an offence and on conviction liable to a fine not exceeding R10 000 or to imprisonment for a period not exceeding five years or to both such fine and such imprisonment."



CAPE TIMES  
Friday, July 4, 1986

# Only SABC allowed to film blast scene

By CHRIS STEYN

AN SABC film crew acted as "official" cameramen for the Bureau for Information at the scene of the bomb blast at Mowbray police station yesterday morning.

A police liaison officer for the Western Cape,

Captain Jan Calitz, barred foreign television crews and local photographers from taking pictures of the police station or surrounding buildings damaged by the blast.

"When I say no way, it is no way," he said.

Journalists stood by and watched as the SABC crew were allowed into the barricaded area to take close-up shots of the exact spot where the limpet mine had exploded.

When confronted by the local press about "discrimination" against local newspapers and foreign crews, Captain Calitz said that the SABC crew was filming the scene for the Bureau for Information.

He said the SABC would give the footage to the bureau for "clearance". The bureau

would supply other news agencies and newspapers with pictures.

Captain Calitz said the SABC would be able to use the film footage only if the bureau gave them permission.

Yesterday afternoon, however, Captain Calitz informed the Cape Times that photographs of the blast would not be made available to the newspapers.

## 'Key point'

"A police station is a national key point and may not be photographed. Pictures taken at the scene of the blast are therefore not for publication," he said.

The bureau said in a telexed reply yesterday that it had given permission that photographs of victims were allowed if the victims consented.

"However photographs of the damage to the police station are not allowed for obvious reasons," the bureau said.

Wilfred  
Trowel  
J. J. J. J.  
Sew



## PFP takes Worrall to task over incomplete story

# Press is 'not free'

By David Braun, Political Correspondent

CAPE TOWN — Opposition politicians have objected to the recent statement by South African Ambassador to London Dr Denis Worrall that, apart from the emergency regulations, the Press is free.

Dr Worrall told the British House of Commons Foreign Affairs Select Committee this week that Press restrictions related only to the emergency and the handling of the emergency.

For the rest, the Press is able to report on developments in the country and there is a vigorous political debate going on now.

Progressive Federal Party spokesman on Information Mr Peter Soal takes a different view: Dr Worrall has not told the whole story.

A respected South African editor once compared editing a newspaper in this country with walking across a minefield blindfolded.

We do have a vigorous Press, but that is in spite of all the restrictions placed on it by legislation passed by the National Party, he said.

Professor Nic Olivier, the PFP's research director, in a paper on legislative and other provisions affecting the Press and Press freedom in South Africa, lists dozens of measures which have added to the newspaper minefield.

Many controls on the contents of newspapers are found in other countries which claim a free Press.

These include laws which affect the publishing of indecent or obscene material; common law principles relating to defamation, the publication of blasphemous matter, invasion of privacy, contempt of court or Parliament; restrictions under the Protection of Information Act (formerly Official Secrets Act); the protection of children; misleading advertisements; the publishing of results of opinion polls within a certain period before elections.

However, South African editors must also watch for pitfalls which are contained in the Prisons Act, the Commissions Act, the Defence Act, the laws affecting armaments development and production and the procurement of certain national supplies, the Internal Security Act (including a host of measures aimed at the publishing of information on affected and banned organisations), the Inquests Act, the Petroleum Products Amendment Act, and the Police Act.

● In terms of the Prisons Act there are strict prohibitions on the sketching and photographing of prisons and prisoners and the burial of executed people, and the publishing of such sketches or photographs (except in certain specified circumstances).

No newspaper may publish any information concerning the be-

haviour or experience in prison of any prisoner or former prisoner or concerning the administration of any prison without taking reasonable steps to verify such information.

There are controls on the purchase and publication of prisoners' writings, statements, life stories or biographical sketches relating to the offences which caused them to be imprisoned.

● Contempt of court, defeating or obstructing the course of justice: Mr Kelsey Stuart, in his book "The Newspaperman's Guide to the Law", defined contempt of court as any wilful or grossly negligent commission or omission calculated to bring into contempt or disrepute the administration of justice, by or in the courts, whether by insulting the officials charged therewith or by rendering it ineffective.

Professor Olivier says in his paper that publications prejudicial to fair trials could amount to contempt of court.

Newspapers are further affected by matters sub judice.

There are also laws which affect contempt of Parliament, contempt of commissions, contempt of the Publications Appeal Board as well as restrictions on the right to attend court and on the right to publish proceedings, he says.

● Restrictions under the Defence Act include restricting the right of access to certain places; censorship during operations in defence of the Republic or for the prevention or suppression of terrorism or internal disorder; restrictions on the publication of information on the composition, movements or disposition of SADF forces; and a prohibition on sketching or photographing military installations.

● The Internal Security Act gives the Minister of Law and Order sweeping powers to detain and ban people, and to close down organisations and publications.

The publication of certain people's speeches and utterances may be restricted.

Any person who advises, encourages, incites, commands, aids or procures any person or uses any language calculated to cause any person to commit an offence by way of protest against any law or in support of any campaign against any law or for the repeal or modification of any law, may be deemed to be guilty of an offence in terms of the Internal Security Act.

The Minister may prohibit the publication of anything which expresses the view or conveys information which is calculated to endanger the security of the state or the maintenance of law and order, or which propagates or promotes the spread of communism.

● Police Act: any person who publishes any untrue matter in relation to any action by the Force or member of the Force in relation to the performance of his functions as such a member without having reasonable grounds for believing such a statement is true shall be guilty of an offence.



CARL TIMES 4/7/86 37 220 329/2 316

# 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



## Paper out despite detention of editor

4/7/80 By Jo-Anne Collinge **STAR**

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.



## Awaiting moderates

One official reason for the State of Emergency is to remove the threat of intimidation and flush out black moderates to parley about a new constitution.

According to Bureau of Information spokesman Leon Mellet, the emergency is succeeding in cutting down violence. Hopefully, such moderates will soon emerge from the barricades to get aboard President Botha's proposed National Council (NC).

The proposed NC, to be chaired by the State President, will comprise the five self-governing homeland leaders or their nominees; 10 people nominated by interested groups; not more than 10 people deemed by the President to be qualified to make fruitful contributions to its deliberations; and a variable number of Cabinet ministers, with the President having the final say in the appointments.

However, the NC, officially seen as "starting point for power-sharing and the beginning of a government of more national unity," continues to arouse mixed feelings —



**KwaZulu's Buthelezi ... will he join the National Council?**

even among "moderates" in the black community.

The Urban Councils' Association of SA (Ucasa), a national representative body of community councils, has opted for participation in the NC "without any pre-conditions." However, 20 of the 46 councils have resigned.

Aside from some homeland leaders like Lebowa's Cedric Phatudi, other moderate black leaders have virtually ruled out their involvement so long as organisations like the banned African National Congress (ANC) and their leaders are not given the chance to participate fully in the proposed new body.

Sam Buti, former Alexandra Council chairman whose home was firebombed, has rejected participation in the NC. Buti warned that the failure of earlier, similar structures would befall the NC too.

KaNgwane Chief Minister Enos Mabuza

perceives little sense in his participation if Nelson Mandela, other political prisoners and political exiles are denied participation. Mabuza is also critical of the composition of the NC: "In terms of the provision of the Bill under which the NC is to be created, the five homeland leaders or their nominees, for instance, automatically become members of this council; but the majority of the black people have rejected the homelands. . . I believe it would be wrong for me to go into the NC pretending that I represent all the people in KaNgwane. . . They should have the right to elect their own people. Another flaw in the new body is that it is to act only in an advisory capacity."

Mabuza believes the whole issue of an NC hinges on the political organisations and the leaders who were banned, imprisoned or exiled because of their opposition to the status quo.

KwaZulu Chief Mangosuthu Buthelezi, viewed as a key potential participant, has said it would "not be possible for me to participate if Nelson Mandela was precluded from the possibility of participating" (see *Letters* June 27).

Ucasa, which last weekend decided it will take part in the NC, also suggests that Mandela and others be given the choice. It plans to convey this idea to government. However, Ucasa deputy president Tom Boya stressed that the "suggestions are not pre-conditions" but should be seen as an "honest and sincere request to ensure the NC can achieve its intended purpose." Boya also said Ucasa felt that the scrapping of the Group Areas, Population Registration and Separate Amenities Acts would create the right climate for negotiation.

In its report to the Commonwealth, the Eminent Persons Group (EPG) speaks of a "considered view that, despite appearances and statements to the contrary, the South African government is not yet ready to negotiate for a future non-racial SA — except on its own terms. Those terms, both in regard to objectives and modalities, fall far short of reasonable black expectations and well-accepted democratic norms and principles."

"In the government's thinking, there were a number of non-negotiables; for example, the concept of group rights — the very basis of the apartheid system — was sacrosanct; the homelands created in furtherance of that concept would not disappear, but be reinforced with the emergence of an 'independent' KwaNdebele; the principle of one man, one vote in a unitary state was beyond the realm of possibility; the Population Registration Act would continue; and the present tricameral constitution which institutionalises racism must be the vehicle for future constitutional reform."

"Negotiations leading to fundamental political change and the erection of democratic structures will only be possible if the South African government is prepared to deal with leaders of the people's choosing rather than with puppets of its own creation," the EPG concluded. ■



tswana all the necessary documents, like the citizenship certificate, which were issued to him at the time of independence," says Motsatsi.

Bophuthatswana Cabinet ministers have said repeatedly in the past that their government would not allow any citizens to have dual citizenship because of "the evil system of apartheid." However, blacks have often said they suspect homeland governments feared dual citizenship would undermine their "sovereignty," and result in a loss of tax revenue.

Nearly eight million blacks became foreigners and lost their SA citizenship when Transkei, Bophuthatswana, Venda and Ciskei (TBVC) were granted independence. The Restoration of SA Citizenship Bill, still to be ratified by parliament, makes it possible for them to reclaim SA citizenship.

#### Naturalisation

In terms of the Bill, individuals can apply for a restoration of their SA citizenship if they were born in the Republic, or are children of parents who were born in SA. People could also apply for citizenship by naturalisation.

The Black Sash's Sheena Duncan has said the new legislation does not restore citizenship to those from whom it was taken away. It provides, she explained, for a limited granting of citizenship on stringent conditions only to some of those who were denationalised.

Those who do not qualify by birth have to regain their SA citizenship by naturalisation, which requires obtaining permanent residence, then living in the country for five years. "People who cannot read and write English and Afrikaans satisfactorily may not regain their citizenship," she observed.

Duncan estimates that five million people living in the TBVC states will not regain their SA citizenship because the Bill is "more stringent and complex" than people realise.

When State President PW Botha first announced the reform, he promised to restore citizenship to those who had lost it under the government's policy of giving independence to some of the black homelands, but once again "this is just one more example of broken promises," Duncan claimed. ■

**Our report** last week (Western pressure mounts) stating that while in London, the ANC leader, Oliver Tambo, lunched with the British Industry Committee on SA (Bicsa) was incorrect. While some of its leading members were present at the lunch, it was not a Bicsa affair and included South Africans Chris Ball of Barnat and Tony Bloom of the Premier Group, as well as leading UK and US investment and banking groups.

In addition, Johnstone Makatini was unable to give evidence for the ANC to the House of Commons Foreign Affairs Committee. His place was taken by Aziz Pahad.

## THE CONSTITUTION

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Cape Times 5/7/86

# Black school areas off-limits

327

Staff Reporter

THE Divisional Commissioner of Police in the Western Cape, Brigadier Chris Swart, has banned all people from entering black school areas in the Wynberg Magisterial District until pupils return to classes after their holidays on July 14. The reasons for yesterday's ban in terms of the recently amended Public Safety Act were not clear but by the afternoon all six schools in Nyanga and Guguletu, where refugees from the Crossroads area had been sheltered, were evacuated.

Like Brigadier Swart's previous order (in terms

of the emergency regulations), no one may be on the school premises without written permission from the Department of Education and Training.

The full wording of the order was: "No person shall during the period 5 July 1986 until and including 13 July 1986, enter or be present on or in any school premises or building situated in the areas as set out in schedule 'A', unless written permission from an official of the Department of Education and Training has been obtained."

The areas outlined in schedule "A" were Khayelitsha, Crossroads, Nyanga, Guguletu and Langa.

Refugees who were sheltered at the schools had received permission from the department but were told they had to vacate these premises by Thursday as the schools needed to prepare for the return of pupils.

## 'Taken away'

The six schools were the John Palmer School, Mkhanyiseli Lower Primary School, Vukukhanye Higher Primary, Mseki Lower Primary, I D Mkhize Senior Secondary and Sokhanyo Lower Primary.

While some of those who were sheltered there were "taken away" to Khayelitsha this week, attempts to determine what had happened to the rest proved fruitless as the Cape Times was unable to enter the area to report on events.

However, a St John Ambulance relief worker who did not want to be named said that while some had been absorbed by residents in the area, others were "still trying to find alternative accommodation" in the afternoon.

● The newly-established school at the Zolani Centre, where some 391 pupils are being taught, has appealed for teaching equipment — particularly exercise books.

A relief worker said these donations could be left at the Union of Jewish Women offices at Stonehaven, 7 Albany Road, Sea Point, during office hours, or at the Grassroots Pre-school Shop, Industria House, 350 Victoria Road, Salt River.

## 'Fantastic'

● St John Ambulance received authorization yesterday from the National Soccer League chairman, Mr L M Taunyan, to spend R16 000 on food and clothing for babies and children at Crossroads and its satellite areas.

● The director of St John in Cape Town, Mr Malcolm Jones, said: "The NSL have already sent us boxes of warm children's clothing which have been distributed, and for them to now send us this type of cash donation for the children is fantastic and our thanks go to all members of the NSL for their support."



CALL TIME 3/4/80  
May 1 meeting: 57 in court

Own Correspondent 32 One of the accused, a 15-year-old boy, was back in court yesterday after suffering an epileptic fit during the hearing on Thursday.

PAARL. — Fifty-seven men, women and children from Mbekweni appeared yesterday for the fifth time before Mr G J van Biljon in the Magistrate's Court on a charge of attending an illegal gathering on May 1.

About 600 people were allegedly present at a gathering inside and outside a church in the township, where there was allegedly singing and chanting of slogans.

The hearing was adjourned to Monday and is expected to last all of next week.

Miss C Visser was the prosecutor.

● Another 29 residents of Mbekweni are appearing in a separate court on a similar charge.



CH-TAKS 5/7/86

# Mowbray blast: SABC explains

327

Staff Reporter

THE SABC yesterday reacted to charges that the corporation's Cape Town film crew had acted as "official" photographers for the Bureau for Information at the scene of the Mowbray police station blast on Thursday.

The Editor of SABC television news for TV1, TV2, and TV3, Mr Rob Stevenson, told the Cape Times that the SABC film crew was initially refused permission to film the scene.

"However, after obtaining the necessary permission from the Divisional Commissioner of Police, we shot some film footage.

"This material will be made available to the Bureau for Information should they request it.

"And film clips prepared by us for broad-

casting will also be made available to foreign news agencies if they ask for it," he said.

The senior media liaison officer for the Western Cape, Captain Jan Calitz, barred foreign television crews and local photographers from taking pictures of the police station or surrounding buildings damaged by the blast.

Journalists stood by and watched as the SABC crew were allowed into the barricaded area to take close-up shots of the spot where the limpet mine had exploded.

When confronted by the local press about "discrimination" against local newspapers and foreign crews, Captain Calitz said that the SABC crew was filming the scene for the Bureau for Information.



W/ENR 5/7/86

# Tutu seeks P W parley

327

JOHANNESBURG. — Bishop Desmond Tutu, Archbishop-elect of Cape Town, said today he had asked to meet President P W Botha to discuss the three-week-old state of emergency.

Bishop Tutu last met Mr Botha on June 13, the day after the emergency was declared. He said that senior church advisers had asked him to seek another meeting.

Mr Botha's office would probably reply to the request on Monday, Bishop Tutu said.

Asked what he hoped would come out of the meeting he said: "Freedom."

Bishop Tutu emerged from last month's meeting sharply critical of the emergency but said that he and Mr Botha had found some common ground. — Sapa.

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# 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

collapse of the system, resulting in industrial anarchy.

"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**



3/2/86 327 SAK

The Star Th

# Government stands firm on detentions despite pleas from employers

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 Simama

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".



## **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.





## Ban placed on indoor meetings

MANY political organisations have been prohibited from holding indoor meetings at various centres around the country, according to emergency regulation orders published in the Government Gazette.

Four divisional police commissioners prohibited organisations — including the UDF, Azapo, Azasm,

DPSC and RMC — from holding indoor gatherings, in terms of emergency Regulation 7, at various magisterial districts in their divisions.

The commissioners are those of the East Rand, Eastern Province, South Western Districts and the Northern Free State.

The organisations were

prohibited from advertising gatherings, while people were prohibited from attending.

The Western Province and Western Transvaal police commissioners banned people from being present without permission at school premises in 14 Western Transvaal townships until July 13.



# Restrictions on Winnie Mandela lifted but ...

PRETORIA. — All restriction orders on Mrs Winnie Mandela, wife of imprisoned African National Congress leader Nelson Mandela, had been lifted, but the media should still obtain legal advice before quoting her, a spokesman for the Minister of Law and Order confirmed today.

Mrs Mandela's name did not appear on either of the two lists of banned people published in terms of the Internal Security Act in the Government Gazette on Friday.

"I can confirm all restriction orders on Mrs Mandela have been lifted," Captain Henry Beck, the spokesman for the Minister of Law and Order, Mr Louis le Grange, said in response to a request for clarification on the issue.

This included a restriction order compelling her to remain within the magisterial district of Brandfort, in the Orange Free State.

Captain Beck said there was no specific directive prohibiting the media quoting Mrs Mandela in news reports.

"But I would suggest legal advice be obtained before doing so as this is a complicated matter," he said.

Instances in which Mrs Mandela could not be quoted were, for example, if her utterances contravened state of emergency regulations, or furthered the aims of the ANC.

Mrs Mandela, who has frequently openly defied her banning orders, has been quoted in recent months by the media and Government spokesman. — Sapa.

INSIDE: Weather 2, Finance 7-8, Letters 10, Racing 12, Sport 13-14.



...lagerwyk of Louishof Flats, Mitchell's Plain, was not hurt.

## Free TV soundman — judge

ARGUS 7/07/86 (32X)  
The Argus Correspondent

JOHANNESBURG. — The arrest and detention of World Wide Television News soundman Mr Theophilus Mashiani has been declared unlawful by Rand Supreme Court judge Mr Justice R J Goldstone, who today ordered that Mr Mashiani be released from Diepkloof Prison.

Police arrested Mr Mashiani early on June 15 while he was spending the night with his girlfriend at the University of the Witwatersrand.

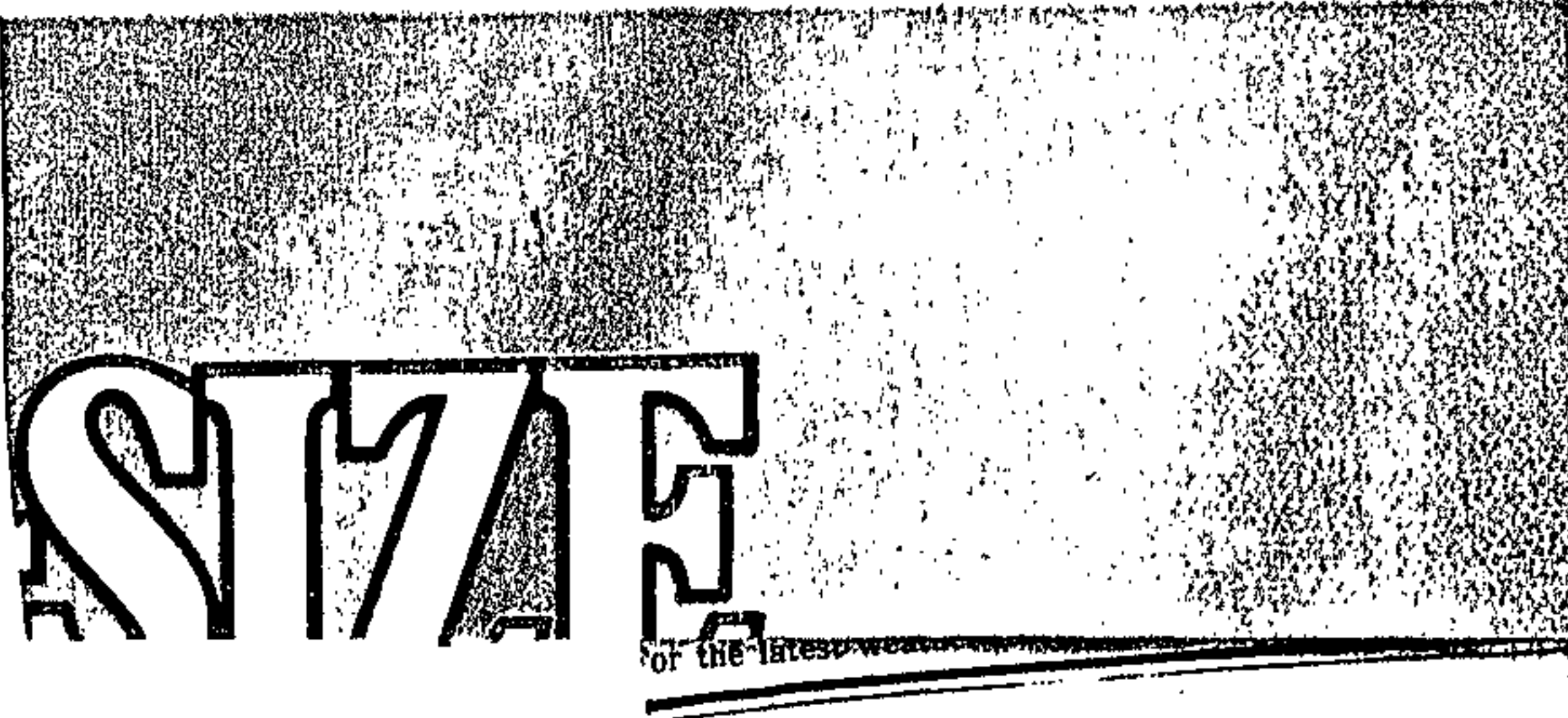
On June 22 the Minister of Law and Order authorised that Mr Mashiani's detention be extended to the end of

the emergency regulations.

Mr Justice Goldstone said the arrest, under Section 31 of the regulations, was unlawful.

"The arresting officer, Warrant Officer F C 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 that he should have been arrested for his own safety.

"Zeelie did not properly apply his mind to the regulation which, wide as it is, still places limits on the arresting person."





NATIONAL/CITY

Argus 7/07/86

327

# All black pupils will have to wear ID cards

**The Argus Correspondent**  
DURBAN. — The Department of Education and Training today confirmed that all black pupils under its jurisdiction will have to wear an identity card which will be issued to them during the next term, starting on July 14.

Mr E Coetzee, deputy director of the department in Natal, said that a Press release detailing this and further measures to control pupils would be released tomorrow or on Wednesday.

"We felt we had to do this because some who were not pupils are coming into the schools," he said.

Sources in the schools said they had been told that pupils would be required to show their identification cards to security guards before they enter.

The security cards are to be made of plastic and will cost parents R2 each.

Before the plastic security cards can be distributed pupils will be required to have cards made out of cardboard with their picture attached.

Another recommendation, which will be discussed with the parents, is that the uniforms of all black schools be standardised.

A Pretoria spokesman of the department today declined to comment on the position of black pupils returning to school.

He said information about measures to be introduced would be made available at a news conference in Pretoria tomorrow on the reopening of black schools on July 14. Until then no comment or information would be given.



Pictures: PIERRE OOSTHUYSEN, The Argus

Surfing legend Shaun Tomson shows the style that made him a world champion seven years ago and winner yesterday of the Spur Surfabout at Long Beach, Kommetjie.

## Happy Tomson wins Surfabout — but only just



Surfing legend Shaun Tomson shows the style that made him a world champion seven years ago and winner yesterday of the Spur Surfabout at Long Beach, Kommetjie.



# Emergency death toll rises to 107

7/7/86  
Pretoria Bureau

The death toll in the national state of emergency rose to 107 at the weekend, according to reports from the Bureau for Information.

Seven people — five of them East Rand Development Board officials — died in two gun battles in Katlehong and Vosloorus early on Saturday.

Twelve officials were wounded in the attacks when three men fired at them from a stolen white Cressida. Two of the attackers were later killed by police and one escaped, said the bureau.

Six Development Board employees were patrolling in Vosloorus when three men in a Cressida drove past them and stopped.

Shots were fired at the officials' vehicle, killing two of the occupants and wounding three. The car then sped off. Thirty-six spent AK-47 shells were found.

About 90 minutes later, Development Board officials patrolling Katlehong were also attacked by the men in the Cressida. Three men were killed and nine wounded.

At about 3 am, the Cressida was spotted by police in Katlehong and they gave chase. Shots were fired.

The driver of the Cressida lost control and the car rolled, said the bureau. Two of the attackers were shot while trying to escape and a third got away. Their identities are not known. Empty AK-47 cartridges were found in the car.

Those killed in the attack were: Mr Julani Mzume-la (19), Mr Daniel Mogeriti (27), Mr Colly Kondlo (25), Mr Deryk Malaleko (23) and Mr Alfred Ramabino (42).

In Soweto, Mr Samuel Moloi (19), of Mpetla was killed in "security force action" at Mapetlatwana High School, which was closed for the school holidays.

A man was found necklaced in Kanyamazane, Nelspruit.



State is to aid search for new goldfields

The Government is to help the gold mining industry in a search for new goldfields in the Witwatersrand basin, Minister of Mining Mr Danie Steyn promised when he opened the international Geocongress 86 in Johannesburg.

He said the plan would be outlined in a White Paper on future mineral policy to be tabled in Parliament next month.

Among steps proposed was a "search for outliers of the Witwatersrand basin by the Government's Geological Survey, plus continual assessment of gold reserves and resources in the basin".

The Government would also give State support to certain gold mines and for the establishment of industries geared to produce value-added components of gold exports.

#### PRIVATE INTERESTS

Mr Steyn said the Government envisaged the establishment of a Mineral Advisory Council on which private interests would be represented. Its task would be to supersede the Mineral Policy Committee and integrate all strategies related to the best use of minerals.

Addressing hundreds of geologists from all over the world, Mr Steyn paid tribute to this country's gold mining pioneers who had added "an entirely new dimension to world mining".

Their sophistication had grown so much that gold occurring nearly 4 km below the surface at a grade of 6 g a ton could be mined, recovered and sold at a profit.

Such feats had made gold synonymous with South Africa, which still possessed more than half the world's reserves.

## Up to 10 000 strike against detentions

# Mineworkers stage protest

Up to 10 000 black mineworkers have staged strikes and go-slow actions on five mines in protest at the emergency detention of trade union leaders.

The National Union of Mineworkers (NUM) reports that 8 000 miners have been staging a go slow since Friday on Anglo American's Free State Geduld mine. But the company said only 3 000 out of a workforce of 26 000 had been involved.

In Kimberley, 1 950 NUM supporters have been on strike at four De Beers diamond mines since Thursday, demanding the release of NUM officials detained under the state of emergency. A union spokesman said a wage dispute on the mines was a separate issue and was not related to the strike.

Negotiations are continuing with De Beers.

Latest estimates by the independent Labour Monitoring Group put the total number of union officials and members in detention at 1 537, including 18

NUM officials.

The president of the NUM, Mr James Motlatsi, and general secretary Mr Cyril Ramaphosa have returned to South Africa from Britain where they attended a British NUM conference in Wales and met Labour Party leader Mr Neil Kinnock.

Mr Motlatsi and Mr Ramaphosa were met at Jan Smuts Airport on Friday by British diplomats after they had expressed fears that they may be detained. However, the two union leaders left the airport without incident.

### Step up reforms

The Institute for Personnel Management (IPM) has become the latest body to express concern at the detrimental effects emergency detentions were having on employer-worker relations, writes Mike Siluma.

In a telex to the Minister of Law and Order, Mr Louis le Grange, the IPM urged the Government to step up the reform process as the only possible way

of resolving the problems.

Calling for detained unionists to be charged or released, the IPM said the detentions had a "definite detrimental effect" on industrial relations, and specifically on the present round of wage negotiations.

As long as blacks did not have a political forum at the highest level, trade unions would be, and were, forced to get involved in issues outside the workplace, including political activities.

However, the IPM said it accepted that no person was above the law and called on unions to "act responsibly".

Some individual employers and their organisations have recently made similar calls.

The Labour Monitoring Group said of the 1 537 unionists in detention 218 were leaders and 1 319 members.

Wage negotiations feared to be in danger of being jeopardised by the detentions were notably those involving thousands of black workers in the crucial metal and mining industries.

## Lesotho warns migrants on joining NUM

The Star's Africa News Service

MASERU — Basotho mineworkers in South Africa have been warned by the head of the military government, Major General Metsing Lekhanya, not to get involved in South African politics through membership of the National Union of Mineworkers.

The general also announced that a Lesotho ministerial delegation would visit South Africa this week for talks on improvements to the working conditions of Basotho migrant workers.

He did not say with whom the talks would be held but it is believed they will include representatives of the South African Government and the Chamber of Mines.

Speaking at a rally over the weekend, General Lekhanya said Basotho who joined the NUM must be careful not to endanger their employment.

His statement comes soon after a renewed warning by South African Foreign Minister Mr Pik Botha that migrant workers in South Africa might be sent home if international economic sanctions were imposed on South Africa.

Security meeting

Schoolboy



10/07/86 327  
EMERGENCY UPDATE

## Seven die in 'quiet' weekend — police

The Argus Correspondent

PRETORIA. — The weekend was relatively quiet as far as unrest-related incidents were concerned, according to a spokesman for the Bureau for Information.

The bodies of six unidentified people, two of them with tyres on top of them, were found in a burnt-out house in Kwazekele near Port Elizabeth, while a man was killed when security forces retaliated after their vehicle was stoned in Dantjie-trust, Nelspruit.

● One of the men injured in the Friday's bomb blast in Silverton, Pretoria East, Mr D Mamela, is still under police guard in an unsatisfactory condition in H F Verwoerd Hospital.

Three women seriously injured in the blast would be operated on today, a hospital spokesman said.

Mrs Martie Erasmus, 56, lost a leg when the device exploded in a rubbish bin near her.

Miss Philly Marais, 23, and Miss Lea Bruyns, 21, both from Sunnyside, were due to have operations today.

### SATISFACTORY

Mr James Pavier, from Kameeldrif and Miss S C Roets of Silverton are reported to be in satisfactory condition.

Yesterday the Bureau for Information reported that Miss Sophie Mospisa, Miss Rebecca Mphofu and Mr Samuel Masangawere, were much improved in Kalafong Hospital.

● Three-week-old bomb victim Jared Petley's condition has deteriorated after a scan showed bleeding in his brain, a Johannesburg Hospital spokesman said today.

Jared's skull was pierced by shrapnel when a limpet mine exploded in a dustbin in Main Street, Johannesburg, last week.

His right ear, which was severely lacerated, was operated on last Tuesday.

● Sapa reports that three men were killed by police in a skirmish near Empangeni at the weekend.

Russian landmines, handgrenades and AK 47s and ammunition were found, the statement said.



# Meeting ban on 35 unions and groups

The Argus Correspondent

JOHANNESBURG. — Major trade union federations and student representative councils are among 35 organisations banned from holding indoor meetings in the magisterial districts of Johannesburg and Roodepoort.

The orders, made by Soweto's divisional commissioner of police Gideon Laubscher were published in a Government Gazette yesterday.

They come as at least 7 000 black mineworkers engage in go-slows and strikes following the detention of trade union leaders held under the emergency. About 100 supermarkets and chain stores have also been affected by industrial action since the emergency began.

The restrictions have been imposed as the country's two largest industries — metal and mining — are deadlocked in pay negotiations.

Both major union federa-

tions, the Congress of South African Trade Unions (Cosatu) and the Council of Unions of South Africa (Cusa) are among seven labour organisations listed in a Government Gazette published yesterday.

The commissioner has also prohibited the listed bodies from publishing notices about indoor meetings.

Among the individual unions now restricted are Cosatu affiliates — the Metal and Allied Workers' Union (Mawu), the National Union of Mineworkers (NUM) and the Commercial Catering and Allied Workers' Union of South Africa.

Unions like the Health Workers' Association and the Media Workers' Association of South Africa have also been restricted, as have bodies such as the Detainees Parents Support Committee, the Azanian People's Organisation, the Transvaal Indian Congress and the United Democratic Front.



1726.2 8/7/86  
**ANC suspects shot, arrested**

The Argus Correspondent

PRETORIA. — Police have killed three suspected ANC terrorists and arrested another in northern Natal, according to the Bureau for Information.

This brings the death toll since the state of emergency was declared to 116.

A bureau spokesman, Miss Ronelle Henning, said the police killed the three men and arrested the fourth near Empangeni in northern Natal at 2pm on Sunday.

Police seized a quantity of arms and ammunition, including two AK-47 rifles.

Miss Henning said the police received information about the men's whereabouts.

**+ EMERGENCY UPDATE +**

Miss Henning added that the bureau did not consider the men's deaths to be related to unrest.

Nine people died in unrest on Saturday, seven of them in gun battles in Vosloorus and Katlehong near Germiston.

During the 24 hours up to 6am yesterday there were another six deaths.

● The bureau said no further information was available on Friday's blast in Silverton. Miss Henning could also not say whether one blast victim, said to be under police guard, had been arrested.



# 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

♦ ♦ ♦ ♦  
To page 2

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.

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".



# Groups banned from meeting

PRETORIA. — All students' representative councils and many well-known organizations on the Witwatersrand were yesterday banned from holding any indoor meetings in the magisterial districts of Johannesburg and Roodepoort, in terms of the emergency regulations.

Soweto Divisional Police Commissioner Gideon Laubscher promulgated orders in yesterday's Government Gazette that the affected organizations may not hold gatherings in buildings, and that no one may disseminate a notice about such a meeting.

Moreover, in terms of previous orders, statements from some of these organizations may be published only in certain parts of the country.

The organizations affected are:

The students' representative councils of any school, college or university; Azanian National Youth Unity; Azapo; Azasm; Azanian Students' Organization; Black Students' Society; Commercial Catering and Allied Workers' Union of South Africa; Cosatu; CUSA; Detainees' Parents' Support Committee; Education Charter Campaign Committee; Federation of Residents' Associations; Federation of South African Women; Federation of Transvaal Women Association (sic); General and Allied Workers' Union; Health Workers' Association; Lenasia Students' Congress; Lenasia Youth League; Lenz Solidarity Group; Mwaša; Mawu; National Education Crisis Committee; National Education Union of South Africa; NUM; Release Mandela Campaign; Soweto Civic Association; Soweto Parents' Crisis Committee; Soweto Students' Congress; Soweto Youth Congress; Call of Islam; Transvaal Indian Congress; UDF; Young Christian Students, and Young Christian Workers.

"Customary" restrictions were also placed yesterday on funerals in six Northern Cape townships by Divisional Police Commissioner Johannes de Beer.

According to a notice in the gazette, the townships are in the magisterial districts of Warrenton, De Aar, Prieska, Upington, Kimberley and Vryburg. — Sapa



Indoor meetings now banned

# Tough new clamps on major unions

GOVERNMENT has announced tough new clamps on several major trade union bodies which effectively bans them from holding any meetings whatsoever in the Johannesburg and Roodeport areas.

Student and community organisations are also hit by the new emergency orders.

The ban on indoor gatherings will seriously immobilise activities of unions and many community and student organisations because outdoor meetings, with the exception of sports events, have been banned since June 4.

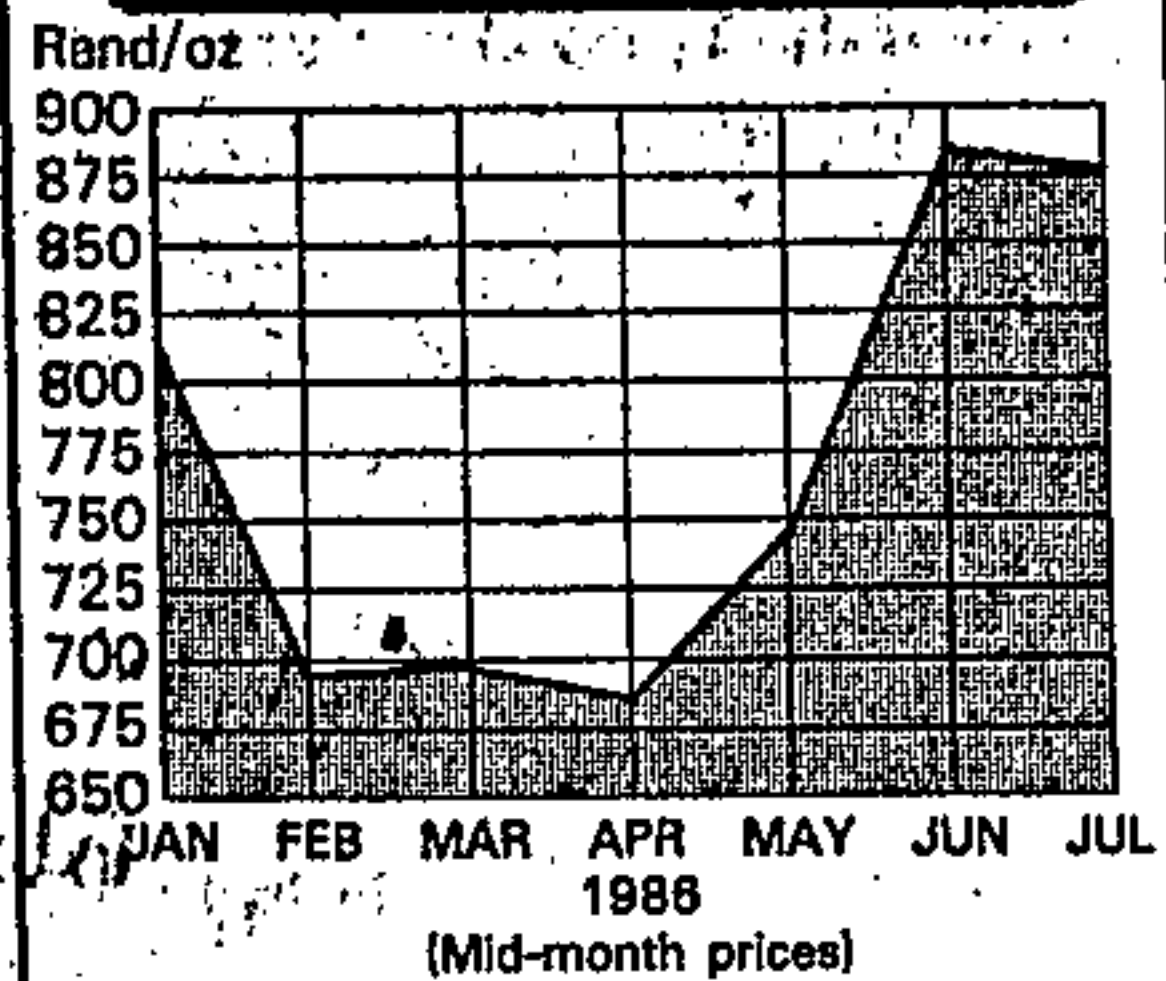
Those affected by the ban on meetings

CLAIRE PICKARD-CAMBRIDGE

include the Congress of SA Trade Unions (Cosatu), the Council of Unions of SA (Cusa), the National Union of Mineworkers (NUM), the Metal and Allied Workers' Union (Mawu), the Commercial Catering and Allied Workers' Union (Ccawusa), students representative councils of any school, college or university in the two areas, the Transvaal Indian Congress, the Release Mandela Campaign, Soweto Youth Congress, Soweto Parents' Crisis Committee and

● To Page 2

LONDON AFTERNOON FIX



## GFSA profits

ADAM PAYNE

GFSA gold mines' June quarterly reports show a lower gold price which, with higher costs, contributed to lower total working profit of R386,4m (R443,8m).

The gold price averaged R23 743/kg or R738/oz compared with R25 029/kg or R778/oz in the March quarter.

After-tax profit of the group's mines was higher at R252,3m (R240,8m) because of lower tax after a sharp rise in capex due to completing accounts for the June year-end.

The mines maintained tonnage and average yield.

● See Page 11

## Clamp on major unions

many others.

Management and union spokesmen were last night confused about the extent of the ban and whether smaller internal union meetings were also affected.

The ban comes at a time when delicate wage negotiations affecting at least a million workers in key sectors, including metal and mining, are in progress.

Labour relations consultant Gavin Brown said the ban would make the union's job "virtually impossible" in Johannesburg and Roodepoort, as well as place a tremendous burden on shop stewards and management.

Government's move was likely to turn the clock back by at least six years as far as labour relations was concerned, he said. It was possible that dialogue would continue between shop stewards and management, but the ban would make it difficult for unions to hold meetings and report-backs with members.

He said government's action was not

entirely unexpected in the light of warnings last week by Cosatu concerning industrial action.

Details of Cosatu's statement cannot be quoted in this edition of *Business Day* as it is distributed in the Western Cape, where utterances by any Cosatu spokesmen are banned in terms of an emergency order. Johann Liebenberg, of the Chamber of Mines, said there were few mines in the Johannesburg and Roodepoort area, so the ban would not affect wage negotiations for the union from an organising and report-back point of view.

Director of the Steel and Engineering Industries Federation of SA (Seifsa), Sam van Coller, said it appeared the ban would create a "serious situation", but he declined to comment until he had studied the *Government Gazette* and discussed it within Seifsa.



# 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.



# Alarm over govt PR move

APR-11-14 9/7/86 327

Own Correspondent

JOHANNESBURG. — Advertising and public relations agencies are viewing the Bureau for Information's appointment of a private sector company, Objectivity, with alarm.

It has the task of rating the performance of companies pitching for government accounts and monitoring existing clients.

There is also concern that the bureau did not put the contract out to tender, as was normal policy.

The Bureau deputy-director, Mr H G du Plooy, yesterday said that another company, Market Research Africa, had been approached for the job but failed to get the contract on cost and time grounds.

The executive director of the Public Relations Institute of SA (PRISA), Mr Alan Cockle, said: "Objectivity has clearly got the ear of Pretoria but if it lets the bureau down the whole industry will be tarnished with the same brush."

He noted that Objectivity's director, Mr Clive Webster, failed to interest a PRISA affiliate, the Public Relations Consultants Group, in its performance profiles. "Frankly, we did not think the service necessary," he said.

This was, however, strongly denied by Mr Webster yesterday. "We did have discussions with the Consultants Group but these were aimed at refining our questionnaire. It was not a presentation," he said.

Mr Cockle said he welcomed the move to utilise the public relations industry for government media campaigns but a "middleman" was unnecessary.



# State of emergency challenged

DURBAN. — The Metal and Allied Workers' Union (Mawu) brought an urgent application in the Supreme Court here yesterday against the State President, Mr P W Botha, and the government for an order declaring that the state of emergency and emergency regulations have no force and effect and that the continued detention of people under the regulations is unlawful.

The urgent application was brought by the union together with the wife of one of its detained members, Mrs Dudu Doreen Mchunu.

Mr Justice Didcott adjourned the application by consent until July 14 to be heard by a full Bench.

Mawu's national organizer, Mr Bernard Lewis Fanaroff, said the union submitted the regulations had ceased to be of any force or effect because:

- Parliament had at all times since June 12 this year been in ordinary session.

- The three Houses of Parliament had been adjourned to August 18 but Parliament was still in ordinary session.

- He said the business of Parliament to be dealt with in the current session would be resumed on August 18.

- The emergency regulations have not been laid on the tables of the three Houses as required in terms of section 3 (5) of the Public Safety Act of 1953.

Mr Faranoff said they therefore submitted that on the expiry of the 14-day period after the declaring of the emergency regulations on June 12 this year they ceased to be of any force or effect.

## 'Void from the outset'

He said the regulations had been void from the outset because in terms of section 3 of the Public Safety Act the State President could only make regulations once a state of emergency had been declared.

The state of emergency therefore had to precede the making of any regulations.

The State President had, however, made regulations at the time the state of emergency was declared.

Mr Faranoff said six of the union's office bearers, Mr Jeffrey Vilane, Mr Willies Thembinkosi Mchunu, Mr Vincent Mkhomza, Mr Michael Mabuyakhulu, Mr Joseph Hlalanathi Miya and Mr Freddie Mtshali Blackie had been detained at Empangeni.

He said he believed they were being held under the emergency regulations.

Mr Faranoff said the union was also prejudiced, confused and constricted by the vague definition of a subversive statement in the regulations.

He said the union wished to publish a statement in a newspaper. They tried to ascertain through its lawyers, the police and the Department of Information whether the statement constituted a subversive statement. He said the attitude adopted by those approached was that the regulations were wide and nobody was prepared to advise the union as to whether the statement would contravene the regulations and what could be done to avoid this.

He said MAWU remained convinced that the policy of the present government was unwise and dangerous and it was necessary and legitimate to oppose those policies and that the emergency measures adopted to deal with unrest — which the union believed had a deep political and socio-economic motivation — were unsuitable. — Sapa



9/7/86  
377

## More power to minister

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



# Cosatu reacts to ban on meetings

THE ban on meetings in the Johannesburg and Roodepoort area along with all the other sweeping restrictions under the state of emergency, is further confirmation that the Government intends to continue to enforce the emergency regulations, the Congress of South African Trade Unions said in a statement yesterday.

our legitimate activity cannot continue effectively without meetings for broad discussion and reports back," the statement said. Sowetan

The ban is also a further blow to the labour relations system. — Sapa.

• This report has been restricted on the advice of our lawyers. 9/7/86

The statement said the organisations affected by the ban are "legitimate democratic organs of our people".

The ban on meetings would seriously hamper the work of Cosatu and its affiliates in the affected areas, said the statement.

"Cosatu is a democratic organisation and



# CHALLENGE

## Emergency not valid - union



Dr BRAAM Fourie.



Mr JAAP Strydom.

## DET security plan begins on Monday

SECURITY, disciplinary and other measures, including the introduction of identity cards for black pupils will be officially implemented at all schools from next Monday, the Department of Education and Training announced in Pretoria yesterday.

Mr Jaap Strydom, deputy director general of DET, also announced at a Press conference that parents and pupils had not been consulted when these decisions were made.

By MONK NKOMO

pupils if properly tabled before the students by the principals.

Mr Strydom also rejected claims by Soweto teachers that they got a "dressing down" from regional director, Mr Gunther Merbold at a recent meeting.

### Claims

Mr Strydom referred reporters to Mr Merbold on claims that these teachers were not allowed to question the new plans.

Dr A B Fourie, director of DET, stressed that the measures were being implemented to ensure that meaningful education was reinstated and that no further disruption of classes took place during the rest of the year.

The suggestions to implement these measures, he added, followed recommendations from the majority of the 7 000 principals throughout the country.

Mr Strydom confirmed that the National Education Crisis Committee was not involved when the measures were discussed.

He described as "absurd" a newspaper report that the new security measures could turn schools into virtual prisons.

The security measures, Mr Strydom said, will not cause resentment among parents and

THE Metal and Allied Workers' Union yesterday challenged the state of emergency and the State President in an urgent court action.

The urgent application, in the Durban Supreme Court, has been brought by the union together with the wife of one of its detained members, Mrs Dudu Doreen Mchunu, against the State President, Mr P W Botha.

Mr Justice Didcott adjourned the application by consent until July 14 when it will be heard by a Full Bench.

The union is seeking an order declaring the state of emergency to be invalid from June 26. It is also seeking the release of everyone detained in terms of the emergency regulations, including six of its own members.

Mawu is also seeking an order declaring that the paragraph in the emergency regulations purporting to contain a definition of a "subversive statement" is of no cause and effect in law.

The national organiser of Mawu, Mr Bernard Lewis Fanaroff said the union submitted that the regulations had ceased to be of any force or effect because:

• Parliament had at all times since June 12 this year been in ordinary session;

• The three Houses of Parliament had been adjourned to August 18. But Parliament had, however, not been officially discontinued and was still accordingly in ordinary session.

He said the business of Parliament to be dwelt with in the current session would be resumed on August 18.

The emergency regulations have, however, not been laid on the tables of the three Houses as required in terms of Section 3 (5) of the Public Safety Act of 1953.

Mr Fanaroff said they accordingly submitted that on the expiry of the 14-day period after the promulgation of the emergency regulations on June 12 this year they ceased to be of any force or effect.

### Void

He said that the regulations had been void from the outset because in terms of Section 3 of the Public Safety Act of 1953 the State President could only make regulations once a state of emergency had been declared.

The state of emergency therefore had to precede the making of any regulations.

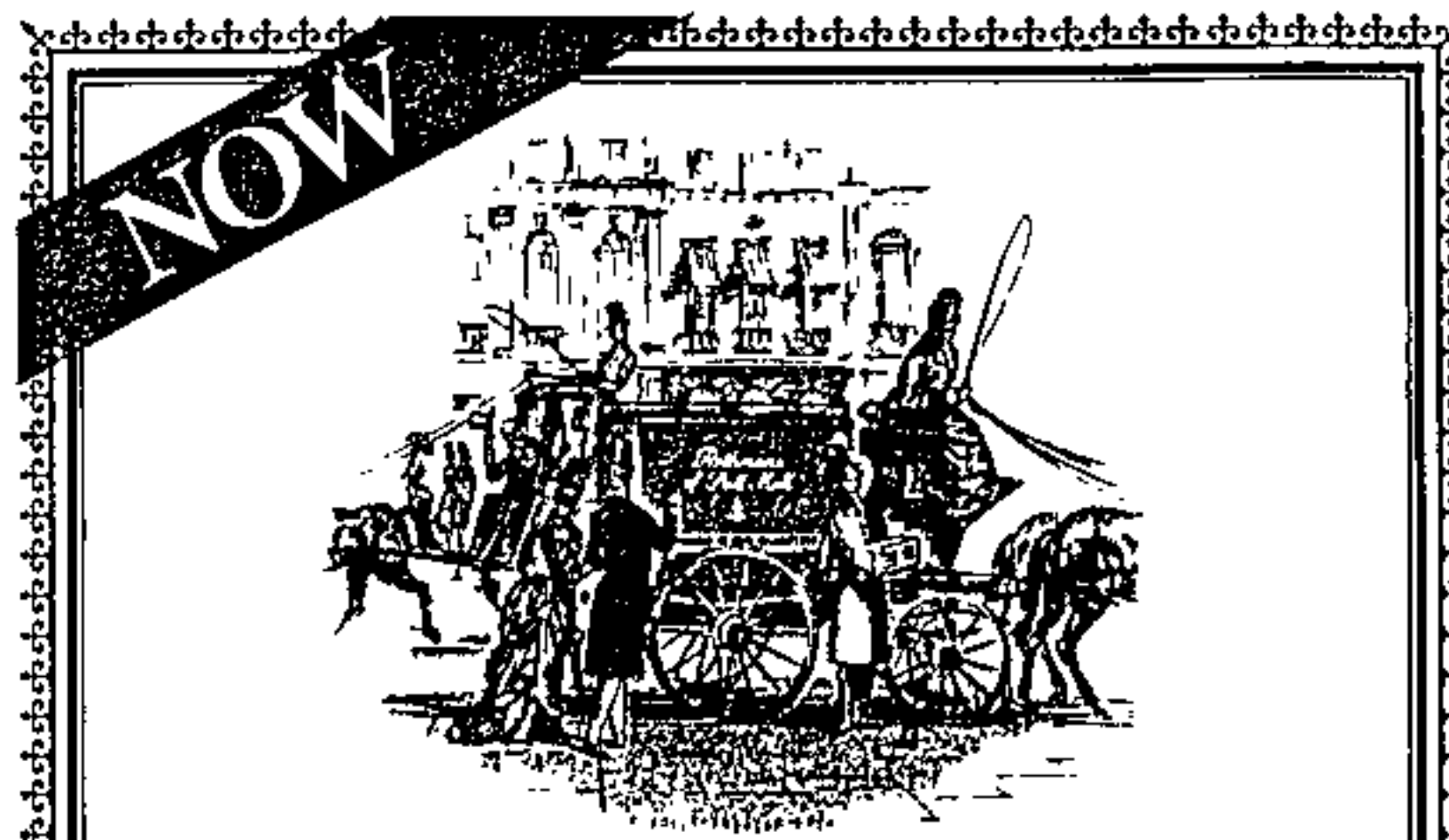
He said in this instance, however, the State President had simultaneously purported to declare a state of emergency and make regulations.

He said the continued exercising of emergency powers by the Minister of Law and Order and the Minister of Justice and men under their command interfere with the lawful activities of Mawu.

He said the union contended that the defi-



PRESIDENT Botha... challenged in court.



## London's famous Consulate cigarettes IN TINS\*

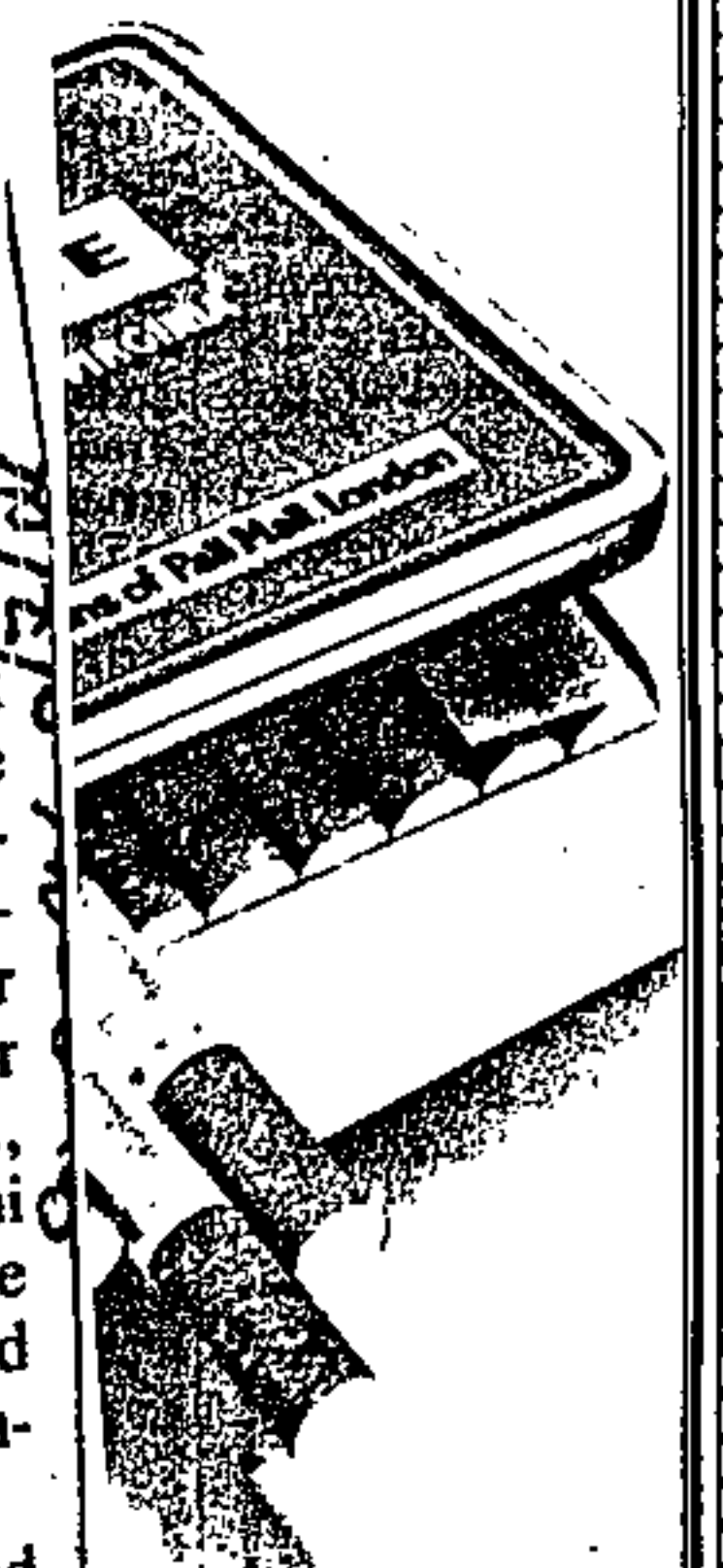
### Challenge

From Page 1

nition of "subversive statement" in the regulations was void because of its vagueness.

Mr Fanaroff said six of the union's office bearers, Mr Jeffrey Vilane, Mr Willies Them-binkosi Mchunu, Mr Vincent Mkhomza, Mr Micahel Mabuyakhulu, Mr Joseph Hlalanathi Miya and Mr Freddie Mtshali Blackie had been detained at Empangeni.

He said he believed they were being held under the emergency regulations.



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CON217EF

### 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.

## Tutu to meet Botha - Page 2

To Page 2



# Emergency: Unions take Govt to court

The Argus Correspondent

JOHANNESBURG. — Three of the country's biggest black trade unions have launched a barrage of attacks on the validity of the emergency and orders issued under emergency regulations.

Yesterday an urgent application was launched in the Durban Supreme Court by the Metal and Allied Workers' Union (Mawu) questioning the validity of the state of emergency itself and the detention of people under emergency regulations. The hearing was postponed to Monday.

The next round of the battle between black organised labour and the Government was to open in the Rand Supreme Court today.

The Metal and Allied Workers' Union, the Commercial, Catering and Allied Workers' Union and the National Union of Mineworkers, which together represent at least 300 000 members, are set to challenge the validity of a ban placed on gatherings in the Johannesburg and Roodepoort magisterial districts this week.

## Meetings ban

A Government Gazette listed seven unions prohibited under emergency regulations from organising gatherings.

The three unions have instructed lawyers to challenge the ban in the Supreme Court. Proceedings were to start today.

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. Basic decision-making procedures, collective bargaining and planning meetings are illegal under the ban.

## Stoppages

Meanwhile strikes and go-slows by at least 18 000 black miners have plagued gold, diamond and coal mines for the past week in what has become one of the 'biggest industrial disruptions' this year.

And the strikes, in protest against the detention of trade union leaders, are continuing.

So far the following mines have been affected by action organised by the National Union of Mineworkers in protest against emergency detentions:

Anglo American's Free State Geduld mine has closed its No 7 and No 4 shafts due to unsafe working conditions caused by 5 500 workers reporting for duty, going underground but refusing to go to their work stations.

The shafts will remain closed until workers undertake to work normal shifts.

## Diamond mines

Kriel colliery reported two two-hour work stoppages on Monday and about 1 000 miners were still working short shifts yesterday.

De Beers' four diamond mines in Kimberley are still being affected by a strike by two thirds of the 1 950-strong black workforce. About 1 200 workers stopped work yesterday at the company's Finsch mine.

On Sunday and Monday 7 750 workers at Gencor's Grootvlei colliery and Marievale gold mine worked half-shifts. The

(Turn to Page 3, Col 5)

— Press cut —

IT'S A WIPE-OUT AT THE FIRST WEIR!



## Unions take Govt to court

(Cont. from Page 1)

situation returned to normal yesterday.

At Gencor's Matla colliery 1 750 workers staged sporadic sit-down action on Monday night and yesterday morning.

The Minister of Manpower, Mr Pietie du Plessis, today urged restraint and negotiations to end the strike crippling the mining industry.

Mr du Plessis said he could not intervene in the dispute as he may, in terms of labour legislation, be called on to appoint a board of reconciliation.

"The only way to solve problems is by talking, especially in these difficult times of high unemployment and a depressed economy," he said.

● A number of detainees have been released.

Yesterday, Agence France Press news photographer Mr David Hartman was released only an hour before an application for his release from detention was to be heard in the Cape Town Supreme Court. (See Page 4).

On Monday World Television News soundman Mr Theopolus Mashiane was released from detention after a Rand Supreme Court ruling that his detention in terms of the emergency was unlawful.



Employers, officials confused by lack of clarity

# Major unions set to challenge govt ban

THREE major unions hit by government's ban on indoor gatherings in the Johannesburg and Roodepoort area are to challenge the order in the Supreme Court.

The legal firm Cheadle, Thompson and Haysom has been instructed by the Metal and Allied Workers' Union (Mawu), the Commercial, Catering and Allied Workers' Union (Ccawusa) and the National Union of Mineworkers' (NUM) to bring

CLAIRE PICKARD-CAMBRIDGE

proceedings to the Supreme Court to challenge prohibitions on union meetings.

Proceedings are expected to be launched today and it may take a day or two before the application is heard.

There was confusion among both employers and unions yesterday regarding the exact implications of the ban. Lawyers were also divided in their opinions.

However, most unions proceeded with normal business yesterday. Council of Unions of SA (Cusa) general secretary Piroshaw Camay said unions had gone ahead with their normal activities.

Government was not prepared yesterday to provide more clarity, particularly as regards the definition of a gathering. The Bureau for Information told *Business Day* to consult its lawyers as it could not give advice on regulations. The police were also not prepared to comment.

One prominent labour lawyer, who did not wish to be named, said a previous court ruling had indicated that a gathering constituted more than one person. He said the "amorphousness" of the definition of a gathering offered no protection, but "extended the net".

● COMMENT: Page 6

## Unions to challenge ban

● From Page 1

cause it prevented unions arranging lawful strikes or meeting bosses at shop floor, conciliation board or industrial council level.

They added that unions would not legally be able to consult members or obtain mandates for action. Apart from using telephones, there was little organising they could do.

□ Two more mines have been hit by industrial action in protest against the detention of NUM leaders. This increased the number of workers involved in protest action to more than 18 000.

More than 500 employees at De Beers' Finsch diamond mine north-west of Kimberley refused to start work yesterday, while 1 750 workers at Gencor's Matla colliery near Witbank staged brief un-

derground sit-ins on Monday night and yesterday morning.

Gencor said workers who were working half-shifts at Gencor's Grootvlei mine near Springs and Marievale mine near Nigel were working normal shifts yesterday.

De Beers said about 1 300 workers at De Beers' four Kimberley mines were still on strike.

Both the number four and seven shafts at the Free State Geduld mine near Welkom have been closed until employees undertake to return to work normally, an Anglo American spokesman said yesterday. He said about 5 500 workers had been involved in a go-slow.

About 1 000 workers were still working half-shifts at Amcoal's Kriel colliery yesterday. Num could not be contacted for comment.

Labour lawyer Rod Harper said employers and unionists had been placed in a difficult position because of the lack of clarity. It appeared that even meetings arranged to negotiate wage agreements could not take place without police permission.

Police were not necessarily familiar with procedures in collective bargaining and could see meetings from a perspective which failed to take into account particular circumstances between employer and employee, he said.

Some lawyers believed meetings between union officials and employers would not be affected. They said it would be impossible for police to monitor every meeting.

Others felt the ban would have a disastrous effect on industrial relations be-

● To Page 2



# Business Day

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## Mawu's emergency application against govt adjourned

AN URGENT application brought by the Metal and Allied Workers' Union (Mawu) against State President P W Botha and the government was adjourned until July 14 in the Durban Supreme Court yesterday.

The application sought an order declaring the state of emergency and its regulations to be of no force and effect, and the continued detention of people under its regulations unlawful.

Heard before Mr Justice Didcott, the application was brought by Mawu and the wife of one of its detained members, Dudu Doreen Mchunu.

Own Correspondent

When the application is next heard, it will be before a full bench of three judges.

Mawu wants an order declaring the state of emergency to be without cause and effect from June 26, as well as the release of everyone detained under the emergency regulations, including six union members.

An order is also being sought declaring the paragraph in the emergency regulations containing a definition of a subversive statement as of no cause and effect

in law.

Mawu national organiser Bernard Lewis Fanaroff said it was submitted that the regulations had ceased to be of any force or effect because Parliament had at all times been in ordinary session since June 12, and the three houses of Parliament had been adjourned to August 18.

The emergency regulations have, however, not been laid on the tables of the three houses as required in terms of Section 3(5) of the Public Safety Act of 1953. Fanaroff submitted that on the expiry of the 14-day period after the promulga-

tion of the emergency regulations on June 12, they ceased to be of any force or effect.

He added the regulations had been void from the outset because in terms of Section 3 of the Act, the State President could only make regulations once a state of emergency had been declared.

He said the continued exercising of emergency powers by the Minister of Law and Order and the Minister of Justice and men under their command interfered with the lawful activities of his union.

Everyday...  
strai



# Brink challenges gov't in letter

CHIEF TONY

10/7/86

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11/11/86



Prof André Brink

## Own Correspondent

PORT ELIZABETH — Afrikaans writer Andre Brink said late yesterday afternoon he had just returned from an overseas visit and had "no idea of what the reaction has been" to his open letter to the State President.

Professor Brink, head of the Department of Afrikaans and Nederlands at Rhodes University, was referring to an open letter to Mr P W Botha published in Tuesday's New York Times. Simon Barber reports from Washington that Brink directly challenges the government to arrest him.

"If that happens," he writes, "you may do your best to ensure that

people in South Africa will not even know that I am among the innumerable nameless ones who are disappearing every day."

The article, datelined Grahamstown, is an extraordinary cry from the heart in which Brink accuses Mr Botha of adopting Soviet totalitarian models, likens the South African security apparatus to the Gestapo and draws parallels between the South African Government and the Argentine military junta of the 70s.

"How many times has your own regime allowed itself to be inspired by the Kremlin — in your state control of the economy, your interference with

production and marketing, your restrictions on free expression and your police state methods?" he asks.

"Now... no one can expose your lies and evils... can speak up for the oppressed, hounded, turned out of their burning homes, tortured or killed..."

The current crackdown is self-perpetuating, Brink argues. "With your arrogance, intransigence and organized campaigns of terror against the oppressed, you created the circumstances you required for the declaration of a state of emergency."

He contends that Mr Botha is delib-

erately trying to deceive "gullible Western leaders" because every apparent step forward is double-edged.

"You end forced removals; then 'co-incidental' violence involving your security forces happens to encourage the homeless to move voluntarily. You abolish the pass laws, then set about arresting countless blacks for 'trespassing'..."

"You bring a handful of coloureds and Indians into parliament... but the moment they hesitate to co-operate in passing some of the most draconian legislation this country has ever seen, you treat them like schoolboys."



# Unions CAN hold meetings

THE Bureau for Information has announced that a Government order prohibiting the holding of meetings by 33 organisations contained "certain errors".

In a statement released last night, the Bureau said the "errors" have been rectified and will be published correctly in today's Gazette.

On Tuesday the Soweto Divisional Police

*Imefan 10/7/86*  
Commissioner Gideon Laubscher promulgated orders in a Government Gazette that the affected organisations may not hold gatherings in buildings, and that no one may disseminate a notice about such a meeting.

The Bureau's statement read: "Although the areas covered by the new order fall within the Johannesburg and Roodepoort magisterial dis-

tricts, they in effect will include only Soweto, Meadowlands, Diepkloof and Dobsonville.

"The organisations mentioned will exclude all trade unions and trade union federations.

## **Stability**

"South African Police herewith reiterates its standpoint that economic stability, which is dependent on sound labour relations, is vitally

important in all spheres of the community.

"To underline this concern the Minister of Law and Order has in recent weeks been in constant touch with employer organisations in order to help with problems arising out of the present abnormal situations, and to stress the fact that no employee is or will be detained for bona fide trade union activities."



# Govt pledge on detainees

ARG-S 10/7/86 327

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 would 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

ARG-S 10/7/86 327

(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.



# Group against literary curbs formed

JOHANNESBURG — An eight-member steering committee, including author Nadine Gordimer, was elected last night at the inaugural meeting of the Anti-Censorship Action Group (ACAG).

The organisation says it will monitor direct and indirect censorship under the state of emergency and other regulations.

The ACAG was formed at the University of the Witwatersrand after publishers said they found that booksellers were no longer displaying books which they believed might fall foul of regulations.

One publisher said printers had sent back manuscripts on the advice of lawyers.

The meeting adopted, with two abstentions, a resolution that said in part:

"We draw urgent attention to the desperate double crisis of censorship affecting all forms of freedom of information and expression in our country."

The meeting also dealt with the "crisis of literature".

A resolution said censorship committees and the Publications Appeal Board had been banning books for almost 25 years.

"It is still doing so. We condemn this," it said.

The resolution also condemned "even more adamantly" the fact that the Publications Appeal Board was no longer the only or principal arm of censorship.

It said books could be prevented from being published, distributed or sold "entirely without the cumbersome process of the Publications Appeal Board". — Sapa



CLAIRE PICKARD-CAMBRIDGE  
and LIAM EGAN

THE challenge by three major unions against government's ban on certain indoor gatherings in the Johannesburg and Roodepoort areas has been set down for hearing in the Rand Supreme Court from Monday.

Legal firm Cheadle, Thompson and Haysom has been instructed by the Metal and Allied Workers' Union (Mawu), the Commercial, Catering and Allied Workers' Union (Ccaawusa) and the National Union of Mineworkers' (NUM) to challenge the validity of the ban on indoor meetings.

The Media Workers' Association of SA is also set to challenge the ban on its indoor gatherings in the Supreme Court on Monday.

The unions believe the provisions of the ban are so crippling that industrial relations would be brought to a standstill.

The Mawu has also brought an urgent application in the Durban Supreme Court for an order against State President PW Botha and the government, declaring the state of emergency and its regulations to be of no force or effect. The case has been adjourned until July 14.

Three of the four trade unions

## Date set for challenge

affected by governmental prohibition of indoor gatherings in the Johannesburg and Roodepoort areas are operating "normally".

Although none of the three unions have been visited by the police, representatives from all three agreed that they would have to cease operating should police enforce the "technicalities" of the ban.

All three were yesterday vehement in their criticism of the provisions of the proclamation which prohibits any indoor meeting involving more than one person.

A spokesman for Congress of South African Trade Unions said he believed the "entire labour/industrial negotiating process would be paralysed should police move in to implement the law to the letter".

A spokeswoman for the Bureau for Information said she was unable in terms of the emergency regulations to comment on what action if any the "security forces" had taken to enforce the law to the letter.



## Bureau suspends briefings

ANOTHER person died in unrest in the 24 hours up to 6am yesterday, according to the Bureau for Information. The death toll since the state of emergency was declared is now 118.

However the Bureau says the low general incidence of violence does not warrant media briefings and these have been suspended for two days.

The Bureau said a man had fired on the security forces with a homemade weapon at about 10.45 on Tuesday in Zwide

"The security forces fired two shots and the man was fatally wounded.

327  
10/7/86



# Ban on trade union meetings an error

THE ban on indoor meetings in the Johannesburg and Roodepoort areas, gazetted on Monday, contained certain errors, the Bureau for Information reported last night.

Only meetings in Soweto, Meadowlands, Diepkloof and Dobsonville are affected and trade unions should not have been on the list.

A correct notice will be gazetted today.

The statement, issued by the bureau on behalf of the SA Police, said: "The *Government Gazette* No 1 0347 published on July 7 containing an order prohibiting certain organisations, including certain

trade unions, of gathering indoors within the magisterial districts of Johannesburg and Roodepoort contained certain errors.

"These have been rectified and will be published correctly in a *Government Gazette* (today).

"Although the areas covered by the new order fall within the Johannesburg and Roodepoort magisterial districts, they in effect will include only Soweto, Meadowlands, Diepkloof and Dobsonville.

"The organisations mentioned will exclude all trade unions and trade union

federations

"The South African Police herewith reiterates its standpoint that economic stability, which is dependent on sound labour relations, is vitally important in all spheres of the community.

"To underline this concern, the Minister of Law and Order has in recent weeks been in constant touch with employer organisations in order to help with problems arising out of the present abnormal situations."

The statement also stressed that no employee is or will be detained for *bona fide* trade union activities. — Sapa.



# Free State court move on clamps

By Jo-Anne Collinge

Another legal attack on the emergency regulations is due to be launched today — this time before a Full Bench of the Bloemfontein Supreme Court.

As in the application made earlier this week in Durban, the court will be asked to grant an order declaring that the emergency regulations ceased to be of force and effect after June 26.

The case centres on the detention of a Kroonstad couple, leading United Democratic Front member Mr Dennis Bloem and his wife, Edith. It has been brought by members of their families.

The court will also be asked for an order declaring that the arrest and detention of the Bloems was wrongful and unlawful and directing their release from custody.

It will be asked to prohibit and restrain the Minister of Law and Order and certain police officers from "taking any steps to perpetuate the detention" of Mr and Mrs Bloem.

The Durban application, brought earlier this week before Mr Justice Didcott, was postponed by consent to allow for a hearing by a full Natal Bench on Monday.

It sought to nullify the emergency regulations on the ground that there had been a failure to comply with the Public Safety Act requirement that the regulations be laid on the table of all three Houses of Parliament within 14 days of promulgation.



## 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.



CHE TENTS 10/7/86 (327) (108) (104)  
**Tucsa rejects govt actions**

**JOHANNESBURG.** — The Trade Union Council of South Africa (Tucsa) expressed its "total rejection" of the "arbitrary action" taken by the authorities against many South African trade unions, Tucsa's president, Mr R H Botha, said yesterday.

In a statement issued in Johannesburg, Mr Botha said: "These unjust restrictions should be lifted immediately, and unions should be allowed to resume their normal activities in the interests of their members as they best see fit."

All trade unionists detained should be released. Tucsa believed that normality would not return to our society by means of present methods being adopted by the government, but only by negotiation, and Tucsa urged that meaningful negotiation between all recognized leaders start immediately.

"Apartheid must end now. In pursuit of these demands Tucsa is seeking interviews with the ministers of Law and Order and of Manpower," the statement said. — Sapa



# Union ban lifted due to 'error'

CMT TIMES 10/7/86

337

**Own Correspondent**  
**JOHANNESBURG.** — The government last night lifted a two-day-old ban on indoor gatherings of trade unions in Johannesburg and Roodepoort, saying it was imposed in error.

The Bureau for Information said the original ban on indoor meetings by 33 organizations "contained certain errors". Only meetings in Soweto, Meadowlands, Diepkloof and Dobsonville are affected and trade unions should not have been on the list.

The Bureau said the errors would be rectified in a Government Gazette to be published today. Organizations mentioned would exclude "trade unions and trade union federations".

## Challenges

Four trade unions had filed court challenges against the ban yesterday and the hearings were set for Monday in the Rand Supreme Court.

The challenges were filed by the Metal and Allied Workers' Union, the Commercial, Catering and Allied Workers' Union, the National Union of Mineworkers and the Media Workers' Association of South Africa.

The unions believed the ban would have brought industrial relations to a halt by preventing them from meeting employers and union members.

A Progressive Federal Party spokesman, Mr Peter Gastrow, said he hoped it would be a "small step" towards normalizing trade union activity, and make it easier for management and unionists to communicate with each other.

## Unhelpful

He said it had become urgent for those union leaders who were in detention to be released or charged in court. He hoped it reflected a more sensitive attitude to trade unions and to labour relations generally.

Mr Bobby Godsell, an Anglo-American indus-

trial relations consultant, said the ban had been unhelpful and last night's news was a step towards normality.

Mr Raymond Parsons, the executive director of Assocom, said the lifting of the ban was early recognition that Monday's proclamation needed to be modified.

He said it was a partial response to employer organizations like Assocom and FCI which had expressed their concern about the implications of certain aspects of the state of emergency.

## Sensitivity

The statement from the bureau said the Law and Order Minister, Mr Louis le Grange, had been in touch with employer organizations to help with problems arising out of the present abnormal situation.

It also said the SAP "herewith reiterates its standpoint that economic stability, which is dependent on sound labour relations, is vitally important in all spheres of the community".

Labour lawyer Mr Rod Harper said the move could mean that the government was showing a little sensitivity to labour relations.

It appeared that authorities involved needed to give more careful consideration to the wording of proclamations and the serious effects they had.



# Committee will fight censorship

By Maud Motanyane

An Anti-Censorship Committee (ACC), which will lobby against censorship, facilitate contact and offer material support to groups affected by emergency regulations, was formed at a meeting held at the University of the Witwatersrand last night.

More than 100 people, including writers, lawyers, publishers and journalists, attended the meeting called by Ravan Press at the Wartenweiler Library at Wits to discuss publishing under the state of emergency.

Ravan Press reported that printers, bookstores and advertisers threatened by emergency regulations were refusing to handle any material which they thought to be subversive.

"Manuscripts have been returned, books taken off shelves, advertisers have refused books and newspapers have returned books for fear of breaking the law," Miss Jessica Dwight of Ravan said.

Attorney Mr Norman Mandoim said state of emergency legislation was vague.

The result was that people were more cautious than they needed to be and lawyers tended to give more conservative advice, he added.

## LEGITIMACY

He suggested that if more people were prepared to test the boundaries of the legitimacy of state of emergency legislation, then it would be easier for everyone.

A resolution adopted at the meeting condemned the suppression of all sources of independent news gathering.

"Information restricted, released or withheld at the pleasure of police communiques leaves the media gagged and bound, and the population blinded to the true nature and extent of events affecting their own lives," the resolution said.

The meeting called on the Government to abolish all laws and provision of law that restricted freedom of expression and the gathering of information.

## MEETING

Practical action to be taken by the ACC include a meeting with Mr Tony Bloom, chairman of Premier Milling and of the CNA, which controls a large number of book stores.

The committee will call on Mr Bloom to make a public statement condemning censorship. Mr Bloom will also be requested to draw up guidelines for book distributors under present legislation.



among others, section 3 and 5" was Office, appeared for the respondents.

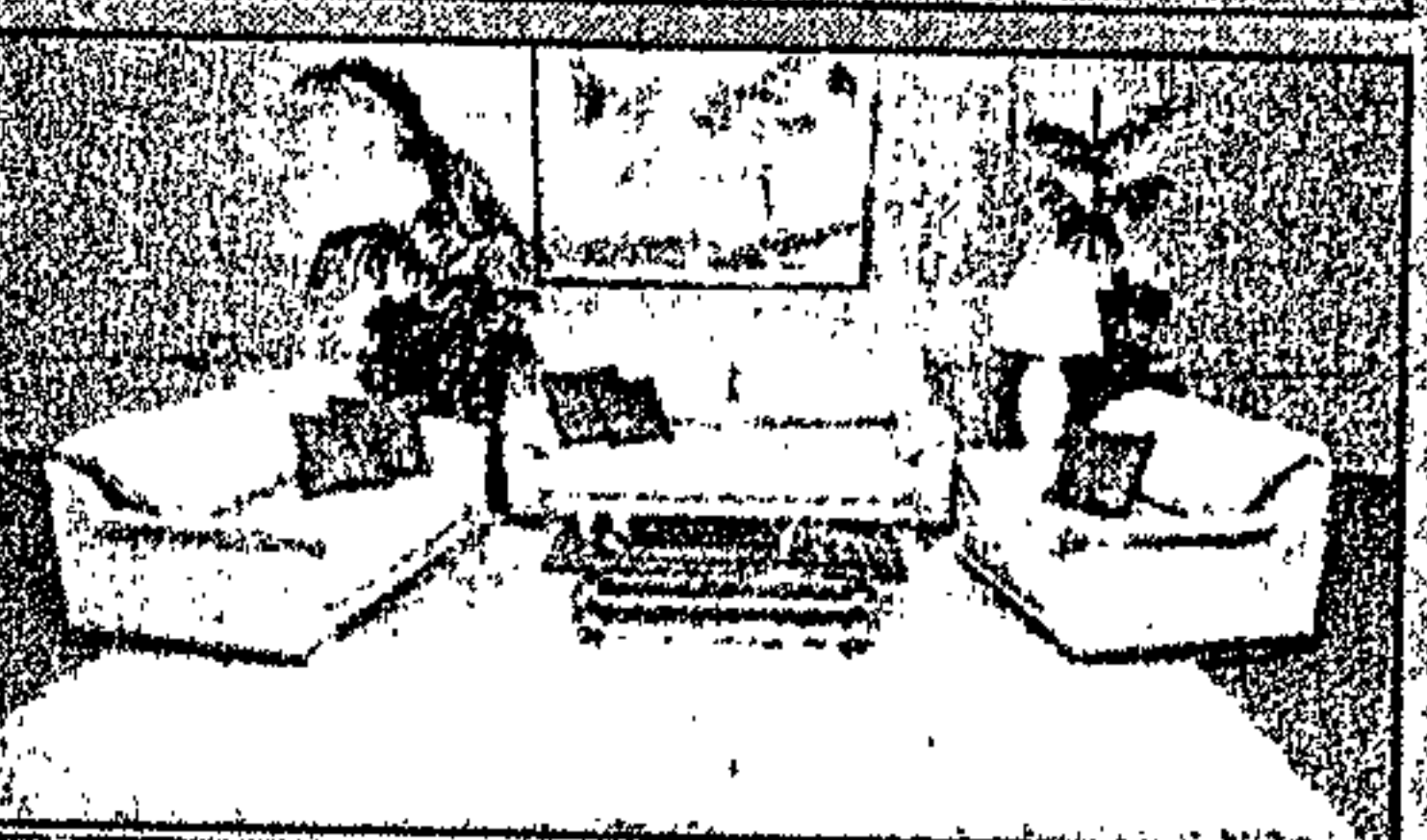
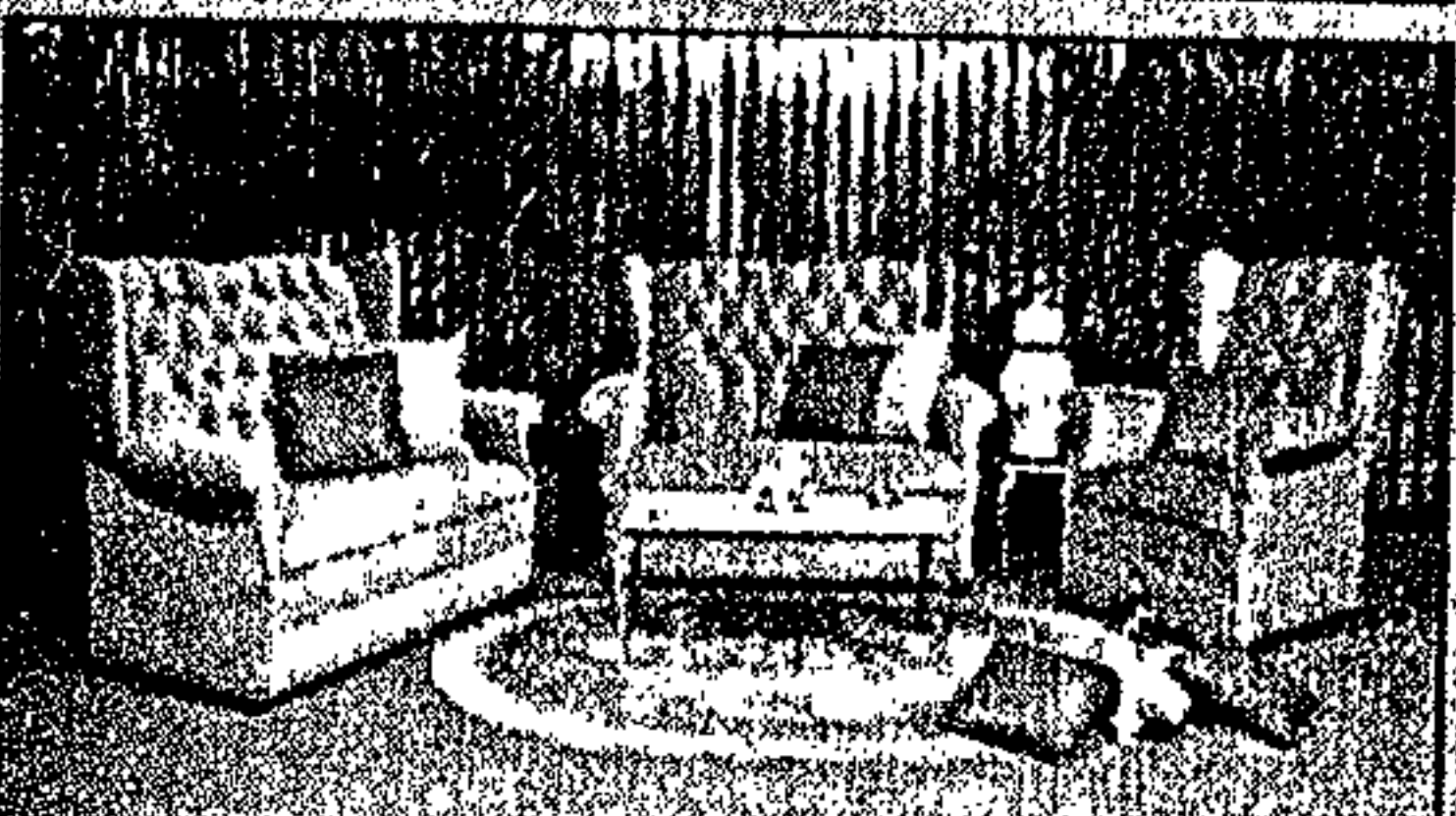
## 116 now officially dead

ACCORDING to the Bureau for Information, one man died in unrest related incidents in the 24 hours till 6am yesterday. This brings the official death toll in South Africa since the state of emergency was declared on June 12 to 116.

## CRAFTSMANSHIP

### LOUNGE SUITE FACTORY

- DIRECT FROM OUR FACTORY TO YOU — WITH BIG SAVINGS
- WE DESIGN AND MAKE TO YOUR SPECIFICATIONS
- 25 LOUNGE SUITES ON DISPLAY IN OUR FACTORY SHOWROOM
- CHOICE OF COMPLETE FABRIC RANGE



## Landmine blasts 4 suspects arrested

Own Correspondent

JOHANNESBURG. — Five suspected ANC terrorists and "collaborators" were arrested yesterday in connection with a spate of landmine incidents in the Eastern Transvaal since April.

They could not be named due to "the security built-in to the legislation of the state of emergency", said Mr Leon Mellet of the Department for Information.

The arrests were in connection with at least six terrorism acts, including:

- That of June 10 in which an 18-year-old schoolboy, Martin Coetzer of Volksrust, lost a foot when his bak-kie detonated a landmine.

### Church

- On March 19, Mr Bisan Mahlang and Mr Mtiselwa Sidane were killed and nine others injured near Davel when their vehicle detonated a mine. They were on their way to a Zion Christian Church service.

- April 21 in which a taxi driver, Mr Ben Mdluli, was injured near Breyten.

- The same day a farm worker, Mr Simon Makwanazi, was injured when the tractor he was driving detonated a landmine on the farm of Mr J J de Villiers.

- June 10 when farm workers Mr Lukas Lushaba and Mr Elias Shabangu were injured on a farm near Volksrust.



# Order for nun's release

By SHAUNA WESTCOTT  
Supreme Court Reporter 3770

**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 a group of between 150 and 200 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 emphasize 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 section 3 of the regulations quoted above.

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.

However, a number of "relevant points" could be made:

## Mourners were compliant

Up until the time that Captain Jacob Johannes Oosthuizen ordered his men to disperse the mourners, the mourners had not shown any untoward sign of violence. Songs and slogans were "not necessarily signals of impending violence".

Police up until then had behaved in a way that might have suggested acquiescence and their successful deviation of the crowd into Terminus Road suggested that the mourners were compliant. "The order to disperse may have come as a surprise to some."

Captain Oosthuizen's opinion that the mourners were "acting in contravention of the emergency regulations, among others, section 3 and 5" was

wrong. Section 3, which sets out powers of arrest and detention, "is not capable of being contravened". (Section 5 relates to power of entry, search and seizure).

The captain's order to disperse the mourners "was therefore based on a false premise and was symptomatic of a somewhat less than clear mind".

Sister Clare was not known as an activist or as a person likely to foster disorder. "Given her vocation, her presence at the funeral was not unusual or sinister."

Police dispersed the mourners in three minutes.

Mr Justice Marais said he had "some difficulty in appreciating why Constable Nel found it necessary to persist in beating" the young man on whose behalf Sister Clare intervened.

The man was trying to disperse as ordered and Constable Nel's explanation that he was trying to drive him back into the street "made little sense".

## Conventional arrest

The judge wondered why Constable Nel had not tried to tell the man to return to the street. "How would striking him indiscriminately with a quilt help the realization to dawn? It is not surprising that Sister Clare took exception at what appeared to her as a gratuitous assault."

He said Captain Oosthuizen's affidavit had been silent on the crucial factor of why a conventional arrest in terms of the ordinary law of the land would not have served. The only conclusion he could draw was that the captain had not considered this.

Furthermore, Captain Oosthuizen had been obliged to weigh up the necessity not only for Sister Clare's arrest but for her detention. He had failed to do so and this "fundamental omission" disqualified his opinion.

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 of Police — leave to appeal to the Appellate Division.

However, since a court order is stayed pending appeal, he ordered further that Sister Clare should be released immediately.

He also ordered the Minister of Law and Order to pay costs.

Mr J G Foxcroft SC, with Mr A M Omar and instructed by E Moosa and Associates, appeared for Sister Therese. Mr J A le Roux, instructed by the State Attorney's Office, appeared for the respondents.



Part of a joyful reunion outside Pollsmoor Prison yesterday are (from left) Sister Clare, Sister Aine, Sister Caroline (partly obscured), released detainee Sister Clare and the Acting Regional Superior of the Dominican Order, Sister Therese.

Cape Times Newscolour: Alan Taylor

## Jig of joy for freed sister

Supreme Court Reporter A LITTLE jig of joy was danced outside Pollsmoor Prison yesterday by Sister Aine of the Dominican Order as her detained colleague, Sister Clare, was released by order of the Supreme Court.

Other Dominican nuns who had come to welcome Sister Clare were only a little more restrained as hugs and smiles were exchanged outside the prison gates.

"You're outside, you're outside — she's not sure," Sister

Aine cried as Sister Clare emerged into the lights of a television crew.

The two share a house in Gugulethu and run educational programmes and a playgroup in Nyanga.

Sister Clare said she felt torn between joy at getting out and the sadness of having to leave behind the people she had been with who did not know when they would be released.

She said she had known nothing about the order for

her release and had been in bed when she was told to "pack up your things and come with me".

She said she knew about police allegations of her use of bad language and was "furious", although she laughed.

She was asked to describe the circumstances of her arrest but the emergency regulations forbid publication of her reply.

Asked if she would be returning to her work in Nyanga, Sister Clare said "I

hope so. I've been praying for it."

Sister Clare became a full member of the Dominican Order in 1966. It is an international religious order within the Roman Catholic Church which, according to the Acting Regional Superior, Sister Therese, "aims to live up to our motto 'Veritas' (Truth) in all spheres of life."

The order is mainly involved in church and community work of an educational nature.



CHM Tim H  
10/7/86

397

# UCT principal warns of more violence in SA

Staff Reporter

THE failure of the Nationalist government to engage in fundamental political reform and its persistence in enforcing apartheid policies would plunge South Africa into further violence, Dr Stuart Saunders, UCT's vice-chancellor and principal, said last night.



Dr Stuart Saunders at last night's meeting in Claremont.

Speaking at a meeting of the Young Progressives, attended by about 400 people in the Claremont Civic Centre, he called for real negotiation in South Africa "to begin to avoid the steady spiral of violence and to achieve peace".

Other speakers who also addressed the meeting were Ms Sheena Duncan, immediate past chairperson of the Black Sash, Mr Andrew Millar, national chairperson of the Young Progressives, and Mr Roger Hulley, MP for Constantia.

Dr Saunders said that although he did not normally speak on a political platform, there were so few opportunities to speak publicly in South Africa "that it seemed to me that I must not censor and silence myself while I am still able to speak".

Quoting extensively from the recent Eminent Persons Group report, he said there was no genuine intention on the

part of this government to dismantle apartheid.

In the government's way of thinking there were a number of non-negotiables, "the concept of group rights — the very basis of the apartheid system — was sacrosanct".

The homelands would not disappear but would be reinforced with the emergence of an independent KwaNdebele.

The principle of one man, one vote in a unitary state was beyond the realm of possibility.

"The Population Registration Act would continue and the present tricameral constitution which institutionalizes racism must be the vehicle for future constitutional reform," he added.

## 'Future in blood'

While the government claimed to be ready to negotiate it was not yet prepared to "countenance the creation of genuine democratic structures, nor to face the prospect of the end of white domination and white power in the foreseeable future", Dr Saunders said.

He was deeply disturbed that so many organizations — including 119 in the Western Cape alone — were prevented from having public meetings.

"I am puzzled when I read the South African press now. It takes me three minutes to read most newspapers and from some one gets the entire message in under 60 seconds."

Dr Saunders appealed to South Africans to rebel against writing the "charter of our future in blood".

"Let the real negotiations begin and fulfil the need for peace," he concluded.



10/7/86  
**Miners go back to work**

Own Correspondent

JOHANNESBURG. — About 2 000 striking workers at five De Beers mines near Kimberley resumed normal operations yesterday following assurances from the company that it was making representations to the government about the position of detained employees.

A company spokesman declined to disclose whether any meetings with the government were being planned.

De Beers chairman Mr Julian Ogilvie Thompson telexed the government last month to call for the release of detained union leaders.

Gencor said yesterday that normal working procedures had been resumed at all its mines.

Amcoal said work stoppages at its Kriel colliery continued yesterday, while Anglo American said its Number Four and Seven shafts at the Free State Geduld gold mine near Welkom remained closed following a go-slow by 5 500 workers.



CAPE TOWN 10/11/78  
UCT: No 176  
freedom 321

**Education Reporter**

THE Council and Senate of the University of Cape Town have passed a motion that academic freedom does not exist in South Africa.

The motion read: "In view of the severe government-imposed restrictions on freedom in South Africa, academic freedom does not exist at the University of Cape Town or at any other South African University."



Seven killed, 14 captured since emergency

# Police account for 21 terror suspects

By Sue Leeman, Pretoria Bureau

The arrest of five alleged ANC insurgents in connection with several Eastern Transvaal landmine incidents has brought to 21 the total of alleged ANC operatives shot or captured since the start of the emergency.

Since June 12, when the emergency was declared, a total of seven suspected ANC operatives have been killed, 14 are in custody and one escaped the police dragnet.

The Commissioner of Police, General Johan Coetzee, announced last night that the police had recently rounded up five alleged ANC "terrorists and collaborators" in connection with a number of landmine blasts which have rocked the Eastern Transvaal since April.

It is understood the men were picked up in different places last week. They are being linked with a number of explosions, including one on June 10 in which 18-year-old schoolboy Martin Coetzer lost a foot when the car he was driving detonated a landmine on his parents' farm near Volksrust.

In another incident on June 10, a tractor driven by Mr Lukas Lushaba detonated a mine on a farm belonging to Mr M J Uys, also near Volksrust. Mr Lushaba and Mr Elias Shabangu were injured.

Other serious incidents in the area included one on May 19 in which two men, Mr Bisane Mahlang and 60-year-old Mr Mthiselwa Sidane were killed and nine other people injured when their vehicle

detonated a landmine near Davel.

On April 21 taxi driver Mr Ben Mdluli was injured when his vehicle set off a landmine near Breyten. On the same day, Mr Simon Makwanazi was injured when the tractor he was driving detonated a landmine on the farm of Mr J J de Villiers, also near Breyten.

Suspected ANC operatives killed by police fire since the emergency died in two incidents:

- On June 27 four were shot in the Nietverdiend region, Western Transvaal, about 30 km from the Botswana border. One man got away.

- On Monday it was announced that another three had been shot after being found in a hut near Empangeni in the Northern Transvaal.

Other alleged ANC operatives have been arrested in a number of areas:

- On June 26, four men were arrested near Pretoria. They were allegedly linked to an incident in which a landmine exploded on a gravel road near Soshanguve. Two Russian-made grenades were found.

- Another four men were rounded up in the Durban area. They are being held under section 29 of the Internal Security Act. Their arrest allegedly arises from the discovery of an arms cache containing, among other things, AK-47 and VZ rifles and chemicals suitable for making bombs.

- A woman was arrested at Swaziland's Golela border post on June 13. She allegedly was found to be carrying a large quantity of explosives, an RPG 7 rocket launcher and ANC literature.



# Government about-turns on union ban

By Sheryl Raine

In a remarkable about-face, the Government has announced that its ban on indoor meetings of major trade unions in the Johannesburg and Roodepoort magisterial districts was a mistake.

The ban, imposed in a Government Gazette this week, contained "certain errors", the Bureau for Information said last night. Only meetings in Soweto were affected and the trade unions should not have been on the list of 33 affected organisations.

A corrected notice would appear in a Government Gazette to be published today, the bureau said.

Unions on the list included the two major black union federations

and three of the biggest unions in the country — the National Union of Mineworkers, the Metal and Allied Workers' Union and the Commercial Catering and Allied Workers' Union of SA.

These three, plus a fourth union affected by the ban, the Media Workers' Association of SA, had already instructed lawyers to challenge the validity of the ban in the Supreme Court when news came that the ban was a mistake. Court applications were due to start on Monday.

● The Metal and Allied Workers' Union will proceed with an application to the Durban Supreme Court challenging the validity of the state of emergency itself and the Government's right to detain people under the emergency regulations.





# Baby can join his mum

322

Sowetan 11/7/80

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.



# DET security plan comes under attack

11/7/86  
Schwartz  
The United Democratic Front and Metal and Allied Workers' Union are to challenge the validity of emergency regulations in separate Supreme Court hearings on Monday.

The UDF is to bring an urgent application in the Port Elizabeth Supreme Court, questioning the validity of Regulation 7 and 11 in the emergency regulations.

The UDF will also ask the court to declare a scheduled meeting lawful.

Mawu will question the validity of the state of emergency and the Government's right to detain people under the emergency regulations. The matter is due to be heard in the Durban Supreme Court.

327  
By LEN MASEKO

Meanwhile the Media Workers' Association of South Africa (Mwasa) yesterday described the lifting of a ban on union meetings as "a small but significant victory".

Mwasa is one of four unions which has brought urgent applications contesting the ban. The others are the Commercial Catering and Allied Workers' Union of South Africa, National Union of Mine-workers and Mawu.

A Mwasa spokesman said: "The ban was a naive and clumsy attempt to cripple the struggle by the independent trade union movement for workers' rights and the struggle against apartheid."



# COMMENT

• No comment . . .

The facts  
speak for  
themselves

THE countrywide state of emergency is 30 days old.

Since the clampdown was announced on June 12:

- The media have been banned from publishing any information on unrest except what is supplied or approved by the Government's Bureau for Information;
- 116 people have died in unrest, according to the Bureau;
- A total of 3 493 people are known to have been detained, according to the Cape Town-based Repression Monitoring Group;
- Two people have been released after judges ruled that their detentions were illegal;
- Eighteen political organisations have been prohibited from holding indoor meetings on the East Rand;
- A total of 118 organisations have been gagged in the Western Cape;
- Four journalists have been ordered out of South Africa;
- Thirteen blasts have rocked the country — four in Johannesburg, six in Durban, one in Queenstown, one in Cape Town and one in Pretoria;
- These explosions have claimed three lives and injured about 118 people;
- Industrial relations have been affected because many union officials and leaders have gone into hiding to escape detention; and
- A Government order banning indoor meetings of major trade unions in Johannesburg and Roodepoort was a mistake. The unions should not have been included on the list of 33 affected organisations, the Bureau said.



# 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.



# Detainee parents ask for release in court

11/7/80  
BUS 041 327  
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."



# Union, employers call for end to violence and emergency

327

CLAIRE PICKARD-CAMBRIDGE  
and DIANNA GAMES

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 conviction 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.

Progressive Federal Party (PFP) spokesman Helen Suzman said the ban had been a "most serious blunder" and was further indication of the "ineptness of government, which cannot even use its own rotten legislation correctly."

Bureau of Information spokesman Leon Melleit said: "A mistake was made and now it has been corrected."

But a leading legal firm called it a display of "sheer incompetence", even by government's "diminished standards". Premier Human Resources director Rob Childs said most businessmen did

not believe the ban had been an 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.



# 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 pro-

vincial 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."



CAPE TIMES  
11/7/86

327

# Union call to end all violence

Own Correspondent

JOHANNESBURG. — Several major employers and a union federation have issued a strongly-worded statement calling for a stop to all acts of violence and an 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 overcome it".

Areas of joint concern and conviction include:

- SA's current crisis can only be resolved by involving all leaders in free political activity to discuss the future of SA.

- The emergency regulations has curtailed union and employer freedoms 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 which does not build the trust essential for a sound industrial relationship.

- The detention of community and union leaders and members creates a climate for escalating tension which is not conducive to resolving SA's critical problems.

The 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 special Government Gazette was printed yesterday to rectify the error.

Progressive Federal Party spokeswoman Mrs Helen Suzman said the ban had been a "most serious blunder" and was further indication of the "ineptness of government which cannot even use its own rotten legislation correctly."

PFP manpower spokesman Mr Peter Gastrow said he found it surprising a mistake with such far-reaching and potentially disastrous consequences could be made.

## 'Corrected'

Bureau of Information spokesman Mr Leon Mellett said: "A mistake was made and now it has been corrected."

But a leading legal firm called it a display of "sheer incompetence", even by government's "diminished standards".

The organizations removed from Monday's list 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.

## Prohibition

The prohibition, covering Soweto, Diepkloof, Meadowlands and Dobsonville, has been extended to include Student Representative Councils of all schools, colleges and/or universities.

It also slaps restrictions on funerals in townships in the Free State districts of Welkom, Theunissen, Bothaville, Odendaalsrus, Viljoenskroon, Kroonstad, Heilbron, Koppies, Parys and Sasolburg.

Sapa reports that 245 leaders and officials of trade unions are known to be in detention at present.



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

327  
~~327~~  
~~327~~

## 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

2 WEEKLY MAIL, July 11 to Jul

## 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 Coetsee, 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.



## 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

	PWV	Tvl country	E-Cape	N-Cape	W-Cape	Natal	OFS	Unknown	Total
Students/ scholars/ teachers	105	26	19	1	18	53	33	6	261
Unionists/ workers	55	33	16	7	10	35	31	22	209
Community/ Political	158	62	129	12	29	63	29	6	488
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	1 070
<b>TOTAL</b>	<b>511</b>	<b>227</b>	<b>400</b>	<b>72</b>	<b>370</b>	<b>199</b>	<b>171</b>	<b>80</b>	<b>2 110</b>

### 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 Maqubeza, Florence Mkhizi, TS Mogoerane, SN Mokoena, Andrew Mokone, JS Mosololi, MT Motaung, David Mtobela, TP Ngobelo, TJ Phantsile, 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 MKHATSHWA

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)



# Jitters among booksellers

BOOKSHOPS are taking unbanned books off the shelves and refusing to stock new books that are not banned.

Printers are sending back manuscripts and some newspapers are refusing to accept advertisements promoting certain books.

The reason, according to a group formed Wednesday to monitor censorship: the vagueness of Emergency regulations.

Publishers David Philip, Mike Kirkwood and Mothobi Mutloatse and authors Nadine Gordimer and Achmat Dangor are among the literary figures on the ad hoc steering committee of the Anti-Censorship Action Group which will monitor censorship "with a view to facilitating appropriate and united action" and "provide support to organisations charged in terms of present legislation".

Although the retail trade was not included in the formation, the steering committee has resolved to ask Premier Group chairman Tony Bloom to offer guidelines to bookshops in the group, sparing booksellers the burden of self-censorship. Bookshops include all branches of Exclusive Books, Logan's in Cape Town and Campus Books. In addition, Premier owns a large share in CNA.

## THE WEEKLY MAIL

There's still some office space vacant at the WEEKLY MAIL'S new premises. Ideal for journalists, photographers, publishers. Bargain rents! Phone CLIVE COPE at 337-5350



## STATE OF EMERGENCY

### 26 days on

By Tuesday this week, 115 unrest deaths had been officially reported by the Bureau for Information during the 26 days since the imposition of the State of Emergency.

And, according to the SA Institute of Race Relations, the death toll since September 1984 — when the current wave of unrest started in the Vaal Triangle — has broken the 2 000 barrier. The institute says the toll in June was 177 compared to 221 in May, the worst month for violence since September 1984.

The explosion outside a supermarket at Silverton, Pretoria, on Friday, which injured 20 people, was a stark reminder of the continuing wave of bombings of civilian targets. The previous day a bomb exploded at Mowbray police station in Cape Town, slightly injuring a policeman and a policewoman.

After visiting victims of the Silverton blast in hospital this week, Law and Order Minister Louis le Grange said African National Congress "murderers" did not care who their victims were. He said three whites had died and 84 had been injured in recent bombing incidents, but pointed out that 27 blacks, nine coloureds and two Indians had also been injured.

The Silverton bomb was the twelfth to explode in urban centres since the State of Emergency was declared on June 12. It occurred only hours after the police issued a warning to the public to be on the alert for suspicious-looking packages left unattended in public places.

Among the 22 fatalities reported by the Bureau for Information in the past week were five black local government officials,

believed to have been law enforcement officers. They were killed in two separate attacks in the neighbouring townships of Vosloorus near Alberton and Katlehong near Germiston.

The officials were patrolling the townships in vehicles when they were attacked by a group of men allegedly armed with AK-47 assault rifles. According to the bureau, two of the gunmen were shot dead by police after a car chase. A third escaped.

At the weekend, five unidentified bodies were found in a burnt-out house in KwaZakhele near Port Elizabeth. On Monday, it was reported that police had killed three insurgents in a weekend skirmish near Empangeni in Natal and recovered a quantity of Soviet-made arms and explosives.

The past week has also seen a series of new far-reaching emergency measures. The Divisional Police Commissioners of the East



**Le Grange... blacks and whites affected by bombs**

Rand, Eastern Province, South Western Districts and the Northern Orange Free State have prohibited more than 100 political, student and community organisations from holding indoor meetings at various magisterial districts in those areas.

On Monday this week, Soweto's Divisional Police Commissioner announced similar restrictions on meetings in Johannesburg and Roodepoort affecting 33 organisations. For the first time, major trade unions and union federations were included in the list (see page 48).

Black school premises in various western Transvaal townships have been declared no-go areas, presumably until schools re-open on July 14. And parts of the western and northern Cape are now also covered by restrictions relating to funerals. They include a ban on public address systems, banners and flags, and prescribe who may speak at ceremonies.

On Monday, in a finding which could provide a modicum of protection for other detainees, the Rand Supreme Court ordered the release from emergency detention of World Wide Television News sound man Theophilus Mashiani. Mr Justice Goldstone declared his detention unlawful because the arresting officer had not formed a *bona fide*

opinion about Mashiani's threat to public order and safety. Mashiani was arrested on June 15 at the University of the Witwatersrand's Glynn Thomas residence where he was spending the night with his girlfriend.



# Gazette sets aside 'mistaken' bannings

The Argus Correspondent 327

PRETORIA. — The Government Gazette setting aside the "mistaken" banning orders imposed on several major trade unions and organisations in the Johannesburg and Roodepoort areas has been published.

The gatherings ban will now be in force only in Soweto, Diepkloof, Meadowlands and Dobsonville in Roodepoort. The unions are not affected.

The Soweto police commissioner repealed the orders published on Tuesday and issued the new prohibition on gatherings in terms of the Public Safety Act.

The police said in a statement earlier that no trade union official would be detained for bona fide trade union activities.

## ERROR

The statement said the ban on the trade unions was an error. Included were two federations, the Congress of South African Trade Unions (Cosatu) and the Council of Unions of South Africa (Cusa), the National Union of Mineworkers (Num), the Commercial Catering and Workers' Union of South Africa (Ccausa) and the Metal and Allied Workers' Union (Mawu).

It added that the Minister of Law and Order had been in touch with employer organisations and recognised that sound labour relations were important.

The organisations now affected are: All students representative councils of any school, college or university in the area; Azapo; the Transvaal Indian Congress; the Detainee Parents Support Committee; the United Democratic Front; the National Education Crisis Committee; the Azanian National Youth Unity; the Azanian Students' Movement; the Black Students' Society; the Education Charter Campaign Committee; the Federation of Residents Association; the Federation of South African Women; the Federation of Transvaal Women's Associations; the Lenasia Students' Congress; the Lenasia Youth League; the Lenz Solidarity Group; the National Education Union of South Africa; the Release Mandela Campaign; the Soweto Civic Association; the Soweto Parents' Crisis Committee; the Soweto Students' Congress; the Soweto Youth Congress; the Call of Islam; Young Christian Students and Young Christian Workers.

Several of these unions met member unions of the Council of Non-European Trade Unions during March 1955 and formed a new body, the South African Congress of Trade Unions (SACTU) which accorded equal status to both registered and unregistered unions.

The Trade Union Council of South Africa was formed. This body decided to restrict membership to registered unions thus excluding African unions. Following the formation of the body, the Trades and Labour Council and the Western Province Federation of Labour dissolved themselves. Fourteen members of the Trades and Labour Council disassociated themselves from the decision to form a new co-ordinating body representing only the registered trade unions.

A further group of unions opposed to African Unions broke away to form the South African Federation of Trade Unions (SAFTU). They refused affiliation from African unions but permitted that of mixed 'coloured' and 'white' unions.

Five Unions opposed the inclusion of African associations in the Trades and Labour Council and broke away to found the Co-ordinating Council of South African Trade Unions. It did not accept affiliation from any union in which 'non-whites' had voting power.

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# 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."



# Dangers in a false sense of security

NJM 11/7/86 327

327A

THE LACK of debate from extra-parliamentary groups caused by the state of emergency regulations makes it less likely for government solutions to South Africa's political problems to succeed, says Mr Peter Gastrow, PFP MP for Durban Central.

The lack of debate, he says, is likely to give the impression to a large section of the public that the extra-parliamentary groups' determination to work for the destruction of apartheid has been blunted.

'The false sense of comfort that there is greater political stability holds so many dangers for realistic policies from the whites.

'Public debate cannot address the real issues as defined by major political groups.

'In the absence of direct communication one tends to form political problems and issues in a way which makes it less risky as far as one's own point of view is concerned.'

Mr Gastrow says it must be remembered that state-

**Stuart Flitton**  
Political Reporter

ments by extra-parliamentary groups are being made within the ambit of the regulations and far more would otherwise have been said.

'We have to be careful that we do not interpret silence from groups as acceptance of the *status quo*. The impression I have gained is that there is even greater determination (to oppose apartheid) borne out of the frustration caused by the regulations.'

The position of blacks perceived to be moderates and linked with 'the system' will become more precarious.

'Fingers are pointed at them that they are taking advantage of the situation and jumping into a vacuum.'

Referring to a statement by National African Federated Chamber of Commerce and Industry (Nafcoc) president Mr Sam Motsuenyane that it was time to reconsider Nafcoc's anti-disinvestment stance, Mr Gastrow agreed that moderate groups were under pressure to become more radical.

'They have to illustrate that the state of emergency is not widening the gap between themselves and other groups, otherwise their actions will be perceived to be reinforcing the system,' Mr Gastrow said.



# Union meetings not banned

PRETORIA — "Errors" contained in a Government Gazette notice which banned trade unions from holding gatherings in Johannesburg were rectified yesterday with the publication of amended orders.

Eight trade unions and organisations banned on Monday from holding indoor gatherings in Johannesburg were not listed in yesterday's orders, while the ban on the remaining organisations were made to apply only in Soweto, Diepkloof, Meadowlands, and Dobsonville.

The amended emergency regulation orders by Soweto Divisional Police Commissioner Gideon Laubscher follows outrage over the restrictions which had been placed on South Africa's leading union bodies.

The ban on students representatives councils, the National Education Crisis Committee (NECC) and the National Education Union of South Africa from holding meetings in the four townships remains in force.

Organisations no longer affected by the ban are the Commercial Catering and Allied Workers Union of South Africa; the Congress of South African Trade Unions; Council of Unions of South Africa; General and Allied Workers Union; Health Workers Association; Media Workers Association of South Africa; Metal and Allied Workers Union; and the National Union of Mineworkers. — Sapa



# A courtroom challenge to the unchallengeable

The Emergency regulations attempt to bar the courts from adjudicating on any action by the Security Forces. But several attempts have been made to challenge them nonetheless. And on Monday the Natal bench will hear the most sweeping challenge of all, reports CARMEL RICKARD



**First man to win in court: WTN television soundman Theophilus Mashiane celebrates his release from detention by a Johannesburg judge this week. Toasting him are colleagues Rapiiso Montsho and Khosi Radebe**

regulations became unlawful after June 26.

Fanaroff also claims the regulations were never valid because the State President acted *ultra vires* when he made the regulations at the same time as declaring the Emergency.

has a special interest in the detainees, in that the union's constitution enjoins Mawu to "protect and further the interests of its members and office bearers".

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TENSIONS between the state and judiciary over the government's policy of usurping the powers of the courts could escalate if this week's application to have the State of Emergency declared invalid succeeds.

The 70 000 strong Metal and Allied Workers Union (Mawu) is bringing an urgent application in the Durban Supreme Court against the State President, the government and the Ministers of Law and Order and of Justice.

This is not the first case to challenge the Emergency regulations, but it is the most sweeping in its implications.

Other cases have been limited to such issues as applications for detainees to be freed, challenges to deportation orders, and interdicts following alleged police assaults on detainees. But the Mawu application goes to the heart of the matter and tries to cancel the Emergency itself.

If Ismail Mahomed SC — who is appearing for Mawu — manages to persuade the Natal judges to declare the Emergency unlawful, the issue will undoubtedly be taken by the state to the Appeal Court.

If this were to happen, the effect of the Natal judgement would be suspended, pending the decision of the Appellate Division, unless a special order were granted by the Natal judges, putting their ruling into operation immediately — and making the Emergency no longer apply in the province.

When the application came to court on Tuesday, Justice Diddcott said the matter was obviously one of great urgency. He adjourned the case to Monday for a full bench of the Supreme Court to hear argument on the issues involved.

Second applicant in the case is Duda Mchunu, wife of detained Mawu official Willies Mchunu.

The applicants contend the Emergency became invalid after June 26; alternatively, that it was never lawful. They also ask for six Mawu leaders from Northern Natal to be released immediately, from a ...

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On the question of access by lawyers to Mawu detainees, Fanaroff says their applications for such visits were refused. They needed access to the Mawu officials to acquire, amongst other things, powers of attorney and instructions to enable the affairs of the detainees concerned to be administered in their absence.

Mawu is represented by Ismail Mahomed SC, assisted by Leonard Gering, instructed by Peter Harris of Cheadle, Hayson and Thompson (Johannesburg) and Chris Albertyn of Chennels, Albertyn (Durban). Counsel for the state is JH Combrink SC, assisted by R Hiemstra.

@Extracs from the Mawu statement on the State of Emergency which is at the centre of the Supreme Court application:

"Mawu ... calls upon its members and metal workers through South Africa to make known their opposition to the continuing State of Emergency.

"The union expresses its deep distress and opposition to ... the arrest and detention of large numbers of citizens including trade unionists generally and our vice president, our general secretary, officials and members.

"The answer (to increased unrest) cannot lie in even more (government) power. This has failed. The Emergency itself and the power now acquired will themselves be the cause for more unrest. Peace and reconciliation must lie in another direction. It must lie in dealing with the causes of the unrest. It must lie in the abandonment and obliteration of apartheid and the creation of a democratic, equal and just society.

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Mawu has also put forward a set of alternative orders for the judges to consider.

They have asked for a declaration that the definition of a "subversive statement" contained in the Emergency regulations is invalid; that a statement prepared by Mawu for publication in its newspaper is not unlawful; and that regulations barring detainees from being visited by their legal representatives be declared unlawful. Alternatively they ask the judges to direct that Mawu detainees should be allowed access to lawyers "for the purpose of obtaining instructions from them to launch any legal proceedings on their behalf".

The scope of the application has given Mawu the opportunity to outline some of the effects of the Emergency on the union, to "name" various Northern Natal officials in detention and to express its frustration with government officials who persistently refuse to give guidelines on whether certain union statements are "subversive" or breaking Emergency regulations.

In his founding affidavit, Mawu national organiser and secretary, Bernard Fanaroff, said the Emergency regulations were not tabled in any of the three houses of parliament as required in terms of the Public Safety Act. This should have been done within two weeks of the declaration of the State of Emergency. Therefore, Mawu contends, the

then promulgating regulations. Fanaroff said the regulations interfered with the work of Mawu.

The union also suffered because the definition of a "subversive statement" was confusing, and Fanaroff claimed this provision was "void for vagueness".

Fanaroff then lists six Mawu officials in Northern Natal detained and held at Empangeni by the SAP:

- Jeffrey Vilane, Mawu's vice president, detained during the night of 11/12 June;

- Willes Mchunu, secretary of the Northern Natal branch of Mawu, detained on the same night;

- Vincent Mkhonza, an acting official of Mawu, detained on or shortly after June 12;

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- Joseph Miya, who was similarly detained at the Empangeni offices on June 15,

- Freddie Blackie who lives at Madadeni.

Fanaroff says the detainees themselves cannot bring an application for their release as they are denied access to court, to their lawyers or their next of kin.

Their relatives cannot bring such applications either, as they are denied access to and information about the detainees. On the other hand, Mawu

trying to understand the exact implications and meaning of the Emergency regulations' definition of a "subversive statement".

Both the police and the Bureau of Information refused to declare whether a statement on the Emergency, prepared by Mawu, was unlawful. Nor would either indicate what should be done to avoid any contravention.

Fanaroff asks whether certain actions — which he outlines — would be defined as "subversive".

He gives the example of the government booklet "Talking with the ANC" and says this illustrates the "dilemma of a citizen faced with the vague definitions" of a "subversive statement".

"Would possession of this document offend the respondents because it might have the effect of promoting the object of an unlawful organisation," he asks, "or because it might aggravate feelings of hostility by a section of the public to the ANC? The union does not know what to advise its members who may be interested in acquiring this booklet.

"In order for the union to function effectively, to discharge its duties towards its members, and to promote without hindrance its proper aims and objects, it must know urgently just what it is allowed to say or not say."

In his statement, Mawu lawyer Peter Harris said he had been unable to advise his client on whether its press

whom I had previously seen on television as being authoritative spokesmen on behalf of the South African government, giving guidance to the media all over the world as to what could or could not be said during the Emergency.

"I eventually managed to speak to Miss Henning and tried to explain my problem. She had no difficulty in saying that she could not help me. In the result I concluded that my

nation by compulsory military conscription into the Defence Force which expands its resources and its energies by occupying township inside the country. "We call upon our friends inside and outside South Africa to raise their voices against the declaration of the State of Emergency and the policies of the government, which have created the crisis in this country, and given to the country an unprecedented image of callousness and notoriety abroad."



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"We call upon our friends inside and outside South Africa to raise their voices against the declaration of the State of Emergency and the policies of the government, which have created the crisis in this country, and given to the country an unprecedented image of callousness and notoriety abroad."



# Hotel industry in SA faces 'worst' crisis

By ROGER WILLIAMS  
Chief Reporter

SOUTH AFRICA's hotel industry, which employs more than 140 000 people, has been plunged into its gravest crisis since the 1930s, with an increasing number of hotels, particularly those on the lower grades, facing collapse.

The crisis has been ascribed to soaring inflation, the poor performance of the rand, dramatic increases in basic costs and the drying-up of tourism from abroad because of the current situation in South Africa.

Mr Mike Kovensky, national president of the Federated Hotel, Liquor and Catering Association (Fedhasa), said yesterday: "We are being adversely affected at every level. Every fibre of the industry is under strain."

He added that there was a special case to be made, "in fundamental commercial terms", for urgent government assistance for this labour-intensive industry, which has been one of the country's main producers of foreign exchange.

## Outlook 'must be bleak'

Mr Kovensky said unless South Africa's image abroad "can be perceived to have changed", the outlook for the hotel industry must be bleak.

Mr Otto Stehlik, managing director of Protea Hotels, said the situation the hotel industry found itself in was the most critical ever.

The whole infrastructure of tourism in South Africa, built up over many years in what had become the country's second-biggest industry next to mining, was "crumbling", he added.

He said independent, privately-run hotels were worse hit than those on the higher grades, most of which were owned by big corporations. An increasing number of lower-graded hotels were facing collapse, if they had not already been forced to close.

## Linked to state of emergency

Mr Stehlik said the sharp decline in the hotel industry was directly linked to the state of emergency, and that the R750 million of foreign exchange generated by tourism in 1983, when there were 406 000 visitors from overseas, had been reduced to a fraction of that figure.

There was a total investment in graded hotels in South Africa of about R2,5 billion, with a total of 50 000 rooms which had a replacement value of R50 000 a room, Mr Stehlik said.

Tourism, with the hotel industry as a key component, was worth an estimated R1,5 billion a year to the country in direct income and R6 billion altogether when indirect benefits were also taken into account.

Mr Stehlik said the hotel industry was not asking for government handouts. "We are merely asking for what we are entitled to — a reasonable trading situation in which to operate."

"The socio-political climate in which we find ourselves is completely beyond the industry's control."



## Mozambique exiles in search for peace

The Star's Africa News Service

A group of Mozambican exiles, including former members of the ruling Frelimo Party and the MNR rebel group, are to meet in West Germany this weekend to discuss measures needed to bring peace to their country.

Sources said the three-day meeting, starting today, will be held in Cologne.

The exiles will discuss, among other things, a possible meeting with MNR leader Mr Afonso Dhlakama, and the steps necessary to bring about a meeting between the MNR and Frelimo.

It is understood that the exiles have already agreed that one of the stumbling blocks to negotiations between Frelimo and the MNR is the rebels' secretary-general, Mr Evo Fernandes. The Mozambican government has constantly refused to negotiate with him, saying he is a Portuguese citizen.

## 'Mistaken' banning orders set aside in Govt Gazette

Pretoria Bureau  
The Government Gazette setting aside the "mistaken" banning orders imposed on several major trade unions and organisations in the Johannesburg and Roodepoort areas was published Pretoria yesterday.

The ban of gatherings will now only be in force in Soweto, Diepkloof, Meadowlands and Dobsonville in Roodepoort.

The unions are no longer affected.

The Divisional Commissioner of Police for Soweto repealed the orders published on Tuesday and issued the new prohibition

on gatherings in terms of the Public Safety Act.

The police said in a statement earlier that no trade union official would be detained for bona fide trade union activities.

The statement added that the ban on the unions had been an error. Union involved included the Congress of South African Trade Unions, the Council of Unions of South Africa, the National Union of Mineworkers, the Commercial Catering and Workers Union of South Africa and the Metal and Allied Workers Union.

The statement said the Minister of Law and Order had been in touch with employer organisations and recognised that sound labour relations were important.

The organisations which are now affected are: all the students representative councils of any school college or university in the area, Azapo, the Transvaal Indian Congress, the Detainees Parents Support Committee (DPSC), the United Democratic Front (UDF), the National Education Crisis Committee (NECC), the Azanian National Youth Unity, the Azanian Students Movement, the Black Students Society, the Education Charter Campaign Committee, the Federation of Residents Association, the Federation of South African Women, the Federation of Transvaal Women Association, the Lenasia Students Congress, the Lenasia Youth League, Lenz Solidarity Group, the National Education Union of South Africa, the Release Mandela Campaign, the Soweto Civic Association, the Soweto Parents Crisis Committee, the Soweto Students Congress, the Soweto Youth Congress, the Call of Islam, the Young Christian Students and Young Christian Workers.

## Colin has no hard feelings

Public relations officer for the Automobile Association, Mr Colin Fluxman, said yesterday he bore no grudge against the organisation, which is retrenching him and 59 other staff members.

Mr Fluxman, well known as a freelance radio and television presenter, has been asked to leave the AA at the end of July.

"With the collapse of AA Mutual, on whose membership subscriptions and commission the AA relied, it now finds itself forced to cut costs."

## HNP put spanner in right-wing poll deal

By David Braun,  
Political Correspondent

CAPE TOWN — The Herstigte Nasionale Party appears to have made a pre-emptive strike in the coming Klip River parliamentary by-election by announcing that it has decided to fight the seat.

A provocative front-page report in its newspaper, *Die Afrikaner*, yesterday quoted HNP administrative secretary Mr Louis van der Schyff as saying: "The HNP has decided to contest the seat and the necessary steps for the selection of a candidate have been implemented".

The article made no mention of the fact that the HNP and the Conservative Party were supposed to be negotiating which of the two right-wing parties was going to field a candidate.

The by-election is the result of the appointment of the National Party MP for Klip River, Mr Valentin Volker, as an MEC for Natal.

### 'A LITTLE PREMATURE'

Conservative Party leader Dr Andries Treurnicht said today the newspaper report was "a little premature".

"We were in touch with the HNP about it and they said they had problems with the newspaper's deadlines.

"In fact, we are still negotiating about who will be standing in the election," Dr Treurnicht said.

The HNP and CP are anxious to avoid repeating previous situations where, unable to agree which party should put up the candidate, both entered, with the result that the National Party cruised to victory on a split vote.

The HNP has frequently accused the CP of not giving it a fair share of by-elections to fight.



name as Shotek and his address mine. We enjoyed dancing to-

# Public vigilance 'is of great value to police'

By David Braun, Political Correspondent

CAPE TOWN — Law and Order authorities have appealed to the public to keep a careful lookout and report anything suspicious immediately to the police.

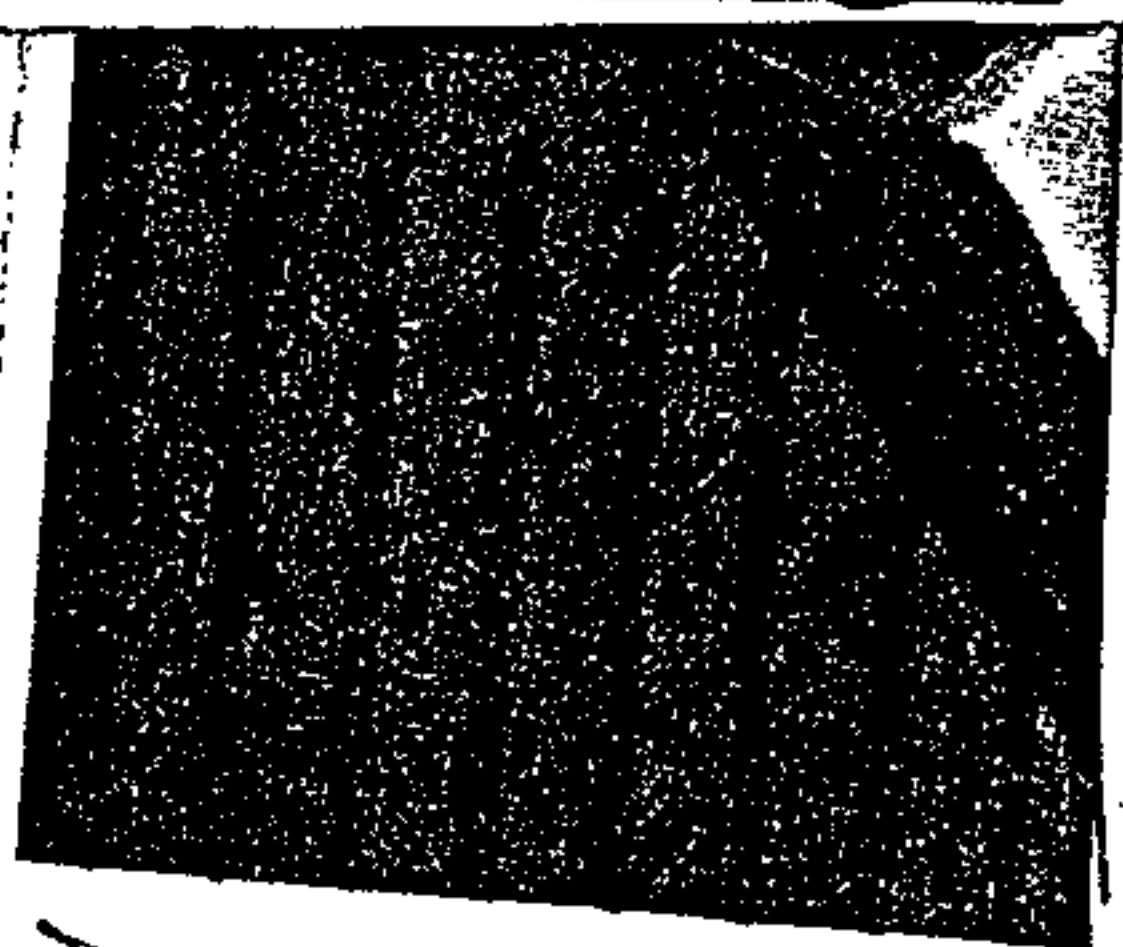
A spokesman for the Ministry of Law and Order said that the recent series of successes that the police had had in the security field would not have been possible were it not for the alertness and assistance of the public.

"This clearly illustrates what can be done if the public is always on the look out for anything suspicious."

Mrs Helen Suzman, Progressive Federal Party spokesman on Law and Order, has meanwhile 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.

the South African Rugby The statement, issued last night,



SPRINGBOK



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# Detention figure keeps rising

By JO-ANN BEKKER

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

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.



FCI's appeal as national stayaway looms

# Industry in 11th-hour bid to prevent strike

327 WEEKLY M. 11/2/76

By PHILLIP VAN NIEKERK

THE Federated Chamber of Industries (FCI) yesterday made a last-minute approach to the Congress of South African Trade Unions (Cosatu) in a bid to stave off Monday's proposed "day of action" by workers.

Bokkie Botha, deputy chairman of the FCI's manpower commission said yesterday that the FCI had made a last-minute approach to Cosatu yesterday, but said he could not divulge the contents of the approach as he had not yet had a reply from Cosatu.

But in an exclusive interview with the Weekly Mail, three key Cosatu leaders said workers were angry at the crackdown on unionists under the State of Emergency and Cosatu was unable "to hold them back any longer".

A Cosatu statement yesterday said: "Cosatu is one of the chief targets of the present crackdown. Scores of our leaders are detained or in hiding, many offices are closed and our statements have been censored.

"The industrial relations system which workers have painstakingly established over the years has been rendered almost unworkable."

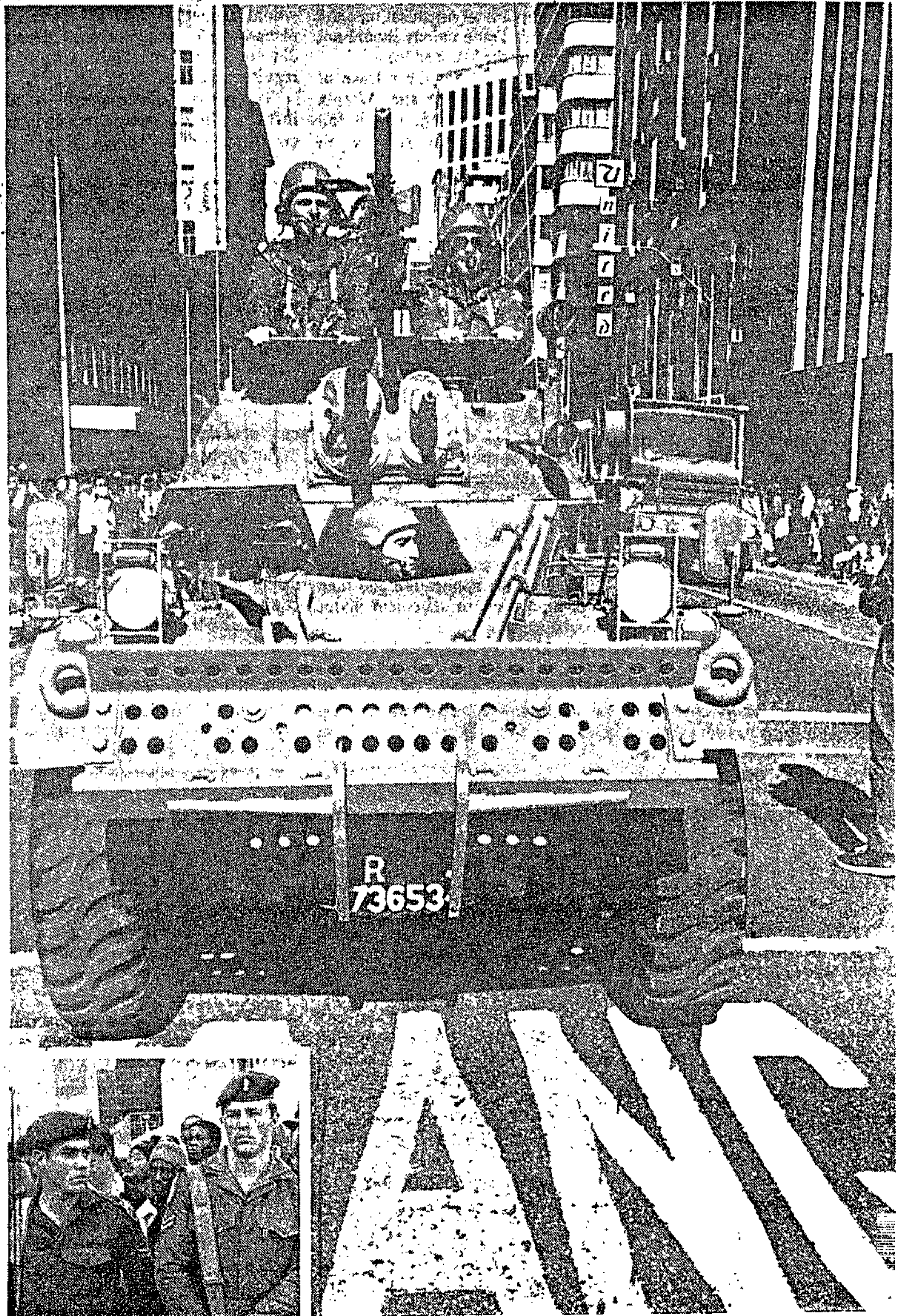
The three leaders interviewed yesterday — Chris Dlamini, vice-president of Cosatu; Sidney Mafumadi, the assistant general secretary of Cosatu; and Paul Nkuna, the union federation's Witwatersrand chairman — were scathing about the response of employers to the Emergency and to Cosatu's demands.

The Cosatu position is notably different to that of two smaller federations — the Council of Unions of SA (Cusa) and the Azanian Confederation of Trade Unions (Azactu) — who have proposed that employers and unions form a united front against the government.

The common front idea was mooted by employers at a meeting between Cosatu and the FCI this week, but was rejected by Cosatu, which has demanded that employers be more vocal in their opposition to the Emergency and not rely on behind-the-scenes lobbying.

Explaining the day of action, Dlamini said: "Workers said the government should lift the State of Emergency and release union leaders.

"As these demands have not been





# Employers in bid to halt strikes

●From PAGE 1

accessed to, workers are now saying they will be involved in effective action. If there is no response from the state by Monday, we will have to consider what further action to take."

Mafumadi conceded that some of Cosatu's demands — principally those involving payment of detainees and workers forced into hiding, and meetings on company premises in company time — had been agreed to by employers.

But, he said, Cosatu felt it "high time that employers took an unequivocal stand on conflict in South Africa."

"If one listened to the State President when he announced the declaration of the State of Emergency, he said its principal aim was to restore business confidence by bringing radicals to book."

"Employers pay for the upkeep of the state while pretending to support our demands. We know very well that the state is there to protect private property and that employers could force the state to change if they wanted to," he said.

Dlamini said the actual form of action on Monday would be decided at a regional level.

Nkuna, who is also an executive member of the National Union of

Mineworkers (NUM), said it was expected the action seen on the mines in the past week — in which up to 20 000 workers embarked on go-slows, half-shifts and outright strikes — would probably be repeated on Monday by many workers.

Meanwhile, Cusa has not supported the day of action. Cusa general secretary Piroshaw Camay said yesterday that some avenues existed, including joint action with employers, which needed to be exploited fully before mass action could be contemplated.

"National action could exacerbate the situation rather than obtain the release of workers and unionists. We want to return to the situation where the rule of law is applied in this country," he said.

Last night, Cusa issued a joint statement with the FCI and Assocom saying they believed "conflicts can be resolved through negotiations, discussion and compromise."

"We therefore urge that all acts of violence, from whatever source, cease ..." it said.

A spokesman for the FCI said yesterday they had directed their employers not to take precipitous action against workers over Monday's day of action and to apply the principle of "no work, no pay".

However, many employers are believed to be taking a harder line against Monday's action.

Bokkie Botha, of the FCI, said he did not believe Monday's action would force the state to lift the Emergency or to release detainees.

"There will be a hardening of attitudes if employers bear the brunt of political decisions and are acted against without being able to do anything about it."

PAT SIDLEY reports that Rob Childs, of the Premier Group, said employers were roughly divided into two groups.

There were those who lobbied government and felt their negotiations would be jeopardised by publicity and those who felt they had to stand up and be counted, at least partly because the government wasn't the only body to be addressed — the general public had to be informed of a company's stand.

"We think the latter is the most important," he said. Of the representations made to the government, he believed they had had differing effects.

Some seemed to have a better understanding than others of the problems labour and business were facing.



AA645 11/7/86 357

CITY/NATIONAL

# Emergency — a guide for employers

By DICK USHER  
Labour Reporter

**GUIDELINES** for employers during the emergency have been issued by the Cape Chamber of Industries.

The chamber's weekly bulletin says the guidelines were drawn up after a meeting between the Federated Chamber of Industries and the Minister of Manpower.

It suggests it would be good industrial relations practice for employers to confirm with the police when it was suspected that an employee had been detained.

## Send Bible

"Communicate clearly to all workers that the employment relationship with workers will not be affected by involuntary absence from work," it says.

"Send a Bible to the detainee if the place of detention is known."

"Inquire from the detainee's family whether they require any assistance, financial or otherwise, and assist in these needs as far as possible."

On communications between employers, trade unions and

members the bulletin advises that written documents about bona fide trade union matters can be distributed on company premises.

Bona fide trade union meetings can be held indoors and the chances of keeping meetings peaceful will in all probability be enhanced by keeping them as small as possible.

Outdoor meetings, whether on or outside company premises, may be held only with the premission of the local magistrate or the Minister of Law and Order.

"It will help if the employer assists the trade union by assuring the authorities that the meeting is arranged to conduct trade union business."

Security forces will not interfere in a legal strike.

"If workers participating in an illegal strike are 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 or endanger life or property, this may be necessary."





12/7/86

327

Cape Times, Saturday, July 12, 1986

# SA's state of emergency — one month old today

By TONY WEAVER

ONE month ago today, the State President, Mr P W Botha, rose in Parliament and said: "Because I am thus of the opinion that the ordinary laws of the land are inadequate to ensure the security of the public and to maintain public order, I have decided to declare a national state of emergency, including the self-governing states."

From, one minute past midnight, that day, June 12, 1986, a national state of emergency was in force. The official death toll from unrest-related incidents during this first month of the emergency is 129, according to the Bureau for Information. And, 14 bombs have exploded, killing three people and injuring 123 since the State President's speech on June 12.

The emergency was announced only after it had been in force for 12 hours. In those 12 hours, hundreds of activists and trade unionists were detained in a nationwide security-force swoop. In Cape Town, Johannes-burg, Durban, Port Elizabeth and other centres leaders of organizations like the United Democratic Front, the End Conscription Campaign and the Congress of South African Trade Unions are still free, or gaining clandestinely and living in permanent disguise. With hundreds of union organizers detained, the major unions have demanded that business takes an activist role in pressuring government to end the detentions and actively help unions secure the release of their leaders. In the retail, chemical and mining industries, more than 16 000 workers have struck or gone on agitations in protest against the detentions.

The government promulgated regulations in the Witwatersrand, which banned major unions, including Cosatu, from holding indoor meetings. Forty-eight hours later, the ban was overturned, and the Bureau for Information explained it had been an "error" — less than a day after the Metal and Allied Workers' Union, the National Union of Mineworkers and the Commercial, Catering and Allied Workers' Union launched Supreme Court action against the ban. Vin Durban, Mawu is challenging in court not only the meaning of "subversion" as defined

in the emergency regulations, but the entire promulgation of the state of emergency. In the Western Cape, Cosatu, the UDF and ECG and 116 other organizations were banned from holding meetings. Their office-bearers were also banned from making statements or distributing publications. Police chiefs have issued orders banning a range of activities, including, in the Eastern Cape, the wearing of T-shirts bearing the logos of various organizations. Strict conditions have been imposed on the holding of fu-

nerals, and no longer may people who have died of unnatural causes be buried on a weekend or public holiday. Censorship regulations introduced under the emergency have been described by the Foreign Correspondents' Association as "probably the most severe censorship applied to foreign journalists anywhere in the world".

Not only is the press hamstrung by bans on publishing anything which falls under the vague category of "subversive", but it may also not report or photograph any unrest or security-force action without the permission of the police.

There are no accurate figures on the number of people detained. According to monitoring organizations, the number of known detentions now numbers close to 4 500. The actual figure is thought to be far higher given the difficulty in obtaining accurate information from the rural areas.

The names of those detained may not be disclosed, the press may not say anything which could "aggravate feelings of hostility" or do anything which has the effect of "weakening or undermining the confidence of the public ... in the termina-

tion of the state of emergency ... among a host of clamps. It seems that a deathly silence has fallen over the black townships of South Africa, as the press is virtually unable to gain access to these areas (for reasons which may not be mentioned here in terms of the emergency regulations).

Around the world people have taken to the streets in the world's capitals to demonstrate against South Africa. There are no indications as to when the state of emergency will be lifted — and to speculate on a date is illegal in terms of emergency regulations.



CAPE TOWN  
12/7/86  
327

# Police restrict N Natal areas

PRETORIA — The Divisional Commissioner of Police for Northern Natal, Brigadier Christiaan Roberts, yesterday placed emergency restrictions on certain areas under his control.

The restrictions — promulgated in the Government Gazette — deal with the movement of non-residents, control over school boycotts and a ban on the possession of "certain articles".

Non-residents may not enter or stay in the affected areas, all in KwaZulu, without the written permission of a member of a force.

The control of school boycotts includes forbidding any pupil being outside a classroom during teaching hours except under certain circumstances — such as changing classes or during breaks.

Pupils may also not participate in any activity on school property without supervision of a member of staff.

No pupil may be outside the premises of his residence on any school day during school hours except while travelling to and from school.

No person who is not a pupil or employed at a school in the affected areas may be present on school property.

The restrictions also make provision for a member of a force to give written exemption to a specific person or school.

The ban on the possession of certain articles prevents people having containers of petrol and any "device" with which a stone or other projectile could be hurled.

Fuel in a vehicle's petrol tank is allowed under the restrictions but no person may siphon petrol from a vehicle's tank without the written permission of a member of a force.

Also banned are clothes and articles such as a uniform, T-shirt, flag or banner, bearing the names of a number of organizations. — Sapa



# Cosatu action. under attack

SDAK  
12/7/86  
327

By Sheryl Raine

Organised commerce and industry have appealed to trade union leaders and their members to resist calls by the Congress of SA Trade Unions (Cosatu) for industrial action in protest against the state of emergency.

Cosatu has called for a "day of action" on Monday — the day on which black children are due to return to school.

Exactly what form the action will take is being left up to individual unions and locals in various areas.

Cosatu said this week that it had been one of the chief targets of the present emergency crackdown.

Statistics bear this out. Eighty-three percent of union leaders in detention are from Cosatu unions.

"Our leaders are detained, scores are in hiding, many offices are closed and our statements are censored," said Cosatu.

## WARNINGS

"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 response, the Federated Chamber of Industries (FCI) and the Association of Chambers of Commerce (Assocom) said they saw such action as "completely counterproductive in present circumstances and damaging to industrial relations.

"Organised commerce and industry believe that such action will bedevil negotiation and communication between employers and employees and will not be conducive to harmony in the workplace.

"This view was conveyed to Cosatu leaders at a meeting held with them earlier this week," a statement by the FCI and Assocom said.



12/7/86  
Worker  
action  
called off

Staff Reporter

THE independent Labour Monitoring Group yesterday confirmed they had established that mass worker action planned for the Western Cape on Monday had been called off.

Independent inquiries by the Cape Times to the organization concerned confirmed this decision.

Thousands of pamphlets were distributed throughout the Western Cape yesterday calling for the action.

The Divisional Commissioner of Police for the Western Cape, Brigadier Christoffel Swart, yesterday refused to give the Cape Times permission to publish details of the decision or to quote the organization concerned, one of 119 organizations which may not be quoted in this area.

In terms of the emergency regulations, it is illegal to publish what the organization had planned to do or what it subsequently decided not to do.



# 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 reappeared. 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 reappeared," 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 Elsties 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.



## Bureau denies white planted Silverton bomb <sup>6/27/86</sup> <sup>SNAP</sup> <sup>327</sup>

PRETORIA — The Bureau for Information yesterday scotched reports that a white man was responsible for the limpet mine blast in Silverton, Pretoria, on July 4 and that whites had been arrested in connection the the Durban blast.

Bureau spokeswoman Mrs Ronelle Henning said a man who had read that someone of his description was considered a suspect in the Silverton blast had reported to police and been exonerated.

There was a downturn of 23 percent in the number of unrest incidents this week compared to last week, Bureau statistician, Dr Kobus Neethling said.

Compared to the first week, the downturn was 77 percent.

Graphs released by the bureau indicated there had been a steady increase in the number of people killed by the security forces over the past three weeks.

No figures were supplied. — Sapa.



(327) 00 12/7/81

# Bureau: press curbs help SA to normality

**Dispatch Correspondent**  
CAPE TOWN — The Bureau for Information believes the state of emergency is essential, and that its provisions, including press restrictions, are helping to return South Africa to normality.

In an interview at the bureau's Pretoria office this week, Mr David Steward, head of the bureau, set out his view of the month-old emergency and his department's role as dispenser of official news.

Mr Steward does not go along with suggestions that the declaration of the emergency on June 12 was an over-reaction, or that whatever security threat was posed could have been dealt with through existing laws.

The state had responded with a firm "no" to those who sought to overthrow it by violence, he said.

Mr Steward sees the press restrictions as inevitable and necessary in such circumstances.

"The battlefield of perceptions is one of the most important in a war of this nature. The role that newspapers and television play is a very central role."

Government and newspapers had "different perspectives and different agendas". The

government was determined to restore law and order and would not allow this, or the way the emergency was being conducted, to become a bone of contention in the South African media.

Meanwhile Sapa reports that the bureau yesterday scotched reports that a white man was responsible for the limpet mine blast in Silvertown, Pretoria, on July 4, or that whites had been arrested in connection the the Durban blast.

No whites were being held in connection with any blasts, and no one had been arrested in connection with the Durban blasts, a bureau spokesman, Mrs Ronelle Henning said.

There had been a down-turn of 23 per cent in the number of unrest incidents the past week compared to last week, a bureau statistician Dr Kobus Neethling said. Compared to the first week, the downturn was 77 per cent.

However, graphs released by the bureau yesterday indicated there had been a steady increase in the number of people being killed by the security forces over the past three weeks.

No figures were supplied.



# Clamp on five KwaZulu areas

12/7/86 (327) (circled scribble)

**PRETORIA**—State of emergency restrictions were placed on five KwaZulu areas yesterday by Northern Natal's Divisional Police Commissioner.

Brig Chris Roberts prohibited non-residents from entering areas in five magisterial districts, and restricted the movements of pupils and other people around school premises.

Possession of containers of petrol, of any 'device' with which a stone or other projectile could be cast, and of clothes bearing certain 'organisations' names, was also prohibited.

The organisations affected are the Congress of South African Trade Unions, the South African Allied Workers' Union, the United Democratic Front, and nine local youth and civic bodies.

The orders were issued in terms of Emergency Regulation 7 and released by the Police Directorate for Public Relations in Pretoria.

The areas to which the orders apply are:

The Madlebe tribal area, traditionally known as the Matshana area, in the magisterial district of Lower Umfolozi.

Vulindlela township, traditionally known as the Kwa-Dlangeswa area, in the magisterial district of Mtunzini.

The Mphukuniyoni tribal area, in the magisterial district of Hlabisa.

Sibongile township, in the magisterial district of Dundee, and Sithembele or Tembalihle township, in the magisterial district of Glencoe. — (Sapa)



# The big story goes unreported

Cape Times 12/17/86  
357

The state of emergency has been in effect for a month today. The accompanying articles set out two different views, particularly of the reporting restrictions which are a key part of the emergency regulations.

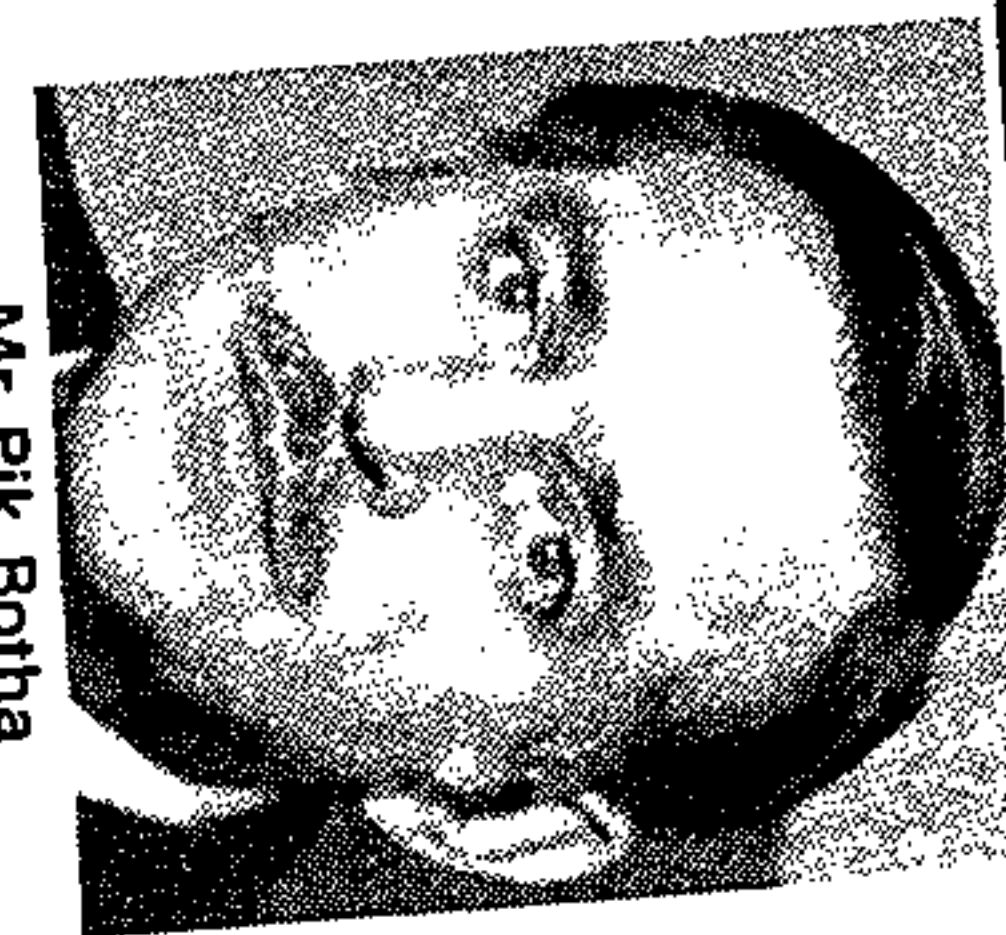
# Mouthpiece of the emergency

ON JUNE 20 this year, the Minister of Foreign Affairs, Mr. Pik Botha, told British television viewers that "the South African press can move and report on any event, incident or political matter... facts are not being withheld".

The national council of the Southern African Society of Journalists responded by saying: "The council cannot help but wonder to what country Foreign Minister Pik Botha (is) referring... The government has set itself up as sole arbiter of what may be said or reported. To suggest, as Mr Botha did, that with a few minor exceptions freedom of expression still exists is an implausible fiction."

As South African journalists, we are, to use journalistic, sitting on one of the biggest, if not the biggest story in the world, but we cannot report it.

By TONY WEAVER



Mr Pik Botha

been all but banned from covering events in the black townships surrounding Cape Town — an area where a significant number of our readers live, but which Capetonians who do not enter the townships are now effectively prevented from knowing about. Almost all our information on "unrest", the euphemism

can Trade Unions and the End Conscription Campaign — major organizations whose political views are essential for an understanding of the political dynamic which is South Africa today.

Thousands of people have disappeared into prison and police cells for undefined periods of detentions. We know who many of them are, but we may not tell the public anything about them.

When Cape Times reporter Andre Koopman was detained on June 15 along with 225 other members at a church service he was reporting, we were unable to report the detention for four days until his name was mentioned in Parliament.

## Multiple censorship

The Bureau for Information and the police refuse to tell us what is meant by a "subversive statement" as mentioned in the emergency

THE Bureau for Information believes the state of emergency was essential and that its provisions, including press restrictions, are helping to return South Africa to normality.

In an interview at the bureau's Pretoria office this week, Mr David Steward, head of the bureau, set out his view of the month-old emergency and his department's role as dispenser of official news.

Mr Steward does not go along with suggestions that the declaration of the emergency on June 12 was an over-reaction, or that what ever security threat was posed could have been dealt with through existing laws.

He says people were determined to embark on a course aimed at the violent overthrow of the state and that the commemoration of the 10th anniversary of the Soweto riots on June 16 "was supposed to be the



By MICHAEL ACOTT

Mr Dave Steward

by violence, he said. "This is not because it wishes to maintain a monopoly of power, but because it would seriously damage the prospects of negotiation with the moderate majority, which can only take place in times of peace."

Mr Steward sees the press restrictions as inevitable and necessary in such circumstances.

"The battlefield of per-

Mr Steward accepts that this role has made it unpopular with sections of the press, but believes the bureau has at all times acted in good faith.

"We have provided a window in the wall of the emergency regulations rather than being a screen of any kind," he said.

"The bureau believes that it has a responsibility to maintain a flow of information relating to the South African situation and the South African media within the constraints imposed on us as well by the emergency regulations.

## Conferences

"We think it is essential that accurate information on the state of emergency should be available to the public, particularly because of the dangers of rumour which might otherwise spread."



...have banned our...  
The opposition press, once a vigorous and outspoken foe of the apartheid government, has been forced to censor itself to the point where the only meaningful reporting can take place in the editorial columns—comment and analysis are still relatively free.

### Physical attack

A few brave publications like the Weekly Mail, City Press and the New Nation have tried to push the laws to the limit, and have suffered the consequences in detentions, harassment, seizure and threats of closure.

Before the emergency, we had grown used to harassment, physical attack, detention, arrest and abuse. In Cape Town, reporters had been whipped, teargassed, shot at and wounded, bullets had hit our vehicles in the townships, we were threatened with death by conflicting forces in the war on the streets—but we gave the public the story. Now journalists have

...to censor the situation in South Africa, must come from the Bureau for information which launders the news and renders it antiseptic.

Because of the ban on reporting any action of the security forces without permission, we are in the bizarre position of at times watching police and military action and having to report it in a kind of cryptic shorthand.

Statements like "in terms of the emergency regulations, the Cape Times may not report..." or "certain other incidents at the funeral may not be reported as actions of the security forces may not be reported without police permission" are the new stock phrases of South African journalism.

In the Western Cape special police regulations have been gazetted which ban comments or statements by 119 organizations, including every major extra-parliamentary opposition group. This includes the United Democratic Front, the Congress of South Afri-

...ons, and... no longer a matter of facing prosecution in court if we inadvertently publish one of these nebulous things. Instead we face seizure or even closure.

As a result, newspapers in South Africa today go through a multiple process of censorship—reporters censor their stories, news editors censor them again, sub-editors censor them again and editors sometimes censor them further.

There are more than 40 stories which the Cape Times has not published during the first month of this emergency because it would have been illegal to do so.

A lawyer's nightmare, an editor's dread, a policeman's dream. But in the final analysis, the only losers are South Africa and our people—and whites live on in uneasy ignorance of what is happening down the road in the isolation wards the townships have become.

Our profession has been strangled and the public's right to know has been kicked in the teeth.

...men of a... new stage in the struggle.

### Intimidation

"Actions were planned which, if they had been allowed to continue, would have thrown this country into chaos and seriously undermined the prospects of any reasoned and negotiated settlement."

He and his senior officials believe that the emergency measures are welcomed by many South Africans, particularly black people who were subjected to a frightening degree of intimidation. Appreciative phone calls bolster their view that the emergency is having the desired effect.

Mr Steward sees the government's response as no different to that of other countries in similar circumstances and believes the South African situation is in many ways as serious as the war-time threats faced by Britain and the United States.

The state had responded with a firm "no" to those who sought to overthrow it

...ceptions is one of the most important in a war of this nature. The role that newspapers and television play is a very central role."

Government and newspapers had "different perspectives and different agendas". The government was determined to restore law and order and would not allow this, or the way the emergency was being conducted, to become a bone of contention in the South African media.

While the emergency regulations placed severe restrictions on reporting the emergency and the unrest situation "that is the nature of states of emergency".

Within those restrictions Mr Steward believes the public is being given as much accurate information as possible.

He said the role of the bureau as the channel for all official news on the emergency is one it did not seek, for which it was not prepared and to which it has had to adapt rapidly, with some inevitable initial problems and "bureaucratic hassles".

...the bureau issues regular statements and holds daily news conferences, now sometimes cancelled because there is insufficient to report. A team of officials handles telephone and telex inquiries from local and foreign newspapers.

These have tailed off now that journalists have found the bureau will not clear or censor reports on security force actions and that many queries receive the stock answer that the bureau cannot interpret the regulations or give legal advice on their applicability. But when bombs go off, the bureau is the only source of information.

While press freedom is restricted in terms of the emergency, Mr Steward maintains anybody looking at South African newspapers will see that they write freely, and criticize the government, on a broad range of other issues.

"They provide an open and essential channel for the national political debate on the constitutional future of the country," he said.



W/E Post  
12/17/86

6

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



## 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

327  
Eve Rest 12/7/86



MM  
12/18/81  
**Emergency**

**Day 30**

Because of the emergency regulations, the free flow of information relating to unrest is severely restricted. This newspaper will do its utmost to keep readers informed.

## Bureau denial on blast arrests

PRETORIA—The Bureau for Information yesterday scotched reports that a white man was responsible for the limpet mine blast in Silverton, Pretoria, on July 4, or that whites had been arrested in connection the the Durban blast.

No whites were being held in connection with any blasts, and no one had been arrested in connection with the Durban blasts, bureau spokesman Mrs Ronelle Henning said yesterday.

A man who read that someone of his description was considered a suspect in the Silverton blast reported to police and was exonerated.

There had been a 23% decrease in the number of unrest incidents in the past week compared to last week, bureau statistician Dr Kobus Neethling said.

Compared to the first week, the decrease was 77%.

Graphs released by the bureau yesterday indicated there had been a steady increase in the number of

people being killed by the security forces over the past three weeks.

No figures were supplied.

The past three weeks of unrest-related events decreased by between 44% and 69% compared to the first five months this year.

The areas where most unrest incidents occurred were Soweto, the East Rand and the Eastern Cape, where respectively 15.1%, 12.7% and 19% of unrest incidents occurred, statistician Mr David Venter said.

Workers fought running street battles in Meadowlands, Soweto, on Thursday and yesterday, eight houses being damaged and four set alight, the bureau said.

No one was injured in the fighting, which took place near the Mzimhlope hostel.

A bureau spokesman said the faction fighting that broke out two weeks ago had resumed.

The bureau said eight houses had been damaged.

— (Sapa)



12/17/86 N/M (scribble)

# Clamps are 'helping to restore calm'

327

Mercury Correspondent

**JOHANNESBURG**—The Bureau for Information believes the state of emergency is essential, and that its provisions, including Press restrictions, are helping to return South Africa to normality.

In an interview at the bureau's Pretoria office this week, Mr David Steward, head of the bureau, set out his view of the month-old emergency and his department's role as dispenser of official news.

Mr Steward does not go along with suggestions that the declaration of the emergency on June 12 was an over-reaction, or that whatever security threat was posed could have been dealt with through existing laws.

He says people were determined to embark on a course aimed at the violent overthrow of the State and that the commemoration of the 10th anniversary of the Soweto riots on June 16 'was supposed to be the commencement of a dramatic new stage in the struggle'.

'Actions were planned which, if they had been allowed to continue, would have thrown this country into chaos and serious-

ly undermined the prospects of any reasoned and negotiated settlement.'

He and his senior officials believe that the emergency measures are welcomed by many South Africans, particularly black people, who were subjected to a frightening degree of intimidation. Appreciative telephone calls bolster their view that the emergency is having the desired effect.

Mr Steward sees the Government's response as no different to that of other countries in similar circumstances, and believes the South African situation is in many ways as serious as the war-time threats faced by Britain and the United States.

Mr Steward sees the Press restrictions as inevitable and necessary in such circumstances.

'The battlefield of perceptions is one of the most important in a war of this nature. The role that newspapers and television play is a very central role.'

Government and newspapers had 'different perspectives and different agendas'.

The Government was determined to restore law and order and would not allow this, or the way the emergency was being conducted, to become a bone of contention in the South African media, he said.



Star 12/7/86

327

## Urgent bid to have UDF couple freed fails in supreme court

BLOEMFONTEIN — Legal efforts to secure the release of a United Democratic Front detainee and his wife, by showing that the emergency regulations had lost their validity, failed here yesterday.

Attempts to gain legal access to Mr Dennis Victor Bloem and his wife, Edith, also failed when judgment was reserved by the Free State Supreme Court after an urgent application was brought for the release of the couple

who were detained a month ago.

The application was brought by Mr Bloem's father, Mr Adam Hercules Bloem and Mrs Bloem's mother, Mrs Johanna Januarie.

Defence advocate Mr H P Viljoen submitted that the emergency regulations had lost their validity because they were not tabled in all three Houses of Parliament within 14 days of promulgation as required by the Public Safety Act.

The bureaucratic "sending from pillar to post" that the applicants had received at the hands of bureaucracy showed clearly that granting of legal access to detainees should not be at the discretion of functionaries, Mr Viljoen said.

As long as access depended on the discretion of officials, the right to legal representation was being cut out.

He said the applicants were correct

in their submission that the regulations exceeded the powers given to the State President.

Mr S A Celliers, SC, for the respondents, said the emergency regulations did not lapse if it was not possible to table them within 14 days.

The announcement of a state of emergency without regulations to supplement or replace the country's law was meaningless.

On the question of access to legal

representatives, Mr Celliers said the background to the state of emergency indicated that limitations should be placed on the normal rights of legal representation.

Legal representation was only limited and not excluded.

He said Mr Dennis Bloem's case had been considered and refusal to allow access at present was reasonable and was communicated.

In Mrs Bloem's case, there had not been a specific letter refusing access, but in papers before the court it was contended that the refusal was reasonable.

Mr Celliers said the urgent application had been brought on principle for wide legal help on the regulations' validity. The individual case was brought only to create locus standi and the facts of the case did not justify the legal aid being sought.



Parents told to refuse to pay

# School IDs rouse anger

80/81 12/7/86 327

By Maud Motanyane  
and Claire Robertson

**Mandela  
won't  
see  
Howe**

By Phil Mtshkulu

Jailed African National Congress leader Nelson Mandela will not meet British Foreign Secretary Sir Geoffrey Howe when he visits South Africa on a peace mission this month.

The announcement is the latest blow to the Howe mission which has been rebuffed by the governments of Zambia, Zimbabwe and Mozambique and other black leaders in South Africa.

The refusal came via Mandela's wife, Mrs Winnie Mandela, after she visited her husband at Pollsmoor Prison in Cape Town yesterday.

The South African Government was expected to allow Sir Geoffrey to visit Mandela towards the end of July.

Before leaving for Cape Town Mrs Mandela shrugged off Sir Geoffrey's mission to promote dialogue.

When she returned, she briefly told reporters at Jan Smuts Airport: "My husband will not meet Sir Geoffrey Howe".

She described Sir Geoffrey's mission, aimed at ending apartheid, as "a non-event," adding that "no black leader of any relevance will see Sir Geoffrey."

The Anglican Archbishop of Cape Town-elect, Bishop Desmond Tutu, and prominent churchman the Rev Allan Boesak have also refused to meet him.

## Zola second as Puica sets record

LONDON — Rumania's Marica Puica set a new world best time for the women's 2000 m last night, clocking 5:28.69.

At rain-swept Crystal Palace Stadium, Puica, the 3000 m Olympic champion, burst away from Zola Budd and Yvonne Murray in the final 200 metres to beat the two-year-old mark of the Soviet Union's Tatyana Kazankina by three hundredths of a second. — Associated Press.

**Moiria Tuck back**

Mrs Moira Tuck, former SABC

Trouble is expected when black schools open for the third term on Monday — as a result of pupil opposition to the Department of Education's imposition of "security measures".

The measures include compulsory identification documents for pupils — and guards at schools.

The ID move, seen by some as another form of the recently-scraped pass book, has met with resistance from education groups and pupils.

When they arrive at school on Monday, children will be checked against a register, and issued with identity documents which could take several forms — "even a piece of cardboard with the child's name and the school stamp", a DET spokesman said. It would have to be produced on demand.

This attempt by the DET to normalise the explosive education situation is "a clear recipe for confrontation" between students and troops, according to the National Education Crisis Committee (NECC).

DET regional director Mr Gunther Merbold said this week most pupils wanted to return to school and warned that pupils who failed to comply with new regulations would be regarded as having dismissed themselves.

The Transvaal Students' Congress said this week that it condemned the action plan to resolve the education crisis, which had led to the loss of life of many students.

"We see this move by the department as an attempt to suppress student opinion. Our schools have been turned into Nazi camps."

The East Rand Student Congress (ERSC) this week said school principals should "not even try to enforce the new law on our students".

"Parents should unite and refuse to pay R2 for this ID, which is just another form of exploitation," a spokesman said.

In a statement last night, the NECC warned that the DET's programme of action, which would include stringent security measures, would lead to confrontation between teachers and students, more detentions, expulsion of teachers, and "a total collapse of education in the townships".

"The use of principals and teachers as agents of implementation is aimed at creating conflict between them and the students," the NECC said.

The new regulations were announced on Tuesday by DET director-general Dr Braam Fourie, who said this week that some people other than bona fide pupils sometime entered school premises.

Black schools were to re-open on July 1, but the date was postponed for two weeks to allow the department to work out the plan of action — which they said was done after consultation with principals.

"There has been a lack of consultation with parents and students," the NECC said. "This is aimed at eroding the responsibility and involvement of parents in the education of their children, and to circumvent the involvement of the crisis committee in education."

"Unless the DET withdraws the new measures, we shudder to think of the consequences. If chaos should follow this, DET should bear the responsibility."



## Bid to fly baby to US

The mother of 15-day-old Christopher Waters, the Johannesburg baby born with a serious heart abnormality, has started a campaign to take her son to America within a week for surgeons there to operate on his condition.

Mrs Nikki Waters told *The Star* she wanted to take her son to Philadelphia as doctors there said he would have a 75 percent chance of survival if they operated.

According to the Waters' general practitioner a number of Johannesburg doctors did not think the

This wild leopard — captured this week by MSC Zoology student Anton Grimbeek — has been removed from the Waterberg mountains, caged, drugged and fitted with a radio collar. A Grimbeek's project aims to reconcile predator conservation with stock farming.

● Pictures: Rebecca



# Triple challenge to wide police powers

By ALAN DUGGAN  
and DAVID JACKSON

THE Government's use of its state of emergency powers and the actions of the security forces have been challenged in three separate Supreme Court actions.

In Durban, a full bench of the Natal Supreme Court will tomorrow hear a resumed application by the Metal and Allied Workers' Union.

It seeks to nullify the emergency regulations on the grounds that there had been a failure to comply with the Public Safety Act requirement that the regulations be laid on the table of all three Houses of Parliament within 14 days of promulgation.

All actions taken by the security forces in terms of the emergency proclamation, the applicants argue, are thus null and void.

And in Cape Town a crucial Supreme Court hearing begins on August 8 which may determine the truth behind allegations that security forces actively assisted the "witdoek" faction during the recent squatter battles near Cape Town.

## Attacks

Legal sources in Cape Town say the result of the "Crossroads" trial could have far-reaching implications. Both sides are expected to call many witnesses.

The focus of the hearing is a temporary interdict granted on May 26 in the Supreme Court, Cape Town, restraining police, soldiers and witdoeke from participating in or permitting unlawful attacks on people or property in the KTC squatter camp.

A week earlier, the Nyanga Bush, Nyanga Extension and Portlands Cement squatter camps had been attacked and razed, leaving many dead and tens of thousands homeless.

Working through the Legal Resources Centre in Cape Town, squatter leaders from

the KTC community and three neighbouring camps applied for an urgent interdict on the grounds that the police and other security personnel had failed to prevent witdoek attacks or actively assisted the witdoeke — by attacking residents, burning their shacks and firing on people who attempted to fight back.

The six applicants filed 45 affidavits in support of their claim that both the police and Defence Force were involved in the destruction of the three camps — and that KTC was the next target.

Attorneys representing the squatter leaders presented evidence to support their claims.

Objecting to the application, a sworn statement handed in on behalf of the respondents said an interdict would limit and seriously hamper the activities of the security forces.

The statement — by Colonel M G Mans of the SAP — stated that such an interdict could lead to the withdrawal of all security forces from the area. This, he asserted, would result in the collapse of law and order.

## Failed

The judge found that sufficient evidence had been presented to justify the granting of an interim order. Acknowledging that the respondents had not had time to reply in full, he set a return date two weeks hence.

But in Bloemfontein, a bid to release a UDF detainee and his wife failed when judgment was reserved by the Free State Supreme Court.

An urgent application was brought for the release of Mr Dennis Bloem, and his wife Edith, on the grounds that the emergency regulations were not valid.



# Another 7 dead in unrest says Bureau

SEVEN people were killed — five of them burnt to death — in separate incidents of "black on black violence" throughout the country at the weekend, according to the Bureau for Information.

In their situation report released yesterday the Bureau said police found the charred and partly mutilated body of a child on the back seat of a burnt out car in KwaNdebele.

One of its feet have been apparently

chopped off and was found some distance away from the car. The race and sex of the dead child, whose age is estimated at between 10 and 15 years, have not yet been determined.

By MONK NKOMO

Six other deaths were reported in Soweto, Vereeniging and in the Eastern Cape, bringing to 125 the number of people killed in unrest since the declaration of the state of emergency

four weeks ago.

This number does not include the 13 alleged African National Congress insurgents killed in the security force operations recently.

According to the Bureau, their deaths are not unrest-related.



Workers expected to heed call for industrial action

# Black pupils trickle back

Staff Reporters

Black pupils trickled back to school today as rigid new regulations governing them came into effect.

The regulations are apparently designed to keep "troublemakers" out of schools.

In an unrelated development, thousands of black workers are expected to heed a call today for industrial action.

The unspecified action is in protest against the continued detention of more than 200 trade union officials under emergency regulations.

The action has been called by Cosatu (Congress of South African Trade Unions).

New school regulations issued under the state of emergency will be used to control the movement of more than 1,7 million black pupils.

The third term opened today — two weeks late — amid strict security measures, including identity documents which pupils will be obliged to carry.

In some areas, school attendance seemed good, but in others — noticeably the Vaal, East Rand, Alexandra and Pretoria districts — attendance appeared very low, with high schools almost empty.

Until now, pupils have been barred from entering school premises without the written authority of the Department of Education and Training (DET).

President Botha issued the latest emergency regulations in the Ordinary Government Gazette.

The regulations are supplementary to extensive security measures which DET announced last week. DET said it had consulted principals and regional inspectors. Consensus was reached on all the decisions, it added.

## Indoor gatherings ban

Neither the National Education Crisis Committee (NECC) nor the various student representative councils were consulted.

The NECC and SRCs have been barred in terms of the emergency from holding any meetings, including indoor gatherings, in Soweto, Diepkloof, Meadowlands and Dobsonville.

In terms of the latest regulations, pupils will have to re-register, and DET will be permitted to refuse the registration of any pupil at its 7 000 schools — without giving reasons or hearing appeals.

DET officials have also been empowered to place pupils in any standard or class. Pupils who fail to accept their placement "shall

be deemed to have left the school voluntarily". These placings may also be made by DET officials if they are satisfied that the school principal's decision was "erroneous".

No interdict or other process may be brought against these decisions.

Pupils will now be obliged to carry identity cards, and probably pay R2 for them. DET has also said security at schools would be upgraded, including the use of guards and improved fencing and gates.

Some black commuter routes in the greater Johannesburg area were noticeably quiet today. Commuters from Alexandra had difficulty getting to work when buses failed to run. Putco services were not operating early this morning, said an official at the Wynberg depot. There were reports that youths were ordering people off buses.

## Most shops are closed

Almost all the white and Indian owned shops and factories bordering Alexandra were closed.

Bus and train services from Soweto were operating normally. Putco services in Pretoria were also normal.

Most secondary schools in the Vaal complex were without pupils this morning. Most Vaal pupils adopted a wait-and-see attitude. Only lower and higher primary pupils made an effort to enter their school yards.

There was no visual sign of the tough measures which were to be introduced today. The school premises did not have any form of security to prevent pupils from moving in and out.

Members of the security forces were also not present in great numbers. Only a few police vehicles were seen moving in the streets and mixing with pupils.

In Kagiso on the West Rand, hundreds of pupils went back to school this morning. Scores of workers queued for taxis to take them to work. Buses — targets of continuous boycotts for several months — continued to run empty.

In the East Rand townships of Katlehong, Thokoza and Vosloorus, pupils trickled back to school from early morning. Later the numbers of both high school and primary school children increased.

Although a few primary school pupils were seen going to school, there was a complete stayaway by secondary school pupils in Tembisa on the East Rand.

Teachers at several schools seemed pessimistic about the return. "We think the kids were intimidated from coming to school by the new regulations, especially the identity system," said one teacher. "Maybe they will come tomorrow."



# 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).



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-

tions, a spokesman for the department said.

The spokesman however said detained teachers would be paid their salaries while in the state of emergency.

SOWETAN Reporter

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 demolition 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.



# PFP: 3 867 or more people are missing

DD 14/7/86  
32.7

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



## Bugging probe is completed

An investigation into the alleged bugging of a rail-ways union meeting during stormy wage negotiations earlier this year has been completed.

Mr Jimmy Zurich, Artisan Staff Association president, said he was told by Minister of Transport Affairs Mr Hendrik Schoeman that the rail-ways police denied knowledge of the incident.

Mr Zurich said: "The Minister said neither he nor the manager of SATS, Dr Bart Grove, would ever sanction such action. As far as our union is concerned, the matter is closed."

The bugging controversy arose in February when the Federal Council of SATS trade unions was demanding a 25 percent pay increase for railway workers. — Transport Reporter.



Cape Times 14/7/86

# PFP to extend unrest monitor

By ANTHONY JOHNSON 327  
Political Correspondent

THE PFP Unrest Monitoring Action Committee (UMAC) in the Western Cape will extend its operations soon and has called on members of the public to volunteer their services.

"We hope that this will provide an effective channel for the energies of concerned people who have wanted to become involved but may have been unsure of how to go about this," UMAC co-ordinator Mrs Val Rose-Christie said yesterday.

The UMAC aimed soon to have its action line — (021) 415-2412 — manned around the clock.

The UMAC would also like to set up a court monitoring service and increase the strength of its investigating teams that collect evidence and affidavits from "unrest" victims.

UMAC's administrative secretary, Ms Jenny Radloff, said the body had a rapidly growing store of material which would be used by MPs when Parliament reconvened "to expose what is going on".

The committee was also compiling carefully documented reports on the unrest for distribution to MPs, the press, businessmen and embassies.

And according to Mrs Rose-Christie, who is heavily involved in field work among Cape Town's black communities: "By being down in the townships we are also able to show the black residents that we care and that not all whites are oppressors."

"The reception we have received from people in the townships has been marvellous, although we have not always been as well received by the authorities."

Referring to the 60 000 left homeless by recent fighting in black townships, Mrs Rose-Christie said: "Many of the two-roomed homes in Nyanga and Guguletu now house between 18 and 20 people."

"The crowding is so bad that people have to sleep on a rotation basis."

People who wish to volunteer their services in the Cape Town area can call (021) 415-2412.



Workers expected to heed call for industrial action

# Black pupils trickle back

14/7/86  
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327  
Staff Reporters

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Members of the security forces were also not present in great numbers. Only a few police vehicles were seen moving in the streets and mixing with pupils.

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# Union discusses Cosatu's demands

JOHANNESBURG—The Metal and Allied Workers' Union (Mawu) said yesterday it was discussing various demands arising from the detention of union leaders and officials.

Mawu leaders this week met office bearers of the Steel and Engineering Industries Federation of South Africa (Siefsa) to discuss the demands put forward by Cosatu unions concerning 'harassment' of trade unions and the problems which the state of emergency has created for unions.

A statement issued by the union said a list of requirements was put to all the employer associations in the metal industry through Siefsa.

The demands include that detainees be paid for time in detention and that they not be dismissed; that

shop stewards be given time off to attend to union business; that factory facilities be available to union officials and shop stewards and that there be no night-shift working.

'After a frank discussion, Siefsa's representatives undertook to reply to the union early next week,' Mawu said.

It added that shop stewards in most Mawu factories had conveyed the demands to their own employers as well. — (Sapa)



# COMMENT

## • No comment The facts speak for themselves

THE countrywide state of emergency is 33 days old.

Since the clampdown was announced on June 12:

- The media have been banned from publishing any information on unrest except what is supplied or approved by the Government's Bureau for Information;
- 125 people have died in unrest, according to the Bureau;
- However this does not include 13 alleged African National Congress operatives who were shot dead in clashes with the police;
- According to the Bureau, their deaths are not unrest-related;
- A total of 3 493 people are known to have been detained, according to the Cape Town-based Repression Monitoring Group;
- Two people have been released after judges ruled that their detentions were illegal;
- Eighteen political organisations have been prohibited from holding indoor meetings on the East Rand;
- A total of 118 organisations have been gagged in the Western Cape;
- Four journalists have been ordered out of South Africa;
- Fourteen blasts have rocked the country — five in Johannesburg, six in Durban, one in Queenstown, one in Cape Town and one in Pretoria;
- These explosions have claimed three lives and injured about 118 people; and
- Industrial relations have been affected because many union officials and leaders have gone into hiding to escape detention.



# ANC NOT ABLE TO CONFIRM BLASTS

THE African National Congress yesterday refused to confirm or deny that recent bomb explosions aimed at non-military targets in the country were the work of its members.

There have been 14 bomb blasts since the

**By SELLO  
RABOTHATA**

state of emergency was announced. While no organisation accepted responsibility for the blasts, Government officials and the Bureau for Information blamed the ANC.

There was however a school of thought in the

black community that said the right-wing element in the country could be behind the bombings in an attempt to discredit the ANC in South Africa's white community and to a limited extent, the black community.

ANC spokesman Mr Tom Sebina said it was

difficult to say who was responsible for the bombings because the state of emergency made it impossible for the ANC to communicate with operatives in the country. He said the right-wing element could not be ruled out and may be responsible for some of the bomb at-

tacks because there were stories of white vigilantes in the townships.

There have been at least 16 bomb explosions so far this year in which four people were killed and 152 injured. At least nine were exploded in places that had no military or security significance, indicating they were aimed against civilians.

## **Hotel**

These were at a telephone booth in Pretoria on February 4, a Braamfontein station toilet on April 9, a Durban hotel on June 14, a Wimpy bar and a hotel in Johannesburg and the Jabulani stadium on June 24, a rubbish bin in central Johannesburg on July 1 and a bus-stop in Silverton on July 4.



# Emergency orders as DET schools reopen

PRETORIA — The State President, Mr P. W. Botha, issued emergency regulation orders yesterday to assist the Department of Education and Training to restore order at South Africa's troubled black schools when they reopen today.

The orders, which were published in the Government Gazette, empower department officials to bar pupils from registering at schools without a need to supply reasons or hear appeals.

The orders also empower department officials to place pupils in any standard or class.

Pupils who fail to accept their placement "shall be deemed to

have left the school voluntarily," the proclamation stated.

Placements may be made by department officers if they are satisfied that the school principal's placements were "erroneous."

Principals must place pupils according to their "previous proven scholastic achievement."

No legal process may be brought against these decisions.

The orders are supplementary to extensive security measures the department said it would apply at its 7 000 schools when they reopened today.

The department's measures were drawn up "with the consensus

of school principals," senior departmental officials said in Pretoria last week, but without consulting the National Education Crisis Committee (NECC) or students representative councils.

This was because these bodies were not considered "professional educationists."

The NECC, SRCs and the National Education Union of South Africa are prohibited from holding gatherings in Soweto, Diepkloof, Meadowlands and Dobsonville in terms of emergency orders issued last week by the Sowetan divisional police commissioner. — Sapa

M... ..



# Full bench will hear UDF emergency plea

By CHRIS RENNIE  
Court Reporter

THE United Democratic Front made an urgent application to the Port Elizabeth Supreme Court today asking that certain emergency regulations be declared invalid and that a UDF meeting scheduled for tomorrow in the Rio Cinema be allowed.

The matter was transferred to Grahamstown where it will be heard as a matter of urgency by a full bench.

The UDF also asked that the police and security forces be interdicted from making the meeting inaccessible to the public, interfering with its holding or prosecuting anyone who attended.

Mr Justice Jones said it was policy in this division for such matters to be heard by the full bench.

He pointed out that the "sting in the tail" of the urgency had also been removed because it would be impossible to hold the meeting tomorrow night as the UDF required at least five days to organise it.

He granted a request for the case to be heard by a full bench in Grahamstown.

The original application was brought by UDF secretary Mr Mohammed Moosa, against the State President, the Divisional

Commissioner of Police in the Eastern Cape, the Commissioner of Police and the Minister of Law and Order.

It submitted that the UDF was a legal organisation, a front to which a number of civic, student, womens and youth organisations were affiliated.

On June 30 an executive meeting of the UDF in Johannesburg decided to hold a meeting in PE to inform the community of the effects of the state of emergency on the UDF and its affiliates.

Attention was drawn to a regulation framed under the Public Safety Act and in particular to regulations promulgated under notice R109 in the Government Gazette on June 12, and orders issued by the Divisional Commissioner, East Cape on June 19 and July 1 purporting *inter alia* to "prohibit the movement of people and any gathering of the UDF".

Mr Moosa wrote to the Commissioner and Divisional Commissioner of Police for permission to hold a meeting. This was refused.

He submitted that Regulation 7 in Proclamation R109 was invalid because the Act empowered the State President to make regulations necessary for public safety, maintaining

public order or ending an emergency.

Section 7 provided for the commissioner or any person authorised by him to issue orders. He argued the section was invalid because it did not specify the person to whom the powers might be delegated.

He asked for a declaratory order to enable the UDF to exercise its lawful right of assembly.

The Divisional Commissioner, East Cape, Brigadier E S Schnetler, denied in a replying affidavit that the regulations were invalid.

He said the State President's competency to authorise persons to act for him was not restricted by the Act.

He pointed out that Section 5 (b) of the Act stipulated that no court was competent to inquire into

or pronounce judgment on the validity of any regulation issued by the State President under the Act.

The police regarded the meeting as illegal and had a duty to enforce the regulations.

Mr J Browde, SC, and Mr A M Omar, instructed by K Naidoo and Co, appeared for the UDF. Mr J H Conradie, SC, and Mr L E Leach, instructed by the Deputy State Attorney, appeared for the respondents.



CHL-TinH  
14/7/88 327

# Living in a land where ignorance is bliss



By **ROBIN  
HALLETT**



Mr W F Deedes, former editor of the  
Daily Telegraph

Cape Colony, Lord Charles Somerset. Another battle over press freedom was fought during the Anglo-Boer War. Opposition newspapers in the Cape published reports of the atrocities allegedly being committed by British soldiers in the Free State and the Transvaal, reports that served to fuel a women's protest movement led by Olive Schreiner. The Imperial government retaliated by

suppressing the newspapers and putting their editors on trial for seditious libel.

In 1985 the editor of the Star, Mr Harvey Tyson, made the point that if press freedom in the United States could be rated at 100, then in Britain it stood at 80, in Israel at 50, and in South Africa at 40. Yet most outside visitors noted with surprise the degree of freedom that South African newspapers appeared to possess. And certainly the point frequently made by government spokesman that the South African press was the freest in Africa was not unjustified.

We are now faced with a situation where those of us who have easy access to the overseas media know things about contemporary South Africa that appear to be no longer available to South African newspaper readers. The London Guardian, for example, recently obtained possession of a list of 1 400 detainees that was smuggled out of South Africa and published a long and careful analysis of that list.

## Restfulness

Many more such leaks are likely to occur. South Africa has so many channels of communication with the outside world that it is simply not physically possible for the government to block all of them. But it must also be said that there is something highly unsatisfactory in having to rely on such attenuated and often second- or third-hand material, but it is certainly far better than a total news blackout.

For in the present situation, both for South Africans themselves and for all those who care about South Africa in the outside world, no news can surely never be good news.

No doubt a certain feeling of restfulness is induced by reading newspaper or watching TV programmes from which, after two harrowing years, the tale of township violence is now absent.

## Not to listen

But the emotions that bred that violence — the frustration, the bitterness, the anger (all in the circumstances, totally comprehensible emotions) — these fester on, even if for a time not a stone is thrown, not a petrol bomb exploded. Not to come seriously to grips with these emotions, not to listen, not to converse — that is to condemn a society to the most desolating form of social impoverishment.

*It is not difficult to censor foreign news.  
What is hard today is to censor one's own thoughts,*

*To sit by and see the blind man  
On the sightless horse, riding into the bottomless abyss.*

Those lines come from "Censorship", a poem by the late Arthur Waley, better known for his translations from the Chinese.

Too melodramatic a statement to apply to the realities of contemporary South Africa? But I think the point would have been taken by the former editor of the Daily Telegraph as he lay awake on June night in Durban, wondering what kind of country you get, when people are happiest not knowing.

*(Robin Hallett is a historian and writer on world affairs who lives in England.)*

NO British newspaper has been so consistently sympathetic to the problems faced by white South Africans as the conservative Daily Telegraph. And so it seems reasonable to assume that to white South Africans a whisper of criticism in the Telegraph is likely to be taken more seriously to heart than a bellow of protest in the liberal-radical Guardian, or even than some withering, well-informed editorial in the Economist or Financial Times.

So it is worth recording that on June 30 a former editor of the Telegraph, Mr W F Deedes, one of the most respected newspapermen in Fleet Street, contributed a long despatch from Durban.

He had important points to make, some of which I have not seen so clearly stated elsewhere.

Thus he recorded that "among whites the mood is anxious, expectant but much further from alarm than the distressed relatives overseas who make expensive telephone calls to their kin have been led to believe".

## 'Signs of relief'

"A day of bloodshed in the black townships may well," he pointed out, "be less alarming to the white citizens of Durban, PE or Johannesburg than to British viewers of TV news that evening in London... The great cities here are not like Brixton or Birmingham or Bradford. What goes on in the black townships — and just now we do not know what goes on — happens in another world."

What struck him as "alarming" — I quote his words at some length — "is the faint but unmistakable signs of relief being shown in the business and industrial sector of the population at the fierce clampdown on press and TV".

"Superficially there are natural reasons for this. Business confidence here and abroad is disturbed by nightly showings of black townships in flames and blood. Seen in that light, no news is good news."

## People happy

"The weight of this emergency has fallen heavily on the media. Bluntly few outside its ranks — with the exception of intelligent parliamentarians like Helen Suzman — seem to mind too much."

"Now what kind of a country do we get to when people are happy, perhaps happiest, not to know? That was the thought that kept me wakeful in the early hours."

What kind of a country indeed? But then perhaps it does not really matter to people who find themselves caught up in the direct crisis in their country's history what the rest of the world thinks and says.

Self-reliance is always something of a virtue. And yet when certain actions run counter to a long tradition that many South Africans have cherished then surely there is cause for concern.

The battle for press freedom was first fought in South Africa as long ago as the 1820s, when Thomas Pringle, poet, journalist and the most literary minded of the 1820 Settlers crossed words with the autocratic and irascible governor of the



# Mum set free, rejoins sick baby

16/07/86

Sowetan

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.



CPM Times 15/7/86

## Emergency: 327 Hearing begins

Own Correspondent

DURBAN. — An urgent application by the Metal and Allied Workers' Union for an order declaring the state of emergency and its regulations of no force and effect began in the Supreme Court here yesterday.

The application has been brought against the State President, Mr P W Botha, and the government.

It is being heard by Mr Justice Kumleben, Mr Justice Didcott and Mr Justice Thirion.

The application has been brought by the union and the wife of one of its detained members, Mrs Dudu Doreen Mchunu.

The union is seeking an order declaring the state of emergency to be of no force and effect from June 26 and it is

also seeking the release of everyone detained in terms of the emergency regulations — including six members.

It also seeks an order declaring that the paragraph in the emergency regulations purporting to contain a definition of a 'subversive statement' is of no cause and effect in law.

Mr I Mahomed, SC, appearing for the union, argued that in terms of the Public Safety Act the emergency announcement should have been tabled in all three Houses of Parliament within 14 days of June 11.

He claimed it had become invalid from June 26.

Mr Mahomed also said the relevant legislation empowered the State President to promulgate emergency regulations only after a state of emergency had been declared.

He said that because the state of emergency and the security regulations pertaining to the emergency had been announced simultaneously the regulations were void from the outset.

The hearing continues today.

Mr J H Combrink, SC, appears for the State President.



# CHALLENGE TO STATE OF EMERGENCY

AN urgent application asking that the state of emergency be nullified began before a Full Bench in the Supreme Court in Durban yesterday.

The Metal and Allied Workers' Union (Mawu), together with the wife of one of its detained members, Mrs Dudu Mchunu, has brought the application

against the State President, Mr P. W. Botha, and the Government.

The union is seeking

## SOWETAN Reporter

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.

Mr Ismail Mahomed S.C., appearing for Mawu, argued today 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.

## Void

He also argued that the relevant legislation empowered the State President to promulgate emergency regulations only after a state of emergency had been declared.

Mr 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 Didcott, asked Mr Mahomed what the courts could do if the order were granted and the State President reimposed the state of emergency.

Mr Mahomed said he would deal with the question at a later stage. The application is being heard by Mr Justice N.E. Kumleben, Mr Justice Didcott and Mr Justice P.W. Thirion.



# 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.



Cape Times 15/7/86 327

## Arms and the child

Staff Reporter

THE Boere Brandwag (Boer Sentry), a new wing of the Afrikaner Weerstandsbeweging, is to train children from the age of 10 in the use of firearms.

This was announced by the leader of the AWB, Mr Eugene Terre-Blanche, in an interview with Rapport at the weekend.

One of the three leaders of the Boere Brandwag will be former security policeman Colonel Arthur Cronwright, who took early pension in 1984.

Colonel Cronwright, who was known for his infiltration of Johannesburg's universities and his interrogation of ac-

tivists, is to use his police experience to "rid the organization of Nationalist spies and security police infiltrators".

Colonel Cronwright is also the Intelligence Chief of the AWB and aims to have members of the Boere Brandwag prepared to patrol South Africa's borders on horseback.



# '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.

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CAPE TOWN 15/7/86

## Nel claims victory over correspondents

PRETORIA. — The Information Minister, Mr Louis Nel, yesterday claimed a technical knock-out victory over foreign correspondents who had failed "to prove their balance and objectivity".

Mr Nel said in a telex to news agencies that he challenged the Foreign Correspondents' Association earlier this month to submit examples of their "positive" reports on South African race-law reforms. "To date, I have received no such reports."

He referred specifically to July 1, the date on which the long-planned abolition of 34 laws comprising the "pass system" went into effect.

The laws, obliging blacks to carry an identity document known as a "pass" and restricting their freedom of movement, had not been enforced since their repeal was announced in April.

"Since this challenge has not been taken up, I have to conclude that either no such reporting was done or that the FCA preferred to ignore the challenge — which amounts to defeat by default," he said.

The FCA said in a response to Mr Nel that the Bureau for Information had made it clear that it was monitoring reporting by foreign correspondents.

"Thus you must already be aware of the many objective reports on legislated reform and social change that we have made. We see no need to submit these reports, which are routinely available to the public and to the (government) in the normal way," the FCA said. — UPI



# Emergency regulations wording nonsense — Supreme Court judge

NR645 15/7/86 327  
The Argus Correspondent

DURBAN. — A Supreme Court judge has said he cannot make "head or tail" of the emergency regulations.

Mr Justice Didcott was speaking in the Supreme Court, Durban, during the hearing of 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, which is being heard by a Full Bench, has been brought against President P W Botha and the Government by the Metal and Allied Workers' Union (Mawu), with Mrs Dudu Mchunu, wife of one of its detained members.

Mr Ismail Mahomed, SC, appearing for the union, argued before a packed courtroom yesterday 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 also argued that the President was empowered to promulgate emergency regulations only after a state of emergency had been declared.

President Botha had simultaneously declared the emergency and promulgated the emergency regulations with effect from midnight on June 11, and had therefore acted "ultra vires".

Turning to the wording of the regulations, Mr Mahomed said much of it, par-

ticularly that relating to "subversive" activities, was so vague as to be "meaningless".

Mr Justice Didcott agreed, saying he tried in vain to understand the "jumble of words" contained 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

During legal argument on the clauses outlawing incitement to civil disobedience Mr Justice Didcott asked whether a Jehovah's Witness minister would be committing an offence if he told his congregation not to perform military service.

"Can this be regarded as incitement to undermine morale?"

"Nobody can be sure any more when he is committing an offence and when he is not."

During argument on the clauses outlawing calls for sanctions against South Africa, Mr Justice Didcott said a Cabinet Minister recently argued that the country was prepared for sanctions and that the sooner they were imposed the better.

The judge asked what would happen to a leftwinger who made a similar statement.

The hearing continues today.

Mr Mahomed is assisted by Mr L. Ger-ing. Mr J Combrink SC is appearing for the State. The application is being heard by Mr Justice Didcott, Mr Justice Kumbelen and Mr Justice Thirion.

## Press curbs

IN terms of the state of emergency regulations, news, pictures and comment are restricted. Reports on unrest and actions of security forces cannot be published without official clearance.



# COMMENT

• No comment . . .

## The facts speak for themselves

THE countrywide state of emergency is 34 days old.

Since the clampdown was announced on June 12:

- The media have been banned from publishing any information on unrest except what is supplied or approved by the Government's Bureau for Information;
- 125 people have died in unrest, according to the Bureau;
- However this does not include 13 alleged African National Congress operatives who were shot dead in clashes with the police;
- According to the Bureau, their deaths are not unrest-related;
- Eighteen political organisations have been prohibited from holding indoor meetings on the East Rand;
- A total of 118 organisations have been gagged in the Western Cape;
- Four journalists have been ordered out of South Africa;
- The State President, Mr P W Botha, has empowered the Department of Education and Training to expel pupils who fail to comply with rigid new regulations governing them;
- A missionary and an End Conscription Campaign member have been served with deportation orders;
- Fourteen blasts have rocked the country — five in Johannesburg, six in Durban, one in Queenstown, one in Cape Town and one in Pretoria;
- These explosions have claimed three lives and injured about 118 people; and
- Industrial relations have been affected because many union officials and leaders have gone into hiding to escape detention.

*Some for*  
15/7/86  
327



# Full bench to hear UDF application

Dispatch Correspondent

PORT ELIZABETH — An application to the Port Elizabeth Supreme Court to set aside emergency regulations banning meetings of various organisations was transferred yesterday to the Grahamstown Supreme Court for a full bench hearing.

The orders, which are being contested by the United Democratic Front (UDF), are applicable in various magisterial districts.

Yesterday's application was brought by a UDF secretary, Mr Mohammed Valli Moosa, and cited the respondents as the State President, Mr P. W. Botha, the Divisional Commissioner of Police in the Eastern Cape, Brigadier Ernest Stephen Schnetler, the Commissioner of Police, General Johan Coetzee, and the Minister of Law and Order, Mr Louis le Grange.

The urgent application, heard by Mr Justice J. Jones, referred to a meeting the UDF had planned to hold in New Brighton tonight.

Mr Moosa said on July 4, he had sought written permission from Brig Schnetler and Mr Le Grange to hold the meeting. The same day Brig Schnetler had refused his request and he was still awaiting a reply from Mr Le Grange.

According to the papers before the court, the applicants sought:

The declaration of two regulations promulgated in terms of the Public Safety Act as being invalid;

To have orders made by Brig Schnetler on June 19 and July 1 prohibiting the movement of people and any gathering of the UDF, invalidated;

That Brig Schnetler was not entitled to make any orders in terms of the Public Safety Act or regulations framed by the State President under Proclamation R109 of the Act;

An order that the meeting was not prohibited by any valid orders presently in force; and

An order interdicting any member of the South African Police from rendering the meeting inaccessible to anyone.

Mr Moosa challenged the validity of Regulation 7 in Proclamation R109 of 1986, on the grounds that it did not specify the persons to whom the powers might be delegated.

In a replying affidavit, Brig Schnetler said he was properly authorised to issue the orders as was clear from an affidavit by General Coetzee.

He said the State President's competency to authorise persons to act for him was not curtailed by the Act.

No date was given for the Grahamstown hearing.



# BELLS

8/1/86  
15/7/86

327

**Attendances**

**fluctuate  
at schools**

# RING AGAIN

**SCHOOLS controlled by the Department of Education and Training re-opened yesterday to fluctuating attendances.**

While in some parts most students returned to school, in others many adopted a wait and see attitude.

The numbers were highest at primary schools while secondary schools had lower attendances.

While some areas also issued ID cards to pupils in accordance with the announcement by the department last week, other areas did not issue any ID cards.

The highest stayaway was in Duduza where all schools were deserted, while in Natal and the Free State attendances were normal. In Soweto, the Vaal, Eastern and Western Cape figures fluctuated.

In Soweto some pupils were re-registered and issued with temporary identification cards, authorising them to be in the school premises during school hours.

## **Deserted**

Attendances ranged from dimly low to fairly high while other high schools, mostly in the Diepkloof area, were deserted.

Many pupils who went to school were not in school uniform.

Primary schools reported good attendances.

In the West Rand townships of Mofla-keng, Kagiso, Munsieville and Bekkersdal pu-



**PUPILS at Musi High School in Pimville, Soweto, compare their temporary identification cards issued by the school yesterday.**

pils went back to school in their hundreds. A check by the *Sowetan* showed many pupils being in classes and none in uniform were seen in the street during school hours in the morning.

Taxis appeared to be doing their usual business, while buses — targets of a boycott for several months, continued to run empty.

Hundreds of pupils reported for classes in Pretoria's three townships — Atteridgeville,

Mamelodi and Soshanguve — yesterday morning.

The Department of Education and Training distributed pamphlets at the weekend warning pupils that an order had been published in terms of the Emergency regulations restricting the activities of "radicals" who want to misuse the opening of schools.

• Hundreds of pupils in the Vaal Triangle stayed away from school while others stayed in school

for a short period as new DET measures came into effect yesterday.

Almost all primary school children in the four townships left school before 11am after being released by teachers. Evaton and Bophelong townships were quiet and most pupils stayed away from school and roamed the streets.

The only high school in Boipatong, Lebohang, reported about 8 percent attendance in the morning but no lessons were being given with pupils staying idle in class.

**Relief for Duduza — P3**



# Employers 'hostile' to yesterday's stayaway

By Sheryl Raine

help relations at all," said the LMG.

A significant number of employers have indicated that they intend to take disciplinary action against black workers who stayed away from work or staged other forms of industrial action yesterday.

According to the independent Labour Monitoring Group (LMG) employers were more hostile to yesterday's protest action than on previous occasions.

The Congress of SA Trade Unions (Cosatu) called for a nationwide day of action in protest against the continued emergency detention of union leaders. Cosatu left it to individual unions in the various regions to decide on what type of action to take.

The LMG said industrial action ranged from work stayaways and lunchtime protest meetings to symbolic sit-downs.

"Most employers adopted a 'no work, no pay, no penalty' policy but a significant minority intend to take disciplinary action. This will not

● The National Union of Mineworkers claimed that at least four collieries were affected by protest strike action including Matla (2 500 workers), Arnot (2 000), Duvha (800) and Kriel (1 200).

● Gencor reported a strike by about 750 workers at its Matla colliery.

● Rand Mines reported a strike by 800 people at its Duvha colliery and a partial stayaway from the Ritspruit colliery yesterday morning. No other problems were reported.

## GOLD MINES

● Anglo American reported only one strike — at the Erfdeel Gold Mine, near Welkom. About 140 out of the 300 workforce at the mine's south division refused to work. All other gold mines worked normally.

● In Cosatu-organised factories in the manufacturing sector of the PWV, the LMG recorded a 24 percent stayaway among blacks. There were some exceptions, such as the Kelloggs factory on the East Rand

which recorded a 100 percent stayaway. In non-Cosatu factories the stayaway was negligible.

In the retail sector, Cosatu-organised units recorded an 11 percent stayaway and, in the transport and public sectors, absenteeism was minimal.

● In Port Elizabeth, 70 percent of workers reported for duty but, during the morning, youths told them to leave.

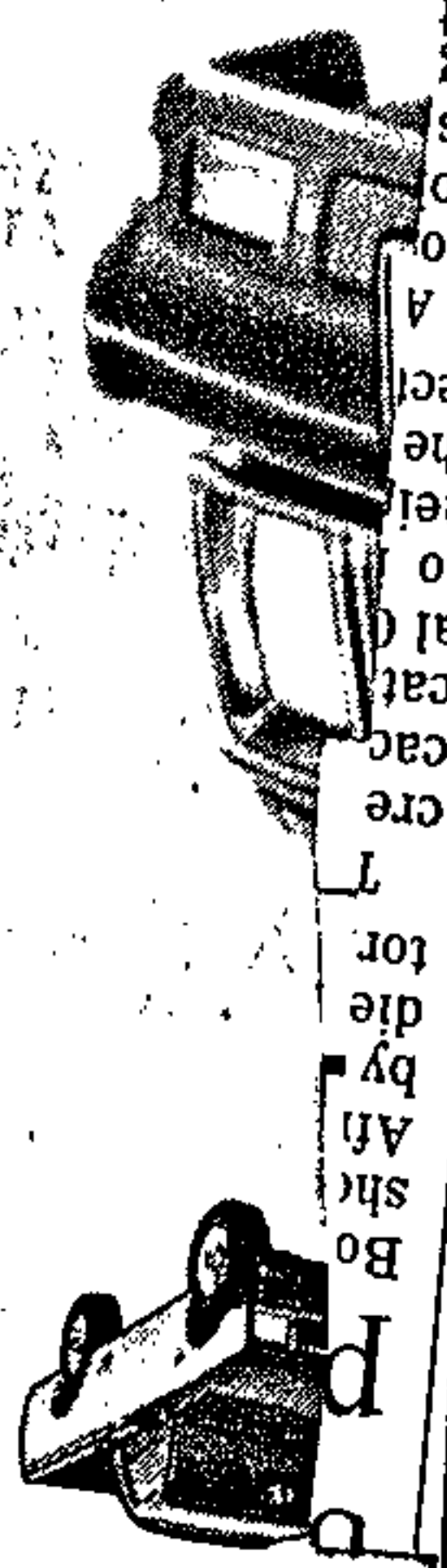
● In East London's black township, Duncan Village, there was an almost total stayaway. Nine out of 29 factories in the region closed.

● In the Pinetown-Durban industrial belt, unions decided to report for work but to take protest strike action at their places of employment. Stayaways and protests were minimal.

● Cosatu unions in the Western Cape withdrew from the day of action due to difficulty in organising during the state of emergency. Northern Natal Cosatu unions were exempted from the day of action because all Cosatu leaders in that area were in detention.

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# Mawu seeks order on state of emergency

**Dispatch Correspondent**  
DURBAN — An urgent application by the Metal and Allied Workers' Union (Mawu) seeking 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 began in the Supreme Court here yesterday.

The application has been brought against the State President, Mr P. W. Botha and the government.

It is being heard by Mr Justice Kumbleben, Mr Justice Didcott and Mr Justice Thirion.

The application has been brought by the union together with the wife of one of its detained members, Mrs Dudu Doreen Mchunu.

The union is seeking an order declaring the state of emergency to be without cause and effect from June 26 and it is also seeking the release of everyone detained in terms of the emergency regulations including six of its own members.

The union also seeks an order declaring that

the paragraph in the emergency regulations purporting to contain a definition of a "subversive statement" is of no cause and effect in law.

The court was packed when proceedings began.

Mr I. Mahomed SC appearing for the union argued that in terms of the Public Safety Act the emergency announcement should have been tabled in all three Houses of Parliament within 14 days of June 11.

He claimed it had become invalid from June 26.

Mr Mahomed also said that the relevant legislation empowered the State President to promulgate emergency regulations only after a state of emergency had been declared.

He added 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.

The hearing continues today.



# Emergency laws nonsense, says judge

STAR  
15/7/88  
327

Own Correspondent

DURBAN — A Supreme Court judge said yesterday that he could not make "head nor tail" of the regulations relating to the present state of emergency.

Mr Justice Didcott was speaking in the Supreme Court during the hearing of 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, which is being heard by a Full Bench, has been brought against the State President, Mr Botha, and the Government by the Metal and Allied Workers' Union (Mawu) together with the wife of one of its detained members, Mrs Dudu Mchunu.

## INVALID FROM JUNE 26

Mr Ismail Mahomed SC, appearing for the union, argued before 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 also argued that the State President was empowered to promulgate emergency regulations only after a state of emergency had been declared.

President Botha had simultaneously declared the emergency and promulgated the emergency regulations with effect from midnight on June 11 and had therefore acted *ultra vires*.

Turning to the wording of the regulations, Mr Mahomed said much of it, particularly that relating to "subversive" activities, was so vague as to be meaningless.

## 'JUMBLE OF WORDS'

Mr Justice Didcott agreed, saying he had tried in vain to understand the "jumble of words" contained in the regulations.

"I cannot make head nor tail of the regulations," he said. Whoever had formulated them had written a lot of nonsense.

During legal argument on the clauses outlawing incitement to civil disobedience, Mr Justice Didcott asked whether a Jehovah's Witness minister would be committing an offence if he told his congregation not to perform military service.

"Can this be regarded as incitement to undermine morale?"

"Nobody can be sure any more when he is committing an offence and when he is not."

The hearing continues today.

Mr Mahomed is assisted by Mr L. Gering. Mr J. Combrink SC is appearing for the State. The application is being heard by Mr Justice Didcott, Mr Justice Kumbleben and Mr Justice Thirion.



**Can't make head or tail of them — judge**

# CLAMPS QUERIED

Sowetan 16/07/86

327

A SUPREME Court judge yesterday said that he could not make "head or tail" of the regulations relating to the present state of emergency.

Mr Justice Didcott was speaking in the Supreme Court in Durban, during the hearing of 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, which is being

## SOWETAN Correspondent

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 (Mawu), together with the wife of one of its detained members, Mrs Dudu Mchunu.

Mr Ismail Mahomed, appearing for Mawu, has argued that the State President acted *ultra vires* by announcing the state of emergency and simultaneously promulgating emergency regulations, both with effect from June 11. The regulations should therefore be declared invalid, Mr Mohamed has argued.

Yesterday the State denied in the court that there had been any irregularity in the way in which regulations relating to the present state of emergency were announced.

### Argued

Mr Jan Combrink SC, appearing for the State, argued yesterday before a packed courtroom that while both the emergency and the regulations had appeared in the same *Government Gazette*, the order of the items in the *Gazette* indicated that the emergency announcement had come first.

Mr Justice Kumleben asked how one could tell which item took precedence.

Mr Combrink replied that it was "obvious" from the numerical order of the items.

Turning to the union's argument that the state of emergency had become invalid on June 26 as the announcement had not been tabled in all three Houses of Parliament within 12 days, he said Parliament's adjournment until August

To Page



# No defect in emergency, court told

16/7/86 STAR 327

Own Correspondent

DURBAN — The State denied in the Durban Supreme Court yesterday that there had been any irregularity in the way in which regulations relating to the present state of emergency were announced.

The Metal and Allied Workers' Union (Mawu) has launched an urgent application against President Botha and the Government asking that the state of emergency be nullified, that the emergency regulations be declared invalid, and that all emergency detainees be freed.

Mr Ismail Mahomed, SC, for the union, has argued that the law requires the State President to declare a state of emergency before any emergency regulations may be promulgated.

He has submitted to a Full Bench that the State President acted "ultra vires" by simultaneously announcing the emergency and promulgating emergency regulations, both with effect from midnight on June 11.

Mr Jan Combrink, SC, for the State, argued yesterday that while both the emergency and the regulations had appeared in the same Government Gazette, the order of the items in the Gazette indicated that the emergency announcement had come first.

## Precedence 'obvious'

Mr Justice Kumleben asked how one could tell which item took precedence.

Mr Combrink replied that it was obvious from the numerical order of the items.

Turning to the union's argument that the state of emergency had become invalid on June 26 as the announcement had not been tabled in all three Houses of Parliament within 14 days, he said Parliament's adjournment until August 18 meant the announcement could be tabled when Parliament reconvened.

Mr Justice Didcott suggested the Government's Bureau for Information might itself breach the emergency regulations if an item in its briefings prompted anyone outside South Africa to disinvest.

## Political report

The judge said during legal argument that the vagueness of the emergency regulations effectively curtailed "just about any political description or political report on South Africa".

On the clauses outlawing the publication of statements that could lead to sanctions and disinvestment, he said the Bureau for Information could be regarded as having breached the measures if any of its reports on "what's the buzzword... unrest-related incidents?" caused someone overseas to say: "That's the last straw," and disinvest.

Mr Mahomed said that under the emergency "nobody knows exactly what he can do and what he can't do."

On the clauses outlawing incitement to boycott action, Mr Mahomed said a person who, for example, encouraged others not to buy cigarettes on health grounds could be considered to be acting unlawfully.

Judgment is expected today.



## No pupils expelled under emergency rules <sup>327</sup> DET

By Kym Hamilton,  
Pretoria Bureau

No black pupil was on record as having being expelled in terms of the emergency regulations, a spokesman for the Department of Education and Training, Mr Peter Mundell, said at the Bureau for Information Press conference yesterday.

Mr Mundell said 80 percent of the 1,7 million pupils had re-registered for the third term which started on Monday.

He said no cases were on record of a pupil having been refused re-registration in terms of emergency regulations.

The carrying of identity documents — which could cost R2 each — was not compulsory as it was up to each principal to decide what form of "check and control" the school would use.

Some schools had opted for the identity cards, but at this stage most pupils had been issued with temporary cards.

A survey — which was not complete — showed that the re-registration of pupils at the overwhelming majority of schools was "most satisfactory".

Yesterday attendance at the 7 000 schools under the control of the DET was again estimated

at about 80 percent.

Mr Mundell added that initial misgivings had been overcome through mutual discussion and explanation between pupils and principals. The introduction of security measures had produced a sense of confidence.

However, there had been sporadic and isolated cases of intimidation and disruption by outsiders, he said.

Enrolment at primary schools in the Johannesburg area had been generally higher than 80 percent, but at 24 of the area's 62 secondary schools there was some form of stayaway.

Schools in Alexandra had reported a very low attendance.

Mr Mundell said that attendance at schools in the Highveld region — with the exception of Duduza and Tembisa — had been in the region of 80 percent.

Apart from Sharpeville, schools in the Vaal Triangle had also shown high attendance.

In Natal, except for Lamontville, attendance exceeded 90 percent, and in the Free State registration was between 90 to 100 percent.

Attendances at Cape schools varied between 20 and 70 percent.



## The Argus Correspondent

The union has brought the application against President P.W. Botha and the Government. It has argued that legal irregularities in the announcement of the emergency should render it void.

### Political Staff

AR 64-167766  
(Cont. from

(Cont. from Page 1)

(Proceeding)



ledi and also be given priority.

# Another 6 die in unrest

SIX people — including a 66-year-old woman — were burnt to death in separate incidents throughout the country on Monday, bringing to 131 the number of people killed in unrest since the declaration of the state of emergency, according to the Bureau for Information.

Miss Ronelle Henning, a Bureau for Information spokesman, said yesterday that Mr Blanket

Matha (39), was shot dead and then set alight by "Comrades" at Kwanyamazana, Nelspruit. He was lured from his home before he was killed.

Miss Henning said:

- Mrs Sarah Kubheka (66), was attacked and burnt to death in Boekenhouthoek in KwaNdebele at about 6 am. Police also found the body of Mr Khaka Mahlangu

in an open field in the same area.

- The body of Mr Mono Skepho — who was employed as a casual labourer by the SAP — was found in Soweto, Port Elizabeth at 9 am. He was assaulted before being burnt to death.

- A group of about 40 "Comrades" attacked and killed Mr Alex Mashaba (20), in Tembisa at about 7.30am on Monday.

Sowetan 16/07/86



327

nounced

of emergency were an-



# Nearly 1 000 arrested for necklace deaths

Mercury  
Correspondent

JOHANNESBURG—  
Nearly 1 000 people  
have been arrested for  
alleged necklace mur-  
ders, the Bureau for In-  
formation said at a  
security briefing yes-  
terday.

According to figures re-  
leased for the first time by  
the bureau, 979 arrests  
were made in the first six  
months of the year for  
necklacing and other  
deaths by burning.

'Eight hundred are stand-  
ing trial and the death sen-  
tence has been passed in

one case,' said bureau  
spokesman Ronelle Henn-  
ing.

Pressed for further de-  
tails, Miss Henning would  
only say that trials were be-  
ing conducted 'all over the  
country in various divisions  
of the Supreme Court'.

'Radicals and so-called  
comrades, actively support-  
ed by the ANC, have been  
overwhelmingly responsi-  
ble for this brutal form of  
intimidation,' she said.

She said five people had  
been torched to death in  
political violence on Mon-  
day and a black man set  
alight in what was believed  
to have been a family  
quarrel.

Otherwise, the number of  
unrest incidents had re-  
mained low, she said.

Monday's unrest-related  
killings were reported in  
Kayamanzane near Nel-  
spruit, Tembisa near Ben-  
oni, Kwandebele and So-  
weto near Port Elizabeth.

In Tembisa, about 40  
'comrades' attacked a 20-  
year-old black man before  
setting him alight, using a  
tyre.

The Government was 'ab-  
solutely determined' to  
stop black-on-black vio-  
lence — the 'main factor' in  
deaths since the state of  
emergency was declared on  
June 12, the bureau said in  
a report.

'The state of emergency  
has as its primary objective  
the restoration of calm and  
order so that constructive  
reforms can be implement-  
ed,' the report said.

## Emergency Day 34

Because of the emergency  
regulations, the free flow  
of information relating to  
unrest is severely restrict-  
ed. This newspaper will  
do its utmost to keep  
readers informed.



# Judge criticises emergency 'jumble'

## Court Reporter

A DURBAN judge has described the state of emergency regulations as a 'jumble of words' and has said that whoever formulated them wrote a 'lot of nonsense'.

Mr Justice Didcott made the comments during the hearing of an urgent application brought by the Metal and Allied Workers' Union (Mawu) against President Botha and the Government for an order declaring the state of emergency and emergency regulations of no force and effect and the continued detention of people under the regulations unlawful.

Judgment is expected to be given by a Full Bench in the Supreme Court, Durban, this afternoon.

The application is being heard by Mr Justice Kumleben, Mr Justice

Didcott and Mr Justice Thirion.

The hearing of the application started on Monday and has involved lengthy legal argument by Mr I Mahomed SC, for the applicants, and Mr J Combrink SC, for the State President.

## 'Vague'

While listening to Mr Mahomed's argument, Mr Justice Didcott said he was unable to make 'head or tail' of the regulations concerning the emergency.

Speaking on the wording of the regulations, Mr Mahomed said much of it, particularly the wording relating to subversive activities, was so vague as to be meaningless.

Mr Justice Didcott agreed. He added that he had tried in vain to understand the 'jumble of words' in the regulations.

He said that whoever had formulated them had writ-

ten 'a lot of nonsense'.

Mr Justice Didcott also asked whether a Jehovah's Witness minister would be committing an offence if he told his congregation not to do military service.

He posed the question of whether this could be regarded as an incitement to undermine morale.

'Nobody can be sure any more when he is committing an offence and when he is not.'

The Judge also said a Cabinet minister had argued recently that the country was prepared for sanctions and that the sooner they were imposed, the better.

He asked what would happen to a Left-winger who made a similar statement.

The courtroom has been crowded with spectators and Press benches have overflowed.

The application has been

brought by the union together with Mrs Dudu Doreen Mchunu, the wife of one of its detained members.

The union is also seeking the release of everyone detained in terms of the emergency regulations, including six of its own members.

It is also seeking an order declaring that the paragraph in the emergency regulations purporting to contain a definition of a 'subversive statement' is of no cause and effect in law.

## Order

Yesterday, Mr Combrink told the Court there had been no irregularity in the way regulations relating to the state of emergency had been announced.

Mr Combrink said that while the emergency proclamation and the regulations had appeared in the same Government Gazette, the order of the items in

the gazette showed the emergency announcement had come first.

Replying to an argument by the applicants that the state of emergency had become invalid on June 26 as the announcement had not been tabled in all three Houses of Parliament within 14 days, Mr Combrink said the adjournment of Parliament to August 18 meant the announcement could be tabled when Parliament reconvened.

Mr Mahomed has said the State President was empowered to promulgate emergency regulations only after a state of emergency had been declared.

He said the President had simultaneously declared the emergency and promulgated the emergency regulations with effect from midnight on June 11, and because of this, he had acted ultra vires.

327



## Pay-rise bugging row is closed'

JOHANNESBURG. — An investigation into the alleged bugging of a meeting of a South African Transport Services workers' union has been completed.

The bugging was alleged to have taken place during stormy wage negotiations earlier this year.

The president of the Artisan Staff Association, Mr Jimmy Zurich, said he was told by the Minister of Transport Affairs, Mr Hendrik Schoeman, that

the Railways Police had denied knowledge of the incident.

Mr Zurich said: "The minister said neither he nor the manager of SATS, Dr Bart Grove, would ever sanction such action. As far as our union is concerned, the matter is closed."

The bugging controversy arose in February when the Federal Council of SATS trade unions was demanding a 25 percent pay increase for railway workers. — Sapa



Exc. 17/07/86 (327)

## Charge against Cape editor dropped

CAPE TOWN—The charge under the Internal Security Act against the editor of the Cape Times, Mr Tony Heard, for having quoted Mr Oliver Tambo in the newspaper is to be withdrawn and the owner-company, South African Associated Newspapers, is to be prosecuted instead.

The Deputy Attorney-General, Mr FW Kahn SC, yesterday informed Mr Heard's legal advisers that 'Saan, being the owner and

publisher of the Cape Times newspaper, will be prosecuted in terms of Section 56 (1) (P) (II) of Act 74 of 1982 arising out of the publication of an interview with Mr Oliver Tambo in that newspaper on November 4, 1985, and that the charge against Mr A H Heard, in his personal capacity, has accordingly been withdrawn'.

Mr Heard was to have appeared again in court today on remand. — (Sapa)



'Vague' definitions in emergency regulations are scrapped

# PW acted beyond his powers, judges rule

17/7/86  
STAR  
327

Own Correspondent

DURBAN — President Botha had acted beyond his power in denying emergency detainees access to lawyers, a Full Bench of the Supreme Court ruled yesterday.

In a marathon two-hour sitting before a jam-packed courtroom, the judges ruled that parts of the emergency regulations forbidding "subversive statements" and legal access to detainees were invalid.

An urgent application had been made by the Metal and Allied Workers' Union (Mawu) and the wife of one of its members, Mrs Dudu Mchunu, to have the state of emergency nullified, the emergency regulations lifted and detainees freed.

Mr Justice Didcott, Mr Justice Kumbleben and Mr Justice Thirion upheld the validity of the state of emergency.

However, they ruled that six clauses or parts of clauses in the regulations were invalid, either for being too vague or because President Botha had acted beyond his power.

Mr Justice Didcott said regulation 1.8 (a), which forbade statements promoting "any object of any organisation which has ... been declared to be an unlawful organisation" was "hopelessly uncertain" and had no ascertainable meaning.

On regulation 1.8 (c), which outlawed statements inciting anyone to oppose the Government or any of its officials "in connection with any measure adopted in terms of any of these regulations or in connection with any other measure relating to the safety of the public or the maintenance of public order or in connection with the administration of justice", the judge said President Botha was not empowered to make regulations relating to the administration of justice.

"If I say to someone: 'Don't obey that sub-poena', am I not inciting that person to resist the official serving it?"

Another example was that of a man tell-

ing his wife not to allow a police officer without a search warrant into their house. The man could be regarded as having incited another to oppose a Government official in connection with the administration of justice.

It was ruled that the words "... or in the administration of justice" be deleted.

On regulation 1.8 (d), which forbade statements "engendering or aggravating feelings of hostility in the public or any section of the public or any person or category of persons towards any section of the public or person or category of persons" the judge said the clause was "unintelligible" as it stood.

"It is quite imperative to sever the clause," he said.

## Remain in force

On regulation 1.8 (e), the judge said the part of the clause that outlawed statements "weakening or undermining the confidence of the public or any section of the public in the termination of the state of emergency" was too vague.

"I have no idea what it means."

The rest of the clause, about endangering public safety, remained in force.

On regulation 1.8 (f), which outlawed statements "encouraging or promoting disinvestment or the application of sanctions or foreign action against the Republic", the judge said he knew what disinvestment and sanctions meant.

"But I don't know what 'foreign action against the Republic' means."

Those words "must go", he said.

On regulation 3.10 (a) and (b), which forbade anyone except a Government official from having access to or information about emergency detainees without ministerial permission, the judge asked: "Is the State President empowered to say a detainee may not see a lawyer about any matter?"

A detainee's legal representative might

need to see him urgently about, for example, paying his child's school fees or any other matter unconnected with the state of emergency or the maintenance of public order.

It was ruled that President Botha had acted ultra vires.

The right to be allowed access to a lawyer had been recognised by the Appellate Division in the case of *Mandela v Minister of Prisons* 1983.

"The State President had no power to go beyond this," the judge said.

He rejected the union's argument that the emergency regulations as a whole were invalid.

Mr Ismail Mahomed SC, for the union, had argued that the law required a state of emergency to be declared before emergency regulations were promulgated.

Mr Justice Didcott said the Bench was prepared to assume in favour of the applicants that the emergency declaration and the promulgation of regulations occurred simultaneously.

The judge said: "To my mind, when two things are done simultaneously, one has been done when the other is done."

On the union's argument that the state of emergency was without effect from June 26 as the announcement had not been tabled in all three chambers of Parliament within 14 days, he said the crux of the matter was whether or not Parliament could be considered to be in "ordinary session" during the adjournment between sittings.

The Bench was willing to assume that the required procedure had not been complied with.

The judge said his view was that this procedure had been conceived of and was enforceable by "no one but Members of Parliament".

President Botha and the Government, represented by Mr Jan Combrink SC, were ordered to pay half of the costs incurred by the union and Mrs Mchunu in bringing the application.



# Judgment 'binding only in Natal'

## Post Reporter

YESTERDAY'S Durban Supreme Court judgment declaring void sections of the emergency regulations, is not binding on other areas, says the head of the Department of Public Law at the University of Port Elizabeth, Professor Aardries Cilliers.

He pointed out that

judgments handed down in a particular law division were not binding on the rest of the country, even if made by a full Bench.

He said: "The only judgment that is applicable to all law courts at all levels throughout South Africa, is one handed down by the Appeal Court."

Prof Cilliers was reinforcing the view expressed by Professor Dennis Davis, associate professor of law at the University of Cape Town, who said that the judgment would have "persuasive authority" in provinces other than Natal, but not the force of law. Professor Davis said that because most defini-

tions of "subversive statements" had been declared invalid in Natal, this meant that newspapers and organisations were free there to make and publish statements than elsewhere in the country. Although Prof Davis had no doubt that the definitions of "subversive statements" were "too vague to be valid in law,

the Cape Supreme Court was not bound by the Natal judgment. Had the court declared the emergency declaration invalid, the Government would probably have declared another state of emergency. It was now up to the Appeal Court or Government to clarify the matter countrywide.

● The Leader of the Opposition, Mr Colin Eglin, has welcomed the court's view on the right of detainees to see their lawyers.

He said although the ruling did not appear to change the substance of the emergency regulations, it pointed to "administrative bungling" by

a Government "eager to grab power".

The Bureau for Information announced that it had taken note of the judgment, but advised the media to study it carefully. A spokesman for the State President, Mr P W Botha, said in Pretoria last night he had no comment. — Sapa



THURSDAY, JULY 17, 1986

Sowetan (32) 27c + 3c GST (PWV) Prices elsewhere on back page

# THROWN OUT

A THREE-judge panel yesterday declared void all or parts of five of the six definitions of "subversive statements" banned under the national emergency decree on grounds of vagueness.

However, the Natal Province Supreme Court rejected argument by the Metal and Allied Workers' Union (Mawu) that the entire state of emergency was illegal.

Justice John Didcott told a crowded courtroom that several aspects of the definitions under the law were "hopelessly uncertain".

In his two-hour opinion on the case brought by the mainly-black union, Mr Justice Didcott said that just one of the six clauses defining a subversive statement was precise enough to be considered lawful.

That clause forbids incitement of people to participate in unlawful strikes, boycotts, processions, civil disobedience or to oppose compulsory military service.

He said two of the clauses were far too broad to be understandable.

One clause bars any statement that advances the object of any unlawful organisation.

"I consider that paragraph (A) is hopelessly uncertain, and that no ascertainable meaning can be derived from it," Mr Justice Didcott said.

The other provision considered too broad prohibited any

## But state of emergency still remains

### SAPA

statement that engenders hostility between one person or group and another.

"It is unintelligible," Mr Justice Didcott said.

### Ruling

Mr Justice Didcott's ruling against the procedural challenges by the union mean that most aspects of the decree remain in force. The union had contended that the regulations were void because the State President, Mr P W Botha, announced them simultaneously with the emergency decree, rather than proclaiming the decree first.

Emergency powers still in force are detention without charge, curfews, sealing off areas and the power to shut down publica-

tions.

On the three other clauses Mr Justice Didcott found fault with certain phrases.

On the provision forbidding statements calling for disinvestment, sanctions or foreign action against South Africa, Mr Justice Didcott 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."

He also ruled against a clause prohibiting statements that would tend to weaken public confidence in the Government's ability to maintain the public order or end the emergency.

Finally, Mr Justice Didcott approved the clause against inciting people to resist or oppose the Government in connection with the

emergency, but ordered a clause about incitement against "the administration of justice" to be removed.

Mr Justice Didcott also said a ban on detainees' access to lawyers was improper, and that such access must be granted.

The union had also contended that the emergency was illegal because Parliament was not informed within 14 days of the June 12 proclamation.

Mr Justice Didcott accepted the State's argument that Parliament had recessed before the 14 days were up and that the regulations could still be presented to the chambers when the session resumes on August 18.

With the court's decision, the clauses it objected to became void immediately. Both sides can appeal.

Mr Justice Didcott noted that the court has no authority to rule against Acts of Parliament but does have the power to decide whether regulations issued under those acts are specific and reasonable.

Lux

BAC





Mercury: 17/07/86

# Union loses action on emergency law

## Govt warns media after court verdict

ORMANDE POLLOCK  
Political Correspondent

CAPE TOWN—The Government is not expected to tighten up the definition of a subversive statement after yesterday's ruling in the Supreme Court, Durban, on the state of emergency regulations.

Although the Court had left only one of six 'definitions' of a subversive statement unchanged, the Bureau for Information warned the media yesterday to 'carefully' study the judgment before reporting.

Mr Colin Eglin, leader of the Opposition, said the ruling did not appear to change the substance of the emergency regulations for the man in the street, but he added that it pointed to 'administrative bungling' by a 'power-hungry Government'.

He welcomed the Court's opinion on the right of legal access to detainees.

Commenting on the case, Mr Eglin said: 'This draws attention to the awesome power the Government has and the limited jurisdiction of the courts over regulations framed in terms of security legislation.'

'It does not appear to have changed the substance of the regulations much as far as they affect the ordinary South African. Nevertheless, the judg-

ment in relation to legal access for detainees is an important relief to people who have lost their freedom.'

A measure of the Government's relief after the judgment was reflected in a statement issued by the office of the Minister of Law and Order, Mr Louis le Grange.

It said: 'The minister is grateful the Court decided so overwhelmingly in favour of the State. That is all we have to say as we do not usually comment on court judgments.'

Mr Geoff Schreiner, general secretary of Mawu, told the Mercury last night: 'Our concern was for our people in detention.'

'The judgment does not bring any relief in that regard, but at least it opens up the possibilities that legal advisers may have more regular visits to detainees. This is encouraging.'

Mr Simon Davey, the British Consul in Durban, who was at the hearing, said: 'It has certainly been an important experience in challenging the state of emergency.'

The PFP's Natal leader, Mr Ray Swart, who was also there, said: 'It is an interesting judgment which certainly gave a critical review of the regulations issued in terms of the state of emergency.'

WHILE the Supreme Court, Durban, yesterday rejected an application by the Metal and Allied Workers' Union (Mawu) that the state of emergency be declared illegal, it declared void, on the grounds of vagueness, all, or sections of, five of the six definitions of 'subversive statements' banned under the state of emergency.

In a two-hour judgment, Mr Justice Didcott said only one of the six clauses defining a subversive statement was precise enough to be considered lawful.

That clause forbids incitement of people to participate in unlawful strikes, boycotts, processions, civil disobedience or to oppose compulsory military service.

He said two of the clauses were far too broad to be understandable.

One clause bars any statement that advances the object of any unlawful organisation.

'I consider that paragraph (a) is hopelessly uncertain, and that no ascertainable meaning can be derived from it,' Mr Justice Didcott said.

The other provision considered too broad prohibited any statement that engendered hostility between one person or group and another.

'It is unintelligible,' Mr Justice Didcott said.

Emergency powers still in force are detention without charge, curfews, sealing off areas and the power to shut down publications.

On the three other clauses, Mr Justice Didcott found fault with certain phrases.

On the provision forbidding statements calling for disinvestment, sanctions or foreign action against South Africa, Mr Justice Didcott said disinvestment and sanctions were reasonably clear but 'I do not know what foreign action is'.

### Confidence

'What is action, what is foreign? The words "foreign action" must go.'

The union had also contended that the emergency was illegal because Parliament was not informed within 14 days of the June 12 proclamation.

Mr Justice Didcott accepted the State's argument that Parliament had recessed before the 14 days were up and that the regulations could still be presented to it when the session resumes on August 18.

He also ruled against a clause prohibiting statements that would tend to weaken public confidence in the Government's ability to maintain the public order or end the emergency.

Mr Justice Didcott approved the clause against inciting people to resist or oppose the Government in connection with the emergency, but ordered a clause about incitement against 'the administration of justice' to be removed.

Mr Justice Didcott also said a ban on detainees' access to lawyers was improper, and that such access must be granted on a blanket basis.

Mr Justice Didcott said that the right of an accused to have access to a legal adviser was a basic right.

a claim by the applicants that Proclamation R109 of 1980, which defined the terms of the regulations, be set aside.

It turned down an application directing that six of the union's members held under the emergency regulations should be released.

It also declared invalid the last line of the clause: 'Inciting the public or any section of the public or any person or category of persons to resist or oppose the Government or any minister or official of the Republic or any member of a force in connection with any measure adopted in terms of the regulations or in connection with any other measure relating to the safety of the public or the maintenance of public order or in connection with the administration of justice.'

### Strayed

Referring to the section dealing with the creation of hostility, Mr Justice Didcott said this went way beyond the State President's authority because he had no power to punish people for creating ordinary feelings of hostility.

Referring to the clause about the promotion of any object of any organisation which had been declared an unlawful organisation, he said if it was meant to have no limit then it had strayed beyond the President's power.

The Full Bench consisted of Mr Justice Kumbleben, Mr Justice Didcott and Mr Justice Thirion.

Mr I Mohamed SC appeared for the applicants and Mr J Combrink SC for the State.

The respondents were ordered to pay half of Mawu's costs.

See Editorial Opinion

## Triomf may run on skeleton staff

By Rodney Hayter

TRIOMF, Richards Bay's phosphoric acid fertiliser plant, is expected to re-trench its 850 shop floor workforce tomorrow and re-employ a skeleton staff, informed sources said yesterday.

The plant, which was placed under provisional liquidation by a Johannesburg court last Friday, is expected to continue production with a reduced staff until the end of September, the sources said.

Triomf (Richards Bay), originally part of the giant Louis Luyt empire, refused to make any comment as did the local town clerk, Mr Theo Tolmay, and the newly appointed liquidators.

A Triomf (Richards Bay) spokesman said questions submitted in writing would only be answered by telex in due course.

A white artisan said he had been told by a shop staff

## Army men at play



Picture by ANTHONY McMILLAN

Eight military units turned out at Natal Command yesterday for winter sports' day. A variety of sports, among them skiboat fishing, golf, soccer, pistol shooting and surfing, were on the agenda. Pictured here giving their all in the tug-of-war were members of 5 SAI in Ladysmith.

## Rex Harrison collapses

LONDON—British actor Rex Harrison was taken to hospital yesterday after collapsing in a London hotel but was later discharged.

Harrison, 78, best known for his stage and screen role as Professor Higgins in *My Fair Lady*, was examined in the casualty department of Westminster Hospital, central London.

He was taken to the hospital by ambulance after collapsing in the fashionable Ritz Hotel.—(Sapa-Reuter)

## New threat to Zola's career

London Bureau

ZOLA Budd's career came under a serious new threat yesterday when Zimbabwean athletes were ordered to boycott any meeting where she participated.

The order from Harare has immediate effect and four Zimbabwean runners have withdrawn from the Pearl Assurance Invitation meeting in Birmingham at the weekend.

The new controversy has alarmed and angered Birmingham athletics and city officials who fear the anti-Budd boycott will snowball.

The weekend meeting was being used to promote Birmingham's application to stage the 1992 Olympic Games.

Birmingham has made a major effort to win African support for its Olympic bid and has even been housing and training the Zimbabwean team for the crisis-ridden Commonwealth Games.

Now the order to the Zimbabwean athletes to boycott the city event is seen as a serious warning that Miss Budd's presence could cost Birmingham the African support it has so expensively nurtured.

Birmingham City officials and the local MP, former Labour government Sports Minister Dennis Howell, are expected to urge Zola to withdraw.

Zola, who stands to receive at least R19 500 for

participating, is highly unlikely to withdraw and will be strongly supported by the English Women's Amateur Athletics Association.

A spokeswoman for the WAAA said yesterday: 'We cannot understand this Zimbabwean decision. It is disgraceful. They only asked us if they could compete a few days ago and they are now really abusing the situation.'

'Zimbabwe competed in the last Olympic Games when Zola was running and it seems ludicrous and nothing at all to do with sport that they should pull out of this meeting now.'

'It is incredibly unfair on Zola and will add to the stress on her, but she will certainly be running on Saturday afternoon. There is no question of us pulling her out.'

### Fears

The shock Zimbabwean action has also increased fears that Prime Minister Mugabe will order his national team to join the boycott of the Commonwealth Games, which are due to open in Edinburgh on July 24.

The Zimbabwean decision will be announced after a meeting of frontline state representatives in Harare tomorrow.

In Edinburgh, officials of the Commonwealth Games Federation, the controlling body, say they have been warned that Zimbabwe is being urged by African

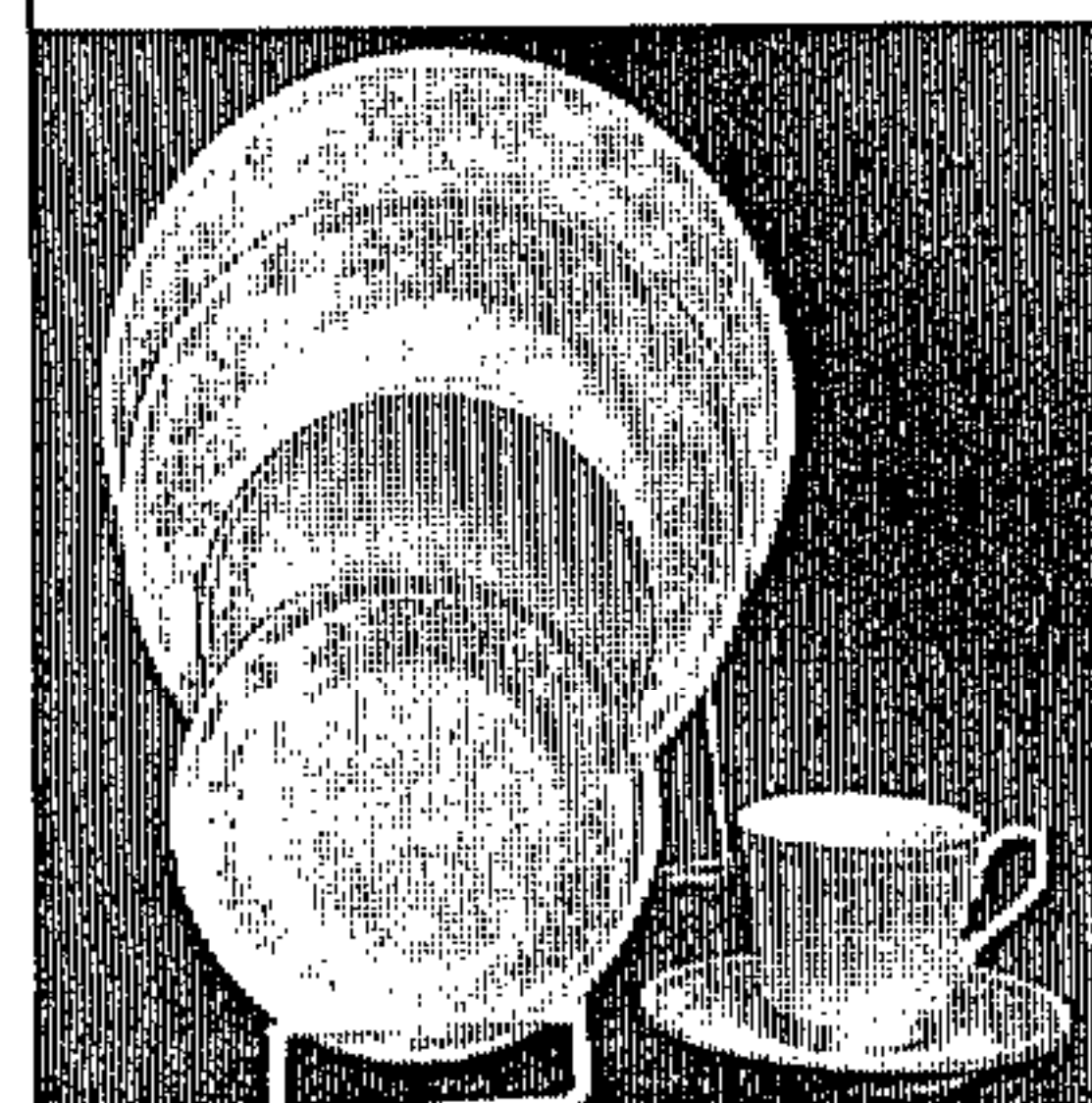
### The rand

The rand closed yesterday at 38,73/83 US cents. Previous 38,45/55.

### Gold

Gold was fixed at \$347,50 an ounce in London yesterday. Previous \$346.

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NEW. 10/17/07/86

# Govt warns media after court verdict

ORMANDE POLLOK  
Political Correspondent

CAPE TOWN—The Government is not expected to tighten up the definition of a subversive statement after yesterday's ruling in the Supreme Court, Durban, on the state of emergency regulations.

Although the Court had left only one of six 'definitions' of a subversive statement unchanged, the Bureau for Information warned the media yesterday to 'carefully' study the judgment before reporting.

Mr Colin Eglin, Leader of the Opposition, said the ruling did not appear to change the substance of the emergency regulations for the man in the street, but he added that it pointed to 'administrative bungling' by a 'power-hungry Government'.

He welcomed the Court's opinion on the right of legal access to detainees.

Commenting on the case, Mr Eglin said: 'This draws attention to the awesome power the Government has and the limited jurisdiction of the courts over regulations framed in terms of security legislation.'

'It does not appear to have changed the substance of the regulations much as far as they affect the ordinary South African.'

'Nevertheless, the judg-

ment in relation to legal access for detainees is an important relief to people who have lost their freedom.'

A measure of the Government's relief after the judgment was reflected in a statement issued by the office of the Minister of Law and Order, Mr Louis le Grange.

It said: 'The minister is grateful the Court decided so overwhelmingly in favour of the State. That is all we have to say as we do not usually comment on court judgments.'

Mr Geoff Schreiner, general secretary of Mawu, told the Mercury last night: 'Our concern was for our people in detention.'

'The judgment does not bring any relief in that regard, but at least it opens up the possibilities that legal advisers may have more regular visits to detainees. This is encouraging.'

Mr Simon Davey, the British Consul in Durban, who was at the hearing, said: 'It has certainly been an important experience in challenging the state of emergency.'

The PFP's Natal leader, Mr Ray Swart, who was also there, said: 'It is an interesting judgment which certainly gave a critical review of the regulations issued in terms of the state of emergency.'



*Court Times 17/7/86*  
**Emergency:**

**34 in court**  
*37*  
**Court Reporter**

THIRTY-FOUR high school pupils appeared in Bellville Magistrate's Court yesterday charged with contravening the emergency regulations by not being in school during school hours.

Mr Peter Kruger, 20, Mr Andre van der Berg, 19, and 32 minors were not asked to plead. The minors were released into the custody of their parents.

They attend Uitsig, Belhar Number 2, Florida, Symphony and Ravensmead high schools.

The case was postponed to August 14.

Mr E Louw was the magistrate. Mr R W Simpson prosecuted. Mr G Jansen, Mr K Amien, Mr R Chetty and Mr P Sonn appeared for the pupils.



## Definitions of subversion declared void

# Court upholds state of emergency

Dispatch Correspondent

**DURBAN —** The Supreme Court has rejected an application by the Metal and Allied Workers Union (Mawu) that the state of emergency be declared illegal.

However, a full bench of the court declared void, on the grounds of vagueness, all — or sections of — five of the six definitions of "subversive statements" banned under the state of emergency.

Mr Justice Didcott said only one of the six clauses defining a subversive statement was precise enough to be considered lawful.

That clause forbids incitement of people to participate in unlawful strikes, boycotts, processions, civil disobedience or to oppose compulsory military service.

He said two of the clauses were too broad to be understandable.

One clause bars any statement that advances the object of any unlawful organisation.

"I consider that paragraph (a) is hopelessly uncertain, and that no ascertainable meaning can be derived from it," Mr Justice Didcott said.

The other provision prohibited any statement that engendered hostility between one person or group and another.

"It is unintelligible," Mr Justice Didcott said.

In the three other clauses, Mr Justice Did-

cott found fault with certain phrases.

In the provision forbidding statements calling for disinvestment, sanctions or foreign action against South Africa, Mr Justice Didcott said disinvestment and sanctions were reasonably clear, but "What is action, what is foreign? The words 'foreign action' must go."

The union had contended that the emergency was illegal because Parliament was not informed within 14 days of the proclamation.

Mr Justice Didcott accepted the state's argument that Parliament had recessed before the 14 days were up and that the regulations could still be presented to the chambers when the session resumes.

He ruled against a clause prohibiting statements that would weaken public confidence in the government's ability to maintain public order or end the emergency.

Mr Justice Didcott approved the clause against inciting people to resist or oppose the government, but ordered a clause about incitement against "the

administration of justice" to be removed.

The judge said that a ban on detainees' access to lawyers was improper, and that such access must be granted on a blanket basis.

Refused by the court was a claim that the proclamation which defined the terms of the regulations be set aside.

It turned down an application for the release of six of the union's members held under emergency regulations.

Referring to the section dealing with the creation of hostility, Mr Justice Didcott said this went beyond the State President's authority because he had no power to punish people for creating ordinary feelings of hostility.

Referring to the clause regarding the promotion of any object of any organisation which had been declared an unlawful organisation, the judge said if it was meant to have no limit then it had strayed beyond the State President's power.

The full bench consisted of Mr Justice Kurlen, Mr Justice Didcott and Mr Justice Thirion.

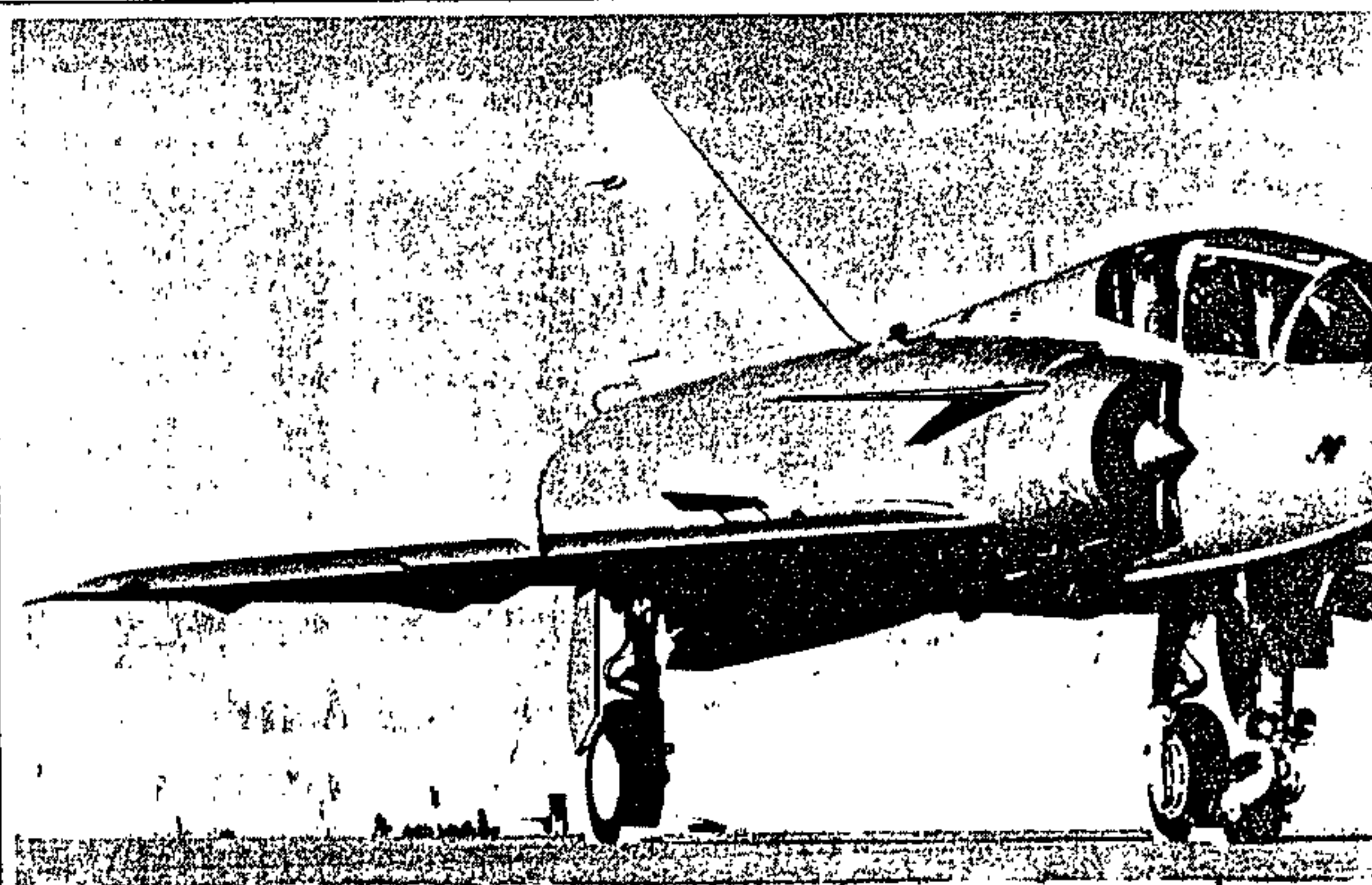
The respondents were ordered to pay half of Mawu's costs.

● The office of the Minister of Law and Order, Mr Louis le Grange, said in a statement after the judgment: "The minister is grateful the court decided so overwhelmingly in favour of the state."

A spokesman in the office of the State President declined to comment.

The director of Internal Media, Mr Leon Mellet, said: "The Bureau (for Information) is advising the media to study the judgment carefully particularly with regard to its implications for reporting during the emergency."

The Leader of the Opposition, Mr Colin Eglin, said the ruling did not change the substance of the emergency regulations but it pointed to "administrative bungling" by a "power hungry government".



## Earp: SA's new fighter a match for MiGs

By  
**ANDRE JORDAAN**  
Daily  
Dispatch  
Military Correspondent



**EAST LONDON —** South Africa has transformed the air force's ageing Mirage 3 aircraft into a sophisticated fighter which the Minister of Defence, General Magnus Malan, describes as being "at the forefront of technology".

The new fighter, to be known as the Cheetah, would be a match for sophisticated Soviet MiG 23 aircraft in Angola, the chief of the air force, Lieutenant General D. J. Earp, told military correspondents at the Atlas Aircraft Corporation, where the Cheetah was developed.

Its handling and all South African weaponry could in, many respects, be compared to the best in the world.

Extensive changes meant the aircraft could no longer be regarded as a Mirage 3, General Earp said. "As part of the Atlas modernisation programme, considerable changes have been made to the airframe and avionics systems. The result is that the SAAF will have at its disposal another very formidable fighter aircraft."

Obvious changes from the French-made Mirage 3, which was first taken into service in 1963, are a longer nose, to accommodate more avionics,

and canards — additional small wings mounted high on the fuselage to improve the aerodynamic characteristics.

Atlas says the Cheetah programme includes new performance levels, the replacement of many structural components and the upgrading of the on-board flight systems. About 50 per cent of the original aircraft is reconstructed and equipped with "the latest navigational and weapon systems".

The general manager of Atlas, Mr G. Ward, said test flying had almost been completed. The development had taken a number of years and Atlas had found that, since the 1977 arms embargo, South African expertise in areas such as electronics and computers had been able to keep abreast of the air force's aviation needs.

General Earp said it would take a few months before the Cheetah had

gone through air force commissioning procedures to become fully operational. It had a likely operational life of 10 to 15 years but further upgrades might be possible in the future.

He described the two-seater aircraft's role as "essentially a fighter aircraft — with all that implies. It has other capabilities beyond air-to-air, but I would not like to be more specific".

The second seat could be used, "among other things", for training purposes, General Earp said.

Asked to what degree South Africa was now self-sufficient in its fighter aircraft needs, he said a considerable amount of the Cheetah's content was local.

Referring to other recent developments like the Alpha prototype combat helicopter, an advanced gas turbine engine and remote-controlled reconnaissance aircraft, he said: "Every time we do a little more, we learn a little more. Atlas is now reaching the point where its only restrictions are time and money."

General Earp would not give an indication of the cost of the Cheetah programme. "But, like all modern aviation, it

does cost a great deal of money."

General Malan said the Cheetah heralded a new era of self-sufficiency and enhanced operational capacity for the air force. "It is indeed a modern, sophisticated and highly effective trump card in our military arsenal," he said.

It was well known that there had been a build-up of weapons on South Africa's borders. "All South Africans must agree that this jump in our defensive capability can only add to a greater peace of mind and a warmer sense of security."

South Africa had embarked on the Cheetah project primarily for its own defence. "We do not seek confrontation with anyone. But in choosing to defend ourselves, we have to do it with the best means at our disposal."

The upgrading project made good business sense, as had been proved elsewhere. "A modern-day fighter aircraft costs more than R70 million. The conversion of existing aircraft therefore remains the most cost-effective approach," General Malan said.

More reports page 9

**MANY  
COLD  
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AHEAD**  
MAKE USE OF OUR  
**BARGAINS**  
IN ALL  
DEPARTMENTS  
★ LADIES' COATS



# Regulations on pupils' activities

By **RONNIE MORRIS**  
Education Reporter

**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 the Peninsula on Tuesday.

In terms of the new regulations, no registered pupil in any of six magisterial districts may be outside his classroom unless it is during a break, visiting the change room or when changing classes.

While on the school premises, pupils are also are banned from taking part in non-educational activities which are not supervised or ordered by a teacher.

## Homes' boundaries

Pupils, if they remain at home, are not allowed to be outside the boundaries of their homes unless they are en route to and from school.

Furthermore, no one except a pupil or a school employee may enter the school premises at any time.

The official syllabus must be adhered to and

no one is allowed to teach, address or speak to any pupils about any matter which does not form part the syllabus or which has no bearing on normal school activities.

Security force members may give written exemption from these orders.

Certain actions were taken by the security forces on Tuesday in terms of these regulations, but they may not be described. However, a total of 57 high school students have appeared in court on yet-unspecified charges.

The regulations were published in the Government Gazette on June 21. In terms of the regulations, the Divisional Commissioner of Police, Brigadier Christoffel Swart, made the regulations effective in six magisterial districts — Simon's Town, Wynberg, Cape Town, Goodwood, Bellville and Kuils River.

## Affected areas

The affected areas are:

**Simon's Town:** Ocean View.

**Wynberg:** Athlone, Belgravia, Bonteheuwel, Bridgetown, Duinefontein, Durrheim, Glemore, Grassy Park, Hangberg, Hanover Park, Hatten Estate, Hazendal, Heideveld, Kewtown, Lansdowne, Lavender Hill, Lotus River, Mandalay, Manenberg, Mitchells Plain, Mountview, Newfields, Parkwood Estate, Philippi, Retreat, Sherwood Park, Silvertown, Southfield, Strandfontein, Sunnyside, Surrey Estate, Swartdam, Vanguard Estate, Wynberg, Gatesville, Rylands, Khayelitsha, Crossroads, Nyanga, Guguletu, Langa and Zeekoewlei.

**Cape Town:** Kensington, Schoonekloof, Walmer Estate, Woodstock-Salt River, Schotsekloof, Zonnebloem and Garden Village.

**Goodwood:** Elsie's River, Bishop Lavis, Kalksteenvontein and Matroosfontein.

**Bellville:** Cravenby, Belhar, Bellville South, Kasselsvlei, Morningstar, Tiervlei South, Scottsville, Ravensmead, the Range-Saber, Uitsig, Modderdam, Kleinvlei and Eersterivier.

**Kuils River:** Scottsdene, Scottsdene Extension, Sarepta, Eikendal, Sarepta and Mfuleni.



23 pupils  
in court

TWENTY-THREE high school pupils, charged with contravening emergency regulations by not being on school premises during school hours, appeared in Goodwood Magistrate's Court yesterday.

Mr Mark Booysen, 19, Mr Colin Sibritz, 18, and 21 minors were not asked to plead. Nineteen of the minors were released into the custody of their parents. The charges against two others were withdrawn.

They were arrested on Monday and are pupils at Uitsig, Belhar Number 2, Symphony, Florida and Ravensmead high schools.

Mr Booysen and Mr Sibritz were warned to appear. The case was postponed to August 19.

Mr M de Klerk was the magistrate. Mr F Potgieter prosecuted. Mr M R Chetty, Mr K Amien, Mr P Sonn and Mr G Jansen appeared for the pupils.



# Extended ruling to all provinces, says PFP

RR645 17/1/86

327

## Political Staff

THE Government was urged today to make the Natal Supreme Court's ruling on emergency regulations applicable throughout South Africa.

Mrs Helen Suzman, Progressive Federal Party MP for Houghton, said: "The Government should accept the Natal ruling with whatever grace it can muster and extend the court's interpretation to the other provinces."

She said she hoped the Natal judgment would have the effect of releasing the media and the

## Extend ruling, urges PFP

(Cont. from Page 1)

Durban Central, said the Supreme Court should have wider powers to look into aspects of security-legislation.

He said: "What is significant is that even with the confined powers the Supreme Court has, it is still in a position to play a role of checking the power of the executive."

"This judgment shows that our Supreme Court should have far wider powers also to look



Professor Basson said that not even English courts, which operated within the same legal system as those in South Africa, would go to such lengths to meet the rights of the individual.

"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 which centred 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," Professor Basson said.

Commenting on the Natal ruling, Mr Peter Gastrow, national chairman of the Progressive Federal Party and MP for

(Turn to Page 3, Col 1)

public from the restrictions placed on voicing opinions which could have been considered "subversive".

She said: "Freedom of speech is surely one of the most cherished civil liberties."

The court's ruling on access by lawyers to detainees was a step towards the restoration of the rule of law.

## Uniform

Mrs Suzman said: "That must come as a relief to detainees and their relatives and I am sure full use will be made of this relaxation."

The Government will study the full Natal Supreme Court judgment before deciding whether to appeal or change the emergency regulations to make them uniform throughout the country, a spokesman for the Minister of Law and Order, Mr Louis le Grange, said.

The spokesman said he had "taken note of the mistakes pointed out and the regulations scrapped by the court".

The judgment applies only to Natal, creating different regulations in other provinces.

Experts in constitutional law said the rejection of key clauses in the state of emergency regulations was a remarkable activist judgment.

Professor Dion Basson, expert in constitutional law at the University of Pretoria, said: "It confirmed that the judiciary in South Africa is prepared to lean backwards to look after individual rights — in spite of the fact that we have no Bill of Rights."

into other aspects of our security legislation which they are, at present, prevented by law from doing."

There were many areas of the law which prevented the courts from making inquiries.

**New definition**  
The Natal hearing was possible because the court inquired into secondary legislation — regulations promulgated by the executive in terms of existing legislation — and not into an Act of Parliament.

Mr Gastrow said that a possible result of the judgment was that the Government might now amend the emergency regulations to provide a new definition of a subversive statement and to clarify the regulations about access of lawyers to detainees.

The Bureau for Information said it was "advising the media to study the judgment carefully, particularly with regard to its implications for reporting during the state of emergency".



# Sections of emergency regulations invalid, court rules

The Argus Correspondent

DURBAN. — President P W Botha acted beyond his power in denying emergency detainees access to lawyers, a Full Bench of the Supreme Court, Durban, ruled yesterday.

In a marathon two-hour sitting before a jam-packed courtroom, the judges ruled that parts of the emergency regulations forbidding "subversive statements" and legal access to detainees were invalid.

An urgent application had been made by the Metal and Allied Workers' Union (Mawu) and the wife of one of its members, Mrs Dudu Mchunu, to have the state of emergency nullified, the emergency regulations lifted, and emergency detainees freed.

Mr Justice Didcott, Mr Justice Kumbleben and Mr Justice Thirion upheld the validity of the emergency.

However, they ruled that six clauses or parts of clauses in the regulations were invalid, either for being too vague or because President Botha acted ultra vires, meaning beyond his power.

## Uncertain

Mr Justice Didcott said Regulation 1.8 (a), which forbade statements promoting "any object of any organisation which has been declared to be an unlawful organisation", was "hopelessly uncertain" and had no ascertainable meaning.

The main problem was the word "object".

"What is an object of a banned organisation? Is an object what is defined as an object in its constitution? Are statements made by its leaders objects?"

"We find ourselves quite unable to answer these questions."

ing the confidence of the public or any section of the public in the termination of the state of emergency" was too vague.

"I haven't much idea what it means."

The rest of the clause, which relates to endangering public safety, remained in force.

On Regulation 1.8 (f), which outlawed statements "encouraging or promoting disinvestment or the application of sanctions or foreign action against the Republic", the judge said he knew what disinvestment and sanctions meant.

"But I don't know what 'foreign action against the Republic' means."

Those words "must go", he said.

## Lawyer

On Regulation 3.10 (a) and (b), which forbade anyone except a Government official from having access to or information about emergency detainees without ministerial permission, the judge asked: "Is the State President really empowered to say a detainee may not see a lawyer about any matter?"

A detainee's legal representative might need to see him urgently about, for example, paying his child's school fees or any other matter unconnected with the state of emergency or the maintenance of public order.

It was ruled that President Botha had acted ultra vires.

The right to be allowed access to a lawyer had been recognised by the Appellate Division in the case of *Mandela v Minister of Prisons* 1983.

"The State President had no power to go beyond this," the judge said.

He rejected the union's argument that the emergency regulations as a whole were invalid.



On Regulation 1.8 (c), which outlawed statements inciting anyone to oppose the Government or any of its officials "in connection with any measure adopted in terms of any of these regulations or in connection with any other measure relating to the safety of the public or the maintenance of public order or in connection with the administration of justice", the judge said President Botha was not empowered to make regulations relating to the administration of justice.

### Justice

"If I say to someone 'Don't obey that subpoena', am I not inciting that person to resist the official serving it?"

It was ruled that the words "... or in the administration of justice" be deleted.

On Regulation 1.8 (d), which forbade statements "engendering or aggravating feelings of hostility in the public or any section of the public or any person or category of persons towards any section of the public or person or category of persons" the judge said the clause was "unintelligible" as it stood.

If taken literally the clause went "way beyond" President Botha's power, as it could affect a purely domestic or commercial matter.

"It is quite imperative to sever the clause," he said.

On Regulation 1.8 (e) the judge said the part of the clause that outlawed statements "weakening or undermin-

### In favour

Mr Ismail Mahomed SC, for the union, had argued that the law required a state of emergency to be declared before emergency regulations were promulgated.

Mr Justice Didcott said the Bench was prepared to assume in favour of the applicants that the emergency declaration and the promulgation of regulations occurred simultaneously.

However, the argument rested entirely upon the grammatical construction of a clause which stated that regulations could be made once an emergency "has been declared".

On the union's argument that the state of emergency was without effect from June 26 as the announcement had not been tabled in all three chambers of Parliament within 14 days, he said the crux of the matter was whether or not Parliament could be considered to be in "ordinary session" in the period of adjournment between sittings.

The Bench was willing to assume that the required procedure had not been complied with.

The judge said his view was that this procedure had been conceived of and was enforceable by "no one but members of Parliament".

President Botha and the Government, represented by Mr Jan Combrink, SC, were ordered to pay half of the costs incurred by the union and Mrs Mchunu in bringing the application.



# 12 die in unrest: Emergency's worst day

Staff Reporter

TWELVE more unrest deaths were reported by the Bureau for Information yesterday — the highest death toll in a day since the state of emergency was announced on June 12.

All but one of the deaths occurred in the troubled homeland of KwaNdebele and included the massacre of nine men in a house.

This brings the official unrest death toll to 150 in the past 35 days.

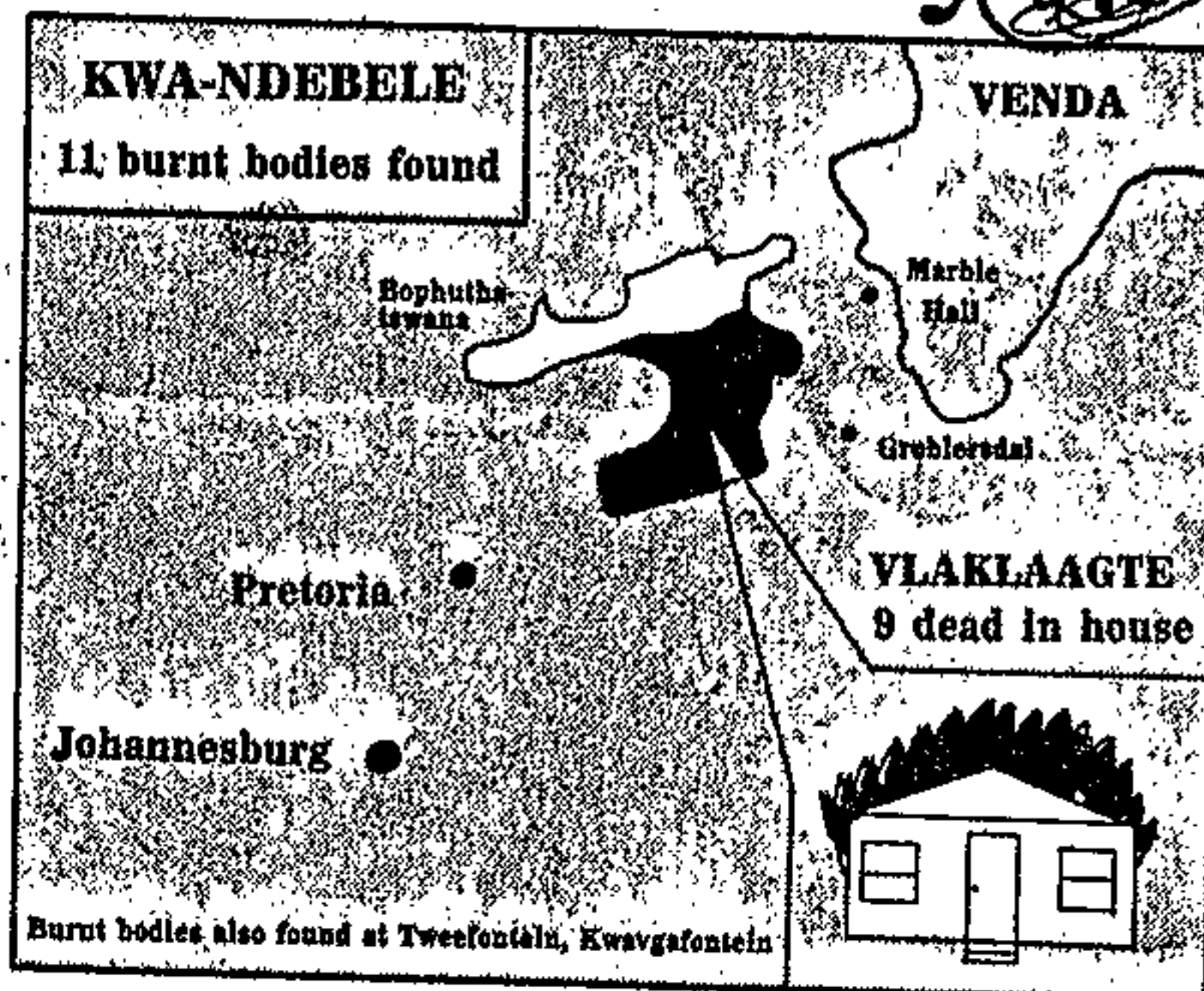
## 'Low'

In the latest unrest report on the 24-hour period until 6am yesterday, the bureau said that, although the number of unrest-related incidents "remain low", 12 people died in "black-on-black violence".

The bureau cancelled yesterday's press briefing in Pretoria.

According to the report, the burnt body of a black man was found by police at 9am at Kwaggafontein in KwaNdebele. He has not yet been identified.

At midnight the police found the bodies of nine black men in a partly burnt-down house in Vlaklaagte, KwaNdebele. It is believed that the men were shot with an AK-47 rifle. Their bodies and the house were then set alight.



Seventeen AK-47 shells were found at the scene. No further details are available at this stage and the police are investigating.

At Tweefontein in KwaNdebele, the police found the burnt body of a black man at 5pm. He was identified as Mr Janie Shabalala, 38.

In Umlazi near Durban, Mr Duminsani Ngidi, 30, of 830 AA-section was knifed to death by a group of about 10 blacks at 9.15pm. He was killed when he went outside to chase away the group after they had thrown a petrol bomb at his house.

Reacting to the latest violence in KwaNde-

bele, the Progressive Federal Party spokesman on law and order, Mrs Helen Suzman, said yesterday that there had been "nothing but bloodshed and a rising death toll" since the government had decided late last year to incorporate the Moutse district into KwaNdebele.

"The latest incidents in KwaNdebele are proof that the government's announced intention to grant independence to KwaNdebele, incorporating Moutse and its 120 000 inhabitants into it in the process, should be shelved forthwith.

"There has been nothing but agonizing resent-

ment since the government announced its intention of incorporating Moutse into KwaNdebele and to continue with its plans to grant independence to that territory."

Mrs Suzman described the "whole KwaNdebele-Moutse affair" as a "crying shame" and said it "totally negates the government's stated intention of abandoning grand apartheid".

● The 26 500ha Moutse district, about 100km north-east of Pretoria, was excised from the predominantly Pedi-speaking homeland of Lebowa in 1980 and placed under the administration of the South African Development Trust before being incorporated into KwaNdebele on January 1 this year.

● Meanwhile in Durban defiant pupils of the Lamontville High School yesterday burned their identity cards recently introduced by the Department of Education as part of tight security provisions at black schools countrywide.

Pupils were issued with identity cards on Monday. After a two-day class boycott, pupils gathered at the school premises and set the cards alight.

Police arrived but did not enter the grounds.



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# Sections of emergency law 'void'

CAPE TIMES 17/7/86

327

Own Correspondent

**DURBAN.** — The Supreme Court here has rejected an application by the Metal and Allied Workers' Union (Mawu) that the state of emergency be declared illegal.

## Media warned over ruling

Political Staff

NO government action to tighten up the definition of a subversive statement is expected after yesterday's ruling in the Supreme Court, Durban, which has left emergency regulations intact.

While the court has left only one of six "definitions" of a subversive statement unchanged, the Bureau for Information still warned the media yesterday to "carefully" study the judgment before reporting.

Mr Colin Eglin, the Leader of the Opposition, said yesterday the ruling did not appear to change the substance of the emergency regulations but that it pointed to "administrative bungling" by a government "eager to grab power".

He welcomed the court's view on the right of detainees to see their lawyers.

A measure of the government's relief at the judgment was reflected in a statement issued by the office of the Minister of Law and Order, Mr Louis le Grange.

It said: "The minister is grateful the court decided so overwhelmingly in favour of the State. That is all we have to say as we do not usually comment on court judgments."

A spokesman in the office of the State President declined any comment at all.

The court found that only one of the six definitions of a subversive statement — which forbids incitement to participate in unlawful strikes, boycotts, processions, civil disobedience or to oppose compulsory military service — was precise enough to be considered lawful.

The director of internal media at the Bureau for Information, Mr Leon Mellet, said last night that the bureau "has taken note of the judgement."

"The bureau is advising the media to study the judgment carefully particularly with regard to its implications for reporting during the state of emergency".

Mr Eglin said: "This draws attention to the awesome power the government has and the limited jurisdiction of the courts over regulations framed in terms of security legislation."

"It also points to a certain amount of administrative bungling by a government always eager to grab power."

"Nevertheless, the judgment in relation to legal access for detainees is an important relief to people who have lost their freedom."

However, a full Bench of the Court declared void, on the grounds of vagueness, all — or sections of — five of the six definitions of "subversive statements" banned under the state of emergency.

In a two-hour judgment, Mr Justice Didcott said just one of the six clauses defining a subversive statement was precise enough to be considered lawful.

That clause forbids incitement of people to participate in unlawful strikes, boycotts, processions, civil disobedience or to oppose compulsory military service.

He said two of the clauses were far too broad to be understandable.

### 'Uncertain'

One clause bars any statement that advances the object of any unlawful organization.

"I consider that paragraph (a) is hopelessly uncertain, and that no ascertainable meaning can be derived from it," Mr Justice Didcott said.

The other provision considered too broad prohibited any statement that engendered hostility between one person or group and another.

"It is unintelligible," Mr Justice Didcott said.

Emergency powers still in force are detention without charge, curfews, sealing off areas and the power to shut down publications.

On the three other clauses, Mr Justice Didcott found fault with certain phrases.

On the provision forbidding statements call-

ing for disinvestment, sanctions or foreign action against South Africa, Mr Justice Didcott 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 union had also contended that the emergency was illegal because Parliament was not informed within 14 days of the June 12 proclamation.

Mr Justice Didcott accepted the State's argument that Parliament had recessed before the 14 days were up and that the regulations could still be presented to the chambers when the session resumes on August 18.

He also ruled against a clause prohibiting statements that would tend to weaken public confidence in the government's ability to maintain the public order or end the emergency.

### Justice

Mr Justice Didcott approved the clause against inciting people to resist or oppose the government in connection with the emergency, but ordered that the section involving incitement against "the administration of justice" in the following clause be removed:

"Inciting the public or any section of the public or any person or category of persons to resist or oppose the Government or any Minister or Official of the Republic or any member of a force in connection with any measure adopted in terms of the regulations or in connection with any other measure relating to the safety of the public or the maintenance of public order or in connection with the

Well worth  
a trip to

Tambo  
SAAN to  
be charged



327 WEX 17/07/86

## Charges against good samaritans dropped

CAPE TOWN—Police yesterday confirmed that charges against four relief workers sheltering refugees in the Peninsula's white areas are to be withdrawn.

Police liaison officer Lt Attie Laubscher confirmed that charges under the repealed Black (Urban Areas) Consolidation Act against two Anglican priests, an assistant imam and a social worker were to be withdrawn.

Fr Geoff Quinlan of All Saints, Plumstead, assistant Imam Yusuf Abdullah Latief of the Al Jamia

Mosque, Claremont, and Mrs Retha Tait, co-ordinator at the Holy Cross Centre, Walmer Estate, are sheltering about 159 women and children.

On Friday they declined to pay admission of guilt fines of between R100 and R300 and were preparing to face court appearances later this month.

The fourth person charged, Fr Robin Burnett of Kalk Bay, said the 40 refugees he had sheltered had returned to Crossroads and KTC last month to 'rebuild and to be with their menfolk'. — (Sapa)

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## EMERGENCY JUDGMENT

# Legality of emergency upheld

DURBAN — A three-judge panel yesterday upheld the legality of the month-old national state of emergency, although it voided some clauses that contained vague definitions of banned subversive statements.

However, the Natal Supreme Court rejected an argument by the Metal and Allied Workers Union (Mawu) that the entire state of emergency was illegal on procedural grounds.

Mr Justice John Didcott read his opinion to a packed courtroom for two hours, leaving most aspects of the decree in force.

Emergency powers still in effect are detention without charge, curfews, sealing off areas and the shutting down of publications that violate the now-limited ban on printing "subversive statements."

The clauses the court objected to became void immediately. But both sides can appeal.

The mostly-black Metal and Allied Workers Union of 30 000 members contended that the emergency regulations were void because the State President, P W Botha, announced them simultaneously with the emergency decree, rather than proclaiming the decree first.

The government contended that the decree was issued first because it appeared first in order in the Government Gazette, even though the regulations appeared in the same issue.

### Precise

Mr Justice Didcott said that just one of the six clauses defining a

subversive statement was precise enough to be considered lawful.

That clause forbids incitement of people to participate in unlawful strikes, boycotts, processions, civil disobedience or to oppose compulsory military service.

He said two of the clauses were far too broad to be understandable.

One bars any statement that advances the object of any unlawful organisation.

"I consider that paragraph (a) is hopelessly uncertain, and that no ascertainable meaning can be derived from it."

The other provision considered too broad prohibited any statement that engenders hostility between one person or group and another. "It is unintelligible," he said.

In the three other clauses the judge found fault with certain phrases.

### Must go

On the provision forbidding statements calling for disinvestment, sanctions or foreign action against South Africa, Mr Justice Didcott 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."

He also ruled against a clause prohibiting statements that would tend to weaken public confidence in the government's ability to maintain the public order or end the emergency.

Finally, he approved the clause against inciting people to resist or oppose the government in connec-

tion with the emergency, but ordered a clause about incitement against "the administration of justice" to be removed.

Mr Justice Didcott also said a ban on detainees' access to lawyers was improper and that such access must be granted.

Independent groups have estimated that 3 000 people have been detained under the emergency. The government has given no figures, but has said more than 700 will be charged.

Mawu had also contended that the emergency was illegal because Parliament was not informed within 14 days of the June 12 proclamation.

The judge accepted the state's argument that Parliament had recessed before the 14 days were up and that the regulations could still be presented to the chambers when the session resumes on August 18.

He noted that the court had no authority to rule against Acts of Parliament but did have the power to decide whether regulations issued under those Acts were specific and reasonable.

Government has said the emergency decree and its prohibitions against "subversive" statements, outdoor gatherings, and reporting of police and army actions, has been a success, cutting down the numbers of incidents, people killed and damage done in the past four weeks.

□ The Bureau for Information in Pretoria was unable to say yesterday whether any official statement would be released in reaction to the judgment.

327



# Another illicit foreign film on SA

STRONG objections are likely to be raised by the South African authorities over the illicit filming of a British television documentary in the black townships closed to journalists since the State of Emergency.

The film, titled State of Emergency, was screened here last night in the documentary series, TV Eye.

It was filmed clandestinely, mostly in the Western Cape, and contains interviews with a number of black activists, who, fearing detention, have gone into hiding.

Two of these, described in the programme publicity material as "two of the most wanted men in South Africa", are on the executive of the

By MARGARET SMITH  
London

United Democratic Front. Interviewed at a "safe house" in a white suburb of Cape Town, they are Trevor Manuel and Christmas Tinto, secretary and vice-president of the UDF in the Western Cape.

Addressing a press conference here this week, TV reporter Julian Manyon told how he and producer, Linda McDougall, spent three weeks in South Africa carrying out their assignment.

That they were able to do so is largely due to the most modern lightweight video cameras. These

were easy to move and equally easy to conceal. Nowhere did they act as a team and passed themselves off as mere visitors.

In the programme — speaking from a secret rendezvous in Cape Town — Manuel said that from the beginning of the Emergency he had been away from his home. This had disrupted his life completely. However, he said if he had to, he would continue in this way for a further 10 years.

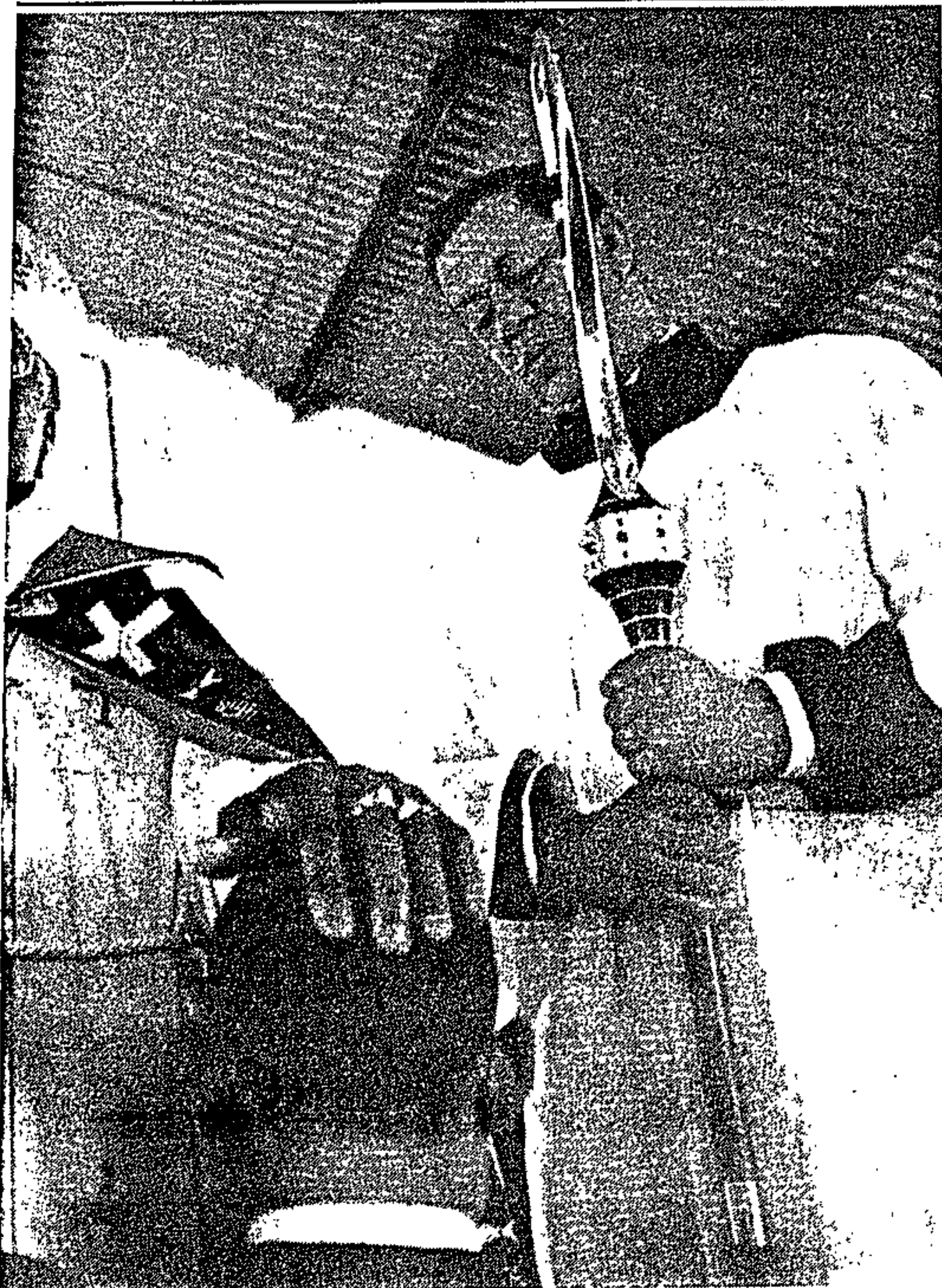
The programme shows the plight of refugees from Crossroads, contains interviews with young "comrades", covers alleged activities of the police in the townships.



# Breakthrough as lawyers see detainees

WEEKLY M.  
18/7/86

327



shop Desmond Tutu presides at a confirmation ceremony near  
conciliation and urged the congregation to love their enemies  
Picture: STEVE HILTON-BARBER, Afrapix

## land's civil servants strike

Government's entire  
been on strike  
week. The strike is  
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al authority, was

By PAT SIDLEY

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

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

**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

WOMEN HAVE BEEN REPORTEDLY KILLED BY THE EMERGENCY REGULATIONS



# Legal breakthrough for detainees

WEEKLY MAIL

324

18/3/86

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 Zwellakhe 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.

## From PAGE 1

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."



CAPE TIMES  
18/7/86

327

# Where does Mandela stand?

Staff Reporter

ANC leader Mr Nelson Mandela is probably a "nationalist", not a "communist", and under certain conditions, the Minister of Law and Order, Mr Louis le Grange, would be prepared to talk to him.

This has emerged from an interview with Mr Le Grange by the editor and publisher of Leadership, Mr Hugh Murray, in its latest edition.

Referring to Mr Mandela, the minister says that "from what I have learnt lately of him, I am not sure that he is any longer communist controlled."

"If I am right in accepting that he would rather classify himself as a nationalist in the ANC, then I would expect Mr Mandela to make himself clear on this particular issue."

"It would be of great importance for people surrounding the ANC to get clarity on this particular issue. If one talks about two different factions within the ANC, where does Mr Mandela fit in?"

"He is regarded as the leader of the ANC, Mr Oliver Tambo is presently the official leader, but I would like to know where Mr Mandela stands on this particular issue."

Mr Murray asked Mr Le Grange: "Are you saying that although he is in jail, he still has a leadership network that operates?"

Mr Le Grange: "Oh yes, he is very well informed."

Mr Murray: "Can he re-



Mr Le Grange

lay messages in any way?"

Mr Le Grange: "That I don't say. I don't say he relays messages, but the fact is he knows very well what the present ANC policy is in regard to the violent onslaught against South Africa."

"All of us in South Africa would like to know where Mr Mandela stands in respect of nationalism in South Africa. If anybody suggests that there are two groupings in the ANC — a communist group and a nationalist group — then I personally would like to know the answers to these questions."

Mr Le Grange later says: "I personally accept that he (Mr Mandela) is the leader of the ANC, and that if he wants to give a lead, if he wants to give a strong lead to the ANC, he can do so."

He also says that "you can't say that because a

man today is your most bitter enemy, you will not be prepared to talk to him tomorrow to try and find a solution for your country."

He would be prepared to be "part of a team talking to Mr Mandela" if the ANC leader would renounce violence, he said, and it was up to the ANC to make it "possible for the government to unban it".

Responding to the suggestion that the government could "not afford" to ban the United Democratic Front, Mr Le Grange says:

"Don't be so sure of that. I don't suggest that the UDF is presently under consideration to be banned, but the fact of the matter is that the government is quite adamant that it will apply the law of the country if necessary."

"So let's just get that very clear. It is not a question that the government is backing down in respect of this responsibility. There mustn't be any doubt about that."

Turning to the ultra-rightwing Afrikaner Weerstandbeweging and its leader, Mr Eugene Terre'Blanche, Mr Le Grange says: "I don't

think he is that important, I don't think he has influence either ... but that does not mean we are not taking a serious interest in what he says, or in his and his organization's operations."

"The activities of the AWB are being constantly monitored, and if action must be taken against them, action will be taken," he says.



# Cabinet costing a small fortune in

Car Trials 18/7/86

327

320

By SHAUNA WESTCOTT  
Supreme Court Reporter

THE Cabinet, with the Minister of Law and Order in a starring role, is costing the public a small fortune in legal bills.

It is impossible to give exact figures, partly because members of the legal profession are reluctant to provide details and because press reports of court actions are often incomplete.

But, given an idea of fees charged by advocates and attorneys, and the number of civil suits citing ministers or their underlings, it is possible to arrive at an inkling of the bill facing taxpayers.

So far in 1986, members of the Cabinet have been cited in at least 20 civil actions where courts have ruled against the government or may yet do so. On Wednesday, although the Purban Supreme Court rejected a trade union's application for an order declaring the state of emergency invalid, the government was ordered to pay half the union's costs.

To be able to do some sums the following facts are relevant:

● In complicated cases, where a senior and junior counsel are briefed, their fees may be as high as R10 000 for the first day in court, because preparation is involved, and R5 000 for each subsequent day.

● When only one advocate is briefed, the fee will drop by about 50 percent, depending on the seniority of the advocate and the complexity of the case.

● The preparation of documents in complicated cases — drawing up affidavits, for instance — may cost as much as R20 000. The cost is higher if the job is done by advocates.

● Over and above this are fees charged by instructing attorneys calculated on an hourly basis at a maximum of R72.60 an hour. However, this maximum applies only to the amount recoverable from the losing side. An attorney may also charge an "attorney and client fee" in addition.

● The State Attorney instructs counsel in actionaries, draws up bills of attorneys although staff attorneys although staff

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Civil suits the government change for \$10 — as in the Mawu applic (5 000) and taxpayer over R275 000 in seek annex for costs in pending cases under a

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*Cm Times 18/7/86*

# Govt to study Mawu decision

327

PRETORIA. — Although Wednesday's Natal Supreme Court 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 a transcript of the orally-delivered judgment and decide how it would react, "if at all".

Even though one of the judges had described parts of the definitions of subversive statements, which could not be published, as "nonsense", as before, the bureau would not now start interpreting them for the media.

"The government has taken note of initial reports concerning the judgment in the Durban Supreme Court in the case of the Metal and Allied Workers' Union and Mrs Dudu Mchumu v the State President," Mr Steward said.

"Much of the speculation and comment in the media would appear to precipitate the judgment. As we understand it the following points do, however, appear to have emerged.

## Rejected

"Firstly, the application of the Mawu 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 addition, it would appear that the judges rejected certain parts of the definition of a 'subversive statement'.

"An initial analysis of the judges' decision in this regard would indicate that the main elements of the definition have, in fact, been left intact.

"Some of the media would appear to have created an incorrect impression of the judgment in this regard, to the extent that their readers may have been misled into believing that the definition of a subversive statement has been rejected virtually in its totality. They owe it to their readers and viewers to put the record straight.

"The bureau would accordingly advise the media to study the written judgment when it is available, particularly with regard to their reporting on matters relating to the state of emergency." — Sapa



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



## Despite ruling on state of emergency

# GOVT STILL HAS LOTS OF POWER

THE Government still retains enormous powers in the current state of emergency despite significant amendments made by a Natal court on Wednesday.

Despite the ruling which gives lawyers access to detainees and narrows the wide-sweeping definition of a subversive act, the Government, at this stage, is not intending to bring further regulations to overrule the court.

The powers to prevent the large scale detentions and reporting on police action in the emergency and incidents of unrest, were never individually considered by the court and remain firmly in force.

But in terms of the ruling people will be able to criticise the Government more freely and the Press will be able to report the criticism.

The court ruling has been welcomed by the Progressive Federal

### SOWETAN Correspondent

Party law and order spokesman, Mrs Helen Suzman, as yet "another pointer to the incompetence of the Government and a considerable triumph for the rule of law".

Legal opinion was that criticism of the state of emergency, which appeared to have been ruled out by the wide definition of a subversive statement, was now clearly legal.

Claims by Minister of Law and Order, Mr Louis le Grange, that the court had ruled "overwhelmingly in favour of the State" were rejected by legal spokesmen yesterday.

### Content

The court had not been asked to rule on the content of the regulations but on the procedure in implementing the regulations.

The court had not been asked to endorse the regulations and had not done so.

Legal men, who could not be named for professional reasons, were of the opinion that the case had been built up beyond the questions that had been before the court.

The Government was misinterpreting the position to incorrectly claim a victory.

Mr Dave Steward, director of the Bureau for Information, yesterday said: "I am not aware of any move by the Government at this stage to bring out any further regulations or amendments in connection

with the state of emergency".

Government spokesmen were claiming yesterday that the emergency powers had not been limited in any real way.

"Only the definition and not regulations have been altered".

Dealing with the five of the six clauses in the definition of a "subversive act" which were either materially altered or scrapped by the full bench of the court they claimed:

- The first section of the definition thrown out by the court which dealt with the promotion of an unlawful organisation was covered by the Internal Security Act.

This was accepted by legal sources but they pointed out that the law was more narrowly and clearly defined;

- Section B of the definition which prevented incitement to strike, support a boycott, take part in an unlawful demonstration, take part in an act of civil disobedience or undermine compulsory military service remained;

### Clearer

- Section C they agreed had been more clearly defined as to what incitement against the state of emergency and criticism of the Government entailed. They claimed they were in favour of this significant,

clearer definition;

- The scrapping of Part D which prevents anyone "engendering or aggravating feelings of hostility" drew no specific comment from Government sources but was covered by the general statement that greater definition was now available;

- Amendments to Part E scrapping a clause that appeared to prevent criticism of the state of emergency they claimed was not necessary; and

- The amendment of Part F removing the encouragement of "foreign action" they claimed made no material difference to the prohibition on encouraging sanctions.



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13

# Emergency orders on township life pile up

Pretoria Bureau

After five weeks of the state of emergency, hundreds of orders restricting township life have been signed by the State President, the commissioner of police and various divisional police commissioners.

There have been almost 20 extraordinary Government Gazettes detailing banning orders which cover the whole spectrum from funerals to curfews.

First to appear, on June 12, were the basic emergency regulations which set the seal on strict new governmental control of the country.

They gave wide powers to the security forces to detain people and search their homes without warrants and to seize any possible evidence of an alleged offence.

Another set of regulations, this time to govern emergency detainees, soon followed. Among them was a ban on singing or whistling in prison.

These regulations were extended to apply to the homelands.

During this time the controversial amendments to the Public Safety and Internal Security acts were promulgated. These gave the authorities the right to detain a person for 180 days without trial and without ministerial review.

Over the next few weeks there was a rapid volley of new orders which effectively:

- Restricted funerals in the Western, Eastern and Northern Cape, Boland, Witwatersrand, East and West Rand and the Northern and Western Transvaal.
- Imposed 9pm to 4am curfews in townships in the Eastern Cape, Northern Orange Free State, and Western Transvaal.
- Prevented Crossroads and Nyanga residents from returning to rebuild their homes.
- Added to pre-emergency restrictions on June 16 gatherings a ban on indoor gatherings in the Northern Orange Free State, East Rand, Eastern Province and South Western Districts.
- Banned office bearers of about 120 organisations in the Western Cape from being quoted, holding meetings or distributing publications.

A controversial ban on indoor gatherings held by major organisations, including trade unions and student bodies in Johannesburg and Roodepoort, was soon changed to affect only Soweto, Diepkloof, Meadowlands and Dobsonville.

Since black schools reopened for on July 14, pupils have been required to re-register. Many schools are heavily patrolled and pupils are being strictly regimented into standards chosen for them by the teaching authorities.



18/7/86 F.N. MAIL

## THE PRESIDENT AND THE FCI

327

Despite attempts at government-business *toenadering* at the Carlton and Good Hope conferences a few years ago, their views and interests in the political sphere have understandably often diverged.

A most graphic illustration of this comes in a remarkable letter (a copy of which was sent anonymously to the *FM*) from the State President to the Federated Chamber of Industries (FCI) last month.

In it, President P W Botha gives the chamber a strong dressing-down as a result of an FCI press statement on June 12. The FCI had said, among other things, that it "strongly disapproves of the declaration of the State of Emergency and the further detention of trade union and community leaders." It "dissociate(d) itself from the strategy of political repression and economic isolationism to which the SA government is apparently committed."

Botha fired off a reply from Tuynhuis to FCI president John Wilson the next day. It reads:

"There is no reason for the government to recommit itself and the country to the politics of conciliation and negotiations as you have requested.

"If you have taken the trouble of studying my address in Parliament and message to the South African nation yesterday (the day the emergency came into effect), you would have known that I have reiterated the government's commitment

to reform.

"Kindly do not trouble me with your points of view if you are not prepared to take the trouble of familiarising yourself with mine.

"Your assessment of the government's position is quite ridiculous.

"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 its citizens — including members of the FCI.

"I enclose a copy of my address to the nation of 12 June. You will be well advised to recommend to your members to heed the words that I have spoken with particularly the business community in mind." (Signed P W Botha, State President.)

Wilson (who asked the *FM* not to publish this private correspondence) replied in somewhat more statesmanlike tones,

pointing out that FCI decisions "are not lightly taken and that any press statements that we make are considered against the background of what is best for the socio-economic and political future of SA."

He also noted the FCI's concerted attempts at countering the disinvestment campaign and general vilification of SA. Wilson also said in his reply that FCI members fully recognised the President's duty to safeguard the State and its people, and appreciated the magnitude of this task. "We merely differ as to the methods employed.

"As you know," Wilson's letter continues, "the FCI believes that a negotiated solution for our country's problems is vital if a viable economy is to be sustained. In fact, I would suggest this is more than an FCI view. It is an aim towards which every individual in the private sector who recognises a duty towards his country strives.

"It is our very real fear that the polarisation which must follow the declaration of the State of Emergency and the detention of black leaders will significantly retard, if not kill, the negotiating process." The letter ends by commending Botha's leadership in the reform process and his commitment to universally accepted democratic principles, and says the FCI would be pleased to meet the president if he wished.



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."

327 569  
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-



## 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.



# JOHANNESBURG

The Metal and Allied Workers' Union (Mawu) has welcomed the decision of the Natal Supreme Court to strike out most of the definitions of "subversive statement" in the emergency regulations.

A press statement released by Mawu said it particularly welcomed the decision of the court that lawyers should not be barred from visiting their clients in detention.

"We greatly regret that the court was unable to find that the state of emergency was in itself unlawful, and was unable to order the release of Mawu's members and officials named in the papers before the court."

The statement said

## Mawu welcomes court decision

that, despite further detentions of Mawu members that had occurred, Mawu remained unintimidated. It regarded the detentions as an attack on the freedom of association and the right of workers to further their interests at work and in the community.

The statement was critical of what it called "the commercial media, both South African and foreign".

It complained about an editorial in a Johan-

nesburg newspaper which said the Natal court had vindicated entirely a spokesman for the press who argued in vain with the Deputy Minister of Information, Mr Louis Nel, that the regulations were so sloppily drafted as to be impossible to obey.

The newspaper and most of the rest of the media had not themselves challenged the regulations in any effective way, said Mawu.

A Natal newspaper, Mawu claimed, and most businessmen had in fact welcomed the state of emergency.

The statement said the press should realise that it was seen now as being part of the problem, not part of the solution. — Sapa



# Le Grange and SABC 'partners in conspiracy'

By BRUCE CAMERON, Political Staff  
THE Minister of Law and Order, Mr Louis le Grange, the Bureau for Information and the SABC were accused today of being partners in a conspiracy of misinformation.

The accusation was made by Mrs Helen Suzman, the Progressive Federal Party's spokesman on law and order, following Government reaction to the ruling of a full bench of the Natal division of the Supreme Court on an application to have the state of emergency declared invalid.

Mrs Suzman warned that South Africa was "sliding more and more into the type of control one finds in Eastern bloc countries with restraints on the public's right to know and on free speech".

She rejected as "nonsensical" claims by Mr le Grange that the court decision on the emergency was an endorsement of the emergency.

"To claim the decision as a victory for the authorities is laughable," she said.

The manner in which Mr le Grange had claimed victory and the reaction of the Bureau for Information combined with the coverage of the case by the SABC fell distinctly into the category of misinformation.

"It is a conspiracy of misinformation," Mrs Suzman said.

Mrs Suzman questioned how Mr le Grange could claim victory and how the bureau could dismiss the court decision so lightly when five out of six definitions of the phrase "subversive statement" were amended or declared void by the court.

● The Argus Correspondent in Pretoria reports that the bureau has issued a strong warning to newspapers which had published "untrue or misleading statements".

At yesterday's Press briefing here, spokesmen warned that speculation on the effect of the Natal Supreme Court judgment altering the definition of subversive statements was hasty and some reports in the media had been "misleading".

The Press were also warned to check facts before publishing.

The Deputy Director of Foreign Media Liason, Miss Ronelle Henning, said reports concerning deaths in Soweto on Wednesday had been published yesterday.

## MISLED THE PUBLIC

"It was clear no attempts were made to establish the accuracy of the allegations. As you are aware, the bureau reports fully on deaths country-wide and offers a 24-hour service," Miss Henning said.

No deaths were reported in Soweto on Wednesday, she added.

Miss Henning attacked the reports as a "serious breach of professional journalism".

Bureau chief Mr David Steward said some reports on the Natal case had created the wrong impression and had misled the public into thinking the definition of subversive statements had been rejected by the judges in its totality.

"I suggest the media concerned owe it to their readers and viewers to put the record straight.

"The bureau advises the media to study the written judgment when it is available — particularly as regards their reporting on the state of emergency," said Mr Steward.

He said the bureau would not give advice to the Press on how to interpret the regulations.

Asked if the judgment had changed the way in which the media could now report on the emergency, Mr Steward said the bureau did not give advice on what may or may not be published.

(Report by B Cameron, 122 St George's Street, Cape Town).

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# Prof: Natal press now most free

327

18/7/86  
DD

(Signature)

**Dispatch Correspondent**  
CAPE TOWN — According to Professor Dennis Davis, associate professor of law at the University Cape Town, the Durban judgment declaring void sections of the emergency regulations only apply 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.

While Prof Davis had no doubt that the defi-

nitions of "subversive statement" were too vague to be valid in law, the Cape Supreme Court was not bound by the Natal judgment and if it found otherwise, a person could still be convicted there for making a subversive statement.

He said that, had the court declared the emergency declaration invalid, the government would probably have declared another state of emergency.

It was now up to the Appeal Court or the government to give clarity on the matter throughout the country.

"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 as is done in most civilised countries in times of emergency rule.

"Alternatively, the government should re-draft the regulations so as to make them clear because the judge has said they cannot be understood. If the government wants to curtail the press, it must make very clear what it is the press cannot publish."

Prof Davis said the clearer the regulations, the less the possibility of control.

"The control that exists at the moment in regard to subversive statements really rests on self-censorship as a re-

sult 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."

The judgment showed that the courts could not be expected to give wholesale relief during a state of emergency, Prof Davis said. What they could do, as in Natal, was to tell the government that it had to regulate its actions in terms of clearly understandable rules.

● The Daily Dispatch Durban correspondent reports that 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 the 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 centre had made applications to visit two detainees yesterday and the permission had been granted within hours.

"It appears, according to the judgment, 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," Mr Lyster said.

In Johannesburg, Mrs Priscilla Jana, a civil rights lawyer, said she would also make application to visit 300 of the detainees.



## Bureau chief reacts to judgment

327

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PRETORIA — The head of the Bureau for Information, Mr Dave Steward, yesterday reacted to judgment in the Supreme Court case in which the Metal and Allied Workers' Union (Mawu), among other things, challenged the validity of the state of emergency.

"The government has taken note of initial re-

ports concerning the judgment in the Durban Supreme Court in the case of Mawu and Mrs Dudu Mchumu versus the State President.

"As we understand the situation, the judgment was delivered orally and is now in the process of being transcribed. As soon as the government receives the transcription, it will

study it and decide how it should react, if at all.

"In the meantime much of the speculation and comment in the media would appear to precipitate the judgment. As we understand it the following points do, however, appear to have emerged from initial reports concerning the judgment.

"Firstly, the application of Mawu 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 the state of emergency. In addition, it would appear that the judges rejected certain parts of the definition of a subversive statement.

"An initial analysis of the judges' decision in this regard would indicate that the main elements of the definition have been left intact.

"Some of the media would appear to have created an incorrect impression of the judgment in this regard, to the extent that their readers may have been

misted into believing that the definition of a subversive statement has been rejected virtually in its totality.

"The bureau would accordingly advise the media to study the written judgment, particularly with regard to their reporting on matters relating to the state of emergency." — Sapa



# Charges against newsman dropped

4 June 1977/86 327

**Staff Reporter**  
CHARGES against ITN cameraman Keith Shaw, alleged to have assaulted a policeman outside Parliament on June 12, have been dropped.

The State alleged Mr Shaw obstructed Detective-Constable Francois Jordaan by grabbing and pushing him. It was also alleged that he stepped between Constable Jordaan and a suspect, preventing an arrest.

All the charges were withdrawn in Cape Town Magistrate's Court after a decision by the State Prosecutor.

(The figure in brackets shows the average for the month)

Maximum temperature.....	15,8 (17,3) deg C
Minimum temperature.....	10,7 (6,8) deg C
Mean temperature.....	13,3 (11,8) deg C
Maximum humidity.....	96 (98) %
Minimum humidity.....	73 (55) %
Mean humidity.....	85 (81) %
Mean atmospheric pressure.....	1018,0 mb (1021,2)
Rainfall 8am - 8am.....	16,5mm
Progressive rainfall for the month.....	78,3 mm (88,5mm)
Sunshine.....	0,1 hours (6,3)
Prevailing wind direction.....	NW (NNW)
Maximum hourly velocity.....	NW 12,7 (N 20,0m a second)
Maximum gust.....	NW 22,6 (NNW 34,0m a second)

## 8am TEMPERATURES

Johannesburg.....	4 deg C
Kimberley.....	0 deg C
Durban.....	15 deg C
East London.....	12 deg C
Port Elizabeth.....	11 deg C
George.....	15 deg C
Upington.....	3 deg C
Bloemfontein.....	3 deg C
Windhoek.....	7 deg C
Pretoria.....	6 deg C
Cape Town (yesterday 2pm).....	14,0 deg C
Cape Town (today 9am).....	13,8 deg C

For the latest weather information ☎ 46 1261.



Unlawful to detain him under emergency — wife claims

# SET DOCTOR FREE COURT RULES

18/07/86 Sowetan 327

A PRETORIA Supreme Court judge on Wednesday night ruled that the detention of Mamelodi medical practitioner, Dr David Motsiri Itsweng, held under emergency regulations, was unlawful.

Mr Acting Justice Roux ordered the respondent, Mr Louis le Grange, Minister of Law and Order and the officer commanding at the Moot police station, to immediately release Dr Itsweng (40) following a successful urgent application brought by his wife on Wednesday. Both respon-

## SOWETAN Reporter

dents challenged the application.

Mrs Pamela Sibongile Itsweng, a teacher at Lehlabile High School in Mamelodi, submitted in affidavits that her husband was initially held under the Internal Security Act and that it was now unlawful to detain him under the emergency regulations.

"I have never seen or been told of any notice from the first respondent authorising the extension of the detention of David beyond the original 14-day period," Mrs Itsweng said.

She also submitted that her husband, who is also director of Sundowns Football Club, "is

presently subject to incarceration and deprivation of his liberty and can never be afforded redress at a later stage for the grave and continuing damage he is obviously suffering".

The court heard that the couple were awakened by a loud knock on the door at about 2am on June 12. Mrs Itsweng said she opened the door while her husband stood near by.

She added: "a plain clothes policeman informed me that he was Captain Brand of the security branch. At this stage, David was already next to me at the door.

"Brand informed us that he had come to arrest David under Section 50 of the Internal Security

(To Page 2)

## 'Doctor must be freed'

← From Page 1

Act. I inquired why he was arresting David, to which he replied simply that it was for public violence. I asked what use the circumstances relating to the public violence were to which the policeman simply said 'your husband knows all about this'."

Mrs Itsweng submitted that although her husband opposed the policy of apartheid "as enacted and carried out in South Africa," he was not affiliated to any political organisations.

Mr Acting Justice Roux declared that the detention of Dr Itsweng was unlawful and ordered that he be released forthwith. The judge also ordered Mr le Grange to pay the costs.

Mr M C Goldblood SC, assisted by Mr John Suttner appeared for Mrs Itsweng.



# Detained mum gets jail visits from baby

329 Sowetan 18/07/86

A three-month-old baby is being taken to a prison every evening by a child-minder for a visit to his mother who is detained under emergency regulations.

The baby and his mother, a social worker, the area in which they live, and the prison where she is being detained, may not be identified in terms of emergency regulations.

The elderly child-minder said on Wednesday that she had been taking the infant to the jail every evening since the mother was held on Monday.

The baby's mother, according to her colleagues, was detained at work.

The child-minder said the baby was weaned from the breast because of his mother's detention, and is now bottle-fed.

The minder said she has been looking after the baby since it was three months old.

She said the mother misses her baby and had expressed concern about his health.

"I hope she is released soon, for her

sake and her child's emotional growth. The baby will soon pine for its mother," the woman said.

• A six-month-old baby, Thabang Tlhatlha, of Tembisa, was re-united with his mother, Mrs Victoria Tlhatlha, on Monday after she had been detained for two weeks.

## Mawu hails ruling

THE Metal and Allied Workers' Union yesterday welcomed the judgment given in the Durban Supreme Court in its application against the state of emergency, and launched an attack on both local and foreign media, 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

Send these



# No court relief for hard-hit ECC

By JO-ANN BEKKER

THE Durban Supreme Court ruling this week declaring most definitions of "subversive statements" in the Emergency regulations void for reasons of vagueness brought no relief to the End Conscription Committee (ECC).

Justice John Didcott found the clause declaring it illegal to "incite the public or any person ... to discredit or undermine the system of compulsory military service" precise enough to be considered lawful.

The ECC, which has nine branches throughout the country, has been severely disrupted since the nationwide State of Emergency was declared more than a month ago:

- At least 32 ECC activists and members have been detained under the Emergency regulations. Eighteen are still in jail.
- The government has announced that Dominique Souchoy, an active ECC member in Port Elizabeth who has been in detention for more than a month, will be deported to Mauritius.
- In the Western Cape, ECC is one of more than 100 organisations which may not hold meetings, produce or distribute publications, or be quoted.
- About 25 executive committee members, including Shandler, have

the ECC remains susceptible to detention and harassment.

New members as well as office bearers have often been targets. In Port Elizabeth, for example, ECC members imprisoned for two weeks included a former riot-policeman, a Department of Health employee, a bus-driver and a botanist. In Cape Town, a matric pupil at Westerford High School, in Rondebosch, has been detained since June 19.

Members have also been subject to anonymous attacks. Last week a petrol bomb was thrown at the Berea home of three Johannesburg ECC activists. Others have had their car tyres slashed

At present only religious pacifists are entitled to do alternative national service.

In spite of the legal scope for

RESTRICTED

Reports on these pages have been censored to comply with Emergency regulations



# Management views on emergency

By Mike Siluma

18/7/86  
327 JMK

Five weeks into the state of emergency, most employers do not regard the emergency as detrimental to industrial relations — in fact some actually support it.

This is the preliminary finding of a survey carried out in the PWV and Western Cape regions by the Labour Monitoring Group (LMG) on management attitudes towards the emergency.

In a report released in Johannesburg yesterday, the LMG said, however, that a significant num-

ber of employers saw the emergency as harmful to worker-management relations.

The survey also investigated the effect of the emergency on trade unions, and union response.

It puts the number of detained elected leaders and officials at 269 — up by 24 since the last count. This, says the LMG, could be attributed to the fact that information about detainees in outlying areas had only reached the group in the past week.

Vital wage talks affecting at least nine firms in the retail in-

dustry have had to be postponed because of lack of manpower in the Commercial, Catering and Allied Workers' Union, says the LMG.

On employer responses to the emergency, the LMG points out that some employers who had previously talked to the group had declined to do so this time.

This, the LMG says, may reflect a climate of fear associated with the emergency or a general hostility to the Congress of South African Trades Union "day of action".



Cape Times 19/7/86

# Clarify or scrap rules — Eglin

Political Correspondent

THE government's emergency regulations were "a complete shambles" and should be repealed, the PFP leader, Mr Colin Eglin, said last night.

Mr Eglin was reacting to the decision by a full Bench of the Natal Supreme Court to invalidate, in whole or in part, five of the six definitions of "subversive" statements banned under the state of emergency.

The Bureau of Information has declined to interpret the ruling.

Mr Eglin said: "The situation is chaotic. Nobody knows just what their legal rights are and this puts a people at the mercy of the executive and the police."

"Under present circumstances the government seems unable to draft clear regulations and appears unwilling to clarify them. The sooner the regulations and the emergency itself are scrapped the better."

Mr Eglin said he was not in favour of the government merely clarifying the regulations "so that newspapers are able to prac-



Mr Colin Eglin

tise self-censorship more efficiently."

Meanwhile, the PFP's law and order spokesman, Mrs Helen Suzman, has charged that the Minister of Law and Order, Mr Louis le Grange, the SABC and the Bureau of Information were "partners in a conspiracy of misinformation".

Mrs Suzman described as "laughable" claims by Mr Le Grange that the Natal ruling was a victory for the authorities.

The light dismissal of the court decision by the bureau and its coverage by the SABC represented a clear-cut case of misinformation, she said.



## Argus to challenge emergency laws

JOHANNESBURG—The Argus Printing and Publishing Company had 'always intended' to challenge aspects of the emergency regulations affecting newspapers and the company expected to bring its application before the courts next month.

This was said in a statement yesterday by Mr Peter McLean, managing director of Argus's newspaper division.

He was reacting to charges, made by the Argus editorial chapel of the Southern African Society of Journalists and the Metal and Allied Workers' Union, that newspaper managements appeared to have abdicated defence of the freedom of the Press because it was left to a trade union to challenge the definitions of subversive statements in the emergency regulations.

The statement said:

'We wish to make it clear that it has always been our intention to challenge those aspects of the emergency regulations which affect newspapers.

'We and our lawyers have been examining our position and determining the approach we will follow. We have consulted senior counsel, both in Johannesburg and in London.

'We have not brought an application to the court thus far, having noted Mawu's application. We believed it would be imprudent and improper to act before the judgment in this matter was known.

'Now that it is known, and now that further light has been shed on the view the Court takes of the regulations, we anticipate bringing our application before the court during August.' — (Sapa)

WORSHIP IN THE CHURCH OF YOUR CHOICE



Cape Times 19/7/66 322

## Court finds emergency valid

BLOEMFONTEIN. — 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

The court dismissed, with costs, an application for the release of Mr



# Argus intends to fight laws

THE Argus Printing and Publishing company said yesterday it had "always intended" challenging sections of the emergency laws related to the press and the company would probably bring an application before court in August.

The company was responding to attacks on newspaper managements by the Argus editorial chapel of the Southern African Society of Journalists, and a later statement by the Metal and Allied Workers' Union.

In the two statements, newspaper managements were accused of having abdicated the defence of press freedom to a trade union, Mawu, who challenged in the Natal Supreme Court the definition of "subversive statements" as contained in the emergency regulations.

The Argus statement responding to the attacks was issued by Mr Peter McLean, managing director of Argus newspaper division, and said:

"We wish to make it clear that it has always been our intention to challenge those aspects of the emergency regulations which affect newspapers."

"We and our lawyers have been examining our position and determining the approach we will follow. We have consulted senior counsel, both in Johannesburg and in London."

"We have not brought an application to the court thus far, having noted Mawu's application. We believed it would be imprudent and improper to act before the judgment in this matter was known."

"Now that it is known, and now that further light has been shed on the view the court takes of the regulations, we anticipate bringing our application before the court during August."



# Argus planning court action on emergency

DD 19/7/86

327

JOHANNESBURG — The Argus Printing and Publishing Company says it "always intended" to challenge aspects of the state of emergency affecting newspapers and anticipated bringing an application before the courts in August.

The company was reacting to attacks by the Argus chapel of the Southern African Society of Journalists (SASJ) and the Metal and Allied Workers' Union (Mawu) that newspaper managements appeared to have abdicated the defence of press freedom.

It was left to a trade union to challenge the definitions of subversive statements in the emergency regulations, the unions claimed.

The managing director of Argus's newspaper division, Mr Peter McLean, said in a state-

ment yesterday: "We wish to make it clear that it has always been our intention to challenge those aspects of the emergency regulations which affect newspapers.

"We and our lawyers have been examining our position and determining the approach we will follow. We have consulted senior counsel, both in Johannesburg and in London.

"We have not brought an application to the court thus far, having noted Mawu's application. We believed it would be imprudent and improper to act before the judgment in this matter was known.

"Now that it is known, and now that further light has been shed on the view the court takes of the regulations, we anticipate bringing our application before the court during August." — Sapa



# UK labour leaders in SA to study problems

LONDON — Two leaders of Britain's labour federation flew to Johannesburg last night to assess the problems facing South Africa's unions during the state of emergency.

The general secretary of the powerful Trades Union Congress (TUC), Mr Norman Willis, said he and the head of the TUC's International Committee, Mr Ron Todd, particularly wanted first-hand information on the plight of detained union members.

"A great many trade unionists have been arrested along with many brave church people and community workers and we want to identify with them," Mr Willis said.

Mr Todd said they wanted to look into the effects of the detentions on the South African labour movement. "We also want to hear how they think we can help them (detained unionists)," he said.

Mr Willis said he hoped the visit would affirm solidarity between

South African and British trade unions.

● The head of the 83 000 000-strong International Confederation of Free Trade Unions (ICFTU), Mr John Vanderveken, also arrived in South Africa yesterday.

Mr Vanderveken is part of a top-level ICFTU delegation which

is on a five-day visit meant "to show solidarity" with workers.

The visitors were met at Jan Smuts Airport by union leaders from the Council of Unions of SA (Cusa), the Congress of SA Trade Unions (Cosatu) and the Azanian Confederation of Trade Unions (Azactu). —Sapa-AP



# Court challenges likely after Natal ruling on emergency

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representatives and legal teams elsewhere in the country had applied to police headquarters for access.

Mr Justice Didcott, sitting with Mr Justice Kumleben and Mr Justice Thirion, rejected Mawu's contention that the

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 their

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 Kumleben 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.



# Eglin: emergency chaotic

**Dispatch Correspondent**  
CAPE TOWN — The government's emergency regulations were "a complete shambles" and should be repealed, the leader of the Progressive Federal Party (PFP), Mr Colin Eglin, said last night.

He was reacting to the decision by a Full Bench of the Natal Supreme Court to invalidate, in whole or in part, five of the six definitions of "subversive statements" banned under the state of emergency.

The Bureau of Information has refused to interpret how the latest ruling has changed newspapers' ability to report under the emergency but legal experts have pointed out that the judgment will only have force of law in Natal, although it will be persuasive beyond that province.

Mr Eglin said: "The situation is chaotic. Nobody knows just what their legal rights are and this puts a people at the mercy of the executive and the police."

"Under present circumstances the government seems unable to draft clear regulations and appears unwilling to clarify them. The sooner the regulations and the emergency itself are scrapped, the better."

Mr Eglin said he was not in favour of the government merely clarifying the regulations "so that newspapers are able to practice self-censorship more efficiently".

The PFP's Mrs Helen Suzman said it was "laughable" the government considered the court ruling to be a victory.

## Regulations valid — court

**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 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.

Mr Justice Steyn found that the court was not ousted by the new section 5B of the Public Safety Act, as amended by Act 67 of 1986, from entertaining the question whether the failure to "table" the regulations in Parliament within 14 days, as required by section 5 of the Public Safety Act (either in its original or amended form) read with section 17 of the Interpretation Act, had caused their validity to lapse.

What the court was prevented from doing was to stay or set aside the regulations or to inquire into or give judgment on their validity but that was not what the court had been asked to do in this case.

The applicants — Mr Adam Hercules Bloem and Mrs Johanna Januarie, the parents of Mr and Mrs Bloem respectively — merely asked that it be found that the regulations lapsed on June 26 1986 and they had not denied their (the regulations') initial validity.

The court was free, therefore, to consider the question that arose from the non-tabling of the emergency regulations, the court said.

It said Parliament was to be kept informed of executive measures by the tabling of them, obviously so as to enable it to exercise some measure of control over such action.

The laying on the table of Parliament, inter alia for the purpose of such information and control, was undoubtedly the purpose of section 5 of the Act, both in its form prior and subsequent to amendment.

Nowhere in the limited time at their disposal could counsel or the judge find that the procedure of effecting such "laying upon the table" was laid down or prescribed in any Act.

The court found that section 17 of the Interpretation Act had to be construed in consonance with the procedure of Parliament.

Therefore period of 14 days mentioned had to be interpreted to mean 14 days upon which the required tabling could be effected in Parliament.

On that construction and computing the period of 14 days in accordance with the method prescribed, there was still one "tabling day" available for compliance with the statutory injunctions.

This was because on that computation the 14-day period would have expired on June 26 but, as Parliament had adjourned on June 24 and 25, June 26 was not a Parliamentary "tabling day". The last such day would then, in terms of the section, be the first "sitting day" of Parliament after its adjourned session — August 18.

On the basis that this interpretation was wrong, Mr Justice Steyn said that taking into account the actualities of the present situation 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 and of the facts according to the domestic parliamentary procedure, there was one day still available for such tabling.

As that day had not yet arrived, the conclusion was that the tabling of the regulations on August 18 would, in parliamentary terms, not be out of time even if they were so in terms of the relevant statute.

— Sapa



— 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

**I**T 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.

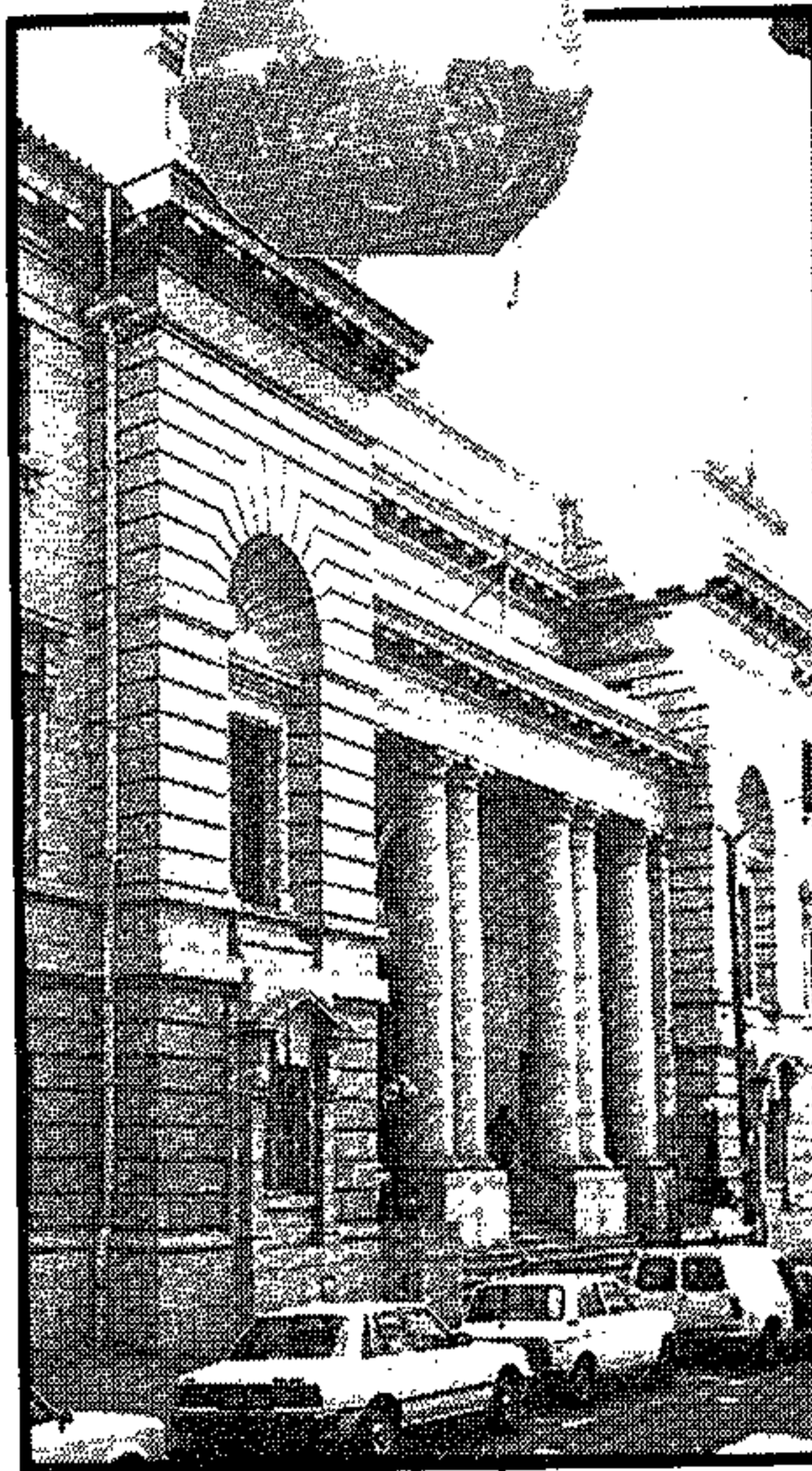
The first is the notion that in some way the Government (i.e. the Executive or the Cabinet) is "above the law" or "superior" to Parliament. Nothing, as the Natal case shows, could be further from the truth. Parliament makes the law, the Government administers it.

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.

**I**N 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



**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.





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.

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.

**E**VERY 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-



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.

**I**T 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.



...circumnavigation of the globe that started at Perth, Western Australia, and sailed across 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



# 'Miss Information' takes centre stage

Weekend Argus Correspondent  
DURBAN. — "Miss Information", Ronelle Henning, has taken the centre stage at the Bureau for Information's Press conferences in Pretoria.

Millions of people around the world have seen her in action during the past few weeks.

Miss Henning — she's really a Mrs and married to a Pretoria advocate — took over as main spokesman for the bureau shortly after Brigadier Leon Mellet explained the reason telephones in black townships malfunctioned on June 16 was because of a technical problem.

## Old hand

Miss Henning, 33, is an old hand at dealing with a hostile Press.

As a very junior official of the Bureau for National and International Communications at the South African Embassy in London, she was linked to an alleged plan of the disgraced Department of Information.

It was claimed that Miss Henning had suggested a "jumbo-load of international authors" should be flown to South Africa at a cost of R500 000 to the Department of Information.

According to British author Gordon Thomas, Miss Henning had said it "would be nice if foreign writers like you could come to South Africa to help to educate us to improve our ways".

But Miss Henning has denied the allegation as a "dream thing".

"It was Mr Thomas who approached us and said he wanted to do something constructive for South Africa because he was very impressed with the country.

"It was he who suggested that we run a book fair and perhaps get a



Ronelle Henning

group of authors out to Johannesburg.

She put the idea to her head office in Pretoria and got the reply that the plan was not feasible.

Miss Henning was involved in liaison work — especially with television stations — during her stint in London.

## House of Lords

She also spoke at several schools, colleges, clubs, universities and also in the House of Lords.

In 1982 she returned to South Africa and took up a post with the Department of Foreign Affairs where she dealt with matters concerning South America and Australia.

She joined the bureau in October last year and was promoted to deputy director in March.



State President angered by employers' stand on emergency

W/E ARGUS 19/7/86 (324)

# 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.



# Press to challenge Govt curbs

327  
Sunday Times Reporter

ASPECTS of the emergency regulations affecting the freedom of the Press are to be challenged in a joint South African Associated Newspapers-Argus action in the Supreme Court next month.

"We intend to challenge those regulations in so far as they affect newspapers," Mr Stephen Mulholland, managing director of SAAN, said

yesterday.

SAAN publishes the Sunday Times, Business Day, the Cape Times, Eastern Province Herald, Weekend Post, Evening Post and the Financial Mail.

Planning began in June, Mr Mulholland said, to contest the state of emergency

definition of subversive statements.

The SAAN-Argus action is now being sought by counsel for hearing on August 11 in the Natal Supreme Court.

Counsel will be the eminent advocate, Mr Sydney Kentridge SC, and Mr Wim Trengove.

The timing of the court case was decided on to coincide with the availability of Mr Kentridge, who practises in England and South Africa.

Mr Mulholland was reacting to attacks by the Argus editorial chapel of the SA Society of Journalists and the Metal and Allied Workers' Union that newspaper managements appeared to have abdicated defence of Press freedom, leaving it to a trade union to challenge in court definitions of subversive statements.

"These allegations are ill-founded because we have been working on this for some time," Mr Mulholland said.

"Our willingness to incur considerable expense in this action surely indicates our determination to defend the values of a free Press."

Mr Peter McLean, managing director of the Argus company's newspaper division, had earlier said: "It has always been our intention to challenge those aspects of the emergency regulations which affect newspapers."



## Mawu challenges the emergency:

# WHAT THE JUDGES HAD TO SAY

CITY PR  
2077/88  
327

A THREE-JUDGE panel this week declared void all or parts of five of the six definitions of "subversive statements" banned under the emergency regulations – saying they were "vague".

However, the Natal Su-

preme Court rejected the Metal and Allied Workers' Union argument that the entire state of emergency was illegal.

Judge John Didcott told a crowded courtroom several aspects of the definitions were "hopelessly uncertain".

In his two-hour opinion on the case brought by the union, Didcott said just one of the six clauses defining a subversive statement was precise enough to be considered lawful in its entirety.

That clause forbids incitement of people to participate in unlawful strikes, boycotts, processions or civil disobedience, or to oppose compulsory military service.

He said two of the clauses were far too broad to be understandable. One barred any statement that advanced the object of any unlawful organisation. The second prohibited any statement that "engendered hostility" between one person and group and another.

Didcott found fault with certain phrases in the three other clauses.

● On the provision forbidding statements calling for disinvestment, sanctions or foreign action against South Africa, 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."

● He also ruled against a clause prohibiting statements that would tend to weaken public confidence in the government's ability to maintain the public order or end the emergency.

● Finally, Didcott approved

the clause against inciting people to resist or oppose the government in connection with the emergency – but ordered the removal of a phrase in the clause about incitement against "the administration of justice".

The judge further said a ban on detainees' access to lawyers was improper and said such access must be granted.

The ruling means, however, that most aspects of the decree remain in force.

The union had contended that the regulations were void because State President PW Botha announced them simultaneously with the emergency decree, rather than proclaiming the decree first.

Emergency powers still in force are detention without charge, curfews, sealing off areas and shutting down publications.

The union had also contended the emergency was illegal because parliament was not informed within 14 days of the June 12 proclamation. Judge Didcott accepted the State's argument that parliament had recessed before the 14 days were up and that the regulations could still be presented when the session resumed on August 18.

With the court's decision, the clauses it objected to became void immediately. Both sides can appeal.

Didcott noted the court had no authority to rule against Acts of parliament but did have the power to decide whether regulations issued under those Acts were specific and reasonable. – Sapa.

AT COMPUTICKET  
IES 28-3040 ALL WELCOME

EASTGATE 1-6 616-5911/2

Daily: 10.00, 12.00, 2.30, 5.30 pm

1 **COBRA** (2-15)

Daily: 7.45, 10.00 pm

**The Rescuers** (A)

Daily: 10.00, 12.00, 2.30, 5.30, 7.45, 10.00 pm

2 **The Karate Kid Part II** (A)

Starts 25 July. OFF BEAT

Daily: 10.00, 12.00, 2.30, 5.30 pm

3 **The Rescuers** (A)

Daily: 7.45, 10.00 pm

**COBRA** (2-16)

Daily: 10.00, 12.00, 2.30, 5.30, 7.45, 10.00 pm

4 **Absolute Beginners** (2-14)

Daily: 10.00, 12.00, 2.30, 5.30, 7.45, 10.00 pm

5 **ENEMY** (2-6)

Daily: 10.00, 12.00, 2.30, 5.30, 7.45, 10.00 pm

6 **HIGHLANDER** (2-12)

KINE BRAKPAN 55-3403

Mon-Thurs.: 10.00, 12.00, 2.30, 5.30, 8.00 pm

Fri-Sat.: 10.00, 12.00, 2.30, 5.30, 7.45, 10.00 pm

**COBRA** (2-16)

Starts 25 July. THE KARATE KID PART II

350 BOKSBURG 52-4631

Mon-Thurs.: 10.00, 12.00, 2.30, 5.30, 8.00 pm

Fri-Sat.: 10.00, 12.00, 2.30, 5.30, 7.45, 10.00 pm

**Kampus** (A)

Starts 25 July. THE KARATE KID PART II



# UDF 'not above banning'

The belief prevalent in some quarters that the United Democratic Front (UDF) would never be banned was without foundation, Law and Order Minister Louis Le Grange said on Friday.

In an interview, Hugh Murray, publisher and editor of *Leadership* magazine questioned Le Grange as follows:



● LE GRANGE

"Political observers say there is fundamentally very little difference between the UDF and the African National Congress (ANC), but that the UDF will never be banned because government can't afford to ban another organisation. Is that so?"

Le Grange: "Don't be so sure of that. I don't suggest that the UDF is presently under consideration to be banned, but government is quite adamant that it will apply the law of the country if necessary." Le Grange also said from what he had learned, he no longer believed ANC leader Nelson Mandela was "Communist-controlled".

BWDAI 327  
21/7/86  
Own Correspondent

"If I am right in accepting that he would rather classify himself as a nationalist in the ANC, then I would expect Mr Mandela to make himself clear on this particular issue. It would be of great importance for people surrounding the ANC to get clarity on this particular issue."

Le Grange said Mandela held the key to his own release and that he (Le Grange) would personally be prepared to sit at a negotiating table with the ANC leader at any time after he renounced violence.

Murray: If he had to make himself clear on the question of whether he is a Communist or a nationalist, would there be a difference in the State's attitude towards him?"

Le Grange: "I can't say yes or no to that. What is important is that he, as the leader of the ANC, must make himself very clear as to the use of violence in the onslaught against SA. Unless he does that, other issues can't be of the same importance to government because that is the central issue."



# Tutu talks to foreign unionists

Rev. 21/07/85 (327)

JOHANNESBURG—Bishop Desmond Tutu held talks with international trade union leaders yesterday, a day before he sees President Botha, to discuss South Africa's state of emergency.

Bishop Tutu, Anglican archbishop-elect of Cape Town, said his talks with a 12-man delegation from the International Confederation of Free Trade Unions (ICFTU) had been very good and there had been no disagreements.

'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 pow-

erful friends,' Bishop Tutu told reporters after the hour-long meeting.

'They are concerned to see that we have a solution to the crisis in our country so that in the end black and white will be able to live amicably in a just society, in a democratic society, in a non-racial society,' he said.

The delegation, including British trade union leader Mr Norman Willis, and Mr Lane Kirkland, president of the US AFL-CIO organisation, arrived on Friday to look into the situation of trade unions under the five-week-old emergency.

The ICFTU represents 82 million workers in 99 countries. — (Sapa)



# Legal pressure continues to mount against state of emergency

LEGAL pressure against the state of emergency has been mounting around the country.

And it was given further impetus last week after lawyers were told they could visit detainees held under emergency regulations.

Transvaal lawyers said the ruling, which flows from a Durban Supreme Court decision last week, was confirmed by security police regional chief Brigadier Gerrit Erasmus.

In Natal, lawyers began making visits on Friday while lawyers elsewhere said

applications to visit certain detainees had not been refused.

Since the court ruling — four detainees, *New Nation* editor Zwelakhe Sisulu, art student Sarah Hills, science teacher Jeremy Routledge and career advisor Marie Odendaal have been set free.

Johannesburg lawyer Peter Harris said lawyers had sent letters to police on Thursday demanding previously denied access to clients among the emergency detainees.

The letters had cited Wednesday's ruling.

DIANNA GAMES, LIAM EGAN and SOPHIE TEMA

ing softening certain emergency regulations including that denying detainees access to their families or lawyers.

Harris said lawyers would not be allowed to see Moses Mayekiso, president of the Metal and Allied Workers' Union (Mawu) which brought last week's application in the Durban Supreme Court challenging the state of emergency.

Mayekiso was last week transferred from detention under emergency rule to

detention without charge under permanent security legislation.

The United Democratic Front (UDF) intends challenging curfew regulations in the Cape tomorrow while in Natal lawyers are considering challenging the wide powers granted to the security forces under the emergency.

And aspects of the emergency regulations affecting the freedom of the media will be challenged by a joint South African Associated Newspapers/Argus Court action next month.

In other developments in the courts, a

Rand Supreme Court application by Roman Catholic priest to have the arrest and detention of a fellow priest declared unlawful will be decided today.

Father Carel Peter Spruyt of the Springs parish is bringing the urgent application on behalf of Father James Athur Harlop (57) of the Kwa-Thema parish who was arrested on June 17.

And an appeal for the release of Grahamstown teacher has been made by President P.W. Botha, by Senator Eward Kennedy, in a letter from the U



# Pressure against the emergency

Own Correspondent

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And it was given further impetus last week after lawyers were told they could visit detainees held under emergency regulations.

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And aspects of the emergency regulations affecting the freedom of the media will be challenged by a joint South African Associated Newspapers/Argus court action next month.

SAAN managing director Mr Stephen Mullholland told the Sunday Times that the planning to contest the definition of subversive statements began in June. The case is expected to be heard by the Natal Bench on

August 11.

Counsel will be Mr Sydney Kentridge, SC, whose availability dictated the timing of the action, and Mr Wim Trengrove.

In Natal, lawyers began making visits on Friday, while lawyers elsewhere said applications to visit certain detainees had not been refused.

Since the court ruling four detainees, including "New Nation" editor Mr Zwelakhe Sisulu, have been set free.

## Demanding access

Johannesburg lawyer Mr Peter Harris said lawyers had sent letters to police on Thursday demanding previously denied access to clients among the emergency detainees. The letters had cited Wednesday's ruling softening certain emergency regulations, including that denying detainees access to their families or lawyers.

Mr Harris said lawyers would not be allowed to see Mr Moses Mayekiso, president of the Metal and Allied Workers' Union (Mawu) which brought last week's application in the Durban Supreme Court challenging the state of emergency, as he was last week transferred from detention under emergency rule to detention without charge under permanent security legislation.

The United Democratic Front intends challenging curfew regulations in the Cape tomorrow, while in Natal lawyers are considering challenging the wide powers granted to the security forces under the emergency.

Ms Priscilla Jana, acting for Mr Sisulu, who was released on Friday, said she saw his release as being linked to various court cases around the country challenging the emergency.

In other developments, a Rand Supreme Court application by a Roman Catholic priest to have the arrest and detention of a fellow priest declared unlawful will be decided today.

Father Carel Peter Spruyt of the Springs parish is bringing the urgent application on behalf of Father James Arthur Hartop, 57, of the KwaTema parish who was arrested on June 17.

And an appeal for the release of a Grahams-town teacher has been made to President P W Botha by Senator Edward Kennedy in a letter from the US.

Senator Kennedy has appealed to Mr Botha for an assurance that the teacher will not be maltreated while in custody of the security forces and that she be released at the earliest possible moment.



# '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.



and travels  
A second office will open later this week.  
The Soweto Civic Association

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to censorship. The restriction  
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NEARLY 50% of 114 company management  
ments canvassed by the Labour Monitor-  
ing Group (LMG) in the PWV area of the  
Transvaal said the state of emergency  
had made no difference to industrial re-  
lations.

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 is-  
sues to the workplace.

Fifteen said relations had improved  
since the emergency, suggesting that  
was because there was reduced militan-  
cy 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 aver-  
age turnout on Monday — 24% took ac-

tion on Cosatu factories in the Transvaal  
— masked the uneven response as man-  
factories had a 100% stayaway.

It said this was possibly a combinatio  
of poor communications in some area  
and declining militancy.  
As well, 2 646 trade unionists had bee  
detained at some stage during the emer-  
gency and 269 elected trade union  
leaders and officials were known to be in  
detention.



# 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).



# Unrest 'must cool' before emergency can be lifted

By FRANS ESTERHUYSE, Political Staff

CONDITIONS are not yet right for lifting the state of emergency, says the Deputy Minister of Constitutional Development and Planning, Mr Piet Badenhorst.

He told a meeting of the National Party at De Rust at the weekend that there would have to be a "total cooling-off" of unrest before the lifting of the emergency could be considered.

Although there had been some success in dealing with the situation, the "climate" was not yet suitable for lifting the emergency.

Mr Badenhorst said many of the people detained under the emergency were "henchmen of radicals" and had been "grossly misused".

The detainees had been subjected to a process of rehabilitation to convey the correct information to them.

Mr Badenhorst also said people were under a wrong impression if they thought the country's problems could be solved immediately with the release of the African National Congress leader, Mr Nelson Mandela.

Although the Government had given Mr Mandela the choice of renouncing violence, he had not done so.

The Government, therefore, could not meet internal and external demands to negotiate with the ANC or to release Mr Mandela.

Mr Badenhorst said the Government was not indifferent to sanctions threats from the outside world but would not put order, peace and stability at risk in South Africa.

The country was prepared to live with sanctions, he said.



Cape Times 21/7/86 (21/7/86) 327

## Most Cape unrest victims shot in back

Staff Reporter

A CHILD of seven was among the 93 people who died of gunshot wounds during unrest in Cape Town last year.

Researcher Dr J A Duflou, of the University of Cape Town, reports in the latest SA Medical Journal that the age of the subjects he investigated was "cause for concern". The mean age was 23,2 years, but 12,2 percent were under 15 years old, he wrote.

More than a third of those killed in unrest had been shot more than once, and eight percent had been shot four or more times, he said.

Of the six who died in non-unrest situations, only one had been shot more than once.

Most wounds of those who died in unrest were on the back of the body, Dr Duflou said, with 54,8 percent of injuries there, 11,6 percent in their sides and 33,6 percent in their fronts.

Most shotgun injuries had been inflicted from more than 15m away, but 13,7 percent had been inflicted from a range of 4m or less.

Shotgun wounds were more common than any other, and 39,4 percent of "unrest" casualties had been shot with bird-shot only.

In South Africa, "bird-shot" referred to lead pellets between two and three millimetres in diameter, fired from a 12-gauge shotgun.



goalkeeper Trevor Daniels. Celtic beat Pirates 5-3 in an action-packed match at Hartleyvale yesterday.

*Cape Times 21/7/86*  
**6 die at weekend**

ACCORDING to the Bureau for Information, six people died in unrest over the weekend. This brings the official unrest death toll to 159 in the past 39 days 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.

*Cape Times 21/7/86*  
**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 Flatt, 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





the ANC. Mr Maxwell, who is a nurse, for Sisulu and Miss Lin. hours on weekdays. Mrs Sisulu, who as a young nurse married

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

## 30 years on - the traumas are still there



Mrs ALBERTINA Sisulu.

Mr ZWELAKHE Sisulu.

For her part in the protest she was kept in But before that she Harvard University. He received extension - 27/1/1986

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

# A way of life for the Sisulus

BY LANGA SKOSANA

Her husband spent many years under house arrest, confined

Nelson Mandela charged with high treason.

Women who marched to the Union Building protesting against the issue of passes to black women.

Interview Malan Airi boarding a flight, Mr Sir described Dr Sisulu's refusal to see "particularly and "rath show".

Dr Boesak he could "that people usually sense situation under the the South Government us to see t

If people cept an ir the gover they shou "governm

## Boesak four from

By CHRIS BATEMAN  
FOUR European parliamentarians yesterday left Cape Town "very disappointed" after being snubbed by Dr Allan Boesak, president of the World Alliance of Reformed Churches, after he learnt that their tour was sponsored by the Department of Foreign Affairs.

And in another development, Dr Boesak instructed his lawyers to collect affidavits after a teargas canister broke the back window of his car on Sunday. Dr Boesak was leaving an interrupted Elsie's River church service in solidarity with the families of detainees.

The visiting politicians, Mr R Simmonds and Mr C Simpson (British Conservative Party), Mr L Beyer de Ryke (Belgian Liberal Party) and Mr G J Guermeur (French Gaullist Party), travelled to Dr Boesak's offices where they left a "combined" letter.



# STRAIGHT TALK

Botha, Tutu meet again



PRESIDENT P W Botha and Bishop Desmond Tutu in Pretoria yesterday. The two met for talks on the crisis in the country.

Pic: LEN KUMALO

**BISHOP Desmond Tutu met State President P W Botha for about two hours in Pretoria yesterday to discuss crucial issues that included the state of emergency and the black education crisis in the country.**

A large number of local and foreign reporters waited for about three and half hours in vain outside the State President's office at the Union Buildings hoping to at least talk to the bishop after the meeting.

But the two leaders used the back entrance before and after the meeting leaving reporters frustrated.

Only a few photographers and three reporters, two from the SABC, were allowed into the office where the bishop posed for pictures with the State

## We agreed... and disagreed

By MONK NKOMO

President before the meeting.

Bishop Tutu, who was meeting Mr Botha for the second time since the declaration of the state of emergency, said issues discussed yesterday included the state of emergency, the release of people detained under emergency regulations and black education.

Bishop Tutu also told newsmen that he had not changed his views on the forthcoming visit to this country by Britain's Foreign Secretary, Sir Geoffrey Howe.

Bishop Tutu has said he will not meet Sir Geoffrey "because his visit was a waste of time".

The bishop said he and Mr Botha differed on certain issues and agreed on some.



How to get a new ID

Page 4

## "Damelin makes

Mr. J.P. Brummer, Principal, Damelin Correspondence College



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## 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.

# Dame

## CORRESPONDENCE

Corner Plein and Hoek Sts., Johannesburg. Tel: Our 30 years of brilliant results are your guaran

89406

GREY-PHILA



327  
N/M 23/7/86

## S.A. media body slams 'crippling restraints' on Press

**Mercury Correspondent**

CAPE TOWN—The emergency regulations which place crippling restraints on the Press are against the public interest and should be repealed or relaxed, the South African Media Council said in a statement yesterday.

Issued by the chairman of the council, former Appeal Court Judge L de V van Winsen, the statement was the majority view of the council's executive and the 14-member 'free flow of information' committees.

The statement said Prof S A Strauss and Mr Gert Hugo had reservations about the formulation of the statement.

The council said it appreciated the 'predicament' of the Government in coping with a 'dangerous internal situation' but nevertheless 'we believe the steps taken against the media under the emergency regulations are counter-productive.'

The emergency regulations, proclaimed on June 12 and orders issued under them, place crippling restraints on reporting and comment about unrest and related events such as strikes, boycotts and public debate on international sanctions.

By excluding journalists from scenes of unrest except with official permission, by prohibiting all but official accounts of security force actions, by refusing to disclose names or numbers of people detained, by providing a wide-ranging definition of a 'subversive statement', by empowering the Minister of Law and Order to confiscate and suspend publication of newspapers, the Government is denying access to information the public has a right to know.

### Vulnerable

The statement said South Africans now knew less about events in their own country than people elsewhere.

Not only are they cut off from immediate news of certain events affecting their lives but they are also denied exposure to the views of other South Africans on issues of public importance.

'This can only have harmful consequences. An uninformed public is vulnerable to rumour and false information. The public will lose confidence in the Government and the media. The longer the present situation persists, the worse the consequences will be.'

Press freedom, the council said, was a 'hard-won and well-established tradition which South Africans of all groups have cherished since the days of the Cape Colony and the Voortrekker republics'.

'South Africans have a right and an obligation to form their own judgements based upon the greatest possible diversity of news and views reflecting all shades of opinion.'

'They should neither be deprived of that right nor stripped of that responsibility.'

And we who serve the Media Council are charged by our constitution with the duty of speaking out whenever the flow of information and ideas essential to the exercise of that right and responsibility is diminished, the statement concluded.



WEDNESDAY, JULY 23, 1986

27c + 3c GST (PWV) Prices elsewhere on back page

As wife brings application

# LAWYER FREED

*Sawefan*  
23/7/86  
327  
*[Signature]*

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 articled 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

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.

To Page 2



# RELAX CURBS, COUNCIL PLEA

23/7/86

327

Sencken



THE South African Media Council yesterday called for the repeal of the emergency regulations as they affect the media.

In a statement issued by its chairman, former Appeal Court judge, Mr L de V van Winsen, the council said the regulations were "against the public interest and should be repealed or relaxed."

The council specifically criticised the following Government measures: excluding journalists from unrest areas; prohibiting all but official accounts of security force actions; refusing to disclose names of detainees; providing a



MINISTER of Law and Order Louis le Grange.

wide-ranging definition of "subversive statement"; and empowering the Minister of Law and Order to confiscate and suspend publication of newspapers.

Through these measures the government was "denying access to information the public had a right to know".

"South Africans now know less about some happenings in their own country than people elsewhere. Not only are they cut off from immediate news of certain events affecting their lives, but they are also denied exposure to the views of other South Africans on issues of public importance.

"This can only have harmful consequences. An uninformed public is vulnerable to rumour and false information. The public will lose confidence in the Government and the media.

"The longer the present situation persists, the worse the consequences will be.

"Press freedom is a hard-won and well-established tradition which South Africans of all groups have cherished since the days of the Cape Colony and the Voortrekker republics.

"South Africans have a right and an obligation to form their own judgments based upon the greatest possible diversity of news and views reflecting all shades of opinion.

"They should neither be deprived of that right nor stripped of that responsibility.

"And we who serve the Media Council are charged by our constitution with the duty of speaking out whenever the flow of information and ideas essential to the exercise of that right and responsibility is diminished."

The statement reflected the majority view of the Media Council's executive and "free flow of information" committees.

Two members, Professor SA Strauss and Mr Gert Hugo "had reservations" about the Press release.



# 'Relax or repeal' press curbs

THE EMERGENCY regulations which place "crippling restraints" on the press are "against the public interest" and should be repealed or relaxed, the South African Media Council said in a statement yesterday.

Issued by the chairman of the council, former Appeal Court judge Mr Justice L de V van Winsen, the statement was the "majority view" of the council's executive and the 14-member "free flow of information" committees.

The council said it appreciated the "predicament" of the government in coping with a "dangerous internal situation" but nevertheless "we believe the steps taken against the media under the emergency regulations are counter-productive".

"The emergency regulations, proclaimed on June 12, and orders issued under them, place crippling restraints on reporting and comment about unrest and related events such as strikes, boycotts and public debate on international sanctions.

## 'Denying access to information'

"By excluding journalists from scenes of unrest except with official permission, by prohibiting all but official accounts of security force actions, by refusing to disclose names or numbers of people detained, by providing a wide-ranging definition of a 'subversive statement', by empowering the Minister of Law and Order to confiscate and suspend publication of newspapers, the government is denying access to information the public has a right to know."

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"This can only have harmful consequences. An uninformed public is vulnerable to rumour and false information. The public will lose confidence in the government and the media. The longer the present situation persists, the worse the consequences will be."

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"They should neither be deprived of that right nor stripped of that responsibility.

"And we who serve the Media Council are charged by our constitution with the duty of speaking out whenever the flow of information and ideas essential to the exercise of that right and responsibility is diminished," the statement concluded.



Warning <sup>CAPE TIMES</sup> 23/7/86  
on drain of <sup>2018</sup>  
journalists <sup>2018</sup>

JOURNALISTS will join South Africa's "brain drain" if the state of emergency is not brought to an end quickly, the Editor of the Cape Times, Mr Anthony Heard, warned. <sup>327</sup> <sup>2018</sup>

Addressing the South African Institute of International Affairs in Cape Town yesterday, he said self-respecting journalists would not continue to work in a country where "consensus journalism" triumphed over press freedom.

Journalists were "convulsed by an onslaught" on their right to do their primary job of seeking out new answers to national problems, caring for the afflicted and underprivileged and checking those who wanted to spend public money on militaristic or ideological excesses.

Instead of playing this role, "we must listen to the strictures of party politicians on how to perform our profession ..." he said.

Journalists were deprived "and we as citizens are allowing our destiny to be forged without the help of a vigorous, free press which can assist mightily in the process of negotiation".

If newspapers here should be faced with a South American situation where they were forced to publish poetry to avoid openly defying the censorship laws "there will be no self-respecting journalists around to preside at the final interment of a great tradition of freedom — they will have joined the brain drain".

"Whether they still have a role to play now depends, to a great degree, on whether the emergency is brought to an end quickly ..."



APT Times 23/7/86

# 'Terrorists' held, arms seized

8000 327

PRETORIA. — A number of "ANC terrorists" had been arrested, and a large quantity of Soviet-made arms, ammunition and explosives seized in the Durban area, the Minister of Law and Order, Mr Louis le Grange, announced here yesterday.

The arrests are related to a number of bomb blasts and attacks in the Durban area this year. They include the abduction of Gordon Webster — an alleged ANC member — from the Edendale Hospital on 4 May. One person was killed and five were injured during this attack.

The minister said the arms and explosives seized — some in a Durban suburb — include Soviet AK-47 rifles, a Soviet RPG-7 rocket

launcher and projectiles, Soviet landmines, Soviet limpet mines and handgrenades.

He said the Durban Security Branch, assisted by other Security Branch and CID members, made the breakthrough after intensive investigation.

"Information obtained during interrogation of persons held in terms of the emergency regulations proved invaluable during the investigation.

"Further arrests may follow. Ten people have already appeared in court following a spate of terrorist attacks in Port Natal during 1985," Mr Le Grange said.

The minister added his congratulations to members of the police force for their work. — Sapa



MAY 23/76

# New 'terrorist' arrests a 'major breakthrough' 327

The Argus Correspondent

PRETORIA. — The Minister of Law and Order, Mr Louis le Grange, says the police have made a major breakthrough with the latest arrest of alleged ANC terrorists in the Durban area. A large arms cache has been seized.

Mr le Grange indicated that further arrests may follow.

At last count, not including the latest arrests, 32 suspected ANC insurgents had been either killed or arrested since the start of the emergency on June 12, he said.

A spokesman for Mr le Grange said that the information which led to the arrests was obtained by interrogating people already held in terms of the emergency regulations.

Those arrested were being linked to several incidents of terrorism, including:

- The car-bomb blast outside the Parade Hotel, Durban on June 14 which claimed three lives.

- The "springing" from Edendale Hospital of alleged ANC operative Gordon Webster on May 4. One person was killed.

- The placing of a large quantity of explosives on the fourth level of the Pine Parade on May 23. The explosives were defused in time.

- Three explosions at Jacobs: the first at an electrical sub-station on March 21, two blasts on June 22 — one at Industrial Oil Processors and another which damaged an oil pipeline.

The spokesman said the arms haul included AK47 rifles, an RPG rocket launcher and projectiles, limpet mines, land-mines and hand-grenades.



(327) 24/7/8  
D.D.

## Malan: chance to restore order

**KING WILLIAM'S TOWN** — The state of emergency should not be viewed as a "state of doom or surrender," but as an opportunity to restore order to the country and to re-arrange priorities, the Minister of Defence, General Magnus Malan, said here yesterday.

General Malan was the guest of honour at a civic luncheon which followed the granting of the right of freedom of entry to King William's Town to the Amatola Commando.

He said it would be suicidal to grant a licence to those who perpetrated murder, violence and fear. "Any state that embarks on fundamental reforms should be willing to act with determination against subversive radicalism. That is the only way to protect its reforms, its chosen road. That is the way to protect the life and property of all who wish to live in normality and prosperity and who wish to progress."

Close ties between the security forces and civilian authorities were of the utmost importance. "The road ahead demands joint efforts. In whatever capacity we serve or work, we should take hands."

People should maintain their perspective and guard against becoming victims of a state of mind which doubted the future.

"I view the state of emergency as an opportunity to restore order in our country and to re-arrange priorities. It was a firm and deliberate step to prevent and eradicate chaos, violence and terrorism."

"The step was taken to secure our country and its peoples. It was taken in full knowledge of international outcries. Yet it serves to carry the message: We as South Africans will jointly handle our challenges."

General Malan said frameworks were being created in which especially black people could live normal lives. "They must be enabled to attend schools and places of work, to travel and do shopping without fear."

"It is against this background that no self-respecting nation can ever allow free rein to those who propagate murder, violence and disorder."

"I believe that much that is positive will emerge from the present. A new sense of security already prevails and greater understanding of one another will emerge."

"We are experiencing the growing pains of a new South Africa. A South Africa with ample opportunities for all who wish to build and resist destruction," General Malan said. — DDR



AR 64 23/7/86 371

## Nel rejects council's 'bias'

PRETORIA. — The Deputy Minister of Information, Mr Louis Nel, has rejected what he termed the "bias" of the Media Council and said he regarded the council's statement calling for the relaxation of the state of emergency media curbs as "ill-considered".

He maintained that reporting and criticism of the full spectrum of South African political life continued.

The public was "well-informed" on unrest-related incidents.

In the Media Council statement issued yesterday the council's chairman, former Appeal Court Judge Mr L de V van Winsen, said the council appreciated the Government's predicament in coping with a dangerous internal situation but "we believe that the steps taken against the media under the emergency regulations are counter-productive".

"By excluding journalists from scenes of unrest except with offi-

cial permission; by prohibiting all but official accounts of security force actions; by refusing to disclose names or numbers of people detained; by providing a wide-ranging definition of a "subversive statement"; by empowering the Minister of Law and Order to confiscate and suspend publication of newspapers, the Government is denying access to information the public has a right to know.

"South Africans now know less about some happenings in their own country than people elsewhere. Not only are they cut off from immediate news of certain events affecting their lives but they are denied exposure to the views of other South Africans on issues of public importance." — Sapa.



# Detainee challenges emergency measures

24/7/15  
Own Correspondent

STML  
327

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.



320 DAY  
24/7/80

327 329 348

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 Lambie 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.



# 327 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 K/M (327)

## **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.



# Soal fires a broadside at the Bureau for Information

Political Staff

The Bureau for Information is under fire for its role in the state of emergency.

Among the accusations are that the bureau gives only one side of the story, that it dispenses incorrect information and blocks the free flow of news.

The Bureau for Information, established by President Botha last year, has been given the task of being the official conduit of information during the state of emergency, which has brought with it the firmest crackdown on the free flow of information yet seen in South Africa.

Not even in the war years was information so strictly controlled.

The Media Council this week warned of the consequences of restraint on reporting and comment.

Mr Peter Soal MP, the Progressive Federal Party spokesman on the bureau, says the bureau "should be renamed the bureau for non-information or misinformation."

"It is not fulfilling its role, Parliament voted R28 million to the bureau this year to promote effective communication between the Government and the people of South Africa.

"The bureau spends the money on suppressing the news and printing little books every time President Botha makes a speech."

Mr Soal said: "The bureau has been shown to give out incorrect information. For instance, I question its facts on the schools' crisis, which my information

tells me is far worse than the bureau makes out.

"It clearly does not check its facts."

"Over the years, official information has been seen to be untrustworthy. I cite as an example the shooting of 19 people at Langa near Uitenhage last year. The bureau was not involved on that occasion, but the Minister of Law and Order was given incorrect information which was relayed to Parliament. If we had not checked the facts and let them be known, the Minister would have remained unchallenged."

"Even now, on the limited occasions when information can be checked, it has been shown that the official version given by the bureau is incorrect or incomplete."

## PAMPHLETS

"The bureau issued a denial that pamphlets relating to June 16 had been dropped on black townships but later, had to withdraw its denial.

"A free Press would enable the other side of the story to be established and for facts to be checked."

"The normal flow of information is not being tested."

Mr Soal said the clamp on tested information was resulting in rumours developing on a substantial scale with the bureau being left with little credibility.

He said he was also concerned about the manner in which the bureau was blocking the free flow of

information

"Their favourite tactic is to say that they cannot offer legal advice when approached about certain incidents."

"In other words, they are attempting to enforce self-censorship."

Mr Soal said the contempt with which the bureau was treating the public was clearly indicated by the actions of its political head, Mr Louis Nel.

"He has just been overseas on holiday. It is inconceivable that Mr Nel should be out of the country at a time like this."

Mr Nel, back from his vacation, was quick to respond to the criticism.

He rejected Mr Soal's claims and dismissed the Media Council's criticisms as "biased."

Mr Nel said Mr Soal's criticism had little substance. "He is ill-informed about the functions of the bureau."

Mr Nel denied that the true facts of the Langa incident had only been made known after the PFP had checked the facts. "I remind Mr Soal that the President appointed a judicial commission of inquiry the day after the shooting."

Mr Nel said he had given clear instructions to the Bureau for Information to provide as much information as possible as a matter of public interest and importance and to double check such information.

"I am convinced the public is well-informed about the unrest."



327  
24/2/86  
25 years of  
censorship

GORDIMER has always been strongly outspoken on the subject of censorship and is a member of the recently formed SA Anti-Censorship Action Committee.

"Censorship has been with us for nearly a quarter of a century. I think I was one of the few who saw that once it began there would be no stopping it.

"Today there is a tremendous increase, but it has changed. On the one hand, in any cafe you can buy magazines with naked girls. Sex is really not on the government's mind.

"But censorship of information is the plight of all of us. The ancillary laws are a great octopus with tentacles everywhere. People are detained. No one may inform you.

"States of Emergency laws are lifted and imposed again, but the new powers that have been given to the police are permanent.

"They affect us all, writers and their work as well.

"We have only a half awareness in the important areas of our life. We must take risks now because the measure of intimidation has risen.

"As Mr Justice Didcott said in the recent MAWU case in Durban, the law is so complex no-one can be sure when he may be offending.

"This is the key to intimidation is it not, that you are innocently breaking the law?

"It is the most subtle weapon of censorship. You get people to censor themselves, in their actions and in their statements. We must resist this."



Sowetan

22

**T**HE censorship laws under the state of emergency have pushed authors and publishers to the wall.

For more than 25 years, since the inception of the Publications Control Board (now called the Publications Appeal Board), which could declare any publication undesirable, writers and publishers of books have had to tread ever so lightly in order not to cause offence.

But provisions under the state of emergency have given the Minister of Law and Order and his officers powers that go beyond formal censorship. Authors, publishers and booksellers now have to be even more cautious.

Above all else, one word — *subversive* — as contained in the emergency regulations has caused consternation, anger and frustration throughout the book world.

To stretch it to the ridiculous, a policeman could walk into a bookshop and order books that he thinks contain "subversive statements" off the bookshelves.

If found to have published a "subversive statement" the offender is liable to 10 years' imprisonment or a fine of R20 000 or both.

A bookseller can be charged with being in possession of a "subversive statement" and is liable to the same punishment.

The interpretation of the word subversive as used in the emergency regulations was the focus of a Supreme Court action in Durban last week.

Mr Justice Didcott said he could make neither "head nor tail" of the regulations, so vaguely were they worded.

The court, declared void all or parts of five of the six definitions of "subversive statements".

Although the judgment somewhat softened the harshness of the regulations regarding the interpretation of subversive statements, authors and publishers are not jumping for joy.

### Useful

One bookseller said the judgment was useful to lawyers in their interpretation of the law. But for the layman, the psychological effect of the knowledge that censorship existed would remain.

Author Miss Nadine Gordimer said the emergency regulations with a

## FOCUS

By  
NAT  
DISEKO

bearing on publishing would have "grave" consequences for the future.

She said: "The extension of censorship beyond the activities of the Publications Appeal Board through the new powers given to the police will outlive the state of emergency.

"One of the gravest aspects is the intimidation of printers and booktraders who are responsible for the distribution of the books we write and produce".

A senior editor of Ravan Press, Mr Mike Kirkwood, said it was most disturbing that some booksellers were taking books off their shelves, in effect practising self-censorship.

For instance, books like *A Different Kind of War* by Julie Fredrickse (Ravan) and *A*



PROF Mphahlele



NADINE Gordimer



SIPHO Sephamla

# Authors, publishers pushed to the wall

*State of Fear* by Menan du Plessis (David Philip), have disappeared from the shelves at some bookshops.

But not all booksellers are practising self-censorship. Mr Jeremy Gordin, manager of Exclusive Books, said: "We only remove from our shops what the Publications Appeal Board declares undesirable and put on our shelves titles that have been unbanned.

"For instance, June 16 — *The Fruit of Fear* by Peter Magubane (Skotaville), is available at Exclusive Books while it is unavailable at some bookstores."

### Fearing

Mr Kirkwood said some printers had returned manuscripts fearing they might be contravening the censorship regulations if they went ahead with printing.

He said some newspapers had refused to print some advertisements from Ravan Press for the same reason. Examples are the book *Disinvestment* and *Thirty Years of the Freedom Charter*.

Mr Kirkwood said: "We as publishers feel that the current laws affect us all negatively.

The whole question of censorship has been exacerbated by the emergency laws".

Mr Mothobi Mutoatse of Skotaville Publishers said he was finding it difficult to have some of Skotaville's titles reviewed in the Press.

Some publishers have said that some critics were afraid to appraise certain books which they feel could result in them writing reviews that could contain "subversive statements".

### Monitor

Two weeks ago, an eight-member steering committee, including Miss Nadine Gordimer, was elected after an inaugural meeting of the Anti-Censorship Action Group (ACAG), whose aim is to monitor direct and indirect censorship under the state of emergency and other regulations.

A statement released by the group said in part: "Censorship in its extended forms can no longer be justified by anyone on the grounds of defence of public morality. It is now an overt political tool that is bringing about a total devaluation of thought, imagination, ideas and information in our coun-

try."

Author, Mr Sipho Sephamla said he would continue with his work and would not be intimidated by laws that deny people the right to express their ideas.

(● Cont. on page



At least four trade union leaders are known to have been released from detention under emergency regulations and immediately had restrictions almost similar to banning orders placed on them, the independent Labour Monitoring Group reported yesterday.

They are the Congress of SA Trade Unions (Cosatu) president Mr Elijah Barayi, Council of Unions of SA (Cusa) regional co-ordinator Ms Joyce Sedibe, Transport and General Workers' Union official Mr Ray Lazarus and Mr Samela Manene, organiser with the SA Chemical Workers' Union.

A LMG spokesman said the unionists' movements were restricted and, in terms of the restrictions, they may not leave their magisterial districts without

## Union leaders under curbs

the permission of the local station commander and may not be quoted in the media.

Mr Moses Mayekiso, the detained Matal and Allied Workers' Union leader, is now being held under Section 29 of Internal Security Act, according to the LMG.

• Striking workers at Sasol's Secunda mine have returned to work. Their union, the Chemical Workers' Industrial Union, is negotiating with management on workers' wage demands.

• The Chamber of Mines threat to retrench thousands of coal mine-workers because of sanctions campaign is an irresponsible reaction, the National Union of Mineworkers (NUM) said in a statement to Sapa yesterday.

"Instead of addressing themselves to the real problem facing the coal industry and the country they seem to be using the sanctions campaign to legitimise retrenchments," NUM said.

• The situation in the leather industry, which was hit by a spate of wage strikes since last week, returned to normal yesterday.

• Members of the Steel Engineering and Allied Workers' Union have since returned to work at Baldwin Steel in Brakpan, after staging a strike in demand for higher wages.

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327

# NIS 'no comment' on CIA security 'swop'

By EBRAHIM MOOSA

THE National Intelligence Service in Pretoria yesterday declined to comment on reports that US and British agents swapped information on the ANC in return for information on Soviet and Cuban presence in Africa.

A liaison officer for the NIS, Mr Christo Smith, said: "We do not have any comment."

The report was published in the New York Times this week.

United States Secretary of State Mr George Shultz denied the swop when he appeared before the Senate Foreign Relations Committee on Wednesday.

The British Foreign

Office declined to comment, saying it was not policy to comment on security matters.

## 'Warnings'

According to the Times, US Administration officials said political intelligence and specific warnings about planned ANC attacks were passed on to South Africa under President Ronald Reagan at least into the mid-1980s.

The officials refused to be identified.

However, South African experts said information swapping among intelligence agencies was quite common.

This was the opinion of the director of the SA Institute of International

al Affairs in Johannesburg, Mr Leon Kok, as well as the director of the Pretoria-based Institute of Strategic Studies, Professor Mike Hough.

Mr Kok said the leak was "most unusual" under the unwritten code of intelligence swapping.

He said the move could either be a calculated leak to embarrass certain US politicians or it could reflect dissatisfaction inside the US intelligence network that too much information is being passed on to South Africa.

Professor Hough said there was substantial evidence in publications which indicated that the Central Intelligence Agency (CIA) monitored ANC activities.

It was also well-known that when South Africa patrolled the coastline with the Shackleton aircraft it provided information to Nato about Soviet submarine movements, Professor Hough said.

The New York Times said it could not determine whether the US was still providing information on the ANC, nor whether South Africa had used the information to prevent ANC attacks or prepare retaliatory raids on ANC bases in other countries.

## Cheltenham

The report included a detailed account of a meeting between high-level US, British and South African agents at the British Government's communications headquarters at Cheltenham.

South Africa, with no intelligence satellites, has depended on US and British intelligence for information about black nations in Africa beyond the range of its own interception equipment, the sources told the New York Times.



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327

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# More unrest deaths this year than last

**PRETORIA**—Some 168 unrest-related deaths occurred in South Africa during the first six weeks of the state of emergency, Bureau for Information spokesman Dr Kobus Neethling said here yesterday.

The daily number of deaths was still higher than it was during 1985, he said.

Some 121 of the 168 deaths were due to black-on-black violence, Dr Neethling said.

During 1985 there were 800 unrest-related deaths, of which black-on-black violence accounted for 36.6%.

During the first five months of this year, that percentage grew to 58 and during the past six weeks 72% of unrest-related deaths were due to black-on-black violence, he said.

It appeared from an uncalibrated graph released by the bureau that there had been a slight decrease over the past five weeks in the number of unrest incidents.

Other graphs showed that there had been more injuries this week than last but that deaths had decreased by about a third, compared with the previous three weeks.

Attacks on security forces showed a steady rise over the past three weeks, however, and appeared to total about 45 this week.

Attacks predominantly entailed stone-throwing and petrol bombs.

There had been a significant drop in all the categories, however, when compared with the first week of the state of emergency.

The emergency was called on June 12.

Our Crime Reporter writes that a black woman burned to death when a Klipplaatdrif home at KwaNdebele was set alight on Wednesday night.

The Bureau for Information said no further details were available.

At Johnson Square in Soweto, Port Elizabeth, a group of about 15 blacks attacked security forces with petrol bombs and fired three shots at a patrol.

The security forces returned fire with five rounds from a shotgun and two unidentified black men were fatally wounded and another two were arrested.

It has been established that the explosion early yesterday morning at an electrical sub-station in the Dunottar area was caused by a short circuit, the bureau said. — (Sapa)



# Rural areas bear detentions' brunt

By MOIRA LEVY,  
Cape Town

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

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 Lawaaiikamp 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

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 (Ccaawusa) 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)

By RUTH BECKER

The CRG cite "a steady stream of reports of people missing, believed detained, currently running in the Johannesburg area at about 20 per day (though indications are that figures are much higher)."

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.

The difficulties of monitoring and

reporting detentions is highlighted in the Cape-based Repressive Monitoring Group's weekly fact sheet. Under the heading "Dangerous Doughnut" they write:

"Three people are reported to have not returned home following an incident which occurred at an interdenominational church service on Sunday afternoon and cannot be described under the Emergency regulations. It is believed that one of the above-mentioned persons threw 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 report adds.



## 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	368
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	80	384	62	122	54	1 639
<b>TOTAL</b>	<b>746</b>	<b>325</b>	<b>714</b>	<b>166</b>	<b>465</b>	<b>280</b>	<b>228</b>	<b>95</b>	<b>3 019</b>

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 (Kl. 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 Seeloville. 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.



25/7/76

# SA gets <sup>STAR</sup> US weekly with pages torn out (327)

Two full pages — one featuring an article on censorship — have been ripped out of all copies of the most recent *Newsweek* magazine available in South Africa.

And the latest *Time* magazine has been published with blank spaces in an article on South Africa.

The self-censorship of *Newsweek* eliminated a column by political observer and former *Drum* editor Mr Anthony Sampson, who now lives in Britain, and an article on the effects of the emergency on South African writers.

Sensitive areas in which readers are denied information are: the debate on the sanctions, official action in relation to book-sellers and publishers, and what might be construed as support for civil disobedience.

Much general political argument and information on the censorship of creative work is also lost.

The Sampson piece paints (in its own words) an "optimistic ... but not unattainable" scenario for change in South Africa.

The pages had apparently been torn out by the magazine's South African distributor.

Spokesmen for the distributors were said to be unavailable for comment — out of town or in meetings.

The blank spaces in the most recent *Time* are the third indication since the start of the state of emergency that it has felt bound to censor its South African news.

A one-centimetre, single column space and a gap where a photograph was removed appear in an article on the South African sanctions issue, entitled "South Africa: Playing for Time".

It is understood the magazine's New York headquarters ordered the censorship on the advice of lawyers representing their printers in South Africa.

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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 per cent 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

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.



## 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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## Press to challenge restrictions

Mercury Reporter

THE Argus Group and South African Associated Newspapers will challenge aspects of the emergency regulations affecting the freedom of the Press in a hearing in the Natal division of the Supreme Court in Pietermaritzburg on August 11.

This was confirmed yesterday by an attorney acting for SAAN in Johannesburg. He said papers would be filed by the end of the month.

Counsel will be Mr Sydney Kentridge SC and Mr Wim Trengrove.



# A flurry of challenges to the Emergency

LEGAL challenges to the State of Emergency regulations have begun to snowball following the important Metal and Allied Workers Union case in the Durban Supreme Court last week.

Today an application by detained Pietermaritzburg church worker, Peter Kerchoff, will be heard by a full bench of the Natal Supreme Court.

Kerchoff and his wife Joan are asking for his release; alternatively, that he no longer be held in solitary confinement as his mental health is suffering.

Next week another full bench of the Natal Supreme Court will hear an application for the release of the United Democratic Front's Natal publicity secretary, Lechesa Tsenoli. His application hinges on a challenge to the validity of the sections of the Emergency regulations which allow arrest and detention.

In addition, a number of detainees have been released, many of them soon after or before visits by their lawyers, and in some cases shortly before applications for their release were filed in court.

Durban's Detainees Support Committee and the Legal Resources Centre are co-ordinating a meeting of lawyers who are acting for clients affected by the emergency regulations. An LRC staffer said it was hoped that this would help lawyers co-ordinate their work.

In one Durban case, lawyers acting for detained schoolgirl Smyley Mkame were preparing papers applying for her release when she was freed on Wednesday morning.

Mkame, held since June 16, was recently at the centre of an urgent application brought by her grandmother who claimed the girl told her during a prison visit that she was assaulted by police.

Lawyers from Durban's Legal Resources Centre, who were involved in the case, said they would press for the interim order to be confirmed on August 5, the return date, and that they would be claiming damages on her behalf from the Minister of Law and Order for the alleged assaults.

Mkame appeared briefly in court after her release in connection with an allegation of attending an illegal gathering on June 16. She was granted R100 bail.

LRC alone are preparing for five applications for release of detainees which could be heard early next week and other legal firms are involved in similar preparations.

In Tsenoli's application, his legal team will argue that the State President acted *ultra vires* in that under the Public Safety Act the State President must determine under what circumstances the summary arrest and detention of any individual is necessary.

In the regulations, he has not done this nor has he delegated that power to anyone else.

There are no guidelines for the

Last week's Natal challenge to the Emergency regulations has set off a flood of similar court applications throughout the country. CARMEL RICKARD reports

member of the Force "to enable them to determine the circumstances in which the (State President) regarded the summary arrest and detention of people to be necessary".

In Kerchoff's application the police have given some reasons for continuing to hold him.

Kerchoff, his wife claims, is totally opposed to violence and has "no connection with any unlawful organisation". They say there are no grounds on which any one would reasonably or *bona fide* form the opinion that Kerchoff's detention was necessary.

Replying, the head of Pietermaritzburg's Security Police, Brigadier Barend Beukes, said that during an overseas visit in 1985, Kerchoff "had contact with a member of the ANC".

Kerchoff says this is incorrect. At a social function in Germany, he was introduced to "Tony Seedat, apparently a member of the ANC".

He said the meeting was "purely fortuitous. We met and talked as any South Africans meeting in a foreign country would do". They then parted and neither saw nor were in touch with each other again.

Beukes also claims Kerchoff was involved in organising marches and rallies by black youth for June 16 and 26. Kerchoff says his only role was to help set up a June 16 commemorative church service.

On the question of the conditions of Kerchoff's detention, a security policeman said he had requested the detainees transfer to a single cell on June 24 as "he incited other detainees not to co-operate with interrogators", a claim strongly denied by Kerchoff.

Following a request by Kerchoff to see a psychiatrist, the police had a specialist examine him. In his report, the doctor said Kerchoff had to be moved from solitary as it was injurious to his mental health.

Beukes said in the light of this report arrangements were being made for his immediate removal to a centre where he could be held with others.

MOIRA LEVY reports from Cape Town that the sudden release from detention this week of End Conscription Campaign chairman Mike Evans suggests an important legal precedent has been set in the Western Cape, which will enable lawyers to visit their clients.

Attorney Andy Durbach had served papers on the State Attorney and the State President demanding access to Evans on the grounds that he wanted to make representations to the Minister of Law and Order demanding his release and needed her legal assistance.

"The Mawu judgement was not

being applied in the Western Cape. It seems a directive was issued that it was not applicable in the region, and lawyers were not given access to their clients. Following our application, I have heard of a lawyer getting permission to visit a detainee who is being held at Victor Verster prison. The process is slow, but access is coming through now."

The respondents — the Minister of Law and Order, the Minister of Justice and the State President — are to pay costs.

FRANZ KRUGER reports from East London that the Grahamstown Supreme Court will today hear an application for the release of two detained priests, Father Graham Cornelius of the Catholic Church and the Rev Eddie Leeuw of the NG Sendingkerk.

On Wednesday, the court rejected an application for the release of two detained King William's Town lawyers, John Smith and Dudley van Heerden.

And in a third case, an application for the release of three Ciskei detainees was withdrawn in the Bisho Supreme Court when the respondents agreed to release or charge them within two weeks.

The three were Albert Whittles, a field worker for the Border Council of Churches, Smuts Ngonyama and Avril Fritz.

The application on behalf of the two priests is being brought by the Catholic bishop of Port Elizabeth, Bishop Michael Coleman, within whose diocese Cornelius's parish falls, and Leeuw's wife, Lizzie.

In papers, Coleman cites Cornelius's work "in projects aimed at the upliftment of the poor, 'needy and oppressed', and says no member of the Force can have formed a *bona fide* opinion that the priest's detention is necessary for the maintenance of law and order.

Rejecting the application of the two lawyers on Wednesday, Mr Justice Zietsman said he was not persuaded that the policeman who ordered the detention was acting in bad faith.

The judge accepted if the detention was based on an arrest under section 50 of the Internal Security Act, it was irregular and unlawful. But, he said, the applicants had no factual basis for alleging that this was the case.

The balance of probabilities pointed to the detention having been effected under the Emergency regulations, the judge found. An application for leave to appeal was noted.

Also in Grahamstown, the Supreme Court reserved judgement this week on an application by the UDF for an order setting aside Emergency regulations banning meetings of various organisations.

Jules Browde, SC, for the UDF, argued that the police order was so wide it was either void for vagueness or unreasonableness. It also made fundamental inroads into the liberty of the individual.



# Nel's claims on reporting in SA 'untrue'

26/7/86

Staff Reporter

CLAIMS by the Deputy Minister of Information, Mr Louis Nel, that political debate and news reporting of the full spectrum of South African politics are continuing, are untrue, according to Professor H J Grosskopf of the Department of Journalism at the University of Stellenbosch.

In a letter published in the Burger yesterday, Professor Grosskopf criticizes Mr Nel's response to charges by the South African Media Council that the emergency regulations' restrictions on the media leave foreigners better informed than South Africans about important events in the country.

## Detainees' names

"What the Media Council is saying is unfortunately true," Professor Grosskopf said. "The outside world knows more about what is going on in our country than we are allowed to know, for instance the names of detainees.

"Other things as well, but if I get specific, I will expose myself and the editor of Die Burger to a R20 000 fine or 10 years' imprisonment, with the added possibility that Die Burger building and presses could be confiscated."

Professor Grosskopf also said that Mr Nel's "categorical" claims that reporting about and criticism of the full spectrum of the South African political life were

continuing, were not correct.

The full spectrum would also include the standpoints of the ANC, he said.

## 'Our future'

"South African political life and our whole future are being strongly influenced and determined by the actions of the police. Regarding these actions, newspapers are only allowed to publish and people are only allowed to communicate facts which the State chooses to divulge," Professor Grosskopf said.

"No independent investigations and reports are possible. And newspapers need official permission for criticism thereof. A newspaper even needs official permission before it can publish a letter in which the actions of the security forces in the unrest are praised," he said.

"How can one still, like Mr Nel, indicate that the political debate 'over the full spectrum' is continuing without interference? It just doesn't happen.

"And it also can't happen now, because one party withholds information and then heavily restricts comment on the bits of information that it does give," he said.

## 'Paralysing'

Professor Grosskopf said that the Media Council was correct in stating that the emergency regulations placed paralysing restrictions on the flow of information.

"The public should be entitled to that information.

"If Mr Nel wants to defend the regulations, he has to seek other and more convincing grounds. It does not help him to deny visible realities," Professor Grosskopf said.



# 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 realistic.

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

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

two organisers from Potchefstroom.

The rest were from Cosatu affiliates. They included Adrienne Bird of the Metal and Allied Workers Union, Chris Bonner of Chemical Workers Industrial Union, and Ursula McDonald, from the Food and Allied Workers Union in the Western Cape.

Unionists still being held include prominent worker leaders and union officials, particularly in the Eastern Cape and Northern Natal. In Empanjeni, an Inkatha stronghold which has been a major battleground between the Inkatha-backed Uwusa union federation and Cosatu, 20 workers and nine officials of Cosatu unions are believed to be still in detention.

The LMG report says unionists in Natal believe the large-scale union detentions, particularly in Northern Natal, done to leave the field

By PIPPA GREEN  
Cape Town

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 Buthezi. 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 (Ccawusa), 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 21 000 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.



WEEKLY MAIL 27/1/86

COMMENT

327

## 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 members will be appointed and

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 verbiage, 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.



# 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

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.

By PAT SIDLEY



# Many families not told,

## SAYS DPSC

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, Pik 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're black the families are not

told. It seems 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."



## OTHER PEOPLE

## JOHANN COETZEE

POLICE Commissioner General Johann Coetzee believes that journalists have an important role to play in exposing abuses in society.

That, at any rate, was the view that he expressed in an interview with the Rand Daily Mail in February 1984 in what now seems to be a bygone era of relative press freedom.

Since then, of course, Coetzee, 57, has used the immense powers bestowed on him under the State of Emergency to impose perhaps the most vigorous restrictions on press freedom in South African history.

In the 1984 interview with the now defunct Rand Daily Mail, Coetzee noted with apparent pride that the relations between the police and the press had improved since he took over as Commissioner of Police in mid-1983.

"Although I believe that many journalists have skeletons in the cupboard, the fact remains that they are an important catalyst for bringing abuses to the attention of society," he said then.

But this week, on the eve of the tenth anniversary of the 1976 Soweto revolt, he forbade journalists to report or comment on the conduct of any member of the Security Forces engaged in the maintenance of public order.

At the same time he barred journalists from entering black townships — or "any other area in which unrest is occurring" — for purpose of reporting what is happening.

In the 1984 interview Coetzee told the Rand Daily Mail that South Africa's greatest success in containing the insurgency threat was its ability to do so without declaring an Emergency.

Since then, of course, the government has twice declared a State of Emergency, the most recent on June 12.

The imposition of stringent controls on the press and the declaration of a general State of Emergency do not mean that Coetzee has abandoned his belief in a relatively free press (it was hardly free in '84) or in the value of containing guerrillas of the outlawed African National Congress within the ambit of statutory law.

What they do indicate is the speed at which events have moved since then, making views held in 1984 obsolete, or, at best, temporarily irrelevant today.

Coetzee is a policeman who came up through the ranks, joining the Mounted Police at the age of 16 and the Security Police in 1954, largely because of his exceptional ability at shorthand (he is said to be able to record notes at between 200 and 240 words a minute).

Before his appointment as Police Commissioner, he was best known as a security policeman, serving both as deputy chief and then chief of the Security Police.

Coetzee, however, has an intellectual persona.

He obtained a BA as a correspondence student at the University of South Africa. Later he completed an MA thesis on the now outlawed Congress of Democrats and is working on a doctorate on the influence of Trotskyism on leftwing politics in South Africa.

Coetzee's intellectual interests — he is deeply interested in the Greek philosophers — combine with another side of his personality: physical courage.

He walked unarmed into the Silverton bank in 1980 when it was taken over by three ANC guerrillas, dropping an electronic bug, thus enabling police to monitor the situation and successfully storm the bank and kill the insurgents.

A dapper man — he looks like the actor Errol Flynn — Coetzee is a tough, determined policeman, who is said to have won begrudging admiration as a formidable foe by his political enemies.

Last year, after the first emergency was declared in July, Coetzee saw his primary duty as one of protecting



Louis Nel and Louis Le Grange ... the velvet gloves come off the iron fists

# The Big Four

"responsible" black moderates "prepared to work within the system". Guarding the political centre against "extremists" presumably remains his aim.

## DAVID STEWARD

It is no accident that David Steward is the "head" of the Bureau for Information, which — like it or not — is virtually the sole source of publishable news on South Africa's civil strife.

Verbal defence of the government is, as it were, in his blood.

Steward, 41, is the son of Alexander Steward, who was one of the first English speakers publicly and energetically to espouse the cause of apartheid in the first heady years of National Party rule.

In the mid-1950s Father — now Bishop — Trevor Huddleston wrote a book called "Naught for Your Comfort". It was, in the view of many readers, a devastating indictment of apartheid.

It was largely inspired by his opposition to the forced removal of black people from Sophiatown and the consequent demise of the once-thriving township and erection in its place of a white suburb named, with the brutal frankness of those times, Triomf.

Alexander Steward, who was the founder of the radio programme Current Affairs and whose voice invaded many an Opposition home, infuriating its owners, wrote a reply to Huddleston's book. It was entitled: "You are wrong, Father Huddleston".

David Steward, however, points out that his father wrote subsequent books. One was "Pretoria, the World and the West". Another was "The Challenge of Change". His father resigned from the then State Department of Information to write the second book, Steward recalls, implying that there was more to his father than his reputation as an assiduous government propagandist.

When Steward was appointed head of the Bureau for Information last year he told The Star that no "communicator" could succeed unless he had credibility. That was the lesson he had learnt as a diplomat in Australia, Canada and the United Nations, he said.

As SA Ambassador to the UN, he defended South Africa's 1982 raid on Maseru, in which 42 people were killed by South African commandos, 12 of them Lesotho nationals.

Today, of course, Steward's new task is vital to the public's right to know, given the pivotal role ascribed

The State of Emergency grants the power to four men to control what you may or may not do and what you may or may not know. PATRICK LAURENCE provides pen portraits of each

to the bureau under the State of Emergency.

He insists that credibility is still the key to successful fulfilment of his task and repudiates insinuations that his bureau is a South African equivalent of George Orwell's Ministry of Truth, which proclaimed: "Ignorance is strength."

He charges that the media has not given his bureau a "fair run". He claims it latched gleefully onto his admission last week that the bureau had made a mistake.

Confronted with reports that Security Force pamphlets had been dropped in Pretoria's townships ordering the residents to stay indoors on June 16, Steward dismissed them as "devoid of all truth". Later, however, a copy of a pamphlet was produced. It read in part: "Please remain indoors for your own safety."

Goaded by aggressive questioning from journalists, Steward said: "Yes ... we admit sometimes we make mistakes."

Discussing the incident with the Weekly Mail, Steward insists that the bureau is not intent on wilfully misleading journalists. "Nothing could be further from the truth."

If journalists have information which contradicts the official version of events released at the bureau's daily briefing, they are welcome to draw the bureau's attention to it and the bureau will investigate further, Steward says.

A barrier of suspicion remains, however. Some members of the journalist corps suspect that Steward "relishes his role as censor".

While acknowledging that he was a helpful senior official of the Department of Foreign Affairs, they note that when he warned journalists of the consequences of contravening the Emergency regulations, he said: "We are not kidding." Use of the word "we" defines Steward, in their view, as a loyal government servant with a different set of priorities.

But even if Steward's bona fides as a "communicator" are accepted, he, too, is restrained by the Emergency regulations from giving the full facts.

## LOUIS NEL

INFORMATION supremo Louis Nel argues that South Africa's polecat image is not necessarily bad.

"As everybody knows," he wrote in 1984 after he was appointed Deputy Minister of Foreign Affairs and Information, "the polecat or skunk with its distinctive ... black and white colouring can be a lovable and engaging creature."

The polecat's repugnant smell, he added in an article in the Sunday Times, was largely a defensive measure: "The more cornered he feels, the more objectionable he seems to be and the less he seems to care."

Nel was assigned by President PW Botha last year to head the newly formed Bureau of Information, now virtually the sole source of publishable information on the State of Emergency.

Nel, 48, is on record as wanting sound relations with the press. "We want to be more co-operative with the media, to provide more information and to open the government by holding regular briefings and conferences," he said after his appointment as Deputy Minister of Information.

A lawyer by training, Nel, who was first elected to parliament in 1970, is a *verligte* in Afrikaner politics. He is an ally of Foreign Minister Pik Botha as a trenchant opponent of the Conservative Party leader Andries Treurnicht.

Nel is a man of physical courage. He journeyed several times to the MNR insurgent base at Gorongosa in Mozambique at the height of the war there ... in the interest, he says, of bringing the war to an end.

Nel's *verlig* reputation and his quarrel in 1979 with Treurnicht, who was then the Transvaal leader of the NP, may account for his twice being the target of Afrikaner Weerstandsbeweging zealots: once at Brits, where they broke up a National Party meeting, and once at Uitenhage, where Nel had to shout above the din of his ultra-rightist foes.

Nel's quarrel with Treurnicht perhaps throws light on his character.

Treurnicht told a joke involving Bols brandy, punning on the word "Bols". Nel wrote to Treurnicht saying that he found the joke "unsavoury", later making the letter public. He was expelled from the NP

for doing so.

Later, due to the intervention of PW Botha, he was reinstated and rose to become a deputy minister. Today, he is in a pivotal position as the man responsible for keeping the public informed via a censored press about events in the townships.

Even before the Bureau of Information became so central to life in South Africa, Nel said: "The bureau's credibility is crucial to me."

One of his objectives then was to invite cameramen to cover the positive side of township life, to photograph police playing soccer with township children. "The million dollar question is how to get police to use sjamboks less and soccer more," he said then.

Now, until further notice, photographers may not enter the townships, even to photograph police pitting their skills against township youth on the soccer field, except with the consent of the police.

## LOUIS LE GRANGE

LAW and Order Minister Louis Le Grange is, as the Afrikaners say, "a man wat sy man kan staan" — a man who can stand up for himself.

A physically big man, Le Grange, 58, has spent a lot of his public time defending the police against charges of brutality and negligence. Whatever criticisms may be levelled against Le Grange, failure to stand by the police is not one of them.

Le Grange has been scornfully dismissed by Afrikaner Weerstandsbeweging leader Eugene Terre'Blanche as a dandy or fop. He is certainly a neat dresser with a well-groomed appearance. But the insinuation that he is effete is without substance. Le Grange is a robust man.

For years the press has been killing him off, physically and politically, writing confidently that he is seriously ill and/or that he is about to be axed. Le Grange is still around, seemingly larger than ever.

He is widely seen as a hawk, a *verkrampie* counter-weight to the *verligte* in the cabinet who are said to lean toward release of jailed African National Congress leader Nelson Mandela and even to conditional talks with the ANC.

That being so, the State of Emergency and the crackdown on radical dissent, on township agitators and revolutionaries, is the "finest hour" for Le Grange.

Le Grange, a lawyer by training and an admirer of the original "Lion of the North", former Prime Minister JG Strijdom, was deputy chairman of the controversial Schlebusch Commission of Inquiry in the 1970s into four anti-government organisations.

The Schlebusch Commission — which was seen in opposition circles as South African-style McCarthyism — found that the National Union of SA Students was dedicated to the production of "student radicals imbued with left-wing views".

Its report led to the banning of eight NUSAS leaders (eight black student leaders, among them the charismatic Steve Biko, were banned at the same time). NUSAS was declared an "affected organisation" and thereby cut off from receiving foreign funds.

NUSAS, Le Grange declared at the time, would go bankrupt. NUSAS survived and so did Le Grange, who later took over from Schlebusch as chairman of the commission before being promoted to the cabinet, first as a deputy minister and then as a full minister.

One purpose of the commission was to excise radicalism and "anti-South Africanism" from the South African body politic. Le Grange as Law and Order Minister is today still battling to eradicate leftists and revolutionaries.

His portfolio and consequent membership of the State Security Council put him in the frontline of what has been termed the struggle for South Africa. Whether his iron-fisted approach will be more successful than the inquisitorial methods of the Schlebusch Commission remains to be seen.



# 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	5	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

Youth organisations/congresses

Women's organisations

Political, human rights or support groups

29

17

6

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

Other student organisations

6

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.



# Phoney UDF pamphlets demand tax

By FRANK KRUGER

East London

A SERIES of mysterious pamphlets has appeared in the Eastern Cape since the start of the State of Emergency, including some calling for the formation of vigilante groups along the lines of the Cape Town "witdoeke".

Others appear under the logo of the United Democratic Front organisation, but are clearly designed to cause it embarrassment. One, ostensibly signed by H.M. Fazzie, senior UDF leader in the Eastern Cape, announced a monthly tax of R50 for each household and R10 for each child.

The pamphlet says: "The time is hard and to this end sacrifice is required. Financial support from our overseas friends is becoming less as the racist regime applies increasing pressure.

"Also, mismanagement of funds by our previous officials, misguided in their loyalties, cause us now to have to use drastic measures in order that the struggle may continue."

Under the slogan "Amandla: Your sacrifice is our prosperity", the pamphlet outlines how street committees will conduct surveys of households to establish how many children there are, and then how "comrades" will be instructed to make the monthly collections.

"People refusing will be dealt with in the usual way," the pamphlet warns.

A second pamphlet, ostensibly issued jointly by the UDF and the Congress of SA Trade Unions (Cosatu), promised payment for participation in stayaways on June 16.

Up to R50 a day would be paid between 8am and 10am on June 16. A similar pamphlet appeared just before May Day, marked around the country by a massive stayaway.

The latest pamphlet ends: "People of the struggle, why work if you can receive money and collect food from soup kitchens. Build your future on today's starvation — Utopia is waiting."

The UDF and Cosatu have denied any responsibility for this pamphlet.

The third pamphlet is addressed to "Citizens of the Eastern Cape", and is signed by a self-styled "Eastern Cape Action Group".

Raising the threat of a Communist takeover, the pamphlet says the UDF should be rejected, as "they work for their own benefit, believing that their Russian masters will make them ministers in a black Cabinet".

It ends with a call to arms: "My people, I tell you to stand up now, like in Cape Town, and destroy the UDF and comrades. Unite to a nation — not a front."



WEEKLY N. 27/6/86

# Emergency can't slow the churches congress

By PAT SIDLEY

AN uninitiated observer at the SACC conference in Bosmont, Johannesburg, this week may have been forgiven for wondering where the "hope" in South Africa's "crisis" was — even after two days of speeches on the theme "Hope in the Crisis".

After a defiant start to the conference — a unanimous decision was taken to proceed regardless of the risk of contravening the Emergency regulations — the themes that had emerged by midweek did not easily give hope, although the concept was referred to often enough.

The opening address by the SACC president, Bishop Manas Buthelezi, reflected a concern for the lack of unity, among the churches and in the community.

Unity, however, was evident when the vote to continue as if there was no Emergency overcame major differences between the churches and the delegates representing them.

The issue was presented to the conference initially by a lawyer, whose advice was that discussions — if they followed the pattern of previous years — may contravene Emergency regulations.

When the issue was opened for debate, the Reverend Peter Storey, a leader of the Methodist Church, set out the stark choice: either the conference could disband in protest, or it could continue to go about its business as a church would.

A plea by Anglican delegate Sheena Duncan that those who felt they could not stay should be allowed to leave without judgment, was rejected.

There was, it seemed, no middle ground. Either the conference was on, or it was not.

Despite the fact that the decision was such a difficult one, not even the most conservative of delegates voted against it, or even abstained.

However, the regulations took their toll: little reference was made to the names of detainees, for instance. On the other hand, many references were made to the sanctions debate.

Dr Beyers Naude, the SACC general secretary, prefaced his written speech by saying he would continue as normal despite the restrictions, but censored the names of SACC-related detainees in an effort to avoid provoking the authorities.

Naude's report of the past year left little room for hope.

He vividly portrayed the differences — real and perceived — between South Africa's communities which would one day have to be reconciled.

For instance, there was growing evidence that most whites believed there was a serious threat of a communist takeover, he said. This was not a view generally held by blacks.

In what Naude called "Our vision of the future", he warned there was "a serious danger that in the tragedy and turmoil of the present conflict, the challenge to respond to one crisis after the other could leave us with very little time to study, reflect, pray and



Desmond Tutu greets a young admirer at the SACC opening

Picture: NOEL WATSON, AFP

act in order to prepare for a future which we believe would be more just, more human, more tolerant and more peaceful than the present system which we are victims of".

To the surprise of many observers, Naude said he did not believe the government's package of reforms was purely cosmetic.

In the eyes of whites, State President P W Botha had shown "remarkable courage" in tackling the issues in the face of black and white opposition, he said.

And he believed some recognition should be given to Botha for his willingness to undertake reforms. "The tragedy of these reforms, however, lies in the fact that they are seen by the majority of the people as too little, too slow and therefore too late", while some whites saw them as revolutionary.

Sanctions were generally described at the conference as an alternative to violence. This general feeling was illustrated by Naude's impassioned plea to the governments of West Germany, the United Kingdom and the United States, who oppose sanctions.

"If the intentions on the part of those three governments is indeed sincere (in that they believe that sanctions will do more harm than good), now is the hour, now is the time, now is the Kairos, to come forward and say: if not that, what then," he said.

Observers might have believed there was no division or dissent on the questions raised by the Kairos document, published last year to

promote discussion on how the Church was to respond to the crisis.

One delegate asked for guidance on how to present the document at grassroots level in a district hostile both to disinvestment and the document. "The people in my area think it stinks," he said.

He was sure the elite understood it, but how would one reach the grassroots with it. His question had popped up at a procedurally difficult time and it attracted no easy answer.

A somewhat different note was sounded by University of Cape Town theology lecturer Charles Villa-Vicencio who spoke on "How shall we sing the Lord's song in a hostile land?"

His speech sought hope, but gave cold comfort and was greeted with a standing ovation by delegates. He saw little hope in the short term, but looked to a future rising from the ashes for hope in the crisis.

"Is there hope in our crisis? It depends to which age we cling. For those who hold to this dying age that has served a small part of this land so well, there is little reason to hope. For those who reach out to the new age, sustained by the sure knowledge that our task is to share the violent birthpangs of this new day which is the God-given heritage of the oppressed, there is much for which to hope.

"Yet because our hope emerges out of despair, out of the stump that is burned to the ground, out of the cross, we must pray for grace to endure," he said.

The conference continues today.



# A nation under house arrest

By PHILLIP VAN NIEKERK

An iron curtain has gone up around the rural slum of KwaNdebele and its entire population, estimated to be more than 300 000, has been placed under partial house arrest.

In one of the most severe restrictions yet to be imposed in terms of the country's State of Emergency, no-one can leave his or her home between the hours of 9pm and 5am.

The restrictions — promulgated by the Commissioner of the KwaNdebele police, Colonel Christiaan van Niekerk — also forbid non-residents from entering the homeland.

Reports have been leaking out of hundreds of detentions and escalating civil war but a ban has also been placed on making public, spreading, distributing or transmitting any news or commentary concerning the actions of the Security Forces.

No-one who is not a permanent resident of the homeland is allowed inside, unless they can furnish proof

that they are employed in KwaNdebele.

No goods may be delivered inside KwaNdebele without written authorisation of the Commissioner of Police.

However, this does not affect people in transit on "acknowledged routes."

The regulations also prevent children from leaving the magisterial district of their parents and pupils whose parents are not permanent residents of KwaNdebele or who are not enrolled at a school have to get out of the homeland.

Another regulation says: "No person may play, loiter or aimlessly remain on any public road or road reserve within KwaNdebele."

The regulations also forbid people from being in possession of tyres not fit for use on a motor car or of fuel not stored inside the tank of an

automobile. The regulation is presumably aimed to prevent "necklace" killings.

The toughest of the regulations says: "Between the hours of 21h00 at night and 05h00 in the morning no person may be outside the premises of his place of permanent abode or move around on foot or by vehicle unless such a person is *en route* to or from his place of employment, or is on duty or is in possession of written authorisation issued by a member of a Security Force."

"This restriction does not apply to people who are forced by medical or other unforeseen reasons to act contrary to this order."

In addition, say the regulations: "No person may make public, spread, distribute or transmit any news or commentary concerning the actions of a Force, or a member of a Force in connection with the safety of the public."

## One hour more for the OFS

A CURFEW has been imposed on 11 Northern Free State townships — but residents may stay out an hour longer than in Eastern Cape townships.

Northern Free State Divisional Police Commissioner Johan Swart yesterday ordered that townships dwellers must be off the streets by 10pm and stay indoors until 4am the next day.

This gives residents an hour more than in Eastern Cape townships, where residents have had to be off the streets by 9pm since June 19.

In terms of Emergency regulations, he also banned possession of "any device with which a stone or any other projectile can be cast (thrown)".

No official clarification could be obtained regarding this ban.

"Customary" restrictions were also placed yesterday on funerals in Atteridgeville, Mamelodi, Soshanguve, and a number of other Northern Transvaal townships, according to a notice in the Government Gazette.

— Sapa

### HEALTH WARNING

Members of the public are assured that a team of lawyers has declared this publication safe for family reading within the Republic of South Africa

FOR THE BEST GUIDE TO JO'BURG AT NIGHT, TURN TO PAGE 24



# Union logo was banned 'in error'

Mercury Reporter

THE National Union of Textile Workers (NUTW) has been told that an order issued by the SAP in the northern Free State in terms of the emergency regulations prohibiting possession of NUTW garments was an 'error'.

A statement from the union yesterday said an urgent application had been made to the Supreme Court in Bloemfontein to have the order set aside.

The prohibition applied to certain towns in the

northern Free State.

Papers were served, the statement said, and the following day the orders were amended to exclude the NUTW from the list of organisations affected.

'The State informed our attorneys that the inclusion was an error,' the union said.

'We regard it as an absurdity that the State took exception to the mere display of our organisation's logo, given its insistence that it is not interfering with trade unions as such.'

28/1/86  
327



*CAPL TINTS 29/7/86*  
**Eight die  
in unrest**

ACCORDING to the Bureau for Information, eight people died in unrest in the 24-hour period until 6am yesterday.

This brings the official unrest death toll to 183 since the state of emergency was declared on June 12.



Warning of increasing pressure

# Media Council says Press is in a state of siege

THE SA Media Council has warned that the country would more than ever be exposed to intensified attacks from outside if the voice of the Press in SA became muffled.

In its report for 1984/5 the council said it had become clear that the Republic's newspaper industry was in "a state of siege". It called for effective and urgent measures if SA was to continue being served by healthy, independent newspapers.

One of SA's strongest defences against international pressure, it said, was the existence of a free and outspoken Press.

"Such an independent Press is also a prerequisite for the formation of informed judgment upon which broad-based consensus can be built.

"Further evidence that an independent Press is a shield against punitive action by the international community was afforded by the American President's public statement that the existence of an independent and outspoken Press in SA was one of the factors which enabled him to resist demands for more drastic action in the campaign to pressure SA into reform," the report said.

The council, an independent body under the chairmanship of former Judge Louis van Winsen, seeks mainly the upholding and maintaining of the freedom of the media.

Own Correspondent

The report said one of SA's most effective bastions against outside threats and pressures was the ability of its own citizens to press for improved social and political conditions by exercising sound and balanced judgments based on accurate information and well-informed opinions.

"An independent Press provides both the means and the evidence of this ability."

The council said its "monopolistic trends" committee had singled out as the most serious threats to the newspaper industry the SABC monopoly of electronic media, the Sappi/Mondi monopoly on newsprint and the double imposition of general sales tax on the newspaper industry.

"All these factors have had crippling effects on the industry and the Media Council, through this standing committee, is energetically investigating ways of trying to offset the impact of these factors."

The report said: "Ours is a daunting responsibility which, in all humility, we shall continue to make every effort to fulfil."

"To do so we depend heavily upon the goodwill and co-operation of government, the public and the Press."



QMB Times 29/7/86

# 'Muffled SA press' warning

By ROGER WILLIAMS  
Chief Reporter

THE SA MEDIA COUNCIL has warned that if the voice of the press in South Africa becomes muffled, the country will more than ever be exposed to intensified attacks from outside.

In its first periodic report, for 1984/5, the council says it has become clear that the newspaper industry is in "a state of siege", and calls for effective and urgent measures if South Africa is to continue being served by healthy, independent newspapers.

One of South Africa's strongest defences against international pressure, it says, is the existence of a free and outspoken press.

"Such an independent press is also a prerequisite for the formation of informed judgment upon which broad-based consensus can be built.

"Further evidence that an independent press is a shield against punitive action by the international community was afforded by the American president's public statement that the existence of an independent and outspoken press in South Africa was one of the factors which enabled him to resist demands for more drastic action in the campaign to pressurize South Africa into reform."

## Effective bastion

The SAMC, an independent body under the chairmanship of Mr ex-Justice Louis van Winsen, has as its principal objective the upholding and maintaining of the freedom of the South African media.

It says in its first report that one of South Africa's most effective bastions against outside threats and pressures is the ability of its own citizens to press for improved social and political conditions by exercising sound and balanced judgments based on accurate information and well-informed opinions.

"An independent press provides both the means and the evidence of this ability."

The council says its "monopolistic trends" committee has singled out as the most serious threats to the newspaper industry the SABC monopoly of electronic media, the Sappi/Mondi monopoly on newsprint and the double imposition of general sales tax as it affects the newspaper industry.

"All these factors have had crippling effects on the industry and the Media Council, through this standing committee, is energetically investigating ways of trying to offset the impact of these factors."

It concludes its report: "Ours is a daunting responsibility which, in all humility, we shall continue to make every effort to fulfill. To do so we depend heavily upon the goodwill and co-operation of the government, the public and the press."



327 6 Mercury 29/7/86

# Reasons for shortage of blood

BLOEMFONTEIN—Blood transfusion services were not experiencing a shortage of blood because of increased demand under the state of emergency, the Minister of National Health and Population Development, Dr Willie van Niekerk, said yesterday.

Addressing a meeting of the Medical Association of South Africa, he said that what had in fact been experienced in the past few months was that donations

of blood had for various reasons not shown the normal yearly escalation.

'In addition the routine use of blood and blood products not only underwent the normal yearly escalation, but in fact experienced increased demand, which was traceable to an increase in operations which required large volumes of blood per case, such as cardiac surgery and then specific valve replace-

ments, transplants and bypass operations.

'With the limited shelf life of blood and blood products, a disparity between donations and consumption has the real implication that a shortage of blood may possibly develop.'

Dr van Niekerk said that in order to meet the growing demand for blood and blood products, every person over 17 should be encouraged to become a donor.

29/7/86  
The minister said he was aware of isolated cases where blood transfusion services were detrimentally affected by political unrest which had raged around these services.

Groups guilty of this did it at the cost of the blood supply needs of their own communities and unfortunately of other communities who had to make up the shortages.

The situation was being continually monitored.



## **Court bid for release of cleric**

PRETORIA—An urgent application that the detention of the secretary-general of the Southern African Catholic Bishops' Conference, Fr. Smangalis Mkhatswa, be declared illegal and that he be released will be lodged in the Pretoria Supreme Court tomorrow.

The release of 25 other detainees held under the emergency regulations will also be applied for by the conference and 15 other applicants.

The first respondent will be the Minister of Law and Order and the second the Minister of Justice.

Fr. Mkhatswa was among the people detained in the early hours of June 12, before the state of emergency was announced shortly after 12 noon. — (Sapa)



PFP calls on Government to end emergency

# Court ruling makes police orders invalid

29/7/86 STNR 327

Legal experts say that because of a ruling by the Rand Supreme Court yesterday, all orders and bans on meetings made in terms of the state of emergency by anyone below the rank of Commissioner of Police are invalid.

The ruling was made by the Full Bench of the court after an application by the United Democratic Front (UDF). It is a precedent which could affect emergency regulations orders countrywide.

Today the Progressive Federal Party urged the Government to abandon the state of emergency because of the judgment.

Yesterday the court declared invalid an order made by the Divisional Commissioner of Police (Soweto) prohibiting meetings of 26 organisations in specific areas.

Deputy Judge President Mr Justice G A Coetzee, with Mr Justice H J Preiss and Mr Justice E H Stafford, ruled that the order was invalid because the Commissioner of Police was not empowered in terms of the emergency regulations to delegate the authority to make such an order.

Mr Justice Coetzee said the State President, in terms of the Public Safety Act, could delegate legislative powers — the power to make orders — to the Commissioner, but the Commissioner could not redelegate that power.

The court deleted a phrase in Emergency Regulation 7 allowing the delegation to a third party.

A Johannesburg legal academic said the effect of the ruling was to invalidate all orders made by Divisional Commissioners under the state of emergency.

He said yesterday's decision was the only one made on this point till now.

"As such, it is the law," he added.

He explained that although a court in another province could make a different finding, the Transvaal one would be authoritative even outside the province until a Bench of three judges overturned it elsewhere.

Many orders published in various Government Gazettes could be affected by the ruling.

On June 13 on the East Rand, West Rand and Witwatersrand, various Divisional Commissioners issued orders banning outdoor funerals for people who had died from unnatural causes.

## Prohibition on meetings by 26 bodies set aside

By Lesley Cowling and Jenni Tennant

A full Bench of the Rand Supreme Court yesterday declared invalid an order made by the Divisional Commissioner of Police (Soweto) prohibiting meetings of 26 organisations in specific areas.

The Deputy Judge President, Mr Justice G A Coetzee, with Mr Justice H J Preiss and Mr Justice E H Stafford concurring, also deleted a clause from one of the emergency regulations.

The urgent application was brought by the United Democratic Front — one of the organisations affected by the ban. It was awarded costs.

The UDF sought an order declaring emergency regulations 7 and 11 and the police order prohibiting meetings invalid.

Mr Justice Coetzee ordered that a phrase in regulation 7 be deleted and the order by the Divisional Commissioner of Police, Soweto Division, prohibiting gatherings of 26 organisations in Soweto, Diepkloof, Meadowlands and Dobsonville, was declared invalid.

Regulation 7 stated that the Commissioner of Police or any person authorised by him could make certain orders. The phrase



## **No banners**

These included that only an ordained minister could speak during a funeral ceremony, mourners could travel only by vehicle from the place of service to the cemetery, and the Commissioner would decide the route to be followed.

Flags, banners, pamphlets and posters were banned, and no public address system was to be used.

No more than 200 people were to attend a ceremony, and it was limited to four hours.

On June 19 the Divisional Commissioner of the Western Transvaal issued similar restrictions.

On June 21 further orders restricting funerals were published. In terms of these, they were banned during weekends and public holidays on the East Rand and in the Western Transvaal.

Further orders relating to the control of movement of non-residents, possession of petrol, and school boycotts were published.

On June 25 the Witwatersrand Divisional Commissioner issued an order preventing pupils from being on school premises in Alexandra during the school holidays.

On July 1 the East Rand Commissioner banned gatherings of various organisations, including the UDF.

On July 7 the Soweto Commissioner banned all gatherings in the Johannesburg and Roodepoort areas of meetings of 34 organisations, including several trade unions. But on July 10 this order was amended and the ban on gatherings was limited to Soweto, Diepkloof, Meadowlands and Dobsonville. Trade unions were also no longer affected. The order was finally repealed on July 11.

The State President, Minister of Law and Order, and the Commissioner of Police were ordered to pay the UDF's costs.

to by him was deleted.

The ban on meetings was not valid because it depended on this phrase — having been made by the Divisional Commissioner.

In terms of the Public Safety Act, legislative power delegated by the State President could not be passed on to a third party.

It was not necessary to set aside the whole of regulation 7.

Regulation 11 — which deals with the seizure of publications — was not changed. No legislative power was being delegated in terms of the regulation.

Mr Jules Browde SC, assisted by Mr Gilbert Marcus, instructed by Krish Naidoo, appeared for the UDF. Mr Johan Conradie SC for the State President. Mr Rene Kruger SC, assisted by Mr N van der Walt, for the Divisional Commissioner of the South African Police (Soweto Division), the Commissioner of the South African Police and the Minister of Law and Order.



Edited by Heather Ross

## Self-censorship halted

BOOKS/Heather Ross

TONY BLOOM, MD of the Premier Group which owns various book stores, has said the nervous self-censoring of books the CNA was believed to have practised after the imposition of the current state of emergency has been stopped.

Apparently certain branches pulled some unbanned books off their shelves for fear that police would find them subversive.

James Loman, CNA MD was not available for comment but apparently among these books was prize-winning photographer Peter Magubane's "Fruit of Fear" and Louise Kretzschmar's "The Voice of Black Theology in South Africa".

But they are all back on the shelves now. "It's been changed," said Bloom. "I do not know how widely it was done as I have just come back from overseas, but we had a meeting last week and the policy of the CNA is that we will not act as self-censors."

"We obey the censorship laws and if the police require us to remove a book we do so. Only in certain respects do we act as self-censors. If a book is blatantly pornographic or tells you how to make molotov cocktails we don't stock it."

Bloom will meet representatives of the newly formed Anti-Censorship Action Committee next week, at their request, to discuss the new censorship provisions. The committee was formed by people deeply concerned about the rising level of censorship and who see self-censorship as one of the major dangers.

Among these are author Nadine Gordimer and publisher Mike Kirkwood. The committee will meet in September to erect the machinery to monitor censorship and take action, if necessary.



# Ban ruling sets wide precedent

*we put 29/7/66 327*



**JOHANNESBURG** — Orders and bans on meetings made in terms of the state of emergency by any one below the rank of the Commissioner of Police are invalid because of a ruling yesterday by a full Bench of the Rand Supreme Court, legal experts said today.

The ruling has set a precedent which could affect orders made countrywide in terms of the emergency regulations.

After the UDF had challenged it, the court yesterday declared invalid an order by the Divisional Commissioner of Police (Soweto) prohibiting meetings of 26 organisa-

tions in specific areas.

The effect of the order was to invalidate all orders made by divisional commissioners under the state of emergency, a Johannesburg legal academic said.

He explained that, although a court in another province could make a different finding, the Transvaal ruling would be authoritative even outside the Transvaal until a Bench of three judges overturned it elsewhere.

A large number of orders published in Government Gazettes could be affected by the ruling.

On June 13 on the East Rand, West Rand and Wit-

watersrand, various divisional commissioners issued orders banning outdoor funerals of people who had died from unnatural causes, and imposing various restrictions.

On June 19, the Divisional Commissioner of the Western Transvaal issued similar funeral restrictions.

On June 21, further orders restricting funerals were published.

On June 25, the Witwatersrand Divisional Commissioner issued an order preventing pupils from being on school premises in Alexandra during the school holidays.

On June 26, the Northern Transvaal Commissioner issued funeral restrictions and on July 1, the East Rand Commissioner banned gatherings of organisations.

On July 1, various divisional commissioners, including the one in the Eastern Cape, banned indoor gatherings of organisations, including the UDF. Outdoor gatherings were previously prohibited.

On July 2, in the Western Transvaal, the ban on entering school premises was extended and, on July 7, the Soweto Commissioner banned gatherings in the Johannesburg and Roodepoort areas of 34 organisations.

On July 11, orders relating to the control of school boycotts were published by the Commissioner for the Eastern Transvaal.



# Rand court rules for UDF

CAG Tips  
29/7/86

327

Own Correspondent

**JOHANNESBURG.** — The Rand Supreme Court yesterday declared it unlawful for police divisional commissioners to issue orders in terms of the emergency regulations.

The ruling is the result of an urgent application brought by the United Democratic Front.

The immediate effect of the ruling was to declare lawful a UDF meeting in Soweto planned for last Saturday but which had been banned by the Soweto Divisional Commissioner in terms of the emergency.

Numerous other rulings by divisional commissioners now invalidated by the court's ruling include:

- Gagging orders on 119 organizations including the UDF and the Congress of South African Trade Unions in six Cape magisterial districts issued on June 21 by the Divisional Commissioner for the Western Province, Brigadier Chris Swart.

- Orders prohibiting pupils from entering school grounds in five areas for a limited period issued by Brigadier Swart on July 4 and

by the Divisional Commissioner of the Witwatersrand, 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.

The ruling is the second set-back for the government's emergency regulations. It follows a recent ruling in the Natal Supreme Court which allowed lawyers access to detainees.

In yesterday's judgment Mr Justice G Coetzee ruled against emergency regulations which empowered the Commissioner of the South African Police to allow divisional commissioners to issue orders in terms of the regulations.

The court accepted that only the State President had the authority in terms of the Public Safety

Act to delegate this power and not the Commissioner of Police.

Mr J Browde, for the UDF, argued successfully that the effect of the divisional commissioner's order was "tantamount to banning the UDF as a lawful organization".

An attempt to have a section of the emergency regulations dealing with the powers of the designated authorities to confiscate "subversive" literature to be found invalid was successful in part only.

Mr Justice Coetzee ruled that Section 1 of Regulation 7 and 11, which deals with this, must be rephrased for clarity of understanding. However, he rejected the UDF's attempt to invalidate Section 11.

Mr Browde said no attempt had been made in the order to specify exactly what constituted a "gathering", even though provision was made in terms of the act for imposition of a fine

not exceeding R20 000 or up to 10 years imprisonment upon contravention of a related promulgation.

He added that the UDF was "effectively banned as a consequence of the order", since any form of gathering by any number of people could be construed as constituting a gathering.

Calling the order a "fundamental in-road into the basic rights and freedom of the individual to assemble", Mr Browde argued for the order to be invalidated by the court by virtue of its "manifest unjustness and gratuitous interference with this right".

He argued that the order was "grossly unreasonable" in that the blanket prohibition imposed by the Soweto Divisional Commissioner was "designed to achieve a purpose far beyond any contemplated by the legislature" in promulgating the Public Safety Act.

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# Ban ruling sets wide precedent

*live Post 29/7/86 327*

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Argus 29/7/86 (327)

# Court declares meetings ban invalid

The Argus Correspondent

JOHANNESBURG. — A Full Bench of the Rand Supreme Court has declared invalid an order made by the divisional commissioner of police (Soweto) prohibiting meetings of 26 organisations in specific areas.

The Deputy Judge-President, Mr Justice G A Coetzee, with Mr Justice H J Preiss and Mr Justice E H Stafford, also deleted a clause from one of the emergency regulations.

The urgent application was brought by the United Democratic Front — one of the organisations affected by the ban. It was awarded costs.

## Deletion order

It sought an order declaring emergency regulations 7 and 11 and the police order prohibiting meetings invalid.

In the judgment, delivered by Mr Justice Coetzee, it was ordered that a phrase in regulation 7 be deleted and the order by the divisional commissioner of police, Soweto, prohibiting gatherings of 26 organisations in Soweto, Diepkloof, Meadowlands and Dobsonville, was declared invalid.

Regulation 7 stated that the Commissioner of Police or any person authorised by him could make certain orders. The phrase "or any person authorised thereto by him" was deleted.

The Deputy Judge-President said the ban on meetings was not valid because it depended on this phrase — having been made by the Divisional Commissioner.

## Third party

In terms of the Public Safety Act, which authorised the President to declare a state of emergency and promulgate regulations, legislative power delegated by the President could not be passed on to a third party.

Mr Justice Coetzee said it was not necessary to set aside the whole of regulation 7 because "if the words (of the phrase) were not there, there would be no fault with the form" (of the regulation).

Regulation 11 — which deals with the seizure of publications — was not changed by the court. The court found no legislative power was being delegated in terms of the regulation.

Mr Justice Preiss and Mr Justice Stafford concurred with Mr Justice Coetzee.



# Local court bid over emergency

CM 7/24 30/7/86  
Supreme Court Reporter 327

THE extent of the State President's power to delegate authority to make regulations will be challenged by the Western Cape Teachers' Union and the UDF in the Supreme Court on Friday.

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.

Among the aims of the urgent application is an order restraining police from arresting school pupils who do not conform to stringent requirements laid down by order of the Divisional Commissioner of Police, Brigadier Chris Swart.

The application follows a Rand Supreme Court ruling on Monday that divisional commissioners of police may not issue orders in terms of the emergency regulations.

## 'State President alone'

The court accepted that the Public Safety Act confers upon the State President alone the power to delegate authority to make regulations.

This is the basis for Friday's application which, if successful, would result in 12 out of 19 gazetted regulations — all issued by divisional commissioners of police — being declared invalid.

Contrary to earlier reports, Wectu and the UDF will proceed with the application even if all the orders issued by the divisional commissioners are withdrawn, since what they seek is a court order declaring those orders unlawful.

● Our correspondent in Durban reports that the state of emergency is to be challenged again in the Supreme Court there tomorrow when a UDF official makes an urgent application to have the emergency regulations declared invalid and *ultra vires*.

The application is being made by UDF publicity secretary Mr Solomon Lechesa Tsenoli, who is being detained in Westville Prison under emergency regulations.



# Court ruling on emergency law welcomed

By HILARY VENABLES  
and EBRAHIM MOOSA

THE landmark decision by the Transvaal Supreme Court this week which "invalidates" certain restrictions imposed in terms of the emergency regulations has been welcomed by the United Democratic Front, trade unions, the New Unity Movement and the Progressive Federal Party.

In terms of the ruling, 119 organizations in the Western Cape, including the Congress of South African Trade Unions (Cosatu), the UDF and their affiliates, are now free to hold meetings and may be quoted in the press.

The decision that restrictions placed on organizations by a divisional commissioner of police were "invalid" was handed down after the UDF challenged the regulations in the Transvaal Supreme Court.

## Victory

Dr Allan Boesak, a UDF patron, said the recent judgments by the Transvaal and Natal Supreme Courts indicated that the "government is incapable of governing South Africa".

The UDF scored both a significant legal as well as political victory over the government when the restrictions were invalidated by the courts, Dr Boesak said.

Two major Cosatu affiliates, the General Workers' Union (GWU) and the Food and Allied Workers' Union (Fawu), said yesterday they hoped the ruling would encourage more people to challenge the restrictions through the courts.

A GWU spokesperson said unions were struggling to operate under the emergency and that the ruling would allow them to work together again through Cosatu.

Fawu welcomed the fact that organizations were challenging the emergency regulations and hoped other groups, including the press, would fight the "rule by decree" in the courts.

"The Transvaal decision has created a climate where the people feel a little more free and the police a little more restricted," a spokesperson said.

## 'Reckless'

Mr Richard Dudley, the New Unity Movement president, called the ruling a "respite from the fascist laws that have wielded with reckless fury against all progressives".

The PFP yesterday described the Department of Law and Order as "incompetent and arrogant" and as ignoring its own guidelines following the Rand Supreme Court decision.

The PFP law and order spokesman, Mrs Helen Suzman, yesterday said: "It (the department) is not supposed to delegate powers to divisional commissioners of police who are not entitled to such powers."

Mrs Suzman said the government should revoke all proclamations made by the police divisional commissioners.



30/7/86

# Three people burnt to death

327

THREE people were burnt to death and two others killed by security forces in separate incidents in the Eastern Province and Soweto during the period from 6am on Monday until the same time yesterday.

The Bureau for Information said Mr Sukumzi Dayi (28) and a man who has not yet been identified, were burnt to death in Kwazakhele. In another incident, a group of about 300 people "necklaced" Mr Godfrey Moloi (23) in Soweto.

## Shot

Two people were shot dead by security forces in KwaZakhele and at the Hofmeyr township. Mr Mzwandile Mododo (20) was killed when security forces returned fire on a group of people who shot and wounded one of their members, it is claimed.

Mr Johnson Pise Matiso (18) was shot dead when a group of people stoned a police vehicle in Hofmeyr. Police fired three shots. Mr Matiso died instantly bringing to 186 the number of people killed in unrest since the declaration of the state of emergency on June 12.



# Policeman 'held no opinion'

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 Pohlsonker 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.



# Prof lauds Courts' role in emergency

## Mercury Reporter

IT WAS encouraging that South Africa had experienced a string of judgments exercising judicial control over executive decisions, Prof Dennis Davis, associate professor of law at the University of Cape Town, said yesterday.

Prof Davis was commenting on a ruling by a Full Bench of the Rand Supreme Court that an order preventing various organisations from holding meetings was unlawful — and that a phrase should be deleted from one of the emergency regulations.

He said that, strictly speaking, this ruling, together with a judgment of the Natal Supreme Court on July 16 declaring void sections of the emergency regulations, only had jurisdiction over the particular area concerned.

'There is always a possi-

Because of the emergency regulations, the free flow of information relating to unrest is severely restricted. This newspaper will do its utmost to keep readers informed.

bility that another division of the Supreme Court could decide otherwise,' Prof Davis said.

'However, the decisions have had a very strong persuasive influence and one would hope that the Transvaal judgment is likely to be followed in other divisions.'

Prof E Newman QC, professor of procedural law at the University of Natal in Durban, said there was no guarantee that another division of the Supreme Court in another province might take the same line.

## Not entitled

However, the probability was that it would, he said.

Mrs Helen Suzman, the spokesman for the Progressive Federal Party on law and order, said she was always heartened when South Africa seemed to be taking a step towards the Rule of Law from which it had departed in the 1950s.

'All this is highlighting the incompetence of the Department of Law and Order and their arrogance in ignoring their own guidelines,' she said.

Sapa reports from Johannesburg that Monday's Rand Supreme Court deci-

sion invalidated more than 20 state of emergency orders issued in various parts of the country. The Court ruled that the Commissioner of Police was not entitled to delegate authority to divisional commissioners to issue such orders.

According to Johannesburg attorney Mr P Jenkins, the effect of the ruling, after an application by the United Democratic Front, was that any order by any divisional commissioner, promulgated under Regulation 7 (1), had now been effectively invalidated as the regulation no longer empowered divisional commissioners to issue orders.

'The practice arose when the Commissioner of Police authorised divisional commissioners to issue orders. The Court found that the delegation of authority by the commissioner went beyond the powers which the State President was entitled to confer upon the commissioner.'

'Under the state of emergency, more than 20 orders have been issued in various parts of the country regulating such things as funerals and commemorative services, the presence of non-residents in an area,

the movement of persons (curfew), and the controlling of school boycotts,' he said.

Meanwhile the UDF, following the Rand decision, will on Friday challenge in the Cape Town Supreme Court restrictions placed on the organisation in the Western Cape.

327



# Japan halts R80 m fruit imports

Mercury Correspondent

JOHANNESBURG—South Africa's citrus exports to Japan, said to be worth R80 million annually, have been halted because of the state of emergency.

These exports can only take place if Japanese-appointed inspectors pass cargoes before shipment, and the Japanese Government is refusing to allow these inspectors to work in South Africa because it fears for their safety.

A spokesman for the Japanese Consul for Economic Affairs in Pretoria confirmed the decision and said his Government was worried about the security situation.

Asked if he thought there was personal dan-

ger in this country he replied: 'My Government obviously reached its own decision.'

He said the inspectors, whose presence is vital due to strict Japanese phyto-sanitary regulations, may return once his Government is satisfied their safety can be guaranteed.

General manager of the Citrus Exchange Cameron McOnie confirmed that the embargo was costing the country millions of dollars in lost earnings.

He refused to be specific on the value of last year's export volumes, but industry sources estimate the trade to be worth R80 million.

'Our sales to Japan at the moment are zero. One of the requirements before any fruit is exported there is that food fly sterilisation takes

place, a task which is supervised by Japanese inspectors.

'The process entails putting the fruit in cold storage for longer periods than is normal for exports to other countries.'

Last year South African citrus growers predicted a 16% increase in exports to Japan.

Safari Services Shipping, which then operated three sailings a month, added another vessel to its schedule to cope with expected demand.

Japan buys mainly grapefruit and lemons from South Africa.

In response to a question whether Far East markets would take up any surplus in the event of U S and European sanctions, Mr McOnie said: 'The East would be a much better market for us.'



# Gagging: Cosatu plea to city court

116-15 347/186 (322)

By SUE LUPTON, Staff Reporter

THE Congress of South African Trade Unions (Cosatu) today challenged in the Supreme Court an order by the divisional commissioner of police in the Western Cape, Brigadier C A Swart, on June 21 gagging 119 organisations and banning their meetings.

Cosatu sought a court order declaring the order invalid on the grounds that President P W Botha did not have the authority to allow the Commissioner of Police to delegate powers to Brigadier Swart to make orders in terms of emergency regulations.

The respondents are President Botha, Law and Order Minister Mr Louis le Grange, Commissioner of Police General Johan Coetzee and Brigadier Swart.

The matter was settled out of court and the hearing was postponed for a ruling on costs.

In papers Cosatu regional secretary Mr Nicholas Paul Henwood said that in terms of the Public Safety Act President Botha could make regulations relating to a state of emergency but could not make regulations in conflict with the Labour Relations Act.

He said President Botha had declared a state of emergency on June 12 and made regulations.

## Executive committee

On June 21 1986, purportedly acting in terms of Regulation 7 of these regulations, Brigadier Swart made an order prohibiting Cosatu from holding meetings.

The Western Cape Region of Cosatu had to hold meetings in the immediate future "to transact its business and conduct its affairs", said Mr Henwood.

A regional executive committee meeting had to be held at least once a month in terms of the constitution.

"The last monthly meeting was held on June 8 1986. The next monthly meeting has therefore to be held by July 31 1986 and it will be held in Cape Town."

Mr Henwood said the July regional meeting was planned for July 7, but was postponed because of the order.

"It is crucial for this meeting to be held before the end of July 1986 to comply with the constitution of Cosatu."

Meetings were needed to submit reports on progress and problems in the Western Province to the central executive committee and to prepare an agenda for the regional congress in August.

Cosatu Western Cape region had nine affiliates and about 50 000 members.

## Legislation

Mr Henwood claimed that:

- Brigadier Swart "had no power to make the order", alternatively, the President Botha had no power to empower General Coetzee to empower Brigadier Swart to make the order,

- General Coetzee had no power to empower Brigadier Swart to make the order.

- The order conflicted with the section of the Public Safety Act dealing with labour legislation and was thus ultra vires and void.

Mr Henwood claimed alternatively that "the order is so grossly unreasonable in its scope and application that it could not have been contemplated by the legislature that it might be promulgated under the Act".



A further alternative claim was that: "The order constitutes so gross an interference with the ordinary and lawful activities of the applicant and the consequences of the order are so far-reaching and have so deleterious an effect on such legitimate activities of the applicant... that the only proper inference to be drawn is that the fourth respondent (Brigadier Swart) acted for an improper or ulterior motive, namely to achieve the virtual cessation of the applicant in the affected districts."

After the matter was called in court Mr J. Whitehead, for Cosatu, asked for it to stand down because negotiations were in progress.

● A United Democratic Front official is to make an urgent application in the Durban Supreme Court tomorrow to have the emergency regulations declared invalid and ultra vires, and the UDF will challenge restrictions imposed on it in six Cape Town Magisterial districts in the Cape Town Supreme Court on Friday.



English Press will bring application to court

# Papers unite to fight emergency

By Claire Robertson

The 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 Maritzburg 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 attacked, and police orders issued in terms of regulation 7 — will also be challenged.

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 op-

pressive", 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.

## Subversive statements

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.

Regulation 12 effectively makes it possible for a newspaper to be banned.

The State President does not have the power to confer this subjective discretion on the Minister, counsel for the newspapers will argue.

## Cosatu challenges order

Own Correspondent

CAPE TOWN — The Congress of South African Trade Unions (Cosatu) today challenged in the Supreme Court an order made on June 21 by Brigadier C A Swart, Divisional Commissioner of Police in the Western Cape, gagging 119 organisations.

Cosatu is seeking a court order declaring the order invalid on the grounds that President P W Botha did not have the authority to allow the commissioner to delegate to Brigadier Swart power to make orders in terms of emergency regulations.

The respondents are President Botha, Law and Order Minister Mr Louis le Grange, Commissioner of Police General Johan Coetzee and Brigadier Swart.

In papers, Cosatu regional secretary Mr Nicholas Paul Henwood said that in terms of the Public Safety Act, President Botha could make regulations relating to a state of emergency but could not make regulations in conflict with the Labour Relations Act.

The 119 organisations include Cosatu, the United Democratic Front, the End Conscription Campaign, the Detainees' Parents Support Committee, the Azanian People's Organisation, student organisations, ratepayers associations and community groups.

rather than in prisons.



# Now Grahamstown court invalidates police orders

The Grahamstown Supreme Court has invalidated the curfews and bans on public meetings and funerals ordered by the Divisional Commissioner of Police in the Eastern Cape.

The court ruled that only President Botha, or delegates specifically named by him, could issue orders in terms of the state of emergency regulations.

The Full Bench — Mr Justice Jones, Mr Justice Cloete and Mr Justice Kroon — ruled that regulations 7 and 11, promulgated in terms of the Public Safety Act, were invalid because they purported to grant the Commissioner of Police or the Minister of Law and Order authority to further delegate the power entrusted upon them by the President.

Accordingly, the Divisional Commissioner might not make "any orders, rules or by-laws" in terms of the Public Safety Act by virtue of regulations 7 and 11.

The judgment, on an application by the United Democratic Front and its secretary, Mr Mohammed Valli Moosa, also ruled that orders could not be issued only "for any of the purposes for which the State President is authorised by the section to make regulations".

## PUBLIC ORDER

These were providing for the safety of the public, maintenance of public order, making adequate provisions for terminating the emergency, and dealing with any circumstances which had arisen or were likely to arise as a result of the emergency.

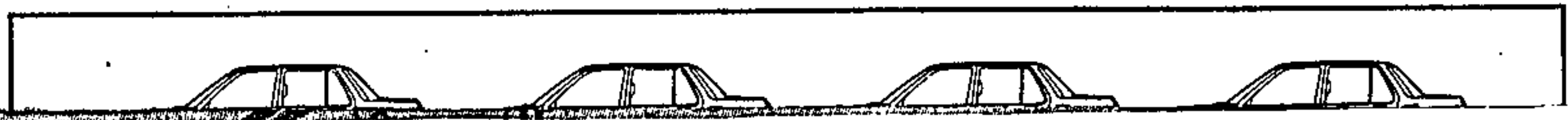
This ruling effectively invalidates all orders made by the Divisional Commissioner for the Eastern Cape, Brigadier Ernest Schnetler, including the prohibition of meetings, restrictions on funerals in the Eastern Cape, and curfews in townships.

The respondents were ordered to pay costs of the application.

Mr Jules Brown, SC, appeared for the UDF, and Mr JH Conradie, SC, for the respondents.

● Regulation 7 empowers "the Commissioner of the South African Police or any person authorised thereto by him" to issue orders relating to the emergency "without furnishing reasons and without hearing any person".

● Regulation 11 empowers "the Minister, or a person authorised thereto by him", to authorise "the seizure of one or more or all copies of any publications specified in the order which in his opinion contain a subversive statement or any other information which is, or maybe, detrimental to the safety of the public, the maintenance of the public order or the termination of the state of emergency".





# E Cape meetings, funerals bans declared invalid

Argus 30/7/86  
327

The Argus Bureau

PORT ELIZABETH. — A Full Bench of the Grahamstown Supreme Court has invalidated curfews, bans on public meetings and restrictions on funerals ordered by the divisional commissioner of police in the Eastern Cape.

The court ruled that only President P.W. Botha or delegates specifically named by him could issue orders in terms of the state of emergency regulations.

Mr Justice Jones, Mr Justice Cloete and Mr Justice Kroon ruled that Regulation 7 and Regulation 11 of the emergency promulgated in terms of the Public Safety Act were invalid because they purported to grant the Commissioner of Police or the Minister of Law and Order authority to further delegate the power entrusted to them by the President.

Accordingly, the divisional commissioner could not make "any orders, rules or by-laws" in terms of the Public Safety Act by virtue of Regulation 7 and 11.

## REGULATIONS

The judgment on an application by the United Democratic Front and its secretary, Mr Mohammed Valli Moosa, also ruled that orders could be issued only "for any of the purposes for which the State President is authorised by the section to make regulations".

These were providing for the safety of the public, the maintenance of public order, making adequate provision for terminating the emergency and dealing with any circumstances which had arisen or were likely to arise as a result of the emergency.

This ruling effectively invalidates all orders made by the divisional commissioner for the Eastern Cape, Brigadier Ernest Schnetler, including the prohibition of meetings, restrictions on funerals in the Eastern Cape and curfews in townships.

## COSTS

The respondents were ordered to pay costs of the application.

Mr Jules Browde, SC, assisted by Mr A.M. Omar appeared for the UDF and Mr J.H. Conradie, SC, assisted by Mr L.E. Leach and instructed by the State Attorney, appeared for the respondents.

● Regulation 7 empowers "the Commissioner of the South African Police or any person authorised thereto by him" to issue orders relating to the emergency "not inconsistent" with the regulations "without furnishing reasons and without hearing any person".

Regulation 11 empowers "the Minister or a person authorised thereto by him" to authorise "the seizure of one or more or all copies of any publication specified in the order which in his opinion contains a subversive statement or any other information which is or may be detrimental to the safety of the public, the maintenance of the public order or the termination of the state of emergency."

● Progressive Federal Party MP Mrs Helen Suzman today welcomed decision.

"The more challenges of this kind the Minister of Law Order face in court, the better."

## POWERS

Former MPC Mrs Di Bishop said the ruling vindicated the view held by many that the police were acting beyond the bounds of the powers they had under the emergency.

The Democratic Lawyers' Association said the decision showed that executive power could not be exercised in an unbridled form.

"While we have no illusions about the awesome power of the State and officials of the State, every bit of relief obtained from the courts is welcomed."

Mrs Mary Burton, national president of the Black Sash, said the decision, the latest in a series of important court rulings, demonstrated that the courts "had some teeth".



# NO to Council bid for DV control?

Daily Disp.

20/07/86

321

By MATTHEW MOONIEYA  
Local Affairs Reporter

**EAST LONDON** — The status quo is expected to remain in Duncan Village and the government is to continue with the R10.5 million upgrading of the unrest-hit area.

This was all that could be gleaned when a delegation from the city council returned yesterday from talks with the Minister of Constitutional Development and Planning, Mr Chris Heunis.

The leader of the delegation, Mr Donald Card, said after flying back last night that he had been instructed to respond to any press inquiry about the talks with words to the effect that the upgrading of Duncan Village had been negotiated and an announcement would be made by the government soon.

Village Community Council whose members do not live in the area any longer.

Mr Card could not be drawn but it was clear that the minister had rejected the council's appeal to have talks about the area with the Duncan Village Residents' Association with which it has had several informal meetings.

Two other members of the delegation, Mr Errol Spring and Mrs Elsabe Kemp, did not return with Mr Card last night and were due back later.

The fourth member of the delegation, was the town clerk, Mr Les Kuhn, who arrived back with Mr Card.

He said any comment on the talks would have to come from Mr Card.

There had been much speculation about the meeting which the mayor, Mr Joe Yazbek, the exit of the Duncan

labelled as the most important ever organised between the council and the government, while Mr Card said it was of vital importance to the entire city.

Other matters discussed with the minister during the nearly two-hour meeting were road subsidies and housing.



# Judgment for UDF 'is law' 327

JOHANNESBURG. — All orders and bans on meetings made in terms of the State of Emergency by anyone below the rank of the Commissioner of Police are invalid according to a ruling by a full Bench of the Rand Supreme Court yesterday.

The ruling sets a precedent which could affect orders made countrywide in terms of emergency regulations.

The court yesterday declared invalid an order made by the Divisional Commissioner of Police (Soweto) prohibiting meetings of 26 organizations in specific areas, after the United Democratic Front challenged the order.

## Delegate

The Deputy Judge President, Mr Justice GA Coetzee, with Mr Justice HJ Preiss and Mr Justice EH Stafford, ruled that the order was invalid because the Commissioner of Police was not empowered, in terms of the emergency regulations, to delegate the authority to make such an order.

Mr Justice Coetzee said the State President, in terms of the Public Safety Act, could delegate legislative powers to the Commissioner, but the Commissioner could not re-delegate that power. The court accordingly deleted a phrase in emergency regulation 7

allowing delegation to a third party.

The UDF applied for an order in the Rand Supreme Court that an order in the Government Gazette on July 10 be declared of no force or effect.

The effect of the court ruling is to invalidate all orders made by Divisional Commissioners under the state of emergency.

Yesterday's Supreme Court decision is the only one made on this point. "As such, it is the law," a Johannesburg legal academic said.

## Authoritative

He explained that although a court in another province could make a different finding, the Transvaal ruling would be authoritative even outside the Transvaal until a Bench of three judges overturned it elsewhere.

A large number of orders published in various Government Gazettes could be affected by this, including:

On June 13 on the East Rand, West Rand and Witwatersrand, various Divisional Commissioners banned outdoor funerals of people who had died from unnatural causes and imposing various restrictions on other funerals.

On June 19, the Western Transvaal Divisional

Commissioner issued similar restrictions.

On June 21 further orders banned funerals during weekends and public holidays on the East Rand and in the Western Transvaal.

Further orders relating to the control of movement of non-residents, the possession of petrol and school boycotts were published.

## Costs

On June 25, the Witwatersrand Divisional Commissioner issued an order denying pupils access to school premises in Alexandra during school holidays.

On July 1 the East Rand Commissioner banned gatherings of various organizations.

On July 7 the Soweto Commissioner banned gatherings in Johannesburg and Roodepoort of 34 organizations.

On July 10, this order was limited to Soweto, Diepkloof, Meadowlands and Dobsonville, and repealed on July 11.

The State President, the Minister of Law and Order and the Commissioner of Police were ordered to pay costs.

Neither the Bureau for Information or the police would comment on the ruling yesterday. — Sapa

● Court ruling welcomed, page 2

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# 'Jumble of words' Judge slates regulations

Cape Times 16/7/86

327

Own Correspondent

**DURBAN.** — A judge here has described the state of emergency regulations as a "jumble of words" and has said that whoever formulated them had written a "lot of nonsense".

Mr Justice Didcott made these comments during the hearing of an urgent application brought by the Metal and Allied Workers' Union (Mawu) against President P W Botha and the government for an order declaring the state of emergency and emergency regulations of no force and effect, and the continued detention of people under the regulations unlawful.

Judgment is expected to be given by a full Bench in the Supreme Court here at 2.30pm today.

The application is being heard by Mr Justice Kumleben, Mr Justice Didcott and Mr Justice Thirion.

The hearing of the application started on Monday and has involved lengthy legal argument by Mr I Mahomed, SC, for the applicants and Mr J Combrink, SC, for the State President.

While listening to Mr Mahomed's argument during the hearing, Mr Justice Didcott said he was unable to make "head or tail" of the regulations concerning the emergency.

Mr Mahomed said much of the wording of the regulations, particularly the wording relating to subversive activities, was so vague as to be meaningless.

Mr Justice Didcott said he agreed and added that he had tried in vain to understand the "jumble of words" in the regulations.

He said that whoever had formulated them had written "a lot of nonsense" and he could not make head or tail of them.

The judge also asked whether a Jehovah's Witness minister would be committing an offence if he told his congregation not to undergo military service.

He posed the question of whether this could be regarded as an incitement to undermine morale.

"Nobody can be sure any more when he is committing an offence and when he is not."

The judge also said that a cabinet minister recently argued that the country "was prepared for sanctions and the sooner they were imposed the better."

He asked what would happen to a left-winger who made a similar statement.

The courtroom has been crowded with spectators and press benches have been packed.

The urgent application has been brought by Mawu together with Mrs Dudu Doreen Mchunu, the wife of one of its detained members.

The union is also seeking the release of all people detained in terms of the emergency regulations, including six of its own members.

It is also seeking an order declaring that the paragraph in the emergency regulations purporting to contain a definition of a "subversive statement" is of no

cause and effect in law.

Yesterday Mr Combrink told the court that there had been no irregularity in the way regulations relating to the state of emergency were announced.

He said that while both the emergency proclamation and the regulations had appeared in the same Government Gazette, the order of the items in the gazette showed that the emergency announcement had come first.

In reply to a question by Mr Justice Kumleben as to how one could tell which of the items took precedence, he said it was obvious from the numerical order of the items.

Replying to an argument by the applicants that the state of emergency had become invalid on June 26 as the announcement was not tabled in all three Houses of Parliament within 14 days, Mr Combrink said the adjournment of Parliament to August 18 meant the announcement could be tabled when Parliament reconvened.

Mr Mahomed has said that the State President was empowered to promulgate emergency regulations only after a state of emergency had been declared.

He said the President had simultaneously declared the emergency and promulgated the emergency regulations with effect from midnight on June 11 and because of this had acted ultra vires.

AM



## Post Reporter

THE judgment handed down in the Grahamstown Supreme Court yesterday in favour of the United Democratic Front effectively invalidates all orders made by the Divisional Commissioner of Police in the Eastern Cape, Brigadier Ernest Schnetler, in terms of the state of emergency regulations.

A full Bench ruled that only the State President, Mr P W Botha, or delegates "specifically" named by him, could issue orders.

Unless new orders are issued by Mr Botha or his delegates, the curfew introduced by Brig Schnetler on June 19, the restrictions on funerals which he imposed on June 13 and the ban on indoor meetings by 52 organisations in 13 magisterial districts, will become invalid.

The UDF made an urgent application to the

# Judgment invalidates Schnetler's orders

Port Elizabeth Supreme Court on July 14 asking that certain emergency regulations be declared invalid and that a UDF meeting scheduled to be held the next day, be allowed.

Mr Justice Jones said it was court policy for such matters to be heard by the full Bench, and granted a request for the case to be heard in Grahamstown.

The original application was brought by UDF secretary Mr Mohammed Moosa against the State President, the Divisional Commissioner of Police in the Eastern Cape, the

Commissioner of Police and the Minister of Law and Order.

On June 30, an executive meeting of the UDF in Johannesburg decided to hold a meeting in Port Elizabeth to inform the community of the effects of the state of emergency on the UDF and its affiliates.

Mr Moosa's application to the Divisional Commissioner to hold the meeting at the Rio Cinema was refused.

In an affidavit replying to Mr Moosa's application for a declaration to enable the UDF to exercise its

lawful authority, Brig Schnetler denied that Regulation 7 in Proclamation R109 was invalid, and said the State President's competency to authorise persons to act for him was not restricted by the Act.

On June 19, an order published in the Government Gazette barred people from streets and public places in townships in 13 Eastern Cape magisterial districts between the hours of 9pm and 4am, barred non-residents from townships and prohibited the possession of T-shirts bearing the names of

about 47 action committees, students' movements and councils and other organisations.

The orders also restricted the movement of pupils at schools and barred non-pupils and non-employees from school premises in townships falling within the magisterial districts of Port Elizabeth, Uitenhage, Fort Beaufort, Albany, Humansdorp, Hankey, Kirkwood, Somerset East, Bedford, Adelaide, Alexandria, Cradock and Bathurst.

They effectively ex-

cluded restrictions placed on funerals in four magisterial districts on June 13 to townships in these 13 districts.

Brig Schnetler's orders banned public address systems and banners from being used at funerals and prohibited anyone but ordained ministers from acting as speakers at funeral services.

On July 1, the Government Gazette published orders from Brig Schnetler prohibiting 52 political organisations from holding indoor meet-

ings in 13 magisterial districts under his control.

They were also prohibited from advertising gatherings and people were prohibited from attending them.

Yesterday, Judges Jones, Cloete and Kiroon ruled that insofar as Regulations seven 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 further delegate the power entrusted to them by the State President, they were invalid.



327  
3/7/8  
Sunderland

## 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.



# 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.



# Taxi behind bars?

327  
31/7/86

PRETORIA — Thou-  
sands of people have  
fallen foul of the  
emergency regu-  
lations — but one of  
the most unusual de-  
tainees must surely be  
a Stilfontein taxi.

This is disclosed in an  
urgent application to  
be brought in the Pre-  
toria Supreme Court  
by a taxi fleet opera-  
tor, Mr Mzondeki Jim  
Chabanku.

In an affidavit, the busi-  
nessman said he  
learned from one of  
his drivers that his  
taxi had been stopped,  
he had been detained,  
and the taxi had been  
seized.

Mr Chabanku said the  
police "had no right to  
seize and retain pos-  
session of the ve-  
hicle", so he sent a  
telex to the police ask-  
ing that the taxi be re-  
turned.

He said the police sent a  
telex in reply saying:  
"We refer to your  
telex dated July 22  
1986."

"The above-named is be-  
ing detained in terms  
of regulations 3(3) of  
the Emergency Regu-  
lations.

"His release cannot be  
considered at this  
stage." — Sapa



DD 31/01/80

## Five in<sup>32</sup> court on gathering charge

Dispatch Reporter

EAST LONDON — Five people, including two nuns, appeared in separate cases in the magistrate's court here yesterday in connection with illegal gatherings where placards protesting against the Public Safety Amendment Bill were allegedly displayed.

They were not asked to plead and no charges were put to them when they appeared before Mr W. Opperman.

It is alleged that Sister Helen Maria Muller, 55, of Mater Dei Hospital, "wrongfully and unlawfully took part in an illegal gathering, procession or demonstration without the written permission of a local authority when she displayed a placard in Oxford Street on June 9".

Sister Josee Beerens, 52, of St Marks Road, was alleged to have held a placard on that day while standing in Oxford Street.

Miss Nominda Ellen Qwati, 66, was alleged to have displayed a placard in Buffalo Street.

Mrs Marie-Claude Souchon, 48, was alleged to have "gathered" in Oxford Street on that day with a placard.

Mr Timothy Wigly, 38, of Mount Ruth farm, was said to have paraded with a placard in Oxford Street.

They were all warned to appear in court on September 24.

The Reverend Hugh Magorran, 54, of the Mount Ruth Catholic Mission, was alleged to have been on the corner of Gladstone and Buffalo Street on June 9 with a placard.

He was warned in absentia to appear on October 15.

Mr H. Lalla appeared for the accused.



## Cosatu challenges gag in W Cape

THE Congress of South African Trade Unions yesterday challenged in the Supreme Court an order by the Divisional Commissioner of Police in the Western Cape, Brigadier C Swart, on June 21 gagging 118 organisations and banning their meetings.

Cosatu is seeking a court order declaring the order invalid on the grounds that State President P W Botha did not have the authority to allow the Commissioner of Police to delegate to Brig Swart power to make orders in terms of emergency regulations.

Meanwhile the 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 Maritzburg 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.

Six regulations — numbers seven to 12 — are to be challenged, along with police orders issued in terms of Regulation 7. — Sapa.

Sosalew

21/8/80



THE United Democratic Front is looking at other legal challenges pertaining to the state of emergency following court rulings in its favour this week, writes NKOPANE MAKOBANE.

The Witwatersrand and Grahamstown Supreme Courts on Monday and Tuesday respectively invalidated orders by the divisional commissioners of Soweto and the Eastern Cape prohibiting among other things public meetings.

Mr Azhar Cachalia, the UDF national treasurer, said yesterday that they welcomed the decisions and view them as "victory" for those af-

## UDF to study court moves

ected by them. These decisions, he said, were important and the organisation was considering further applications in other broad aspects of the state of emergency.

He added that the decisions still do not ease the immense problem

the UDF has in operating as an open democratic organisation. It was almost impossible for them to meet, notwithstanding the court decisions, he said.

On Tuesday a Full Bench of the Grahamstown Supreme Court invalidated the curfews and bans on public meetings and funerals ordered by the Divisional Commissioner of Police in the Eastern Cape.

The court ruled 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.



31/07/46  
**Internal Security:  
41 found  
guilty**

**JOHANNESBURG**

Minutes after a Johannesburg magistrate passed sentence yesterday on 36 Wits University students and five lecturers for contravening the Internal Security Act, another Wits law student, Tiego Mose-neke, 24, of Ostrichville, was detained.

The magistrate, Mr. T. Steenkamp, fined each member of the group, arrested in Braamfontein on May 30 for illegally attending a prohibited gathering, R50 (or 10 days) suspended for one year.

All the accused pleaded guilty.

Three of the arrested students, student representative council president Miss Claire Wright, 23, of Berea, Thondeka Gqubale, 20, and Black Student Society president Mr Daluxolo Christopher Mpofo, are being held in detention under the emergency regulations.

The magistrate said: "The seriousness of the offence is mitigated by the circumstances in which it was committed. It was more a nuisance than anything else. The state was prepared to accept a R50 admission of guilt fine."

"The court is not going to enter the field of politics, but surely if you are not successful in one way to bring your problem to the attention of the authorities, then try another," he said. — Sapa



...wife, Pam, and Durban Turf Club chairman Mike Rattray.

## Court bid fails to get lecturer released

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 Siphso 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 Smangalisso 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 Kobeko 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.

## Dawe predicts new hike in beef price

**Dispatch Reporter**  
EAST LONDON — A rise in the price of beef could be expected in the near future, the chairman of the East London Meat Traders' Association, Mr Ivan Dawe, said yesterday.

He was reacting to a statement by Vleissentraal's deputy senior general manager for livestock management, Dr Jan Lombard, predicting the price of beef would top the R3 a kilogram mark for retailers by the end of the year and would subsequently affect over-the-counter prices to consumers. The average price for all grades of beef at present was R2,40 a kilogram.

Dr Lombard was speaking at the annual meeting this week of the Cape Eastern Meat Co-operative Company in Grahamstown.

"Indications are that we will pay more for beef but it is difficult to tell by how much at this stage, Mr Dawe said.

He said, super grade



The UDF and the Western Cape Teachers' Association (Wectu) are going ahead with a joint application to the Supreme Court tomorrow challenging the validity of the now-repealed restrictions and whether Brigadier Swart had the power to impose them in the first place.

The advocate appearing tomorrow for the UDF and Wectu said that the anomaly of the situation was that Brigadier Swart had repealed restrictions which were invalid from the outset.

Mr Dullah Omar, chairman of the Thornhill Residents' Association, one of the organisations gagged by Brigadier Swart, said meetings had not been held for five weeks because of restrictions.

### "Dared not..."

"Although we knew the restrictions were invalid we dared not meet because that would have invited action. We hope that no further restrictions will be imposed."

He said that in spite of the small victories in the courts, the emergency still existed, thousands of people were still in detention and the security forces still had vast powers.

"Therefore the state of emergency must be lifted immediately."

He said the association and other organisations would swing back into action and assess the problems facing the community. Relief work among squatters, aid and assistance for relatives of detainees and unemployment problems had to be tackled, he said.

The Muslim Judicial Council said the restrictions should not have been imposed on the 119 organisations and called for the release of all detainees.

Mrs Mary Burton, national president of the Black Sash, said she was delighted that the right to hold meetings has been restored to the organisations.

"We see this as a tacit admission by Brigadier Swart that the orders were ultra vires," she added.

Democratic Lawyers' Association secretary Mr H Joshua said Brigadier Swart's move indicated that "our lawyers must be more resourceful and prepared to challenge draconian measures at every turn".

There was a role for democratic lawyers to play in trying to establish the recognition of human values.

### Driving force

The chairman of the End Conscription Campaign in the Western Cape, Mr Nic Boraine, said the grievances which were the driving force behind the organisation were real grievances. They did not disappear when it became illegal to articulate them.

"The recent decisions in the courts that challenge elements of the state of emergency partially reclaim some of the civil rights lost by Government actions over the past few months."

Merge, another of the 119 or-

(Turn to Page 3, Col 2)

By DENNIS CRUYWAGEN, Staff Reporter  
THE United Democratic Front today described the repeal of restrictions on 119 organisations in the Western Cape as "a great victory".  
Community and civil rights bodies welcomed the lifting of the orders by Brigadier C A Swart, divisional commissioner of police in the Western Cape, and said they hoped more severe restrictions would not follow.  
They also called for the release of all detainees and for the emergency to be lifted.

## Ungagging a great victory — UDF

ARGUS 31/7/86 327  
(Cont. from Page 1)

organisation, called on the Government to release all those in detention and to lift the emergency.

The organisation pledged to revive its fortnightly meetings on "issues of concern".

The South African Council on Sport (Sacos) president, Mr Frank van der Horst, said the lifting of the restrictions was an inevitable step in the face of widespread resistance and added "our struggle for emancipation will continue".

● The Argus Political Staff reports that the Progressive Federal Party welcomed the lifting of certain restrictions by Brigadier Swart and urged the Government to call off the emergency.

Mrs Helen Suzman, PFP spokesman on law and order, said that in view of the confusion on the validity of orders

made in terms of its regulations, the whole emergency should be lifted immediately.

Brigadier Swart repealed the orders in terms of the powers vested in him by Regulation 7 (1) of the regulations promulgated under the emergency.

A spate of court actions have challenged the regulations and detentions of individuals resulting in the setting aside of several orders in recent weeks.

The Rand Supreme Court ruled that it was unlawful for divisional commissioners of police to issue orders in terms of the regulations.

Other court actions or the threat of actions have resulted in detainees being freed.

Several restrictions of the media reporting of the unrest have also fallen away.

rest, rather than to show force and intimidation.

The emergency, in any event, did not appear to be having the slightest effect on the situation, particularly with regard to what was happening in black schools.

Mrs Suzman praised the courts for restoring a measure of the rule of law. End.

Mrs Suzman said the Government should be tackling the underlying causes of the un-

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## State of emergency regulations face a legal onslaught

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 Ccausa official.

Separate lists of detainees kept by monitoring groups such as the Detainees

Business Day Reporters

3/7/86 BUDDAI - "THE VITAL VIEWPOINT"

## 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 Kur

kept a list of those detained the task of keeping public records should not have been left to different organisations.

The Bureau for Information said it was not aware of plans by police to issue an official list of those detained.

□ In Cape Town, Cosatu challenged the Western Cape divisional commissioner of police's ruling gagging 119 organi-

● To Page 2 ➔

From Page 1



11/6/86 31/7/86

## Police <sup>327</sup> withdraw gags on 119 groups

Staff Reporter

POLICE have withdrawn gagging orders on 119 organisations which have been effectively silenced in the Western Cape for more than five weeks.

The organisations were banned from holding meetings, publishing or distributing publications and newspapers could not report their comments or those of their office bearers.

Also withdrawn are orders prohibiting pupils from being out of their classrooms at various schools, restrictions on funerals and the ban on people returning to the KTC squatter camp where shacks were destroyed during violence.

Police spokesmen were today unable to explain how the orders, issued in terms of the emergency regulations by the Divisional Commissioner of Police for the Western Cape, Brigadier Chris Swart, could be repealed by him.

Supreme Court judgments this week held that the divisional commissioners did not have the power to issue orders.

In a statement issued last night, Brigadier Swart said he was repealing the three orders in terms of section 7 (1) of the emergency regulations.

The repeal order was issued last night hours after an application by the Congress of South African Trade Unions challenging the orders went before the Supreme Court, Cape Town.

Cosatu's challenge was on the grounds that President P.W. Botha did not have the authority to allow the Commissioner of Police to delegate powers to make orders in terms of emergency regulations to a third party.

The application was settled out of court and Cosatu was allowed to hold meetings in terms of the settlement.

The three orders repealed were:

- The gagging order and regulations governing the "control of school boycotts", issued on June 21;

- The prohibition of people in certain areas of Nyanga issued on June 25, and

- The placing of restrictions on funerals in Khayelitsha, Crossroads, Nyanga, Guguletu and Langa, issued on July 2.



TOTALITARIANISM - GENERAL

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Cam Times 1/8/86 327

# UDF plan to hold a mass Sunday rally

By TONY WEAVER

THE United Democratic Front will hold a mass rally next Sunday, probably in Athlone, and if the police or the government ban the meeting, will "take them to court to assert our right to free assembly".

And members of the UDF regional executive said in interviews with the Cape Times yesterday that the organization would continue to work through the courts to "assert our right to exist as the legal extra-parliamentary opposition".

The regional secretary, Mr Trevor Manuel, and executive members Mr Graeme Bloch and Mr Goolam Abubaker spoke after gagging orders on the UDF and 118 other organizations were lifted on Wednesday night.

## Series of knocks

In the wide-ranging interviews, Mr Manuel said: "The South African Government is politically at its weakest now through their own inability to contain resistance, their reliance on rule by decree. And now they have taken a series of knocks in the courts."

"We will continue to fight the emergency regulations and if new decrees are issued, we will challenge them again. If necessary we will bring a thousand court applications to secure the release of all the detainees."

Mr Abubaker said that since the declaration of the state of emergency, many moderate groups, including the Cape Teachers' Professional Association, the National African Chamber of Commerce and sectors of big business, had taken up UDF calls for the unbanning of the ANC and the release of Mr Nelson Mandela.

"The government has failed in co-opting the moderate centre, has failed to smash the resistance of the democratic movement and has also failed utterly in its attempts to bolster the confidence of the business community."

## People dying

"There are many things happening which the press is not allowed to report, and nobody believes the Bureau for Information when they say nothing is happening while so many people are dying every day," Mr Bloch said.

The press appeared "unwilling to be courageous". "We can understand a measure of caution, but there has been a real unwillingness to push the regulations."

Mr Manuel said that although the UDF had been severely limited in its ability to communicate with the people and to organize, local structures were strong and "we are very far from dead, we are fighting all the time".

# UDF: 'State will fight back'

Staff Reporter

AMID fears that the lifting of a ban on 119 organizations in the Western Cape could be followed by new restrictions imposed by a higher authority, the UDF has said it will continue to resist attempts to repress its activities.

The restrictions were lifted late on Wednesday night by the local Divisional Commissioner of Police, Brigadier Christoffel Swart.

Speaking from hiding yesterday, UDF regional secretary Mr Trevor Manuel said: "We do not expect that the State will merely relax these restrictions. We expect it to fight back."

"In the interests of our affiliates and their membership, we are more than willing to face whatever fresh challenge it may offer," he said.

Another organization affected by the restrictions, the civil-rights group Merge, welcomed "the fact that the courts of justice still have power in South Africa" and said it would continue its activities now that the ban had been lifted.

The leader of the PFP, Mr Colin Eglin, said the "piecemeal dismantling" of the state of emergency by the courts and the authorities was only adding to the confusion.

"The whole situation is a shambles. The government must make a clean breast of it and lift the whole state of emergency so that the political situation can return to some semblance of normality," he said.



# UDF case: court reserves judgment

Dispatch Correspondent

DURBAN — A Full Bench of the Supreme Court here reserved judgment yesterday in the application by a United Democratic Front (UDF) official to have the state of emergency regulations declared invalid and ultra vires.

The application, before the acting Deputy Judge President, Mr Justice Léon, presiding, Mr Justice Friedman and Mr Justice Wilson, was made by the publicity secretary of the UDF, Mr Solomon Lechesa Tsenoli, who is being detained at Westville Prison under the emergency regulations.

Mr M. Wallis, SC, assisted by Mr L. Gering, who appeared for Mr Tsenoli, submitted that the powers of arrest and detention in terms of the state of emergency were wide.

He said the court could invalidate regulations 3 (1) and 3 (3) because the State President had gone outside the parameters permitted.

1/8/86 (327) DD



ARGUS 1/8/86

# Police untie 100 gags 327 — new orders expected

**The Argus Correspondent**

PRETORIA. — Divisional commissioners of police have repealed more than 100 restrictions curtailing the movement of people and the work of anti-apartheid organisations.

However, it is expected that new orders could be published today.

The orders, all made in terms of the Public Safety Act, have been invalidated by Supreme Court rulings.

The courts found that divisional commissioners of police were not empowered by the Public Safety Act to issue the orders. Most of the orders have been lifted from today.

● On the West Rand Brigadier Jacobus Gabriel le Roux Stemmett issued a statement yesterday repealing restrictions imposed on funerals and published in the Government Gazette on June 13.

● In the Northern Free State Brigadier Johan Swart re-

pealed orders published on June 26, July 1 and July 10.

● The divisional commissioner of police in the Eastern Province, Brigadier Ernest Schnetler, withdrew emergency orders published on June 19 and July 1.

● In the Boland Brigadier Flip Fourie repealed orders he issued on June 21.

● In the Western Province Brigadier Chris Swart announced the lifting of restrictions, including a ban on funerals, organisations and movement of people.



# Principal speaks on effects of emergency

By Montshiwa Moroke

"Something has to give, somewhere" — This is the view of a Soweto school principal, regarding the state of affairs in black education throughout the country.

His comment was prompted by the tough stand taken by the Government recently in its response to the growing rejection by black pupils of the new security measures introduced in black schools two weeks ago.

The Government has gone so far as to threaten the closure of those schools where no "meaningful" education was taking place and to dismiss or transfer teachers from those schools.

Pupils, on the other hand, have refused to accept the imposition of the new Government measures, including the identity card system, the correct class placement and the presence of security forces at schools.

During an interview, the school head highlighted the invidious position in which teachers found themselves and the lack of communication between the Department of Education and Training (DET) and principals — except when they gave instructions.

## DISCUSSION

The principal, who cannot be identified for professional reasons, said that when the schools re-opened on July 14, pupils flocked to classes where "pains" were taken to explain the implications of the state of emergency.

"I sent them back home to their parents, to read newspapers and discuss these regulations which bound them to the status quo.

"There was a howl from pupils about the identity cards, but for the purpose of those who wanted to be in school, I said it should not be an issue to keep them away from school," the school head said.

He said that for the first three days when the schools re-opened, attendance was about 80 percent, but the situation was unstable because of the re-registration regulation.

Now there was the problem of the presence of security forces at schools. Principals were not informed by the DET of such a move.

He said: "We get nothing from the DET. What we are supposed to know we get from newspapers, which we avidly read these days.

## IN OCCUPATION

"We found soldiers on the school premises when we arrived at school on July 18. They were just in occupation. The children were concerned, but I spoke to them and pleaded with them to ignore the soldiers' presence and to go about as if they were not there."

The principal said teachers were concerned because there were large numbers of pupils who wanted to be at school and learn. For their sake, teachers had to run a middle course.

He foresaw the situation getting even more difficult and expected the State to come down heavily. In that case the role of the teacher too was increasingly becoming difficult.

From teacher training, teachers knew what their role was, but it had since changed. Teachers had to sit down to re-think, re-define and re-align that role in the light of the present.

"Morale among my teachers is really low at the moment. Something has to give, somewhere. Somebody has to give — for the sake of sanity and human dignity.

"By sheer numbers it seems to me that it is the politicians, the State, which must give," the school head said.



11/8/86 327

## Democracy 'not hampered under emergency' — Nel

By FRANS ESTERHUYSE, Political Staff

THE Deputy Minister of Information, Mr Louis Nel, has dismissed criticism that the democratic process in parliamentary by-elections could be hampered by the emergency regulations.

He was responding to recent remarks by the Progressive Federal Party's candidate for Claremont, Mr Jan van Eck, about the "vagueness" of certain regulations and the effect this could have on the by-election.

Mr Nel, political head of the Bureau for Information, said: "All South Africans are subject to the law of this country. At the moment the emergency regulations are part of South African law and Mr van Eck is surely subject to obey."

Criticism voiced last week by Mr van Eck and the PFP candidate for Pinelands, Mr Jasper Walsh, was that almost any criticism of the Government on major issues facing South Africa could be regarded as "subversive" in terms of the regulations.

Mr van Eck had backed up his argument with reported remarks by Mr Justice Didcott of the Natal Supreme Court that parts of the definition of a "subversive statement" were "a jumble of words", "a lot of nonsense" and that nobody could be certain when he was committing an offence in terms of certain regulations.

### "REMARKS IRRELEVANT"

Mr van Eck had also accused the Government of preventing effective communication between parliamentary by-election candidates and the public through its curbs on the Press under the state of emergency.

Asked to comment Mr Nel responded: "Mr van Eck purports to quote Mr Justice Didcott. The remarks that he attributes to Mr Justice Didcott are not part of the considered judgment delivered by the judge on July 16 and are therefore for all practical purposes irrelevant."

"To ascertain what the legal position in Natal is Mr van Eck must read the judgment and not rely, as he obviously does, on news reports."

Mr Nel declined to comment on the rejection by a Stellenbosch academic of Mr Nel's claim that the political debate was continuing unhindered "over the whole spectrum" of South African politics.

Professor H J Grosskopf of the department of journalism at the University of Stellenbosch had said in a letter published recently in a Nationalist newspaper that Mr Nel's claim was not correct.

(Report by F S Esterhuyse, 122 St George's Street, Cape Town)



# Emergency orders withdrawn in Cape

**PORT ELIZABETH**—The Divisional Commissioners for three areas in the Cape have now withdrawn emergency orders issued since the declaration of the state of emergency on June 12.

Brig Ernest Schnetler of Eastern Province withdrew orders following Tuesday's judgment by a Full Bench of the Supreme Court in Grahamstown, which effectively invalidated certain orders, reports Sapa.

On June 19, Brig Schnetler issued orders barring non-residents from entering some areas without the written permission of a member of the security forces, and imposed a curfew between 9 p.m. and 4 a.m. on certain areas in the Eastern Cape.

He placed restrictions on funerals in 13 magisterial districts.

He also issued orders controlling the movements of pupils on school prem-

ises and prohibited any person from being in possession of any device with which projectiles could be cast, any simulated firearm, any uniform, T-shirt, flag, or banner with the name, badge or emblem of 58 organisations.

## Gathering

On July 1, Brig Schnetler issued orders prohibiting gatherings, barring 52 organisations from organising, arranging or holding meetings in 13 magisterial districts of the Eastern Cape.

Our Cape Town correspondent reports that Brig Flip Fourie of the Boland repealed orders he issued on June 21, which gave Boland police power over non-residents and over conditions at funeral ceremonies.

It also prohibited any gathering in any building in the Boland.

The repeal follows the lifting of three orders issued on Wednesday by the Western Province Division-

al Commissioner of Police, Brig Chris Swart.

Both announcements also come in the wake of a ruling by a Full Bench of the Rand Supreme Court on July 29 which declared invalid an order made by the Divisional Commissioner of Police for Soweto prohibiting meetings of 26 organisations in specific areas.

## Delegate

The Deputy Judge-President, Mr Justice G.A. Coetzee, with Mr Justice H.J. Preiss and Mr Justice E.H. Stafford, ruled that the order was invalid because the Commissioner of Police was not empowered, in terms of the emergency regulations, to delegate the authority to make such an order.

Mr Justice Coetzee said the State President, in terms of the Public Safety Act, could delegate legislative powers to the commissioner, but he in turn could not re-delegate that power.

While fears mounted that

the ban lifted from 119 organisations in the Western Cape could be reimposed by a higher authority, the UDF has issued a strong warning that it will continue to resist attempts to repress its activities.

Speaking from hiding yesterday, UDF regional secretary Mr Trevor Manuel accused Brig Swart of trying to ban the UDF 'by decree' and said the withdrawal of the restrictions was 'an acknowledgement of the gross abuses which people in his position can perpetrate under the emergency'.

'The retraction is a result of pressure. Part of that pressure is the mere fact that the UDF, together with Cosatu, forms part of the biggest legal extra-parliamentary force and will not be made to disappear.'

'We do not expect that the State will merely relax these restrictions. We expect it to fight back.'

'In the interests of our affiliates and their member-

ship, we are more than willing to face whatever fresh challenge it may offer,' he said.

The leader of the PFP, Mr Colin Eglin, said the 'piece-meal dismantling' of the state of emergency by the courts and the authorities was only adding to the confusion.

'The whole situation is a shambles. The Government must make a clean breast of it and lift the whole state of emergency so that the political situation can return to some semblance of normality,' he said.

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# 1. So they did. And with some effect ...

Once again the law did not specify whether or not the detainee could be brought to court, so it was up to the judges. Once again, in what has proved a key human rights case, they decided against the detainee and ruled that he could not be brought to court to give his own version of what happened.

Several prominent academics claim these judgements were indicative of a trend for the Appellate Division to decide against human rights and in favour of the executive. In fact the judges virtually said so themselves, as in Sach's case, where one judge said, "Parliament may make any encroachment it chooses upon the life, liberty or property of any individual subject to its sway ... and it is the function of the court of law to enforce its (Parliament's) will."

Generally speaking — and with few exceptions — this appeared to be the attitude of the courts for about 30 years from the early 1950s. In the last few years, however, an increasing

number of cases have gone the other way.

In 1983, for example, the Appellate Division upheld the decision in the Rikhotso case, affecting the rights of migrant workers to live in a "white" area. Two years later the Appellate Division took an important civil liberties decision when it ruled in the case of UDF president Archie Gumede and others that detention orders issued by the Minister of Law and Order under Section 28 of the Internal Security Act were invalid.

If, as seems increasingly clear, these are not isolated examples but indications of a growing tendency, what has caused the change?

An explanation often given is that judges have been increasingly exposed to the judicial systems of other countries, particularly to those in England and America. In both these countries, there has been a growing tendency among judges to have a greater regard for human rights.

"The activist bench in America is of

course made possible by the Constitution in that country," one senior member of the legal profession said.

"But when judges visit the USA they discover that there is far more room to manoeuvre in South African circumstances than they had thought. They also come to realise that to speak of a judge as 'activist' is not necessarily a disparaging comment."

He said that as trends and decisions of the English and American judiciary are more understood here, their influence has spread.

Another cause of change is that younger judges have come from South African law schools with a more progressive attitude. This attitude is now showing itself in their rulings. "Many universities have been teaching that law must be measured by moral standards; that it is not fixed," said security law expert Professor Tony Mathews of the University of Natal.

Several members of the judiciary

interviewed recently also spoke of the important role played by academics, such as Dugard and Mathews, whose writings have created a supportive intellectual atmosphere and have played a part in making known what has been accepted as customary international law.

Other observers claimed that judges, sensing the dramatic times through which South Africa is passing, did not want to be seen to be tied to the government, to be simply another executive arm. Faced with the same pressures as any other South African at this particular time, they have grown increasingly reluctant to rubber stamp apartheid laws. When they assert their independence in judgements which favour the individual over the executive, judges have given many people new hope in the rule of law.

"The courts have become alarmed at the consequences of the slow abandonment of the rule of law," said Mathews. "They have seen that one

result has been an increase in lawlessness which is beginning to react even into the white community.

"They see we are now paying the price of lawlessness in many ways, not the least in the international consequences."

But however much the judges themselves might change their own perceptions, they can do nothing until cases are brought before them. In this respect many observers have paid tribute to a number of human rights attorneys and advocates and, in particular to the Legal Resources Centres (LRC) around the country.

"The LRCs have had the time and energy to take up these issues," said one colleague. "They have constantly challenged the judiciary with their well argued cases."

"Cases testing abuses by public servants, for example, in administering pensions were not brought by conventional legal firms because clients would not be able to afford fees. But the Durban LRC has made great progress on this issue. Another example is the far-reaching Rikhotso case, brought by the Johannesburg LRC."

"The LRCs have provided their staff with the time to research important issues and bring this knowledge to the courts through their cases."

Commenting on these tendencies, slowly becoming clearer in the courts, Mathews says this could be one explanation why so many more legal challenges are being made to the Emergency provisions than during the last Emergency; the judicial trend has become more pronounced and lawyers and their detained clients are trying to use it to gain rights for detainees and others at the receiving end of Emergency regulations.

During the 1960 Emergency the court judgements — particularly in Natal — were very discouraging. People had the impression that the courts could not help at all, but more recently the rulings of some judges have shown there might be hope.

"It may be also that people are getting desperate. During last year's Emergency it was believed it would not last long, so there was not the same pressure for relief."

"Cabinet Ministers have made it clear that this Emergency is not going to be lifted soon, so people are trying to wring what they can from the courts."

"Those who drew up the regulations acted like demented law makers, making the regulations themselves so far over the top that they positively invite challenge."

Lawyers are realising the necessity to provide judges with sufficient information to make rulings and are becoming far more conscious of the possibility of testing this kind of subordinate legislation in the courts against the standards of our common law and of customary international law.

And when clamps on the media are so tight that unions and political organisations cannot express their opinion of current developments, the courts are also providing a crucial source of information.

The Mawu case, for example, allowed the union to express its own attitude to the Emergency, through an official statement annexed to the court papers. It also allowed for the publication, for the first time, of the names of detained unionists who were listed in the court papers.

In some ways, the government invited the string of court challenges, through the stock response of the Bureau for Information and the police, when asked for clarification on the regulations and other Emergency issues. "Consult your lawyers," organisations and the press alike were told.

They did, to some effect. Their lawyers, who now scrutinise each edition before going to press, have become familiar with the wide-ranging provisions and increasingly critical of them.

This has in turn helped suggest to them new ways of attacking the rules.

## The courts and those feared late night visits

Are Security Forces allowed to raid houses at midnight and question people at random? No, says a Johannesburg attorney, and the courts have made it clear they will stop such action.

"I consider it most desirable that if members of a Force act beyond their already vast powers under the Emergency regulations, or if they do not use them in a legitimate and bona fide manner, that they should be brought to account by the courts."

"It is wholesome and desirable that they should be made aware of the nature and limits of their powers and that they should know that if they abuse them, or use them unlawfully, that there are the ordinary courts of the land before which they will be summoned to explain and answer for their actions".

THESE were the words of Judge R Goldstone of the Rand Supreme Court when he ordered the release from detention of Theophilus Mashinyane earlier this month.

In the Cape Supreme Court, Judge Marais ordered the immediate release of a nun, Sister Harkin, and in his judgement he states that "of particular importance is the fact that there was no suggestion that Sister Harkin was known to Captain Oosthuizen (the arresting officer), or anyone else for that matter, as a political activist or someone likely to foster public unrest".

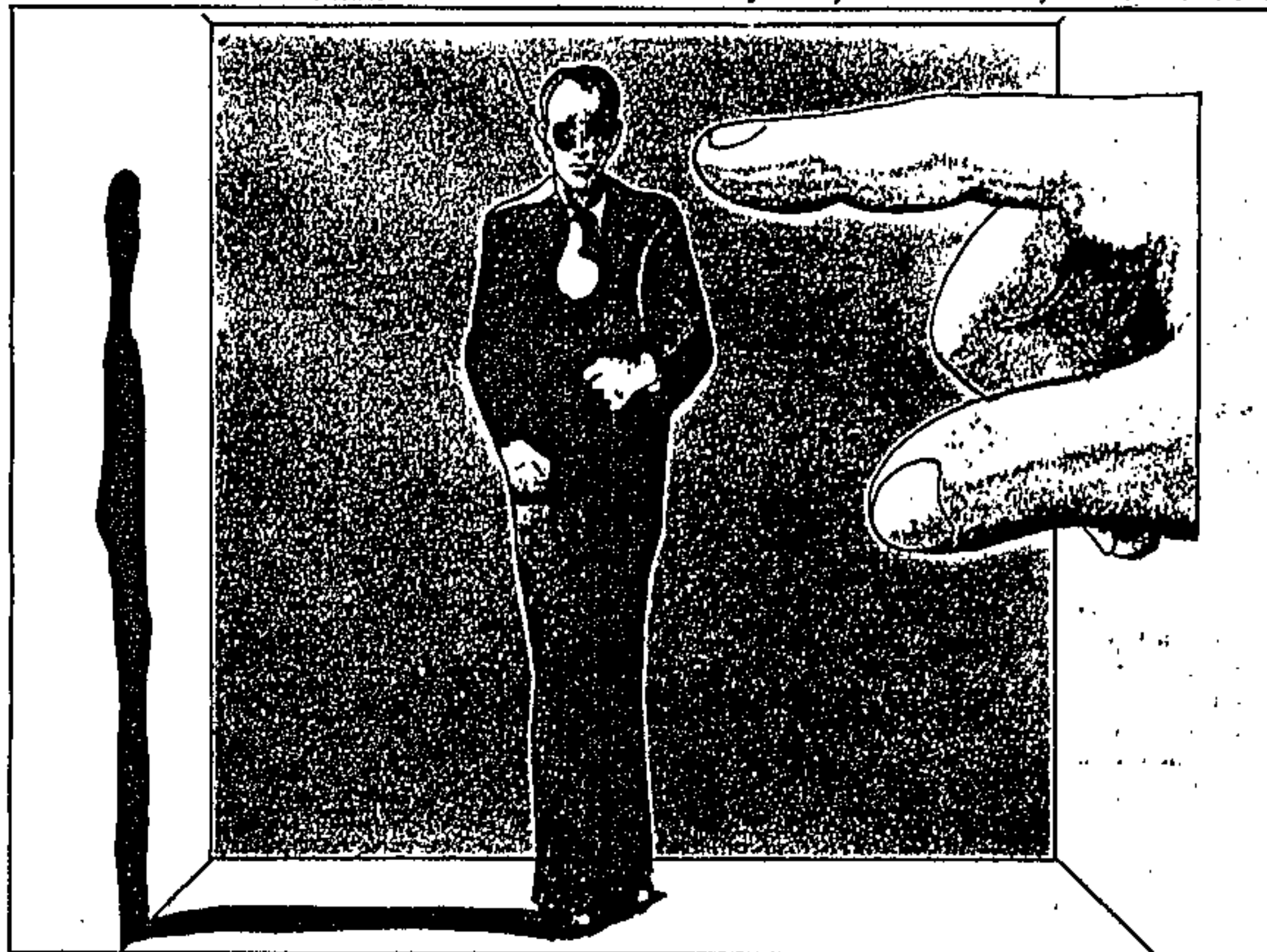
In both these matters, and in several others since then, the courts have held that the authorities from the State President downwards have exceeded their powers given to them by the Public Safety Act and the Emergency regulations.

The result has been the release from detention of several persons after they have spent two to three weeks of their lives wrongfully imprisoned.

The process of calling authorities to account in court for acting beyond the scope of what Judge Goldstone called "their already vast powers" is a lengthy, relatively slow and expensive process.

Meanwhile, reports have been reaching lawyers, aid and advice centres of Security Forces acting beyond the scope of their powers in a large variety of circumstances.

One such circumstance causing concern is the dreaded late night and early morning knock on the door from a member of the Force. Lawyers are in possession of statements which



Those midnight intrusions ... a right to challenge and expect reasons

indicate a vast increase in the numbers of such visits in recent weeks.

Clients in Soweto, Alexandra, Lenasia and Yeoville, for example, have told their lawyers of men arriving armed, of these men intimidating them, of the police asking for a particular person and, despite the fact that that person is not present, proceeding to question whoever is in the house.

Questions have related to car licence numbers, passport entries, bank account numbers and statements and personal details. Sometimes also, the Security Force members take photographs of everyone in the house and draw floor plans of the building.

In the light of these developments, the statement of Judge Goldstone that members of the Security Force ought to "be made aware of the nature and limits of their powers" is essential. Members of the public need to know when they can tell a member of the Forces to stop and do no more as he or she is exceeding their powers.

The recent Supreme Court decisions show that the Emergency powers can only be used in such situations where they are lawfully applicable.

How and for what can these powers be used?

● A member of the Forces can order a person to move to another place or stop acting in a particular way if that person's presence or conduct is such that the Force member is of the opinion that "it endangers or may endanger the safety of the public or the maintenance of public order, or exposes or may expose life or property to danger". (Clause two of the regulations)

● Once a member of the Forces is of the opinion that the arrest and detention of a person is "necessary for

the maintenance of public order or the safety of the public or that person himself, or the termination of the State of Emergency" he can detain that person and only that person for up to 14 days. At the end of that period, the Minister of Law and Order has to approve further detention. (Clause three)

● The members of a Force are entitled to enter, search and seize articles and to take "such steps as such member may deem necessary", but again this is subject to the proviso that in their opinion such steps are necessary for the maintenance of public order or the safety of the public or the termination of the State of Emergency". While this is a wide power, it is clearly restricted by the proviso. (Clause five)

These are the only relevant powers available to the Security Forces in terms of the regulations. Thus it is difficult to understand how a police officer can deem it necessary to visit people extremely late at night and then to search and photograph them.

This is especially true when it involves people who that Security Force officer did not even know lived there. A police officer who argues that he is acting in terms of the Emergency in such a situation, clearly does not understand the limit of the powers granted to him.

Confronted with such a visit, the unfortunate victim is in law only obliged to furnish the member of the Force with his or her full name and address.

If the member of the Force wishes to go further than this, then the victim should ask the reasons for this and on what basis the Force member believes such actions are lawful and valid in

terms of the Emergency.

Ordinary members of the public who are generally interested in their country's political future appear to have far more being demanded of them by the police than the law entitles the police to demand.

In brief, it appears that the regulations provide that prior to any arrest, there is no need for anyone to give a member of the Forces anything more than a name and address and possibly a Book of Life, reference book or passport to prove their identity.

There is also no need to allow them to search your premises or car unless such a search is taking place in terms of the regulations or some other statutory provision of which those searching must inform you.

This, unfortunately, is theoretical. Faced with several armed persons in your home, late at night and aware that innocent persons have recently been wrongfully detained for lengthy periods in effectively solitary confinement, it is difficult to resist such flagrant intrusions into one's privacy.

Nonetheless, members of the public are the only ones in the long run that will be able to ensure that their now very limited rights remain protected, and it is suggested that when that late-night knock at the door does come, the police courteously be challenged to justify their intrusion and that a careful note be taken of all that is said and done in the name of the law.

If they do not behave in terms of the regulations, then "they should and can be brought to account by the courts".

● This article was written by a Johannesburg attorney who cannot be named for reasons of professional ethics.



# Judge told of

# 'crisis' in schools

By SUE LUPTON  
Staff Reporter

NR 645  
11/8/86

1221

THE Supreme Court was told today that a "desperate crisis" existed in education in the Western Cape, with armed security forces occupying schools, lessons enforced at gunpoint and teachers and pupils in constant fear of arrest and detention.

Mr Yusuf Gabru, president of the Western Cape Teachers' Union (Wectu), one of the applicants for an order invalidating certain emergency regulations and orders made by Brigadier C A Swart, Western Cape Divisional Commissioner of Police, made these claims in an affidavit.

Most of the orders challenged in the application have been withdrawn by Brigadier Swart.

They included the ban on 119 organisations — including the United Democratic Front and Wectu — from holding meetings in the Western Cape.

During a brief hearing this morning Mr Acting Justice King was told that the parties had agreed to postpone the matter to a date still to be decided.

## President

The applicants are the UDF (Western Cape Region), UDF secretary Mr Trevor Manuel, Wectu and Mr Gabru.

The respondents are President P W Botha, Brigadier Swart, Commissioner of Police General Johan Coetzee and the Minister of Law and Order, Mr Louis le Grange.

The applicants sought an order declaring:

- Regulations 7 and 11 of the emergency regulations invalid;

- Orders made by Brigadier Swart in Government Gazette 10309 (June 21), 10311 (June 25), 10338 (July 1) and 10339 (July 2) invalid;

- That Brigadier Swart is not entitled to make orders in terms of the Public Safety Act; and,

- That the UDF and Wectu are entitled to hold meetings.

They are also seeking an order restraining the police from rendering lawful UDF and Wectu meetings inaccessible to people entitled to attend, interfering with meetings and prosecuting people attending.

## Problems

Mr Gabru said that Wectu needed to meet urgently to discuss how to operate lawfully in the emergency, and other various urgent problems.

Wectu is a teacher organisation concerned with "all matters pertaining to education" and problems relating to pupils, teachers and parents.

In papers before the court Mr Gabru alleged that in Bontheuvel schools were occupied by security forces daily.

Teachers were expected to teach with armed security forces in attendance all the time.

"School attendance and lessons are being enforced at gunpoint, and teachers are expected to teach at gunpoint.

"Considerable fear and unhappiness about the situation exists among Wectu members."

It was alleged that many teachers and pupils lived in constant fear of arrest and detention.

Many scholars, given permission by school principals to leave school grounds, had been arrested in the streets "simply because they were on the streets and not at school".

Parents, teachers and pupils were "outraged and gravely concerned about these arrests" and lived "in daily fear that our children will be arrested for no

(Turn to Page 3, Col 3)

P.T.O.



## W Cape schools in 'crisis'

1/13/86  
(Cont. from Page 1)

among those attending ..."

reason other than that they are walking on pavements along public streets. The situation ... is extremely grave.

"Schooling is in a desperate crisis, and is becoming more and more impossible."

Mr Gabru said Wectu "had to speak out in the name of education", but could not do so if Brigadier Swart's orders were valid.

Members were pressing for a meeting where "only matters affecting education, schoolchildren and schools, generally, will be discussed as well as the how the organisation should operate during the state of emergency without contravening any law ... such a meeting would be lawful".

Security forces had intervened in large gatherings, such as at St Nicholas's Church and the Holy Trinity Church where, on July 20, security forces "swooped" on the church during a service.

"The church service was a peaceful one attended by about 500 people. Members of the SAP entered the church and disrupted the service. They remained inside, inspiring fear

Mr Gabru said he had a "reasonable apprehension" that security forces would break up a Wectu meeting.

It was urgent the Wectu acted immediately to direct and guide its members, and to deal with the unlawful arrest and detention of schoolchildren.

Mr Manuel said in an affidavit that the UDF was a legal organisation to which civic, student, women's and youth organisations were affiliated.

The executive committee had resolved to hold an indoor meeting in the first week of August to discuss the effect of the emergency on the UDF and its affiliates, attacks against the organisation by Chief Mangosuthu Buthelezi of Kwazulu, and a smear campaign against the UDF.

A telex was sent to Brigadier Swart informing him of the planned meeting, but no reply was received.

Mr S Desai appeared for the UDF and Mr A Omar for Wectu. Both were instructed by E Moosa and Associates. Mr R van Riet, instructed by the State Attorney, appeared for the respondents.



W. Mail  
1/8/86

## APARTHEID BAROMETER

### EMERGENCY DETENTIONS

THE government has refused to release the numbers or names of those detained under Emergency regulations. According to the Detainees' Parents Support Committee, the names of some 3 400 detainees are known to them. They estimate, however, that over 8 000 people have been detained so far under the Emergency.

### DETENTIONS BY ORGANISATION

	PWV	Tvl country	E-Cape	N-Cape	W-Cape	Natal	OFS	Unknown	Total
Students/ scholars/ teachers	136	33	34	24	23	87	39	4	378
Unionists/ workers	71	41	18	12	13	36	34	17	242
Community/ Political	200	83	228	29	33	76	34	6	688
Clergy/ churchworkers	22	19	17	6	11	13	1	2	91
Media	2	0	0	0	5	0	0	0	15
Other/Unknown	3100	134	778	68	551	89	134	50	1 639
TOTAL	741	310	1 090	139	536	301	240	78	2 021

Figures supplied by the Detainees' Parents Support Committee

### EMERGENCY DEATHS

According to figures released by the government's Bureau for Information, by 6am on Tuesday morning, July 29, there had been 161 deaths since the start of the Emergency. This figure excludes deaths in the "independent homelands".  
An average of 30,2 people have died in unrest every week since the Emergency began on June 12. The daily average of deaths is about four.

### PASS LAW ARRESTS

A total of 17,2-million black people were prosecuted for pass law offences between 1916 and 1981, according to the chief director of the legal administration for the Department of Constitutional Development and Planning, Dr JC Bekker.

### WAGE GAP

The following figures were released by the Central Statistical Services showing the disparity in average earnings between whites and blacks in March this year.

Wholesale trade: whites — R1 831 per month; blacks — R344; coloureds — R598; Indians — R882.  
Retail trade: whites — R934; blacks — R343; coloureds — R409; Indians — R551.  
Motor trade: whites — R1 427; blacks — R343; coloureds — R378; Indians — R528.  
Control boards: whites — R2 045; blacks — R417; coloureds — R378; Indians — R528.  
Hotel trade: whites — R891; blacks — R250; coloureds — R317; Indians — R537.

### BANNED ORGANISATIONS

There are nearly three dozen banned organisations in South Africa, all of them having been banned by the National Party government. The first organisation to be banned was the SA Communist Party in 1950, followed by the African National Congress and the Pan-Africanist Congress in 1960. Since then the following organisations have been banned: the Congress of Democrats, Umkhonto we Sizwe (Spear of the Nation), Poqo, the Yu Chi Chan Club, the African Resistance Movement, the National Committee for Liberation, the South African Defence and Aid Fund, the Christian Institute, the Black People's Convention, SA Students Organisation, SA Students Movement, Union of Black Journalists, Black Community Programme, Soweto Students Representative Council, Association for the Educational and Cultural Advancement of the African People, Black Women's Federation, National Youth Organisation, Border Youth Organisation, Eastern Province Youth Organisation, Natal Youth Organisation, Transvaal Youth Organisation, Western Cape Youth Organisation, Medupe Writers Association, Zimele Trust Fund, Siyazincede Trust Fund and the Congress of SA Students.

Organisations which have gone into exile include the SA Congress of Trade Unions (Sactu) and the Committee of SA War Resisters (Cosawr).

The "independent homelands" have also banned a number of organisations not banned in the rest of South Africa.

**PRISONER OF CONSCIENCE:** Raymond Suttner, 40, senior lecturer in law at the University of the Witwatersrand and the United Democratic Front's Transvaal Education Officer, has been in detention under Emergency regulations for the past seven weeks. He was detained at Jan Smuts Airport on his way to a conference in Zimbabwe.

His detention was contested this week before a full bench of the Transvaal Supreme Court. He asked for his release, or for a copy of the order in terms of which he was detained and the "reasons for and the information upon which the order was issued".  
He also applied for an order that he should not be detained in isolation, and that he be provided with "proper sleeping facilities whilst in detention, including a bed, mattress and an adequate supply of blankets".

He said in papers that except for three interrogations, a visit by a judge and two visits by family members, he had been in solitary confinement. The application was rejected. Reasons have not been given.

Suttner has been politically active for over 15 years. In the early 1970s he was recruited to the ANC and SA Communist Party. In 1976, he was convicted for ANC and SACP activity. The court found that among other things he had been involved with the production and distribution of the SACP publication, *Abasebenzi*. He spent seven years as a political prisoner in Pretoria Central Prison. On his release in 1983, Suttner, an advocate, took up a position in the Wits law school.

Last year he was elected to the UDF Transvaal Executive. With another former political prisoner, Jeremy Cronin, he co-authored the book "Thirty Years of the Freedom Charter", which was recently banned.

who have been arrested by the police



REPUBLIEK  
VAN  
SUID-AFRIKA



REPUBLIC  
OF  
SOUTH AFRICA

# Staatskoerant Government Gazette

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**Regulasiekoerant  
Regulation Gazette**  
**No. 3986**

As 'n Nuusblad by die  
Poskantoor geregistreer  
Registered at the Post Office  
as a Newspaper

Vol. 254

PRETORIA, 1 Augustus 1986  
August

No. 10382

## PROKLAMASIE

van die

*Staatspresident van die Republiek van Suid-Afrika*

No. R. 140, 1986

WYSIGING VAN REGULASIES KRAGTENS DIE WET  
OP OPENBARE VEILIGHEID, 1953

Kragtens die bevoegdheid my verleen by artikel 3 (1) (a) van die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), vaardig ek hierby die regulasies vervat in die Bylae uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Eerste dag van Augustus Eenduisend Negehoenderd Ses-en-tagtig.

P. W. BOTHA,  
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

L. LE GRANGE,  
Minister van die Kabinet.

### BYLAE

#### Woordomskrywing

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

**Wysiging van regulasie 3 van die Regulasies, soos gewysig deur Proklamasies R. 110 van 1986 en R. 125 van 1986**

2. Regulasie 3 van die Regulasies word hierby gewysig deur in subregulasie (4) die woorde "of iemand deur hom gemagtig" deur die woorde "of 'n offisier, soos omskryf in die Polisiewet, 1958 (Wet 7 van 1958), of die hoof van daardie gevangenis," te vervang.

#### Wysiging van regulasie 5 van die Regulasies

3. Regulasie 5 van die Regulasies word hierby gewysig deur in subregulasie (2) die woorde "of iemand wat op sy gesag handel," te skrap.

45—A

## PROCLAMATION

by the

*State President of the Republic of South Africa*

No. R. 140, 1986

AMENDMENT OF REGULATIONS UNDER THE  
PUBLIC SAFETY ACT, 1953

Under the powers vested in me by section 3 (1) (a) of the Public Safety Act, 1953 (Act 3 of 1953), I hereby make the regulations contained in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this First day of August, One thousand Nine hundred and Eighty-six.

P. W. BOTHA,  
State President.

By Order of the State President-in-Cabinet:

L. LE GRANGE,  
Minister of the Cabinet.

### SCHEDULE

#### Definition

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

**Amendment of regulation 3 of the Regulations, as amended by Proclamations R. 110 of 1986 and R. 125 of 1986**

2. Regulation 3 of the Regulations is hereby amended by the substitution in subregulation (4) for the words "or a person authorized by him" of the words "or a commissioned officer, as defined in section 1 of the Police Act, 1958 (Act 7 of 1958), or the head of that prison,".

#### Amendment of regulation 5 of the Regulations

3. Regulation 5 of the Regulations is hereby amended by the deletion in subregulation (2) of the words "or a person acting on his authority".

10382—1



1/8/86 N/M  
327

# Judgment on regulations reserved

## Mercury Reporter

**A FULL Bench of the Supreme Court, Durban, reserved judgment yesterday in the application by a United Democratic Front member to have the state-of-emergency regulations declared invalid and *ultra vires*.**

The application, before the Acting Deputy Judge President, Mr Justice Leon,

presiding, Mr Justice Friedman and Mr Justice Wilson, was made by Mr Solomon Lechesa Tsenoli, publicity secretary of the UDF, who is being detained at the Westville Prison under the emergency regulations.

The respondents are President Botha, Mr Louis le Grange, Minister of Law and Order, and the Minister of Justice, Mr Kobie Coetzee.

Mr M Wallis SC, assisted by Mr L Gering, who appeared for Mr Tsenoli, submitted that the powers of arrest and detention in terms of the state of emer-

gency were wide.

He said the Court could invalidate regulations 3 (1) and 3 (3) because the State President had gone outside the parameters permitted.

Mr Wallis said because of the wide powers, a policeman not understanding the Act might use them for purposes other than what the State President had intended them for.

There was no restriction to the people who exercised the powers.

He said the regulations might have been sufficient if the State President had to some extent spelled out the nature of the events

that had made him form the opinion that the regulations were necessary.

Mr J M Combrink, assisted by Mr R C Hiemstra, for the respondents, said in argument that Section 3 (1) of the Act, properly construed, did not confer an unfettered discretion on a member of the 'force' to arrest and detain, and likewise, Section 3 (3) did not vest an unfettered discretion in the Minister of Law and Order to order a further detention.

Alternatively, he said, Section 3 of the Public Safety Act 3 of 1953 con-

ferred such wide powers on the State President to make what were, in effect, laws, that they would include the powers to vest an unfettered discretion where he considered it necessary or expedient for the purposes contained in Section 3 (1)(a) of the Act. He said the regulation did not confer an unfettered discretion.

If the State President intended to confer arbitrary powers of summary arrest on a member of the force, the regulations would simply have read that a member of the force might, without a warrant of arrest, arrest a citizen.



# New power for police gazetted

327

PRETORIA — The State President, Mr P. W. Botha, yesterday amended the emergency regulations to circumvent Supreme Court rulings that curfew and banning orders issued by divisional police commissioners were invalid.

In a proclamation in the Government Gazette, a sub-regulation was added to Regulation 7, extending the meaning of the term "commissioner of the South African Police" and "commissioner" to include divisional police commissioners.

The terms also cover police commissioners or officers in charge of police forces in the self-governing territories.

Divisional police commissioners have been responsible for issuing numerous restrictive orders in terms of the emergency regulations, affecting individuals, organisations and publications.

The courts, however, invalidated these on the grounds that the divisional commissioners did not have the authority to issue the orders.

The courts' judgments are, however, overridden by a clause in the proclamation, published late yesterday, making the amended regulations retroactive to June 12.

The proclamation also contains a number of supportive technical amendments.

These mostly entail the changing of the phrase "a person authorised by" the Minister of Police, to provisions empowering commissioned security force officers to act in terms of the emergency regulations.

The courts ruled that the minister could authorise the police commissioner, but not the divisional commissioners, to act in terms of the regulations.

The amendment which now empowers the divisional police commissioners to issue orders in terms of the pervasive Regulation 7 reads:

"In this regulation (7) and in regulation 8(e) (which deals with the publication of orders) 'Commissioner of the South African Police' and 'Commissioner' means (sic), in the application of those regulations in or in respect of: (a) a division as defined in section 1 of the Police Act ... the said Commissioner or the divisional commissioner designated under that Act for that division;

"(b) A self-governing territory, the said Commissioner or the Commissioner or other officer in charge of a police force under the control of the government of that self-governing territory."

The Minister of Police was also empowered in terms of a sub-regulation to Regulation 12 to seize or declare publications as "subversive ... without notice to any person and without affording any person an opportunity to be heard".

If a publication is declared "applicable" to Regulation 12, persons working for or possessing it face a R20 000 fine or 10 years' jail without the option of a fine.

The leader of the Progressive Federal Party, Mr John Eglin, said in reaction to the move last night that, given the record of the National

Party, Mr Botha's action was "predictable but deplorable".

"But what is quite disgraceful is the fact that he makes his new regulations retrospective and in doing so nullifies the judgments already given by the courts of law.

"Instead of slamming home the state of emergency by amending the regulations, Mr Botha should have scrapped the state of emergency and allowed South Africa to return to some form of democratic normality."

The PFP's alternate law and order spokesman, Mr Tian van der Merwe, said the action taken by Mr Botha was "a high-handed and cynical step" which had several implications.

"It undermines the power and status of the Supreme Court by nullifying recent decisions with a mere stroke of his dictatorial pen.

"Secondly, it makes a mockery of Parliament by showing just how easily he can overrule the law created by the courts without any attempt to obtain the agreement of even one of the Houses of Parliament.

"Thirdly, it clearly shows Mr Botha's preference for police rule and disregard for the courts."

In a joint statement, the national president of the Black Sash, Mrs Mary Burton, and its Western Cape chairman, Mrs Jenny de Tolly, said: "The State President's action is predictable, and reinforces our conviction that the state is determined to silence any widely representative democratic opposition." — Sapa.

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Yes	1
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# Govt tightens emergency laws

32-77  
N/M 2/8/8

**PRETORIA—The Minister of Police can now seize or declare publications 'subversive' without notice and without giving anyone an opportunity to be heard.**

This follows a proclamation in the Government Gazette yesterday in which President

Botha also amended the emergency regulations to circumvent Supreme Court rulings that curfew and banning orders issued by divisional police commissioners were invalid.

The new regulation concerning subversive publications was added to the amendment.

In future if a publication is declared subversive, persons working for or possess-

ing it face a R20 000 fine or 10 years' jail without the option of a fine, the regulations state.

Regulation 12 now empowers the Minister of Police to seize or declare publications as 'subversive' without notice to anyone and without giving anyone an opportunity to be heard.

A sub-regulation to regulation 7 was added, extending the meaning of the term 'Commissioner of the South African Police' and 'commissioner' to include divisional police commissioners.

The courts however invalidated these orders on the grounds that the divisional commissioners did not have the authority to issue the orders.

The courts' judgments are now overridden by a clause in the proclamation, published late yesterday, making the amended regulations retro-active to June 12.

The Progressive Federal Party spokesman on Law and Order, Mrs Helen Suzman, described the amended regulations last night as 'a typical National Party ploy'.

'I think it's disgusting. When they lose in the courts they change the rules. It's just the sort of thing that puts us in the ranks of countries with no democratic values.'

Prof Tony Mathews, professor of law at Natal University in Pietermaritzburg, said: 'It's becoming a rather depressing habit of the Government to overturn court decisions. In a rule-of-law State one expects the Government to abide by court decisions, not to override them.'



CAPE Times 2/18/46  
**Cape Times reporter arrested**

Staff Reporter ~~328~~ 327

CAPE TIMES reporter Peter Dennehy was arrested at the newspaper offices yesterday, taken to his Observatory home which was searched, then released on his own recognizances.

He was told to report at 8am on Monday to the security police offices at 112 Loop Street.

Two casually-dressed policemen walked into the Cape Times newsroom soon after 2pm, and in full view of almost the entire Cape Times reporting staff, ordered Mr Dennehy to accompany them to his home saying there was "trouble" there.

Lieutenant Frans Mostert of the security police told senior staff at the Cape Times that Mr Dennehy was being held under Section 50 of the Criminal Procedures Act.

The Cape Times sent an attorney, Mr John Kirkpatrick, to his home in Oxford Street, Observatory. Mr Kirkpatrick was present when the house was searched and a book confiscated.

The search, which extended to the entire house, lasted about two hours.



# New power for police gazetted

PRETORIA — The State President, Mr P. W. Botha, yesterday amended the emergency regulations to circumvent Supreme Court rulings that curfew and banning orders issued by divisional police commissioners were invalid.

In a proclamation in the Government Gazette, a sub-regulation was added to Regulation 7, extending the meaning of the term "commissioner of the South African Police" and "commissioner" to include divisional police commissioners.

The terms also cover police commissioners or officers in charge of police forces in the self-governing territories.

Divisional police commissioners have been responsible for issuing numerous restrictive orders in terms of the emergency regulations, affecting individuals, organisations and publications.

The courts, however, invalidated these on the grounds that the divisional commissioners did not have the authority to issue the orders.

The courts' judgments are, however, overridden by a clause in the proclamation, published late yesterday, making the amended regulations retroactive to June 12.

The proclamation also contains a number of supportive technical amendments.

These mostly entail the changing of the phrase "a person authorised by the Minister of Police" to provisions empowering a commissioned security force officer to act in terms of the emergency regulations.

The courts ruled that the minister could authorise the police commissioner, but not the divisional commissioners, to act in terms of the regulations.

The amendment which now empowers the divisional police commissioners to issue orders in terms of the pervasive Regulation 7 reads:

"In this regulation (7) and in regulation 8(e) (which deals with the publication of orders) 'Commissioner of the South African Police' and 'Commissioner' means (sic), in the application of those regulations in or in respect of: (a) a division as defined in section 1 of the Police Act ... the said Commissioner or the divisional commissioner designated under that Act for that division;

"(b) A self-governing territory, the said Commissioner or the Commissioner or other officer in charge of a police force under the control of the government of that self-governing territory."

The Minister of Police was also empowered in terms of a sub-regulation to Regulation 12 to seize or declare publications as "subversive ... without notice to any person and without affording any person an opportunity to be heard".

If a publication is declared "applicable" to Regulation 12, persons working for or possessing it face a R20 000 fine or 10 years' jail without the option of a fine.

The leader of the Progressive Federal Party, Mr John Eglin, said in reaction to the move last night that, given the record of the National

Party, Mr Botha's action was "predictable but deplorable".

"But what is quite disgraceful is the fact that he makes his new regulations retrospective and in doing so nullifies the judgments already given by the courts of law.

"Instead of slamming home the state of emergency by amending the regulations, Mr Botha should have scrapped the state of emergency and allowed South Africa to return to some form of democratic normality."

The PFP's alternate law and order spokesman, Mr Tian van der Merwe, said the action taken by Mr Botha was "a high-handed and cynical step" which had several implications.

"It undermines the power and status of the Supreme Court by nullifying recent decisions with a mere stroke of his dictatorial pen.

"Secondly, it makes a mockery of Parliament by showing just how easily he can overrule the law created by the courts without any attempt to obtain the agreement of even one of the Houses of Parliament.

"Thirdly, it clearly shows Mr Botha's preference for police rule and disregard for the courts."

In a joint statement, the national president of the Black Sash, Mrs Mary Burton, and its Western Cape chairman, Mrs Jenny de Tolly, said: "The State President's action is predictable and reinforces our conviction that the state is determined to silence any widely representative democratic opposition." — Sapa.

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TRANSPORT

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WIC-ARGUS 2/18/86 (327)  
PRETORIA — The Minister of Police is now empowered, in terms of a sub-regulation to the latest emergency regulations, to seize or declare publications as subversive "without notice to any person and without affording any person an opportunity to be heard".

If a publication is declared "applicable" to Regulation 12, persons working for or possessing it face a R20 000 fine or 10 years' jail without the option of a fine, the regulations states.

In a proclamation in the Government Gazette yesterday the State President, Mr P. W. Botha, amended the emergency regulations to circumvent Supreme Court rulings that curfew and banning orders issued by Divisional Police Commissioners were invalid.

Another regulation was added concerning subversive publications. Regulation 12 empowers the Minister of Police to seize or declare publications as subversive "without notice to any person and without affording any person an opportunity to be heard".

A sub-regulation to Regulation 7 was added extending the meaning of the term "Commissioner of the South African Police" and "Commissioner" to include Divisional Police Commissioners.

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Divisional Police Commissioners have been responsible for issuing numerous restrictive orders in terms of the emergency regulations affecting individuals, organisations and publications.

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### Phrases are changed

These mostly entail the changing of the phrase "a person authorised by" the Minister of Police to provisions empowering commissioned security force officers to act in terms of the emergency regulations.

The courts ruled that the Minister could authorise the Police Commissioner, but not the Divisional Commissioners, to act in terms of the regulations.

The amendment that now empowers Divisional Police Commissioners to issue orders in terms of Regulation 7 reads:

"In this Regulation 7 and in Regulation 8 (e) (which deals with the publication of orders) 'Commissioner of the South African Police' and 'Commissioner' means in the application of those regulations in or in respect of:

"(a) a division as defined in Section 1 of the Police Act ..., the said Commissioner or the Divisional Commissioner designated under that Act for that division.

"(b) a self-governing territory, the said Commissioner or the Commissioner or other officer in charge of a police force under the control of the government of that self-governing territory." — Sapa.

## Five Cape trade unionists freed

Staff Reporter

FIVE trade unionists, all members of the Clothing Workers' Union, were freed last night hours after the State had been informed that their detention under the emergency regulations would be challenged in court.

A Clowu spokesman said a sixth trade unionist, Mr Mike Norton, was still in detention.

"We will challenge his detention if he is not released as well," she said.

The spokesman said that the five Clowu members — Mrs Gawa Hartley, Miss Desiree Balie, Mrs Miriam Smith, Miss Aziza Charles, the union's assistant secretary, and administrative secretary Mrs Dawn Adams — were detained five weeks ago.

The spokesman said Clowu considered the release of its five members as a "major victory".



# Repealed state of emergency orders are back in force in the Eastern Cape

By KIN BENTLEY

EMERGENCY ORDERS repealed on Thursday by the Divisional Commissioner of Police in the Eastern Cape, Brigadier Ernest Schnetler, are back in force.

This was confirmed today by the police liaison officer for the Eastern Cape, Major Eddie Everson, after yesterday's amendments to the regulations by President P W Botha.

The amendments, which circumvent a judgment handed down in the Grahamstown Supreme Court on Tuesday that curfew and

banning orders issued by Brig Schnetler were invalid, were proclaimed in yesterday's Government Gazette.

They also circumvent similar Supreme Court rulings around the country.

The amendments now give divisional police commissioners the power, which they previously did not have, to issue emergency regulations.

Major Everson said because the amendments were retroactive to June 12 — when the emergency was declared — all regulations made since that time automatically came back into force.

He said Brig Schnetler "asked the public to take note of this", adding that the orders affected three funerals for 11 unrest victims, scheduled to be held in Port Elizabeth's black townships today.

The orders restrict funerals to 200 mourners, bar political speeches and lay down that only one body be buried at each funeral.

They also impose curfews; control non-residents of an area; control school boycotts; prohibit the possession of certain items, including T-shirts; and prohibit the holding of gatherings by 52 political

organisations in 13 magisterial districts in the Eastern Cape.

Other emergency orders, including restrictions on the Press, were never invalidated.

Sapa reports from Pretoria that the Minister of Police is now empowered, in terms of a sub-regulation to the latest emergency regulations, to seize or declare publications as "subversive" — "without notice to any person and without affording any person an opportunity to be heard".

If a publication is de-

● Turn to Page 3

## Cape

## ncy

# orders are back in force

● From Page 1

clared "applicable", persons working for or possessing it face a R20 000 fine or 10 years' jail without the option of a fine.

A further sub-regulation was added extending the meaning of the term "commissioner of the South African Police" and "commissioner" to include divisional police commissioners.

The terms also include self-governing territories.

The Leader of the Opposition, Mr Colin Eglin, said that, given the record of the National Party, Mr Botha's action was "predictable but deplorable".

"But what is quite disgraceful is the fact that he makes his new regulations retrospective and in doing so nullifies the judgments already given by the courts," Mr Eglin said.

"Instead of slamming home the state of emergency by amending the regulations, Mr Botha should have scrapped the state of emergency and allowed South Africa to return to some form of democratic normality."

The PFP's law and order spokesman, Mr Tian van der Merwe, said the amendments were "a high-handed and cynical step" which had several implications.

"They undermine the power and status of the Supreme Court by nullifying its recent decision with a mere stroke of a dictatorial pen."

"They make a mockery of Parliament by showing just how easy it is to overrule the law created by the courts without any attempt to obtain the agreement of even one of the Houses of Parliament."

University of South Africa political scientist Professor Willem Kleynhans said the proclamation made it pointless going to the expense of using the courts because they could simply be overridden by the Government.

The fact that the measures were retroactive "rubs salt into the wounds and makes us the laughing stock of the world".

Prof Kleynhans said in terms of the new constitution, the State President now has "supreme powers".

"The man in the street is at the mercy of a Government that uses all measures in its power to force people to conform to its whims."

He said this proved there was no hope in SA for real reform.

Under the previous constitution, the Prime Minister did not have the power to rule by proclamation.



By Kym Hamilton  
and Own Correspondents

President Botha yesterday delegated powers to Divisional Commissioners of Police to enforce emergency restrictions — thereby circumventing decisions by Supreme Courts which invalidated them.

More than 100 orders, issued by Divisional Commissioners round the country since June 12 in terms of the Public Safety Act are again in force.

These include restrictions on funerals, curfews, controls on the movement of people and bans on various organisations.

Reaction to Mr Botha's move, made by publishing an Extraordinary Government Gazette late yesterday, has been swift and sharp.

"Incompetent, stupid, disgraceful... This verbal thrashing for the Government came from the Official Opposition.

Mrs Helen Suzman, the Progressive Federal Party's spokesman on law and order, was furious.

She said the new measure not only amounted to a total admission of incompetence by the Government, but also represented disrespect for South Africa's courts of law.

"This is the sort of disgraceful behaviour we have become used to from the Nationalist government — they change the rules to suit themselves," she said. "How more intelligent it would have been to have called off the emergency entirely.

"All these regulations, which are not only ridiculous, but actually invite civil disobedience, should be scrapped.

"Particularly now, when we are hovering on the brink of punitive sanctions, this is the type of action which will clinch it."

Mrs Suzman said the Government's move could only "rouse the disgust of the civilised world".

A Full Bench of the Rand Supreme Court ruled on Monday that the State President, in terms of the Public Safety Act, could delegate legislative powers to the Commissioner of Police, but the commissioner could not redelegate that power.

Mr Botha has now amended the wording of the regulation on which the court decision was based — and has circumvented the court decision by making the new regulations retrospective to June 12.

The power to issue orders — which have severely curtailed the activities of more than 100 anti-apartheid organisations — was contained in Regulation 7 of the emergency regulations published on June 12.

A fifth sub-regulation has been added to Regulation 7 and been made retrospective to June 12.

Where the regulations provided for a power to be redelegated by either the Minister of Law and Order or the Commissioner of Police, they have been brought in line with the court decision.

The words "or any person authorised thereto by him" have been excised from the regulations.

Changes to other aspects of the regulations which delegate power were also made, and these words have either been deleted or altered to read "a member of a force who serves as a commissioned officer in that force".

More than 17 Government Gazettes containing orders issued in terms of the Public Safety Act by various local commissioners of police around the country have been printed since June 12.

■ To Page 2

# Now Politics

Courts circumvented in regulations to give p

Police p

STAR 2/8/86

327

back



# PW has given police back their powers

■ From Page 1

These orders have all come back into effect.

They are:

- The first was on June 13 when funeral restrictions were enforced in parts of the Transvaal and the Eastern Cape. The orders relating to the burial of anyone who died of an unnatural cause confined funerals to indoors, said only an ordained minister could speak, made it obligatory for mourners to travel from the service to the cemetery by vehicle, banned the display of banners, placards, pamphlets or posters and the use of a public address system; limited the number of mourners to 200 and imposed a four-hour time limit on the ceremony.
- On June 19, the divisional commissioner of the Western Transvaal issued similar funeral restrictions.
- On June 21 funerals were banned during weekends and public holidays on the East Rand and in the Western Transvaal. Further orders relating to the control of movement of non-residents, the possession of petrol and school boycotts were published.
- On June 25, the Witwatersrand Divisional Commissioner issued an order preventing pupils from being on school premises in Alexandra during school holidays.
- On June 26 the Northern Transvaal Commissioner issued funeral restrictions similar to those in other parts of the country.
- On July 1 the East Rand Commissioner banned gatherings of various organisations including the UDF.
- On July 2 in the Western Transvaal the ban on entering school premises was extended to coincide with the late opening of schools.
- On July 7 the Soweto Commissioner banned all gatherings in the Johannesburg and Roodepoort areas of 34 organisations, including several trade unions. On July 10 this order was amended and the ban on gatherings limited to Soweto, Diepkloof, Meadowlands and Dobsonville. Trade unions were also no longer affected by the ban. These orders were finally repealed in full on July 11.
- On July 11 orders relating to the control of school boycotts were published by the Commissioner for the Eastern Transvaal.

Orders applicable in other provinces include:

- On June 13 funeral restrictions were enforced in parts of the Transvaal and Eastern Cape similar to those imposed on June 13.
- On June 19 the Divisional Commissioner of the Eastern Cape banned non-residents from various townships in the area, imposed a 9 pm to 4 am curfew and issued orders relating to the control of school boycotts and the possession of certain objects, including banners, T-shirts, uniforms or badges of about 42 organisations, including the UDF.

The Boland Divisional Commissioner issued several order on June 21 relating to the control of non-residents of an area, restrictions of funerals and a ban on gatherings of about 35 organisations.

On the same date, orders relating to the control of school boycotts, funeral restrictions and a wide-ranging ban on the activities of a number of organisations were issued in the Western Cape. More than 121 organisations were affected by the ban which prohibited meetings, publications and statements by office bearers.

On June 25, bidding Nyanga residents to return to to rebuild their burnt out homes in the Western Province were issued by the Western Province on June 25. A curfew was imposed on townships in the Free State on June 26. At the same time the movement of non-residents was restricted, and the possession of objects including banners, T-shirts and other badges of various organisations were prohibited.

On July 1 gatherings of hundreds of organisations in the Northern Free State, Western Province and the Eastern Cape were banned by local police commissioners.

On July 2 funeral restrictions were imposed in the Western Province. Funerals were banned on weekends and public holidays and written notice of funerals had to be submitted to local police station commanders.

Funeral restrictions were extended to the Northern Cape on July 7.

On July 11 the commissioner for Northern Natal issued orders relating to the control of school boycotts, control on possession of petrol and the banning of emblems, banners, T-shirts and other badges of about 12 organisations.



# Court told of 'lessons at gunpoint'

By SHAUNA WESTCOTT  
Supreme Court Reporter

TEACHERS in Bonteheuwel are expected to teach at gunpoint, many pupils are being summarily arrested on the streets and parents live in fear of their children being detained, according to papers placed before the Supreme Court yesterday.

The papers were filed in support of an application brought by the Western Cape Teachers' Union and the United Democratic Front for an order declaring invalid sections of the emergency regulations and orders issued by the Divisional Commissioner of Police in terms of those sections.

The application, which cited the State President, the Divisional Commissioner and Commissioner of Police and the Minister of Law and Order, was yesterday postponed indefinitely by agreement for a decision on costs.

## How to operate lawfully

An affidavit filed by Wectu president Mr Yusuf Gabru said it was "urgently necessary" for Wectu to hold a meeting to discuss how to operate lawfully during the state of emergency.

Wectu and the UDF were among 119 organizations effectively paralysed by orders issued by the Divisional Commissioner which also placed curbs on funerals, pupils and access to sections of Nyanga.

"Events have taken place at various schools. For example in Bonteheuwel schools are daily occupied by security forces during school hours. Teachers are expected to teach with security forces armed with rifles in attendance all the time.

"School attendance and class lessons are being enforced at gunpoint and teachers are expected to teach at gunpoint.

## 'Fear, unhappiness exist'

"Considerable fear and unhappiness about the situation exist among Wectu members. Many teachers and pupils live a life at school of constant fear of arrest and detention by the security forces.

"Our members say that a large number of school-children who were given permission by their school principals to leave school grounds either to go to a shop or to attend to some or other lawful matter have summarily been arrested on the streets simply because they were on the streets and not at school.

"Parents and teachers, as well as pupils are outraged and gravely concerned about these arrests

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To page 2



CAPT Tink  
2/8/86  
327

From page 1

and we live in daily fear that our children will be arrested for no other reason but that they are walking on pavements along public streets.

"It is becoming obvious to Wectu that normal schooling is in desperate crisis and is becoming more and more impossible."

Wectu and the UDF sought an order enabling them to hold meetings. Affidavits filed by both said they had reason to fear that security forces would break up meetings.

Mr Gabru said: "I know from my own experience that security forces have intervened in gatherings of large numbers of people. For example at the St Nicholas Church in Elsie's River, security forces surrounded the church and arrested all persons who attended the church service.

"At the Holy Trinity Church, Elsie's River, on Sunday July 20, the security forces swooped once more, surrounding the church whilst a service was in progress.

"Members of the police entered the church and disrupted the service. They remained inside the church inspiring fear amongst those attending for approximately two hours before they departed."

Mr Gabru and UDF Western Cape secretary Mr Trevor Manuel argued that the Divisional Commissioner's now "repealed" order prohibiting "gatherings" was "vague and uncertain besides being grossly unreasonable".

Mr Acting Justice E L King presided. Mr S Desai appeared for the UDF. Mr A M Omar appeared for Wectu. Both were instructed by E Moosa and Associates. Mr R van Riet, instructed by the State Attorney's Office, appeared for the respondents.



## More court work

The flurry of Supreme Court cases challenging various aspects of the emergency regulations, and detentions carried out in terms of them, continues.

In the latest development, the Rand Supreme Court ruled that it is unlawful for divisional police commissioners to issue emergency regulations. It found that the Commissioner of Police may not delegate these powers to his subordinates. Only the State President may do so, said the court.

The judgment followed an application by the United Democratic Front (UDF) to set aside a ban by the Soweto Divisional Com-

missioner on a meeting it had called. Lawyers, however, believe it effectively nullifies a number of decrees issued by divisional commissioners around the country.

Lawyers say, for example, that a regulation prohibiting the publication in the western Cape of "utterances" of 119 organisations — including the UDF, the Congress of SA Trade Unions (Cosatu) and the Azanian Peoples' Organisation (Azapo) — no longer appears to have the force of law. The same set of regulations outlawed the wearing of T-shirts with slogans proclaiming support for these groups. This apparel can apparently now be taken out of mothballs.

Similarly affected are regulations issued by the divisional commissioners of the East Rand, Eastern Province, South Western Districts and the northern Free State prohibiting scores of political, student and community organisations from holding indoor meetings in a number of magisterial districts.

Curfews in several Free State, eastern Cape and northern Transvaal townships are also believed to have become inoperative; as are widespread restrictions on the conduct of speakers and mourners at funerals.

The UDF case represents the second successful judicial challenge to the emergency regulations. Two weeks ago, the Metal and Allied Workers' Union (Mawu) succeeded in having significant portions of the definition of a "subversive statement" declared null and void. The judgment, given in the Natal Supreme Court, also opened the way for visits by lawyers to detained clients.

Lawyers are now waiting to see whether the authorities in other judicial areas will decide to adhere to the Rand Supreme Court's judgment. Their concern arises from the fact that, despite the Mawu judgment, some lawyers have had difficulties in gaining access to detainees held outside Natal.

The effect of the UDF case should not, however, be overestimated. Theoretically, divisional commissioners' regulations can be reinstated if the Police Commissioner himself re-issues them.

Another case, due to be heard in the Natal Supreme Court early in August, could, however, change even that. The commissioner's right to issue certain regulations is one of many issues that will be challenged in an application brought jointly by South African Associated Newspapers, the Argus group, *The Natal Witness* and Natal Newspapers.

The application will argue that:

- ☐ The power of delegation given to the commissioner is, in terms of the Public Safety Act (PSA), beyond the powers given to the State President;
- ☐ The extent of the orders which the police may issue goes further than the power given to the State President by the PSA;
- ☐ The prohibition on the taking and publication of photographs is too vague to be intelligible; and
- ☐ The power authorising the Minister of Law and Order to seize publications is too wide, and the wording too vague, to be intelligible.

Meanwhile, applications for the release of numerous detainees are to be brought to court in the coming week. Some of the better known names on whose behalf the applications are being brought are: Southern African Catholic Bishops Conference secretary general, Father Smangalis Mkhatswa; Paper Wood and Allied Workers' Union Transvaal branch secretary, Siphosiso Kubheka; UDF leader, Raymond Suttner, and Klerksdorp-based Anglican Bishop Sigisbert Ndwandwe.



# Botha steps in to override court rulings

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327

**PRETORIA. — President P W Botha yesterday changed the emergency regulations to circumvent Supreme Court rulings that curfew and banning orders issued by divisional police commissioners were invalid.**

This was done through a proclamation in the Government Gazette which adds a sub-regulation to Regulation 7, extending the meaning of the term "Commissioner of the South African Police" and "Commissioner" to include divisional police commissioners.

Sapa reports that the terms also cover police commissioners or officers in charge of police forces in the self-governing territories.

Divisional police commissioners have been responsible for issuing numerous restrictive orders in terms of the emergency regulations, affecting individuals, organizations and publications.

## Retroactive

The courts ruled that these orders were invalid on the grounds that the divisional commissioners did not have the authority to issue the orders.

The courts' judgments are however overridden

by a clause in the proclamation, published late yesterday, making the amended regulations retroactive to June 12.

The amendment, which now empowers the divisional police commissioners to issue orders in terms of the pervasive Regulation 7, reads:

"In this Regulation (7) and in Regulation 8 (e) (which deals with the publication of orders) 'Commissioner of the South African Police' and 'Commissioner' means (sic), in the application of those regulations or in respect of

"(a) a division as defined in Section 1 of the Police Act ... the said Commissioner or the divisional commissioner designated under that Act for that division

"(b) a self-governing territory, the said Commissioner or the Commissioner or other officer in charge of a police force under the control of the government of that self-governing territory."

The proclamation also contains a number of supportative technical amendments.

These mostly entail the changing of the phrase "a person authorized by" the Minister of Law and Order to provisions empowering commissioned security force officers to act in terms of the emergency regulations.

The courts ruled that the minister could authorize the Commissioner of Police, but not the divisional commis-



President Botha

sioners, to act in terms of the regulations.

The Minister of Law and Order was also empowered in terms of a sub-regulation to Regulation 12 to seize or declare publications as "subversive" "without notice to any person and without affording any person an opportunity to be heard".

If a publication is declared "applicable" to Regulation 12, persons working for or possessing it face a R20 000 fine or 10 years' jail without the option of a fine.

● The State President's action demonstrated his "preference

for police rule and disregard for the courts", the Leader of the Opposition, Mr Colin Eglin, said last night.

The leader of the Progressive Federal Party said that given the record of the National Party, President Botha's action was "predictable but deplorable".

"But what is quite disgraceful is the fact that he makes his new regulations retrospective and in doing so nullifies the judgments already given by the courts of law.

"Instead of slamming home the state of emergency by amending the regulations, Mr Botha should have scrapped the state of emergency and allowed South Africa to return to some form of democratic normality," Mr Eglin said.

## 'Cynical'

The PFP's alternative law and order spokesman, Mr Tian van der Merwe, said President Botha's amendment was "a high-handed and cynical step" which had several implications.

"It undermines the power and status of the Supreme Court by nullifying its recent decision with a mere stroke of his dictatorial pen.

"Secondly, it makes a mockery of Parliament by showing just how easily he can overrule the law created by the courts without any attempt to obtain the agreement of even one of the Houses of Parliament.

"Thirdly, it clearly

shows Mr Botha's preference for police rule and disregard for the courts.

"A head of state who takes this sort of action is becoming more and more of a dictator and is committing his country into the ways of a police state.

"He should have the honesty to stop bleating about democracy because he clearly does not believe in it or understand it at all."

## 'Predictable'

● In a joint statement, the national president of the Black Sash, Mrs Mary Burton, and its Western Cape chairperson, Ms Jenny de Tolly, said: "The State President's action is predictable and reinforces our conviction that the State is determined to silence any widely representative democratic opposition."

● Dr Ivan Toms, vice-chairman of the End Conscription Campaign's Cape Town branch, said last night that the ECC "always works within the confines of the law".

"The latest proclamation by the State President further undermines the rule of law in our country.

"Now more than ever, it is imperative that the ECC's voice be heard and not be silenced by arbitrary police decrees," he said.

Attempts to obtain comment from the UDF were unsuccessful last night as spokespeople were either not available or in detention.



# New power for police gazetted

PRETORIA — The State President, Mr P. W. Botha, yesterday amended the emergency regulations to circumvent Supreme Court rulings that curfew and banning orders issued by divisional police commissioners were invalid.

In a proclamation in the Government Gazette, a sub-regulation was added to Regulation 7, extending the meaning of the term "commissioner of the South African Police" and "commissioner" to include divisional police commissioners.

The terms also cover police commissioners or officers in charge of police forces in the self-governing territories.

Divisional police commissioners have been responsible for issuing numerous restrictive orders in terms of the emergency regulations, affecting individuals, organisations and publications.

The courts, however, invalidated these on the grounds that the divisional commissioners did not have the authority to issue the orders.

The courts' judgments are, however, overridden by a clause in the proclamation, published late yesterday, making the amended regulations retroactive to June 12.

The proclamation also contains a number of supportive technical amendments.

These mostly entail the changing of the phrase "a person authorised by" the Minister of Police, to provisions empowering commissioned security force officers to act in terms of the emergency regulations.

The courts ruled that the minister could authorise the police commissioner, but not the divisional commissioners, to act in terms of the regulations.

The amendment which now empowers the divisional police commissioners to issue orders in terms of the pervasive Regulation 7 reads:

"In this regulation (7) and in regulation 8(e) (which deals with the publication of orders) 'Commissioner of the South African Police' and 'Commissioner' means (sic), in the application of those regulations in or in respect of: (a) a division as defined in section 1 of the Police Act ... the said Commissioner or the divisional commissioner designated under that Act for that division;

"(b) A self-governing territory, the said Commissioner or the Commissioner or other officer in charge of a police force under the control of the government of that self-governing territory."

The Minister of Police was also empowered in terms of a sub-regulation to Regulation 12 to seize or declare publications as "subversive ... without notice to any person and without affording any person an opportunity to be heard".

If a publication is declared "applicable" to Regulation 12, persons working for or possessing it face a R20 000 fine or 10 years' jail without the option of a fine.

The leader of the Progressive Federal Party, Mr Colin Eglin, said in reaction to the move last night that, given the record of the National

Party, Mr Botha's action was "predictable but deplorable".

"But what is quite disgraceful is the fact that he makes his new regulations retrospective and in doing so nullifies the judgments already given by the courts of law.

"Instead of slamming home the state of emergency by amending the regulations, Mr Botha should have scrapped the state of emergency and allowed South Africa to return to some form of democratic normality."

The PFP's alternate law and order spokesman, Mr Tian van der Merwe, said the action taken by Mr Botha was "a high-handed and cynical step" which had several implications.

"It undermines the power and status of the Supreme Court by nullifying recent decisions with a mere stroke of his dictatorial pen.

"Secondly, it makes a mockery of Parliament by showing just how easily he can overrule the law created by the courts without any attempt to obtain the agreement of even one of the Houses of Parliament.

"Thirdly, it clearly shows Mr Botha's preference for police rule and disregard for the courts."

In a joint statement, the national president of the Black Sash, Mrs Mary Burton, and its Western Cape chairman, Mrs Jenny de Tolly, said: "The State President's action is predictable and reinforces our conviction that the state is determined to silence any widely representative democratic opposition." — Sapa.

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## Electric border fence goes 'live'

**PRETORIA.** — A 25km electric fence to repel refugees from Mozambique was switched on yesterday along the border between South Africa and Mozambique.

A South African Defence Force spokesman said here that the fence should be regarded as "live".

It is not known what voltage the fence carries, but it is thought to be lethal.

Notices at regular intervals in a number of languages warn people about the fence. Two fences running along both sides of the electrified fence are intended to protect people from accidental electrocution.

The fence runs from the south end of the Kruger National Park to the homeland of KaNgwane.

KaNgwane has decided to grant asylum to refugees, but South African authorities are repatriating thousands of starving refugees who continuously try to cross into South Africa. — Sapa



# SAP curbs lifted in 3 regions

GPT Times  
1/8/86  
327

DIVISIONAL commissioners of police in the Boland, Witwatersrand and Eastern Cape yesterday withdrew orders they had issued since the state of emergency was declared on June 12.

Withdrawal of the orders effectively lifts curbs imposed on access to certain areas, funerals and gatherings.

Reversal of the orders follows the lifting late on Wednesday night of similar bans in the Western Cape, including a ban on 119 organizations.

The moves come in the wake of rulings by the Rand Supreme Court and the Grahamstown Supreme Court that it is unlawful for divisional commissioners of police to issue orders in terms of the emergency regulations.

## Certain funeral ceremonies

The Divisional Commissioner of Police for the Boland, Brigadier Flip Fourie, yesterday repealed orders he issued on June 21, which gave Boland police power over non-residents and over conditions in respect of certain funeral ceremonies in the Boland.

They also prohibited indoor gatherings in the Boland.

In Johannesburg, the ban on funeral services for unrest victims in Alexandra township, imposed by the Divisional Commissioner of Police for the Witwatersrand, Brigadier J R P Bekker, in terms of the state of emergency, was lifted yesterday.

The regulations prohibiting outdoor funeral services for people who died of "unnatural causes" were issued by the brigadier on June 13.

## No flags, banners, pamphlets or posters

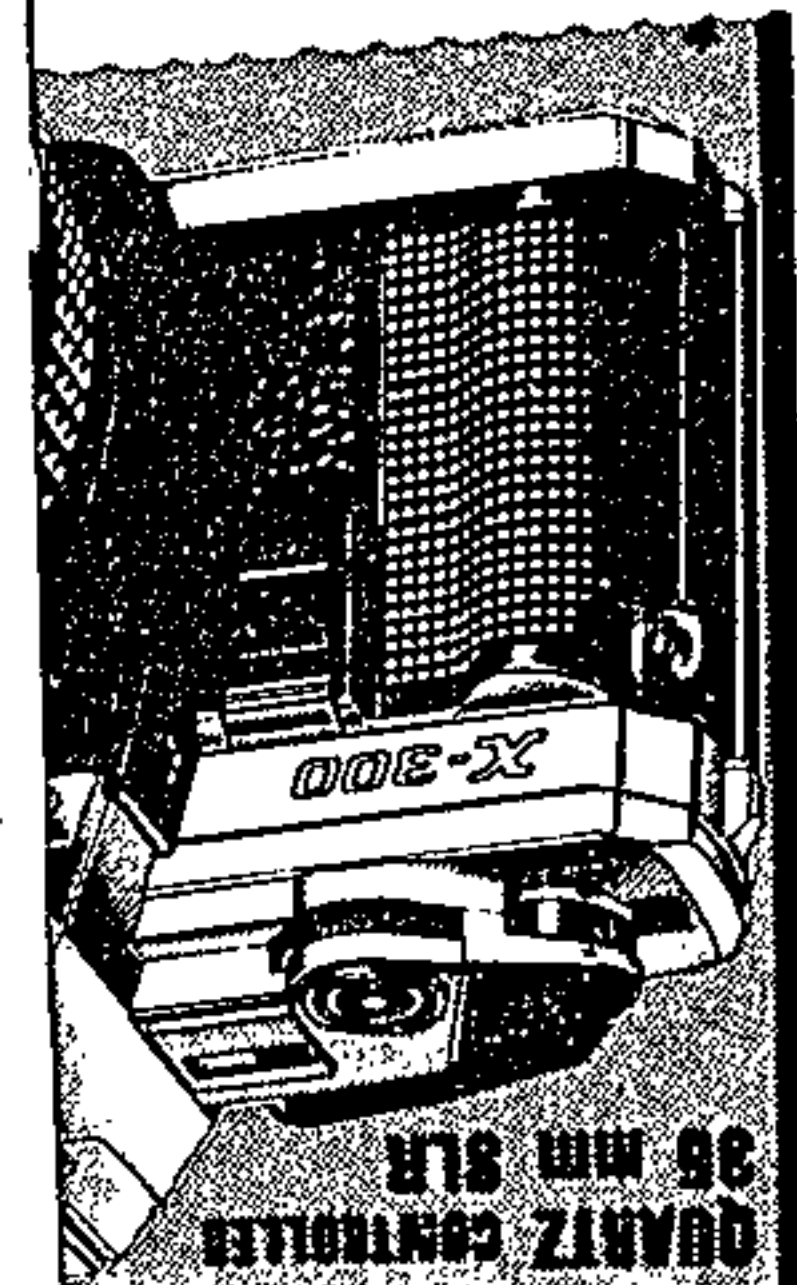
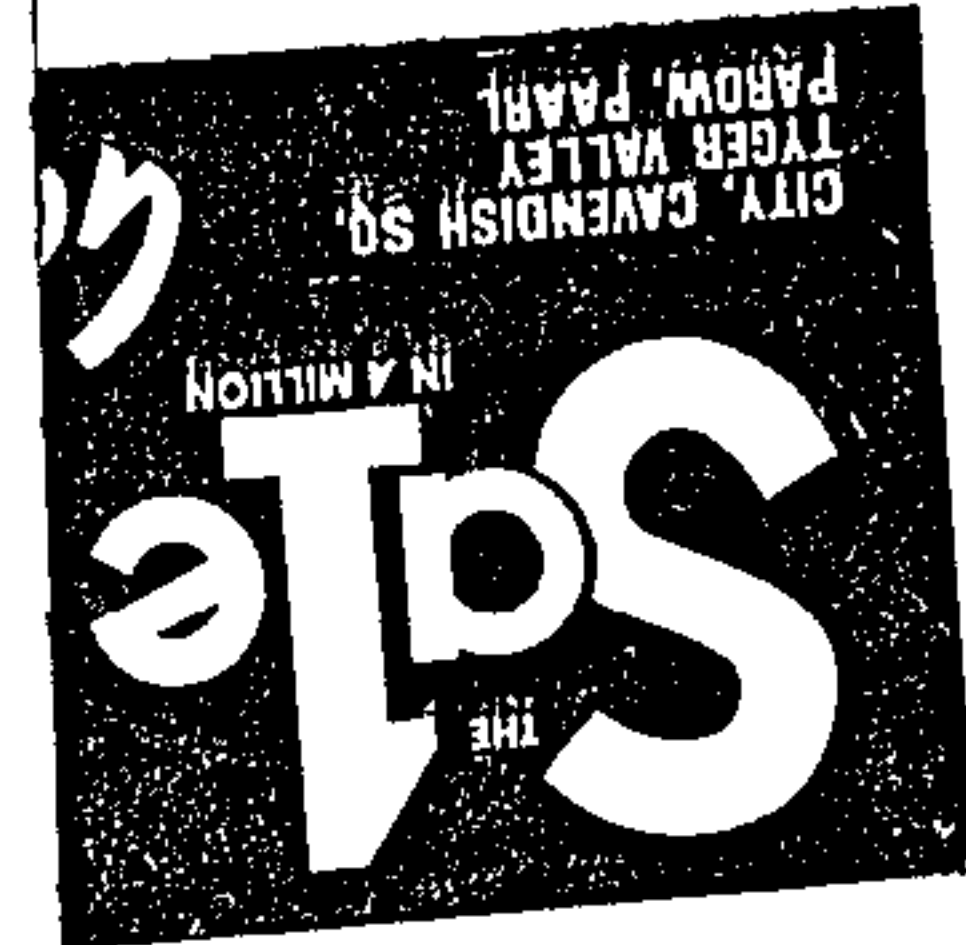
They stated that only ordained ministers could address such funeral services; the services had to be held indoors; no flags, banners, pamphlets or posters could be displayed; motorized vehicles had to transport the coffins, and not more than 200 people could attend.

The Divisional Commissioner of Police, Eastern Province Division, Brigadier Ernest Schnetler, yesterday withdrew emergency orders issued since the declaration of the state of emergency.

On June 19, Brigadier Schnetler issued orders barring non-residents from entering certain areas without the written permission of a member of the security forces, and imposed a curfew between 9pm and 4am on certain areas.

He also placed restrictions on funerals, affecting 13 magisterial districts. — Sapa and Staff Reporter

UDF plans mass rally, page 3



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## THE CRACKS are beginning to show in the government's emergency powers.

This week saw a barrage of applications challenging the regulations, testing in court the right to hold meetings and the detention of people under emergency regulations.

As a result of the applications, several detainees have been freed, some restrictions on the media have been lifted, and restrictions on funerals and meetings have been lifted.

Five cases have already been heard - in Durban, Johannesburg, Pretoria and Cape Town - and several more are due next week.

Tomorrow, for instance, the full bench of the Pretoria Supreme Court will hear an application by the SC Bishops' Conference for the release of 26 detainees, including secretary-general Father Smangaliso Mkhathshwa.

And, in Durban, an application for the release of Natal United Democratic Front publicity secretary Lechesa Tsenoli was still pending at the time of going to press.

This week's court setbacks for the State include:

- The Congress of SA Trade Unions won the right to hold meetings again in the Western Cape - not only for itself, but for 118 other organisations.

They can also issue statements through the media.

Cosatu went to court to challenge divisional police commissioner Brigadier CH Swart's right to gag the organisations. The case was never heard, as an out-of-court settlement was reached - and hours later, Swart announced that the gags had been lifted.

The Western Cape UDF said it was pushing ahead with its own court application against the gags - but only to resolve the question of costs.

An advocate acting for the UDF said the anomaly of Swart's announcement after the Cosatu case was that he had repealed restrictions which had been invalid from the start.

"In the UDF's opinion, the lifting of the restrictions means the State has conceded defeat," he said.

- Earlier in the week, the UDF in the Transvaal won what it called "an important victory for the masses" with a similar application to the Johannesburg Supreme Court.

The UDF contested the local divisional police commissioner's right to ban its meetings - and won.

UDF national treasurer Azhar Cachalia said the organisation would not rush to hold meetings, but was studying the emergency regulations with a view to testing the very validity of its imposition.

- A full bench of the Grahamstown Supreme Court took the matter one step further on Tuesday, ruling that only State President PW Botha or "delegates" specially named by him could issue orders in terms of the emergency.

The immediate effect of the Grahamstown Supreme Court decision is that people in the Eastern Cape can now hold indoor meetings and mass funerals, and curfews have been scrapped.

★ See Pages 2 and 5

# CRACKS IN THE

3/8/86  
powers

Opposition groups shoot holes in emergency

CITY PRESS

327  
3/8/86



# Anger over PW's shock move on emergency

CONFUSION still surrounds the effect of President Botha's shock validation of the powers of police divisional commissioners to impose wide-ranging orders in terms of the emergency proclamation.

The Government Gazette extraordinary, published on Friday, amends the emergency proclamation to retro-actively validate all orders issued by the divisional commissioners since June 12.

The move — condemned by the PFP — effectively sidesteps a string of court decisions ruling that the Minister of Law and Order and the Commissioner of Police could not sub-delegate the powers given to them by the President.

Legal advisers indicate that those orders, which have been lifted in five magisterial districts by divisional commissioners themselves during the course of the week are no longer valid.

But Eastern Cape police spokesmen warn that the order lifted by Brigadier Ernst Schnetler on Wednesday is indeed validated by the President's intervention.

And at the same time yet another divisional commissioner has lifted one of his orders. Brigadier E E Oost-

## Sunday Times Reporter

huizen announced the order promulgated by him on June 26 had been revoked.

The amendments, as far as can be established, narrow but strengthen the Minister's powers to seize publications deemed to be "subversive" but do not alter the vital Natal Supreme Court judgement qualifying the meaning of the word "subversive".

Original measures appeared to give delegated powers to any member of the force to seize publications, but this has now been restricted to the Minister.

On the downside, however,

is a proviso that the Minister can seize publications without hearing any objections.

Response from the PFP to the move has been heated.

The PFP's alternate law and order spokesman, Mr Tlan van der Merwe, said the amendments were "a high-handed and cynical step" which had several implications.

"It clearly shows Mr Botha's preference for police rule and disregard for the courts.

"He should have the honesty to stop bleating about democracy because he clearly does not believe in it or understand it at all," Mr van der Merwe said.

## Police abuse emergency, court is told

STARTLING allegations that the police have used emergency powers to detain common criminals emerged in papers before the Durban Supreme Court this week.

Applicants claimed that the police had seized a number of youths allegedly connected with gang violence in a coloured suburb, and held them in terms of the emergency proclamations.

### Released

But the Bureau for Information insists that, although some detainees might originally have been held for unrest-related incidents like stone-throwing, investigations during their detention led to further criminal charges.

Some of the youths have since been released.

In this week's cases families of detainees claimed they had been told by police that the men were being held under the emergency regulations while they investigated

## Sunday Times Reporters

gang fights in the Austerville suburb.

Mr Peter Rutsch of the Durban Legal Resources Centre said some of the men were released on Tuesday, shortly before applications were brought in the Durban Supreme Court challenging their detention.

Five applications were brought by relatives of the men. The hearings were adjourned to later this month when argument on the legality of the detentions will be heard.

In one of the applications, an Austerville mother, Mrs Maggie Maria Walstrom, said her son, Daniel, 18, failed to return home on June 26.

Inquiries were made at several police stations. Eventually she was told at the Wentworth charge office that

Daniel had been arrested and taken to Westville prison.

"On June 30 our priest, the Rev J Fourie, took us to the C R Swart Square police station where it was confirmed that my son had been arrested in terms of the emergency regulations," said Mrs Walstrom.

### Activities

She had been told later that many of the youngsters arrested in the Merewent and Wentworth areas on June 26 had been accused of taking part in gang activities.

Daniel Walstrom told the court that he was leaving the Methodist church on the evening of June 26 after a choir practice when he was arrested by a Sergeant Sam Fynn.

In another application a widow, Mrs Cornelia Dwarika, said her son, Gabriel, 25, was arrested by Wentworth police on June 26.

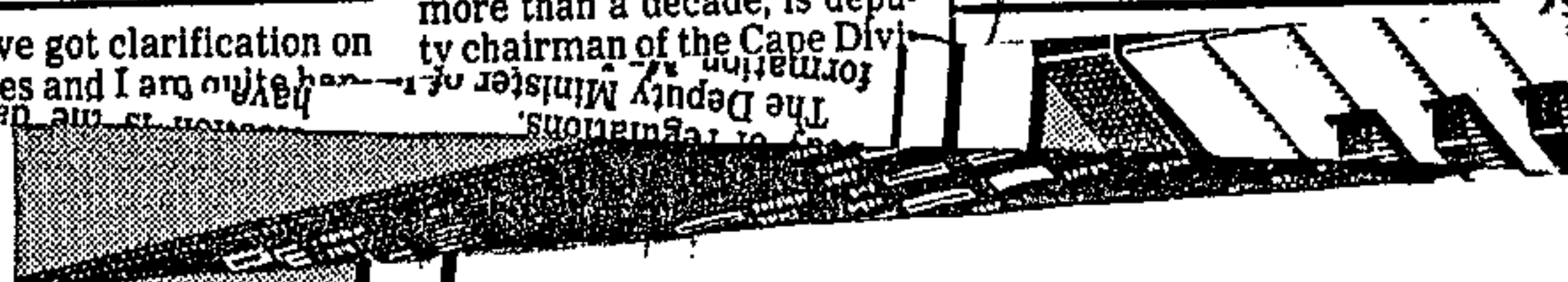
She said a Captain Reddy told her that Gabriel was being held under the emergency regulations and that his detention was related to gang fights in the Austerville area.

## Major opponent

### Political Correspondent

"I have got clarification on the issues and I am happy."

Mr Walsh, 42, has been an active PFP member for more than a decade, is deputy chairman of the Cape Division of the PFP.





206 162 327 288

# Minister warns foreign workers

BLOEMFONTEIN. — foreign workers legally in the country, such as participation in illegal actions, "will result in their repatriation and a reduction in their numbers", Mr Du Plessis said at a lunch for a visiting labour delegation from Lesotho.

The minister tempered his warning with an offer to Lesotho, and other neighbouring states, to share South Af-

rica's technical know-how and experience in the training of workers in the private and public sectors.

One of the problems all faced was unemployment. In South Africa this was growing as a result of the prolonged recession, growing threats of disinvestment and sanctions which created uncertainty, a high population growth rate and illegal immigration.

Statistics showed that at the end of March this year, there were 703 000 unemployed people in South Africa, excluding Transkei, Bophutatswana, Venda and Ciskei. Unofficial estimates for the region as a whole indicated a much higher figure.

Mr Du Plessis said: "Despite the high rate of unemployment, large numbers of workers from neighbouring countries are legally and illegally in South Africa."

Of the 300 000 legal workers 140 000 were from Lesotho.

"An estimated 1,3 million workers from neighbouring countries are illegally in South Africa and holding jobs, thereby depriving unemployed South African workers of a livelihood."

"All of these enjoy the same protection and rights, including access to training as South African workers," Mr Du Plessis said.

South Africa was willing to co-operate with its neighbours in finding solutions to common problems and to share when it came to training and development of human resources.

## 'Obligation'

But when it came to employment of foreigners in South Africa, it should be appreciated that the government had an obligation towards its own citizens, "and that it cannot allow illegal entrants from neighbouring states to seek and take up employment."

"This is not in the interest of the South African worker nor in the interest of our neighbours, nor in the interest of the dependants of such workers, who have to stay behind."

"Such illegal workers and their employers must expect strong action to be taken against them," Mr Du Plessis said.

When it came to legal foreign workers "it should be appreciated that South African workers must receive preference in filling vacancies".

## 'Skills'

"The number of foreign workers employed in the Republic will therefore depend on the unemployment situation in South Africa, the availability of South African workers, the skills of such foreign workers and their compliance with South African laws."

"Economic sanctions applied against South Africa will inevitably seriously jeopardize available job opportunities in the country for foreign workers and result in unnecessary and untold hardship," Mr Du Plessis said. — Sapa

3/8/86



327  


ABOUT 219 people have been detained every day since the state of emergency was declared, according to a report by the Wits University-based Community Research Group.

The CRG further states in its report that the current security crackdown is more severe than that of the last state of emergency.

The Group also states that despite several landmark court decisions which have demonstrated that the security forces have been acting far beyond their rights there is no sign that the authorities are restraining themselves.

"The veil of silence" imposed by the authorities makes it impossible to identify all detainees immediately. We know the names of nearly 4 000 detainees, and recent reports have alleged that there have been 10 000 detentions thus far," the report states.

### **Seven**

The CRG calculates that, after seven weeks of the most severe clampdown in South Africa's history, there have been roughly 1 535 detentions per week, 219 per day, which means nine detentions per hour — on average a detention every seven minutes.

CRG states 74 percent of the detainees are from political, community and educationally-based organisations, 18 percent are trade unionists and eight percent are from other categories.

"The categories sometimes overlap, as when unionists also belong to civic or residents' associations," the report adds.

The CRG also mentions that of 139 political and community-based organisations which have been affected by detentions, 115 are affiliated to the United Democratic Front, 11 to the National Forum and 13 are unaffiliated.

Page 2

**219  
held  
every  
day**

*Seven  
4/8/86*



# Police film Mxenge crowd

## Dispatch Correspondent

DURBAN — Despite new restrictions and a prominent police presence, a memorial service for the assassinated civil rights lawyer, Mrs Victoria Nomzamo Mxenge, proceeded as planned here at the weekend.

The 500 people of all races who attended the afternoon service were videotaped by police.

Regulations specifically forbidding discussion during the service on any topic of a political nature, including the state of emergency, boycotts, or disinvestment, were issued.

The display of posters

and distribution of pamphlets was prohibited.

Mrs Mxenge was a leading lawyer in the defence team in the trial of 15 United Democratic Front leaders who were facing treason charges in Pietermaritzburg.

The treason charges were later dropped.

Mrs Mxenge was murdered by unknown gunmen.

Her husband, Griffiths Mlungisi Mxenge, was found murdered in a similar fashion in 1981. Neither murder has been solved.

The Mxenge children have had to leave their Umlazi home because of anonymous threats.

327

DD 4/8/86

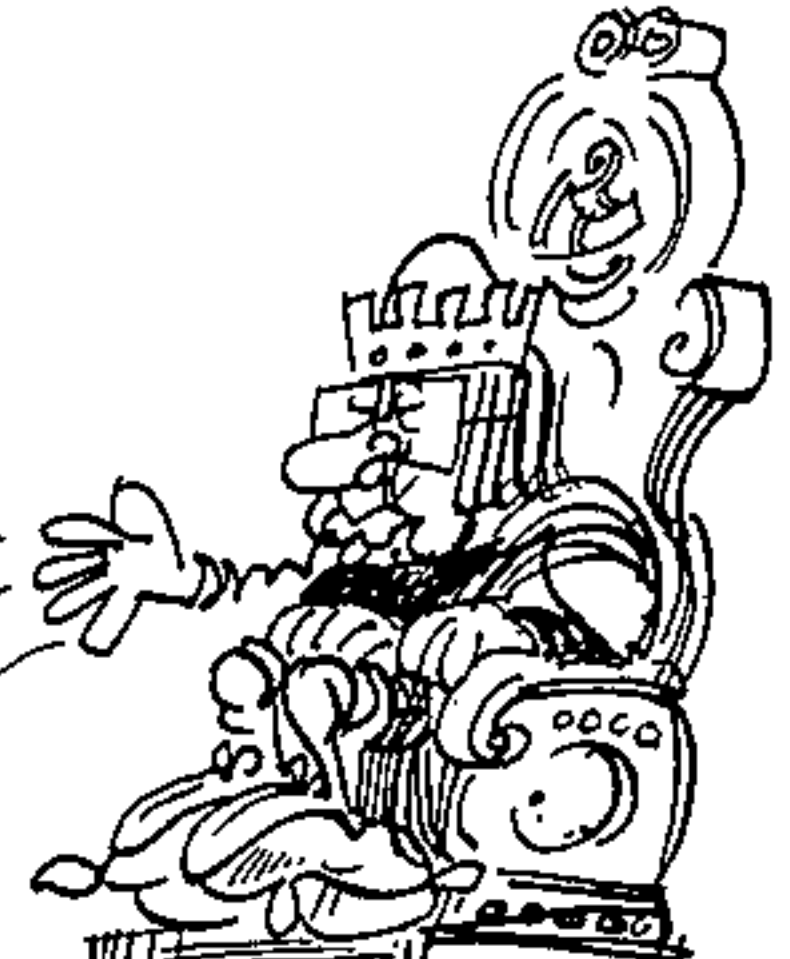
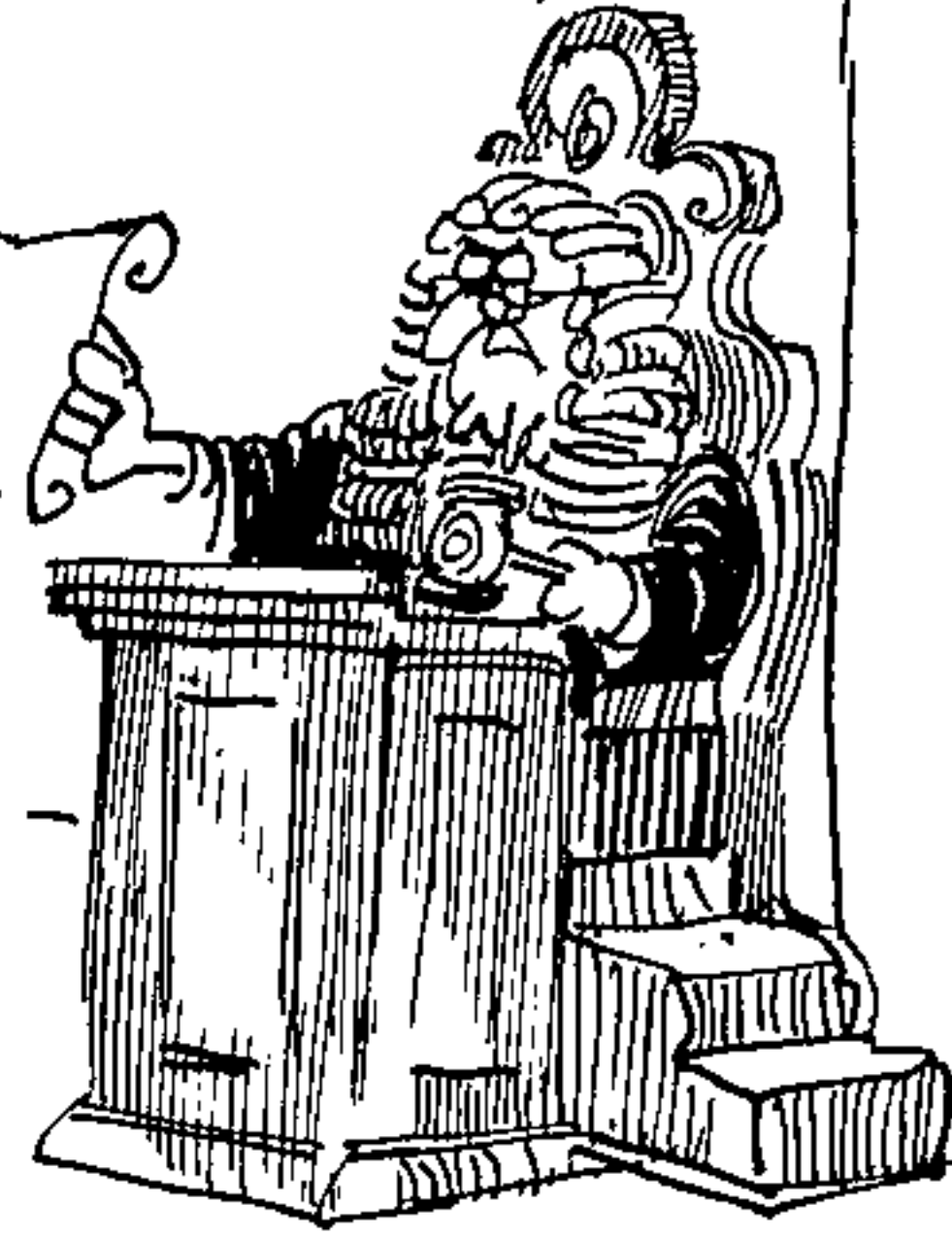


Cartoons  
4/8/88

327

Royal  
Overruling

Court  
Ruling





4/18/66  
327

# Nel claim claptrap — PFP

By BARRY STREEK  
Political Staff

THE claim by the Deputy Minister of Information, Mr Louis Nel, that democracy was not hampered by the state of emergency was a brilliant example of Nationalist misinformation, the PFP candidate in Claremont, Mr Jan van Eck, said yesterday.

"Does he take South African voters to be total idiots who will believe this claptrap?" he asked.

Mr Van Eck issued a statement yesterday after Mr Nel said democratic process in the by-elections in Claremont and Pinelands would not be affected by the state of emergency.

Mr Van Eck said: "Even a cursory glance at the emergency regulations will show they place strangling restrictions on the little bit of democracy left ...

"The wide definition of what amounts to a subversive statement and the unprecedented clampdown on the ability of the press to report on actions by the government and its agencies surely amounts to a massive restriction on the democratic process.

"I would like to challenge Mr Nel to state publicly whether he believes truly free elections can place while restrictions apply."

(Report by B Streek, 122 St George's St, Cape Town).



## PW changes the rules

STATE President P W Botha amended the emergency regulations on Friday to circumvent Supreme Court rulings invalidating orders issued by Divisional Police Commissioners.

The amendments apply retroactively to June 12.

The courts ruled that Law and Order Minister Louis le Grange could authorise the Commissioner of Police, but not the Divisional Commissioners, to act in terms of the regulations.

The amendment to Regulation 7 empowers divisional police commissioners — including officers in charge in self-governing territories — to issue orders.

A further amendment empowers the Minister to seize or declare publications "subversive", "without notice to any person and without affording any person an opportunity to be heard".



Another...  
...at Oak...  
...was such a mad...  
...escaped...  
...  
CAN- Times 4/8/86 280 239

## Soares, Eglin share views

THE visiting Portuguese Deputy Minister of Foreign Affairs, Mr Azevedo Soares, said on Saturday that he shared several common points of view with the Leader of the Opposition, Mr Colin Eglin.

Speaking after an hour and a half of talks with Mr Eglin in Cape Town, Mr Soares said among these were shared opinions on the consequences of sanctions, and the need for the South African Government to move "in the cor-

rect direction and at the right pace".

"We had a global discussion on the situation here," he said. "I expressed the Portuguese Government's point of view on the situation, and Portugal's stand with the European community."

Mr Eglin said the discussions had covered sanctions both "as an external issue" and with regard to the internal South African situation.

— Sapa

## Muslims rally over Ahmadi court ruling

By EBRAHIM MOOSA

MORE THAN 1 500 Muslims attended a rally at the Habibiya Mosque in Rylands Estate yesterday in protest against "gross interference in religious matters" by the Supreme Court.

The rally was called by an ad hoc committee of leading Muslims to pro-

test against a Supreme Court decision earlier this year which declared a member of the controversial Ahmadi sect to be a Muslim.

Dr Muhammad Fathi Uthman, an academic and editor of the London-based "Arabia" Magazine, told the assembly he found it "unusual" that a court arbitrated on a strictly theological issue.

It was the court's duty to establish the right of Muslims to allow into their faith and place of worship those whom it considered to be legitimate members, he said.

Sheikh Nazeem Mohamed, president of the Muslim Judicial Council, said Muslims considered it to be an "affront" to have rulings imposed on them by the court.



CAN- Times 4/8/86

## UDF hits at 'decrees'

Staff Reporter 277

PRESIDENT P W Botha's "decrees" would not stop the United Democratic Front "from reaching our people and articulating their demands for democracy in our country", the Western Cape executive of the UDF said in a statement last night.

Responding to Mr Botha's changes to the emergency regulations, the UDF said: "His contempt for the judiciary is matched only by his cynical desire to act without restraint on his powers or those of the security forces."

"With a stroke of his pen, P W Botha has ridden roughshod over recent courageous decisions by the courts that went some way to restoring the rule of law," the statement said.



CML-Trans 4/8/86 (263) 327

# Press must 'exploit gaps' in regulations

Own Correspondent

DURBAN. — The alleged failure of the English-language press to challenge repressive emergency regulations was hotly debated during Durban's first panel discussion between South African editors and senior journalists yesterday.

"Press freedom died back in the 1950s and since then only an illusion has survived, which the press itself has done its best to cultivate," said Weekly Mail co-editor Mr Anton Harber.

He accused newspapers of "hiding behind the emergency" to claim they were being prevented from publishing information they would not have published anyway.

## Partisan

Referring to the emergency press curbs, he said: "We can survive this onslaught by printing rugby, braaivleis and royal weddings or we can find the gaps and exploit them."

The Argus company — which now controlled all major English-language newspapers — had recently announced a profit of more than R40-million, he said.

"It wouldn't take a great deal of that profit

(which might be risked in paying fines) to allow a more aggressive attitude towards the law."

The national education officer for the Congress of South African Trade Unions, Mr Alec Erwin, read out several editorials from an English language morning paper and said writers of editorials suffered from "partisanship, ignorance, rank advocacy journalism and lack of analysis".

He predicted that the press would be condemned by South Africa's future leaders for its cowardice.

The assistant editor of the Daily News, Mr David Wightman, said the South African press was injured, but not dead.

He commented wryly that while it was vilified from the left for not being progressive enough, the government regarded it as being to the left of the Communist Party.

The news editor of the Sunday Tribune, Mr William Saunderson-Meyer, said decades of neglect of staff training and low journalists' salaries meant that only "politically committed" people remained in the profession.

Reporters had become "a pool of ideologically rigid, illiterate youngsters".



# City lawyers: No charges

Staff Reporter

THE Attorney-General yesterday declined to press charges against two City lawyers who were detained in Worcester Magistrate's Court while defending 38 people on charges of public violence.

Advocate Mr Mohammed Albertus and attorney Mr Trevor De Bruyn previously appeared in connection with alleged contraventions of the emergency regulations.

And in another development Mr Albertus said the two intended to institute civil proceedings against the Minister of Law and Order for wrongful arrest and crimen injuria.

It was stated in a Supreme Court affidavit that a policeman, a Lieutenant Le Roux, had said while arresting Mr De Bruyn: "We know what to do with you Hotnots where I come from."

The lawyers were arrested on June 19 and

released on June 24 only hours before an application made by their wives for their release was to be heard.

In a Supreme Court affidavit filed by Mr Frederick Bunting, a member of the defence team, it was stated that Mr De Bruyn, at the time of his arrest, had tried to give an undeveloped film spool to Mr Bunting.

## 'Brutality'

According to the affidavit, the spool had been given to Mr De Bruyn by a client who said that it might provide the defence with evidence of alleged police assaults and brutalities in Nkqubela, near Robertson.

Police would not allow Mr De Bruyn to hand over the spool, according to the affidavit.

During the course of his arrest, Lieutenant Le Roux is said to have told Mr De Bruyn: "Waar ek van kom, weet ons wat om met julle Hotnotte te doen."



CAPE TIMES 5/8/86 327  
**Cape Times reporter in court**

**Court Reporter**

A CAPE TIMES reporter, Mr Peter Dennehy, appeared in the Magistrate's Court yesterday in connection with possessing a banned book.

Mr Dennehy, 28, of Oxford Road, Observatory, was not asked to plead and no charges were put to him.

The charge sheet indicates that he may be charged under the Publications Act.

The hearing was adjourned to August 27 for further investigation.

Mr M J C Tolken was the magistrate. Mr J M McEwan prosecuted. Mr Dennehy was not represented.



# Court orders that two be released

PRETORIA—A doctor and a hotelier are to be released after a Supreme Court judge here found their detention to be unlawful, but the owner of a fleet of taxis failed in the application for his release.

Mr Justice Harms ruled yesterday that the detentions of medical practitioner Dr Tshehla Francis Hlahla and hotelier Mr Geoffrey Malose Molala, were unlawful.

In a separate judgment, Mr Justice Harms dismissed an application for the release from detention of businessman Mr Mzondeki Jim Chabanku.

In the first application, the Judge found that Dr Hlahla and Mr Molala had been lawfully arrested on June 12 this year, and detained in the Potgietersrus police cells. Two days later they were transferred to the Pietersburg prison.

On June 24, the Minister of Law and Order issued a notice for the men's further detention in the police cells in Nylstroom. Six days later Dr Hlahla and Mr Molala were transferred to the Nylstroom prison.

Mr Justice Harms found that because Dr Hlahla and Mr Molala were not being detained in the Nylstroom police cells, as ordered by

the Minister of Law and Order, there was no compliance with the notice issued by the minister. Therefore the men were being detained unlawfully.

He therefore ordered their immediate release.

In the second application it was argued on behalf of Mr Chabanku that the businessman had been arrested under the state of emergency, before the emergency regulations had been promulgated.

Mr Chabanku had been arrested at 30 minutes past midnight on June 12.

## Legal

It was argued that the arrest was unlawful as the emergency regulations were only promulgated 11-and-a-half hours later, at 12 noon.

Mr Justice Harms found that in terms of the Internal Security Act, a state of emergency may be declared retrospectively for up to four days before the declaration is promulgated.

Thus Mr Chabanku's arrest was illegal up until 12 noon on June 12, but became legal once the state of emergency was declared.

Mr Justice Harms therefore dismissed the application with costs. (Sapa)



# Four fined for anti-US protest <sup>SPK</sup>

By Pat Devereaux

322  
Four people were fined R250 each by a Johannesburg magistrate yesterday for attending a demonstration against the Libyan raid in April.

Terrence Phiri (24) of Meadowlands, Soweto, Gavin Modikoe (23), Aaron Ntswoa (19) both of Dobsonville, Soweto, and George Ngwenya (20) of Dlamini Ext, Soweto, all pleaded not guilty to the main charge of organising an illegal gathering. They pleaded guilty to an alternative charge of attending an il-

legal gathering. The court heard that the four men had attended a demonstration on the corner of Eloff and Commissioner streets outside the American Embassy and that the gathering contravened the Internal Security Act.

## PEACEFUL

In mitigation of sentence their legal representative, Mr ND Pandya, said the demonstration had been peaceful and was not directed at the Government.

"It was a protest against the American

bombing of Libya on April 18 and was dispersed within 10 minutes," he said.

The four were not convicted on the main count but were convicted on the alternative count by magistrate Mr J van Wyk.

He said it had not been proved that Phiri's previous conviction of sabotage and this incident were linked.

"I do not need to remind you that in times like these a peaceful gathering may change into a high-risk event," he said.



# New ban on gatherings at university

Mercury Reporter

ORDERS prohibiting gatherings at the University of Durban-Westville were revoked yesterday but immediately replaced by new restrictions.

The old measures were issued by the Divisional Commissioner of Police for Port Natal, Brig Jan Botha, on June 14.

Brig Botha withdrew the orders after a Supreme Court ruling that divisional commissioners could not issue orders under the state of emergency. This could be done only by those named by the State President.

However, on Friday President Botha delegated the powers to divisional commissioners to issue such orders.

A South African Police statement yesterday said the new order prohibited

any gathering at the university, if such a gathering was one, organised, convened, held or otherwise brought about to incite the people attending to:

Take part in any unlawful strike, take part in or to support any boycott action, take part in any unlawful demonstration, gathering or protest procession, take part in any action of civil disobedience, or to discredit or undermine the system of compulsory military service;

Encourage the people attending such gathering to commit any acts or omission which endanger or may endanger the safety of the public, the public order or the termination of the state of emergency; and

Encourage or promote disinvestments or the application of sanctions against the Republic.



Cap. Times 6/1/86

# Ban on murder trial queried

Staff Reporter

THE chairman of the General Council of the Bar of South Africa, Mr H P Viljoen, SC, yesterday criticized the "banning" of proceedings in a trial in which four soldiers were accused of murder in SWA/Namibia.

On July 24, a certificate issued under the Defence Act was handed in to the Tsumeb Magistrates' Court which halted criminal proceedings against four South African Defence Force soldiers, Mr C J Harmse, Mr F J Herbst, Mr D F Enslin and Mr J Fernando.

They were appearing on charges arising out of the death of a civilian, Mr Frans Uapota, 48, who was allegedly kicked, assaulted and beaten to death in the Owambo war zone on November 28 last year.

## 'Good faith'

The certificate was issued by the cabinet of the SWA/Namibian Interim Government and authorized by the State President, Mr P W Botha.

In terms of the Defence Act, court proceedings against SADF members can be halted if the State President decides the accused acted "in good faith" while combatting terrorism.

Mr Viljoen said the General Council of the Bar had repeatedly opposed "legislation excluding the jurisdiction of the courts".

"In the present case, the Attorney General of SWA had, on facts contained in an investigation docket, decided to prosecute the Defence Force members for murder.

"To interfere with that discretion and remove the matter from the jurisdiction of the Supreme Court gives rise, over and above the principal objection to that course, to speculation and resentment which is, in the view of the Bar, far more damaging than an open investigation and finding on the facts in a court of law."



But these organizations are banned from holding meetings:

FEDSAW  
FEDTRAW  
YCS  
YCW  
NEUSA  
HWA  
RMC  
LESCO  
LYL  
Lanz Solid  
The Call of Is  
AZANYU  
AZAPO  
ASASHI

WE  
NEED  
TO KNOW

WHAT  
IS  
GOING ON?

Protesters who attended "The Right to Know" meeting held at the Johannesburg City Hall last night.

# Demand for restoration of basic freedoms in SA

By Colleen Ryan, Political Reporter

About 1 000 people packed into the Johannesburg City Hall yesterday to demand the restoration of basic freedoms in South Africa, claiming these had been systematically removed by the Government.

Three prominent speakers — Progressive Federal Party MP Mrs Helen Suzman, Soweto Civic Association president Dr Nthato Motlana and *Cape Times* editor Mr Tony Heard — strongly condemned the Government for denying civil liberties and declaring a new state of emergency.

The audience unanimously backed a statement read out at the meeting which said: "We believe the denial by the South African Government of our right to know what is happening in our country and our right to control the actions of the servants of the State is the primary cause of the violence, disorder and injustice which exists at the moment."

A number of demonstrators held up posters in the front of the hall with slogans such as "Let the people speak", "What is going on?" and "We need to know".

No police were at the meeting, which was held in a calm atmosphere.

sphere. Addressing "The Right to Know" meeting, Mrs Suzman said scenes of police action had horrified TV audiences around the world, but the truth had been hidden from South African viewers. "I am sure there are millions of South Africans who would have been appalled at the scenes and who would have risen in protest," she said.

## REFORMS NOT ACKNOWLEDGED

She said it was paradoxical that some of the most important reforms had been carried out by the Government in the last year, but these had gone largely unacknowledged by blacks and overseas critics because of repressive measures by the Government.

She said conflict in South Africa would continue unless the Government reconsidered its hardline stand.

Calling once more for the release of ANC leader Nelson Mandela, she said: "I believe this man is our last hope for peaceful negotiation in South Africa."

She warned that liberation "was not around the corner" and that the situation in the country was likely to deteriorate.

Mr Heard told the meeting that while the security laws had

restricted Press reports for many years, the state of emergency resulted in a Press that was no longer free.

When the State President, Mr P W Botha, recently asked the media to state which side they were on, a simple answer could have been given, said Mr Heard.

"We stand on the side of the public's right to know. The Press is an institution in its own right. It is not the arm of any Government — past, present or future."

He warned that the state of emergency was not a "three-day wonder" imposed to deal with the June 1976 Soweto uprising. It had been in operation for two months and there was no sign it would be lifted.

The media was barred from the townships and had a very sketchy idea of conditions. The only accounts of police or army actions came directly from the Government.

Dr Motlana said he had planned a "blistering attack" on the Government, but had been advised by his lawyer it would be illegal to speak the truth. He had attended the meeting to protest that people "had the right to know".

The meeting was chaired by Mr Arthur Chaskalson, head of the National Legal Resources Centre.

3



# Police orders 7/8/86 ENE DOB 327 repealed again

SPECIAL emergency orders, issued by the SA Police and restricting funerals and imposing township curfews, have again been repealed.

The emergency orders originally issued by Divisional Commissioner of Police in the Eastern Cape, Brigadier Ernest Schnetler, were withdrawn after a Grahams-town Supreme Court ruling that the orders were invalid. They were re-introduced on Friday after the emergency regulations were hastily amended by the State President, Mr P W Botha.

Today the police liaison officer for the Eastern Cape, Major Eddie Everson, announced that the special orders had again been repealed by Brig Schnetler.

He stressed that the

emergency regulations were still in force.

He said orders would be issued by the divisional commissioner as circumstances dictated.

The orders which have been repealed are Government Notice No 1 276 and No 1 277 of June 19, 1986, and Government Notice dated July 1, 1986, which deals with the prohibition of gatherings.

The orders restricted funerals to 200 mourners, barred political speeches and laid down that only one body be buried at each funeral.

They also, amongst other things, imposed curfews, controlled non-residents of an area, and prohibited the holding of gatherings by 52 political organisations in 13 magisterial districts in the Eastern Cape.



CMC 7/1/86 7/8/86

327

## NECC urgent application

Own Correspondent

**JOHANNESBURG.** — The State President's proclamation compelling black pupils to register discriminated against black schoolchildren, Mr Denis Kuny, SC, said in the Rand Supreme Court yesterday.

He was appearing for the National Education Crisis Committee (NECC) and two parents, Ms Maggie Sole and Mr Peter Mabaso, in an urgent application before the Deputy Judge President, Mr Justice Coetzee, that Proclamation R131 be declared invalid.

Alternatively they asked the court to declare regulations 2, 3 and 4 of the proclamation invalid.

Mr Kuny submitted that the President — in terms of the emergency powers given to him under the Public Safety Act — had imposed a regime on every black school that was racially discriminatory in a partial, unequal way.

The proclamation was gazetted in terms of the Public Safety Act on July 13 and provides for a system of compulsory registration of black pupils.

It also empowers the director-general of Education and Training, or any officer authorized by him, to refuse admission of any pupil, without furnishing reasons for such action.

Mr Kuny said the regulations could not be contemplated to be reasonable and the President had acted beyond the powers given to him in terms of the Public Safety Act. It was also submitted that the regulations were vague.

Mr John Coetzee, for the respondents, argued that Parliament had provided for the President to make different regulations for different areas and different classes of persons.

The State's argument continues today.



# East Cape emergency orders lifted

327  
8/18/86

PORT ELIZABETH — Emergency orders in the Eastern Cape that were repealed last week and then put back into force after amendments to the regulations by the State President, Mr P. W. Botha, were again repealed yesterday.

1986, and a notice dated July 1, which deals with the prohibition of gatherings.

The orders restricted funerals to 200 mourners, barred political speeches and laid down that only one body be buried at each funeral.

This was announced by the police liaison officer for the Eastern Cape, Major Eddie Everson, who said the orders had been repealed and withdrawn by the region's divisional commissioner of police, Brigadier Ernest Schnetler.

They also imposed curfews, controlled non-residents of an area, controlled school boycotts, prohibited the possession of certain items, including T-shirts, and prohibited gatherings by 52 political organisations in 13 magisterial districts in the Eastern Cape.

He pointed out that the emergency regulations were still in force, however.

Asked for comment on the step taken by Brigadier Schnetler, the Bureau for Information said from Pretoria that the issuing or withdrawal of orders by divisional commissioners of police did not in effect fall within the ambit of bureau. — Sapa-DDC

He said orders would be issued by the divisional commissioner as circumstances dictated.

The orders that have been repealed are government notices 1276 and 1277 of June 19



*Cape Times 8/8/86*  
**Police withdraw  
E Cape orders**

**Own Correspondent**

**PORT ELIZABETH.** — Emergency orders overturned by judgments in the Grahamstown Supreme Court last month — and subsequently reimposed after amendments by the State President, Mr P W Botha — were again repealed yesterday.

The orders concerned were withdrawn by the Divisional Commissioner of Police, Eastern Province, Brigadier Ernest Schnetler, on July 31, after the court judgment two days earlier, on July 29. The following day, on August 1, he reimposed them after amendments to the regulations were gazetted.

Yesterday, the orders were again withdrawn by Brigadier Schnetler.

The orders repealed yesterday related to:

- Bans on non-residents from entering certain areas without the written permission of a member of the security forces.
- A curfew between 9pm and 4am in certain areas in the Eastern Cape.
- Restrictions on funerals in 13 magisterial districts.
- Orders controlling school boycotts and prohibiting the possession of certain items, including T-shirts.
- Prohibitions on gatherings, barring 52 organizations from organizing, arranging or holding meetings in 13 magisterial districts.



BUDDAY 8/8/76

## Police repeal orders — again

Own Correspondent

SEVERAL emergency orders overturned by judgments in the Grahamstown Supreme Court last month — and which subsequently came back into force — were again repealed yesterday.

The orders concerned were withdrawn by Eastern Province Divisional Commissioner of Police Brigadier Ernest Schnetler on July 31, two days after the court judgment.

On August 2 Schnetler reimposed the orders.

Yesterday, the orders were again withdrawn. No reasons were given for Schnetler's repeal of the orders for the second time in a week.

Eastern Cape SAP liaison officer Major Eddie Everson stressed, however, that emergency regulations were still in force.

The orders repealed yesterday relate to:

- ☐ Bans on non-residents from entering certain areas without the written permission of a member of the security forces;
- ☐ A curfew between 9pm and 4am in certain Eastern Cape areas;
- ☐ Restrictions on funerals in 13 magisterial districts;
- ☐ Orders controlling school boycotts and prohibiting possession of certain items, including T-shirts;
- ☐ Prohibitions on gatherings, barring 52 organisations from organising, arranging or holding meetings in 13 magisterial districts.

Everson said Schnetler would now only issue orders as and when dictated by circumstances.



# Boycott town under siege

RESIDENTS' AMAZING CLAIMS  
ABOUT BORDER TOWNSHIP

By WEEKLY MAIL REPORTER  
STARTLING reports of events in  
Zwelethemba, a small Boland  
settlement on the outskirts of  
Worcester, have been received by the  
Weekly Mail.

However, the Bureau for  
Information yesterday refused to  
grant permission for these allegations  
to be published.

Emergency regulations forbid the  
reporting of any conduct of Security  
Forces without permission.

The Weekly Mail has information  
that the events in Zwelethemba are not  
isolated. Similar allegations are  
emerging from a number of small  
towns in the Transvaal and the Cape.

The following is as full a report as  
our lawyers tell us we can publish  
without contravening Emergency  
regulations:

Zwelethemba is a township virtually  
under siege;

is pitched on its borders,  
and within walking distance

Searchlights

A  
7pm to 7am curfew imposed the  
weekend the current Emergency  
began is still in force.

This is the grim picture painted by  
two activists who came out of hiding

**This report has been  
restricted to comply  
with the Emergency  
Regulations**

briefly this week to speak to the  
Weekly Mail. Refusing to be named,  
they told of a community that is living  
under the constant fear of detention  
and harassment and is subjected to

All township activists are in hiding  
or in detention — they claim 154 were

And residents claim earlier this  
month police

In spite of this siege situation,  
residents still refuse to pay rents and  
are continuing their consumer boycott  
of the single township beerhall and all  
white-owned stores. They shop only at  
one particular supermarket, which has  
given support in the past to residents,  
extending credit to the unemployed  
and employing people desperate for jobs.

"Even with the activists in detention  
or in hiding, the community is still  
aware and mobilised. We might not be  
around, but we have left behind our

●To PAGE 2

## Boycott town under siege

footsteps."

Last month, in a bid to break the  
boycott, SADF troops visited all the

"They claimed the beerhall had been  
bought by the workers who used to be  
employed there. The community  
knows those workers cannot afford it,

Not a single person attended the  
party.

day.

The boycott of the beerhall began  
over a year ago after the Western  
Cape Development Board announced  
monies raised through the sale of beer  
would be used to provide township  
facilities.

The administration board has  
responded to the rent boycott by  
threatening to evict defaulters. The  
board has also stopped refuse removal  
services in the township.

Last month street committees  
formed to clean up the township were

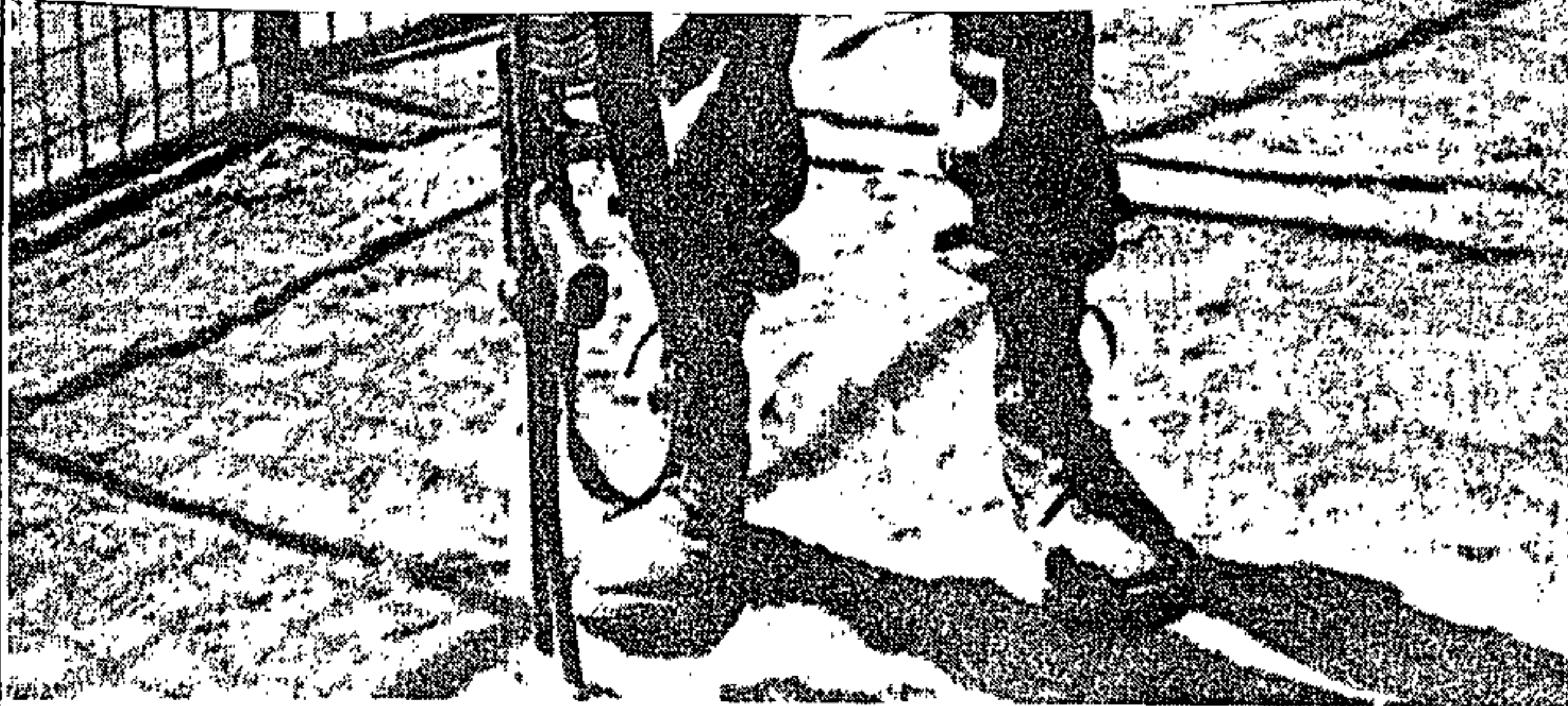
Last month the township authorities

in an attempt to hold elections for a  
regional services council for the  
township.

They said they wanted to inform  
people about the State of Emergency  
and elect a local RSC. The people  
decided we would not go. Our leaders  
are in detention or in hiding. Yet they  
are supposed to be our link between  
the community and the authorities.

"The township manager stood alone  
in the big hall in Zwelethemba,  
dressed up in his black suit. Not a  
single person turned up for their  
meeting."

On June 16, when there was a 100  
percent stayaway in the township,



## Behind the barbed-wire curtain

Renewed tension on the border: An armed soldier stands guard along the recently-installed  
barbed wire security fence on South Africa's border with Zimbabwe. At the same time, the  
sanctions-hit government began a counter-blockade of neighbouring black states. All  
transit goods bound for export through South African ports were meticulously searched,  
slowing traffic to a trickle.

●Picture taken by REUTERS with Defence Force permission

RESTRICTED: REPORTS IN THIS NEWSPAPER HAVE BEEN CENSORED TO COMPLY WITH THE EME



# Reinstated (327) amended orders again repealed

**Mercury Correspondent**  
PORT ELIZABETH—Several emergency orders overturned by judgments in the Supreme Court, Grahamstown, last month — and which subsequently came back into force — were again repealed yesterday.

The orders concerned were withdrawn by the Divisional Commissioner of the SA Police in the Eastern Province, Brig Ernest Schnetler, on July 31, after the Court judgment two days earlier.

They were reimposed by Brig Schnetler on August 2.

Yesterday, the orders were again withdrawn. No reasons for their repeal by Brig Schnetler for the second time within seven days were given.

Maj Eddie Everson, SA Police liaison officer for the Eastern Cape, emphasised, however, that the regulations with regards to the state of emergency were still in force.

## Repealed

The orders once again repealed yesterday were published in Government Notices Nos 1276 and 1277 of June 19 and No 1432 of July 1. They relate to:

Bans on non-residents from entering certain areas without the written permission of a member of the security forces;

A curfew between 9 p.m. and 4 a.m. in certain areas in the Eastern Cape;

Restrictions on funerals in 13 magisterial districts;

Orders controlling school boycotts and prohibiting the possession of certain items, including T-shirts; and

Prohibitions on gather-

ings, barring 52 organisations from organising, arranging or holding meetings in 13 magisterial districts.

Maj Everson said Brig Schnetler would now only issue orders as and when dictated by circumstances.

Asked for comment, the Bureau for Information said the issuing or withdrawal of orders by divisional commissioners of police did not in effect fall within the ambit of the bureau, and that it would therefore not be able to comment on the matter.

## Stansure premium changes

**Mercury Correspondent**  
CAPE TOWN—Although Stansure premiums went up on August 1, this is not because the underwriting is now being undertaken by Mutual & Federal instead of the defunct AA Mutual, as implied in a report from the Cape Times in yesterday's paper.

The increases were agreed earlier in the year and the agreement has been adhered to in spite of the collapse of AA Mutual.

The premiums will go up by 21% for non-motor policies and 26% for motor policies — which compares favourably with industry-wide increases of 30% to 80% this year.

Simultaneously with the premium increase, excesses were raised from R150 to R250 to bring them in line with the industry norm and make it possible to hold the premium rise to a minimum.

\* Soos met alle goeie dinge  
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PARK 975-2662/5 KAAPSTAD  
DURBAN 301-2220 BLOEMF  
PIETERMARITZBURG 94-612

## U gemoeds

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## A new liberal era

SA's courts have over the past two years, and particularly since the declaration of the current State of Emergency, gained prominence as a result of a series of pro-civil rights judgments.

How, in the midst of an unprecedented period of repressive security measures, can this phenomenon be explained? The question is especially vexing given that our Supreme Court judges are appointed by the very same people responsible for such hardline security measures.

In a discussion with the *FM*, John Dugard, Director of the Wits Centre for Applied Legal Studies, set out the historical circumstances which have given rise to this situation.

Dugard argues that it is inevitable that judges appointed by the executive will be political appointments. In SA, as in the UK, judges are appointed by the chief executive on the advice of the Cabinet.

When the National Party (NP) came to power in 1948, the Supreme Court was served by judges appointed by Jan Smuts's United Party government and were, by and large, sympathetic to it. The Fifties were a period of confrontation between the courts and the State, not only over the question of the coloured vote, but also over other race and even security laws.

To counter this, the NP government set in motion four distinct strategies:

- It expanded the size of the Appellate Division from five to 11 judges for the hearing of constitutional cases;
- It appointed its own nominees to the bench, where judges are traditionally appointed from the ranks of senior advocates. During the Fifties and early Sixties, however, the government overlooked a number of SA's most distinguished advocates for no reason other than, it appears, their liberal views;
- It appointed a former State law adviser — the relatively junior Lucas Steyn — as Chief Justice in 1959, ignoring the tradition that the most senior Appellate Division member is next in line for the position; and
- It began to enact laws which severely limited the powers of the courts.

As a result, the courts appeared to take a pro-government stance during the Sixties, especially in political cases. At that stage, there was also harassment of civil rights lawyers. Some were banned and others deprived of their passports. This, and a series of "disappointing" judgments, caused the liberal legal fraternity to lose heart.

The pattern of appointments began to change after 1962. The then Justice Minister John Vorster apparently decided that laws had been tightened and judicial rights sufficiently curbed to ensure that there would be no harm in returning to the traditional methods of appointing judges. So, at the same time as introducing more laws to curb judi-

al powers, government began to appoint more judges on merit.

According to a study by Dugard, another practice apparently emerged during the early Seventies, particularly in the Transvaal. It seemed that judges who had previously practised as advocates in the more conservative atmosphere of Pretoria were appointed to preside over political trials more frequently than those from the more liberal Johannesburg Bar.

Dugard argues there are four main reasons for the return of our courts to a pro-civil rights attitude:

- While there are still some political appointments, most are now on merit;
- A wider spectrum of judges now sit in political trials. This may be the result of remarks made by the Hoexter Commission;
- A large number of civil rights lawyers have come to the fore. They approach the courts with imaginative and innovative arguments, and have been encouraged because many have been accepted; and
- In the Sixties, judges could trade on their reputations for independence from the earlier Smuts appointees. Towards the end of that decade, however, and during the next, there was widespread academic criticism of the judiciary. Also, the courts developed severe credibility problems among blacks. Dugard believes that today the courts are more concerned about their reputation for independence, and have taken greater cognisance of their role in balancing the competing interests of the individual and the State.

This attitude is particularly noticeable among judges not generally perceived to be activist or liberal. Many enlightened judgments have been delivered by this section of our judiciary.

SA's judiciary would probably be even more liberal if many offers of judgeships had not been turned down by liberal members of the Johannesburg Bar specifically. In some cases, this has been because of discomfort at the idea of administering patently unjust laws; but usually the reason has been financial. A top advocate's potential earnings are about four times that of a judge.

This is why, in the Transvaal mainly, government has been forced to appoint young advocates from the Pretoria Bar.

In Natal, attitudes among top advocates have differed. They have generally accepted appointments; this goes a long way towards explaining the exceptionally liberal nature of the Natal Supreme Court bench.

Right now, says Dugard, government has grown lawless and sloppy. The courts are having to control, as far as possible, the arbitrary and excessive use of power. Even within these limits — with the armoury of security legislation available — government can still achieve its repressive aims, he says.

As if to drive home this point, State President P W Botha last week amended the emergency regulations so as to nullify the large body of court judgments which had rendered ineffective all police divisional commissioners' emergency decrees. ■



F.M. 8/8/86  
STATE OF EMERGENCY 327

## Plugging loopholes

The amendments to the emergency regulations promulgated by State President P W Botha last Friday have significantly narrowed the scope for legal challenges to emergency measures.

But court decisions limiting police powers of arrest — it is necessary for the arresting officer to form a bona fide opinion about the detainee's threat to public order and safety — and assuring detainees the right of access to their legal representatives, remain in force. Further, government has not attempted to redraft those aspects of the definitions of "subversive statements" which were rejected by the Natal Supreme Court three weeks ago on the grounds of vagueness.

The main effect of the amendments is to circumvent the series of court rulings that divisional commissioners of police were not entitled to issue orders since the power to do so had, in terms of the regulations, been delegated only to the Commissioner of Police by the State President. Divisional Commissioners had issued several such orders placing restrictions on the holding of indoor meetings by scores of student, community and political organisations, and on the holding of funerals. In the western Cape, restrictions forbidding the quoting of officials of more than 100 organisations had been decreed.

The amendment takes effect retroactively from June 12, the day the State of Emergency was declared. However, during the three days before the gazetting of the amendments, and in the wake of the Supreme Court judgments, divisional commissioners of a number of major urban areas — including the Witwatersrand, Boland, eastern Cape, Cape Peninsula and the northern Transvaal — formally withdrew the orders applying to their areas. To become valid again, they will have to be reissued.

49

The amendments do not materially affect the challenge to the emergency regulations being brought by Saan, the Argus group, *The Natal Witness* and Natal Newspapers due to be heard in the Natal Supreme Court on Monday (*Current Affairs* August 1). The applicants are arguing that the power of delegation, and the extent of the orders authorised, go beyond the powers given to the State President in terms of the Public Safety Act.

Meanwhile, at the time of going to press, lawyers were awaiting reasons for judgments handed down in the Pretoria Supreme Court last week dismissing applications for the release of a number of detainees. They include a United Democratic Front (UDF) leader, Raymond Suttner; trade unionist Siphso Khubeka; SA Catholic Bishops' Conference general secretary Father Smangalisso Mkhathshwa; and 24 others.

The applications had been brought on the grounds that the detainees were originally arrested in terms of Section 50 of the Internal Security Act and were later, allegedly unlawfully, informed that they were being held in terms of the emergency regulations.

In another case aimed at challenging the validity of the emergency regulations, the full bench of the Natal Supreme Court last week reserved judgment in the application by UDF member Solomon Tsenoli to have the emergency regulations declared invalid. Council for Tsenoli argued that the powers of arrest and detention in terms of the State of Emergency were too wide.

And in a judgment delivered by the Rand Supreme Court on Monday, Mr Justice Lveson ruled that detainees have the right to be furnished with reasons should the Minister of Law and Order decide to extend their period of detention beyond an initial 14-day period.

All information on the situation in black schools is sub judice. This is because of the challenge in the Rand Supreme Court by the National Education Crisis Committee against the Department of Education and Training's controversial school security measures.

□ In the week to Tuesday, the Bureau for Information reported 19 unrest-related deaths, bringing to 203 the official unrest death-toll since June 12. This includes five victims of the explosion which occurred at a Walvis Bay butchery last weekend. The figure also includes seven people, of whom five were policemen, who were gunned down during an attack on the Umtata police station last week.



# Court bid to free Border detainees

DD. 8/8/86

327

Dispatch Correspondent

**GRAHAMSTOWN** — Three separate applications for the release of six King William's Town detainees were brought before the Supreme Court here yesterday.

They were postponed by Mr Justice Kroon to August 14. The applications are to be argued simultaneously before a full bench of the court.

All three applications seek an order declaring Regulations 3 (1) and 3 (3) of the emergency regulations as invalid and of no force or effect; and that the arrests and detentions of the detainees are unlawful.

In one of the applications, the release of a 31-year-old United Congregationalist Church min-

ister, the Reverend Colin Jooste, is sought.

The application also seeks an order directing the officer commanding Berlin police station to supply Mr Jooste with adequate bedding facilities, including a bed, or alternatively a mattress, and "such quantity and nature of food as to ensure adequate sustenance and nutrition".

In an affidavit presented to the court, Mr Jooste said the conditions under which he was being detained were "extreme, harsh and punitive".

He said that since his arrest and detention on June 15, he had been forced to sleep on the floor of his cell, with only a thin felt mat to separate his body from the floor.

Mr Jooste said he had, also since his detention, received only a quarter loaf of bread and a cup of coffee for breakfast, a cup of vegetable soup and a quarter loaf of bread for lunch, and a cup of coffee and a quarter loaf of bread for supper.

The circumstances of his detention, he said, appeared designed to effect physical and emotional harm to him.

Mr Jooste further said the dank cell and "extremely cold" weather in the past two months, coupled with the inad-

equated bedding facilities and diet afforded him, had caused him to fear for his health.

The respondents named in this application are the State President, the Government of the Republic of South Africa, the Minister of Law and Order and the officer commanding Berlin police station.

In the second application, the release of an 18-year-old schoolboy, Mr Gareth Damons, and Mr Mxolisi Jackson Fuzile and Mr Brian Osteridge is sought.

In an affidavit, Mr Gareth Damons said he received only a five centimetre thick slice of dry brown bread with a cup of coffee for breakfast, a cup of vegetable soup and a five centimetre thick slice of dry brown bread for lunch, and only a five centimetre slice of the same bread for supper.

The respondents cited in this application are the State President, the Government of the Republic of South Africa, the Minister of Law and Order, the officer commanding King William's Town prison and the officer commanding King William's Town police station.

The third application seeks the release of a King William's Town freelance journalist, Mr Phila Ngqumba, and Mr Prince Mhamhe.



## Sewage leaks into

perhaps their studies without background



9/8/86  
**Azapo's Cooper freed**

JOHANNESBURG —  
 The president of the  
 Azanian People's Orga-  
 nisation (Azapo), Mr  
 Saths Cooper, was freed  
 yesterday after being  
 held under emergency  
 regulations for two  
 months.

the emergency because  
 of its current economic  
 instability, and political  
 opposition was evident  
 across the country.

Mr Cooper was taken  
 into detention on his  
 36th birthday on June  
 11, the day before the  
 second state of emer-  
 gency was imposed. —  
 Sapa-RNS

Mr Cooper said after  
 his release that South  
 Africa could not afford

327



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 815



# Suzman briefly held at school

JOHANNESBURG. — Mrs Helen Suzman and Mrs Winnie Mandela were briefly detained while visiting a school in Soweto yesterday.

Mrs Suzman said her "irritating" 45-minute wait for police clearance at the Phefeni Secondary School was blown out of proportion "be-

cause of the ridiculous regulations made by the government".

Mrs Suzman, Mrs Mandela and an African Self-Help Association worker, Mrs Phillipa Newton Thompson, were visiting the school near Mrs Mandela's home in Orlando when they and a group of foreign and

local journalists were instructed not to leave the school grounds.

"I don't like to say we were detained, we were just delayed, asked to remain where we were," Mrs Suzman said.

Mrs Suzman said the group waited for about 45 minutes before they were told they could leave the school.

She said the incident was "quite melodramatic".

Mrs Mandela said she had invited Mrs Suzman to visit her in Soweto "to see for herself what the education crisis is all about".

## 'Outrageous'

The Leader of the Opposition, Mr Colin Eglin, said the police interference with Mrs Suzman was outrageous.

Meanwhile in Port Elizabeth, black pupils boycotting classes in protest at registration procedures and the presence of troops faced a showdown with education officials threatening to close schools.

Officials, declining to estimate the number of pupils staying away, said some classes were suspended but no schools were closed in spite of yesterday's back-to-class deadline.

Classes were also disrupted at about 30 schools in the three main townships.

Mr Braam Fourie, director of the Department of Education and Training, said some classes were empty.

"A clear distinction must be drawn between the temporary suspension of classes and the closure of a school.

"In isolated cases it has been necessary to suspend classes temporarily due to disruption or the absence of pupils," he said. — Sapa, Political Staff and UPI



*Capt. T. H. 243 372 9/8/66*

## Copies of Sowetan seized

JOHANNESBURG

Yesterday's edition of The Sowetan has been declared "undesirable" and a police order was issued to seize copies in the Ermelo district.

A spokesman for the Bureau for Information in Pretoria said an order had been issued for the Ermelo area, but could not confirm that it had had a "countrywide" effect.

"The order, from the

Divisional Commissioner of Police for the Eastern Transvaal in Middelburg, was issued earlier yesterday and was limited to the Ermelo district."

The newspaper's lawyer, Mr. Paul Jenkins, said the newspaper was told yesterday afternoon by police from John Vorster Square that an order declaring yesterday's edition undesirable had been issued by

the office of the Commissioner of Police. The order said all unsold copies should be taken off the streets.

The Sowetan had received reports that copies of the newspaper had been seized in Ermelo, Bethal and Port Elizabeth.

The Sowetan, which has a circulation of about 100 000, is a morning newspaper. — Sapa and Own Correspondent



# Kent Durr hints at clamp on information to combat trade sanctions

280 W/C ARBMS 7/8/86 327

By TOM HOOD  
Financial Staff

HINTS of a clampdown on business information in South Africa's fight against sanctions were made by Deputy Finance Minister Mr Kent Durr in a speech at Bellville.

"It is inevitable that the private and public sectors will not be able to make commercial information available and it will be essential to maintain controls," he said at the opening of Marble Lime's new factory yesterday.

"It is not coincidental that certain European countries with huge agricultural surpluses have singled out agricultural products from South Africa to be excluded from their market by sanctions."

## Violation

Sanctions against this country were direct violations of the General Agreement on Tariffs and Trade (GATT), the legal instrument governing international trade, said Mr Durr.

Canada removed retail sales tax from its own Maple Leaf gold coin to make it seven percent cheaper than the Kruggerand, also a violation of GATT.

Australia vied with South Africa for export markets for coal, iron ore and agricultural products — all products that country identified for sanctions.

The American Democratic Party's sanctions Bill zeroed in on coal, steel and uranium — where struggling American in-



Mr Kent Durr

dustries were in direct competition with South Africa.

"The bottom line of the increasing momentum in anti-South African economic measures in certain Western European countries must be recognised for exactly what it of-

ten is: to protect their industries and jobs in a difficult economic climate, but painlessly at our expense.

"In other words, gaining political mileage and market share simultaneously."

Sapa reports from Johannesburg that President P W Botha said self-sufficiency was the key word in South Africa in the light of calls for economic sanctions.

Receiving the freedom of Vanderbijlpark yesterday, Mr Botha said South Africa would have to take care of itself as no one else would.

Reform would continue in spite of sanctions.

Mr Botha planted a tree at the ceremony to commemorate Arbor Day.



# 'Lamps have gone out' — Gordon

CHL 7/1/15  
9/8/86  
327

Chief Reporter

A FORMER leader of the Cape Bar and president of the Bar Council, Mr Gerald Gordon, QC, said this week that the "lamps of South Africa" had gone out on June 12, with proclamation of the third, and most severe, emergency since the passing of the Public Safety Act in 1953.

And, speaking at a lunchtime meeting of the Institute of Citizenship, he warned that when crisis or emergency law was allowed to go on as it had done in Rhodesia/Zimbabwe, where it had been in force for 18 years, the laws of the emergency became the ordinary law of the land.

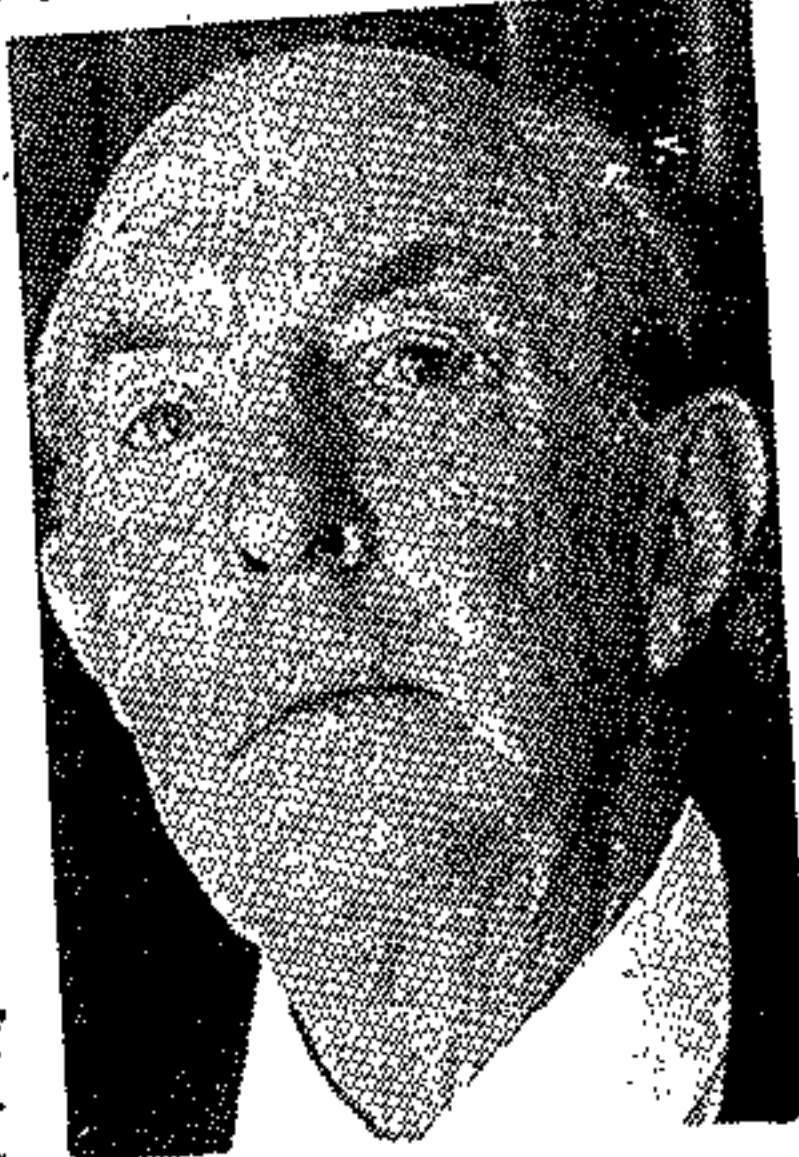
Some lamps were fortunately still burning in South Africa, Mr Gordon said.

"Speeches in Parliament are privileged and may be reported in the press, and there we have learnt from our parliamentarians something of what is going on. But at present Parliament is not in session.

"The other lamp is the courts, the proceedings of which are also privileged and may be carried fully in our newspapers. Fortunately for those who are concerned to know of the history being made in our country, the courts have been very active.

"For there, the battle for the rule of law is being waged with an intensity as never before. Courts and judges however have no executive potential and cannot act of their own accord. They function only when matters are brought by persons petitioning their aid.

"It is to the credit of South Africa that there



Mr Gerald Gordon

are so many bodies like the legal resources centres throughout the land and so many people — lawyers and laymen — who are prepared to ventilate claims to have liberty before the judicial process."

Mr Gordon said the independence of the judiciary was one of the greatest achievements in the struggle against dictators.

He agreed with the Minister of Justice, Mr Kobie Coetsee, that there was no conflict between the judiciary and the government in South Africa and that the recent series of court judgments in which the State had "come off second best" was not a triumph of the courts over the executive, as some would have it.

"What the courts are doing is interpreting security measures in such a way as to uphold, where the language permits it, the rule of law which is in fact part of our Roman-Dutch law."

Mr Gordon said there were many people in South Africa who were unconcerned at the plight of detainees and others hit by the emergency regulations.



# Minister: Action 'academic'

By ANDRE KOOPMAN

THE Minister of Law and Order, Mr Louis le Grange, yesterday told a Supreme Court judge he would not oppose a final order restraining the police, army and squatter leaders from attacking, or allowing attacks on, KTC squatter camp.

This was in spite of his belief that the court action would be decided in his and the other respondents' favour.

Mr Le Grange described continuing court action as "academic", since a large section of KTC was burnt down in June, even after a temporary interdict was granted on May 26 restraining security forces and witdoeke from participating in, or permitting, unlawful attacks in KTC.

## KTC still unscathed on May 26

KTC was still unscathed on May 26, court papers showed.

The Minister of Law and Order agreed to pay costs. He said in an affidavit that he had been advised the trial would last for up to a year and that costs would run to hundreds of thousands of rands. "Many members of the police and in particular the Unrest Unit would have to be in court continually." The police could not afford this in view of events in the Republic at this time.

The provisional order granted on May 26 was supported by 44 affidavits containing allegations of police collusion and participation in witdoeke attacks on Nyanga Bush, Portland Cement and Nyanga Extension Squatter camps on the weekend of May 17-18, in which these camps were destroyed.

The order was extended on June 13 after many affidavits denying these allegations were filed by security force members.

The application, with oral evidence being led, was to have been heard in the Supreme Court yesterday.

In the interim, another 45 affidavits were filed on July 31 by priests, squatter leaders, doctors and journalists, in which claims were made that vigilantes, in collusion with police, had attacked KTC in

♦♦♦♦  
To page 2

A

P.T.O.

the House of Representatives



Sowetan is seized for second time since emergency

# Police take top newspaper off streets



Staff Reporters

*Sowetan*, the morning newspaper published in Johannesburg, was taken off the streets by police yesterday afternoon. It is the second time that South Africa's second largest daily paper has been confiscated since the emergency was declared on June 12.

The order was issued by Commissioner of Police General Johann Coetzee, according to *Sowetan* management and legal representatives.

Last night the Bureau for Information in Pretoria said it was still in the dark over the exact circumstances of the order. All it would say was that it had heard *Sowetan* had been taken off the streets in the Eastern Transvaal.

*Sowetan* editor Mr Joe Latakomo said: "It came as a shock to all of us. I can't think of any possible reason why this action."

*Sowetan* has not been told by the police what action it can expect, so it will be published as usual on Monday.

First reports of the seizure of *Sowetan* were received by an Argus Group correspondent in Port Elizabeth. He telephoned *Sowetan* manager Mr Brian Moulton. The paper was taken off the streets throughout the country.

Mr Moulton was telephoned by a Captain Venter of the Security Police at John Vorster Square. He was told at 4.25 pm of the seizure.

## 'Totalitarian attitude'

The managing-director of the Argus Group, Mr Peter McLean, said: "We're obviously very concerned that *Sowetan* has been taken off the streets. We don't know the reason for it. But we and our lawyers are looking into it."

Mr Moulton said: "We're mystified. The bureau hasn't given us a reason. And if one wants to be realistic, perhaps it can't be too important. They waited until after 4 pm to inform us. The paper had been on sale since 6 am."

Dr Zac de Beer, an executive director of Anglo American Corporation, said in Johannesburg last night that taking *Sowetan* off the streets demonstrated the fundamentally totalitarian attitude of the Government.

\* Speaking at a Lawyers for Human Rights banquet in Johannesburg last night, Mr Justice Wilson of Natal said the freedom of the Press was a basic human right.

"It has been recognised by a number of countries for at least 200 years," he said, adding that governments which claimed they were representative of their people could only be seen to be so if the people knew what the government was doing.

The seizure of *Sowetan* comes only days before an application to the Natal Supreme Court by English-language newspapers to challenge emergency regulations.



# Meeting was illegal, says chief

By SOL MORATHI

THE Winterveld meeting - where 11 people were shot dead - was unlawful, a police officer told the Smith inquiry this week.

The commission is investigating the circumstances leading to the shooting, and the extent of Bop police involvement in the incident.

According to Lieutenant-Colonel Diale Mokubane, he was alerted by a Warrant Officer Mabe of "an unlawful meeting" at the local sports field.

Mokubane was Ipeleng district commandant at the time of the incident, but is now divisional commissioner of Odi-Moretele region.

He said he was on his way to a daily police meeting at Ipeleng when Mabe contacted him by radio. He responded to the call and joined Mabe, who led him to the soccer field.

On his arrival he found more than 2 000 people gathered there. Most of them were armed with sjamboks, petrolbombs and sticks, he said - and none of them had any specific grievances as far as he was concerned.

"After making inquiries, I was told the meeting was called by Martha Lebopo, Jocelyn Motsuanyane, Situ Ngema and Albert Motshwane - all noted community leaders," Mokubane said.

"I am still sure that the meeting was called by the same people, and was illegal," he said.

"The reason why I say this is because none of them had a 'permit' to call such a gathering, and many people I talked to pointed them out as convenors of that meeting.

"They, themselves, also played a dominant role in proceedings. When I ordered the four people to tell the crowd to disperse, they instead told them that the were to be addressed by a minister at 4pm... They simply did not want to head my call."

Mokubane said he later called police chief Brigadier Andrew Molope to the scene. People began to get restless as he arrived.

"Molope also ordered them to disperse, but they still refused. He then instructed the police to shoot as the mob began stoning us, and when it was evident that our lives were in danger.

"As the mob began to stone us with an assortment of missiles, the ring leaders (referring to Lebopo, Motsuanyane, Ngema and Motshwane) ran away."

The security forces allegedly shot 28 people - 11 fatally - while scores were severely beaten up. Almost 2 000 people were arrested.

Political comment in this issue and news-bills by P Qoboza, headlines and subediting by D Niddrie and C Vick, all of 204 Eloff Street Ext. Johannesburg.

Archbishop Denis Hurley closes his eyes in prayer during the Victoria Mxenge memorial service in Durban at the weekend. United Democratic Front president Archie Gumileve said the only statement he could make was that the service was a tribute to the victims of the apartheid system. He said the service was a tribute to the victims of the apartheid system. He said the service was a tribute to the victims of the apartheid system.



clean-up operation got underway last week. Various community groups and the police were working together to clean up the area. Here a group of children are helping with the work.

Pic: AFRAPIX

## Brought in court

He had also been instructed to get a court order preventing evictions in the area. He had also been instructed to get a court order preventing evictions in the area.

An application to set aside rent increases in Sebokeng, Bophelong, Boipatong and Sharpeville would also be made, he added.

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four have pleaded not guilty - guards with walkie-talkies at the the accused arrive at and leave.

But in the court itself there is a handful of spectators, all of them a few black police and the the accused arrive at and leave. Both of them, Lesia Abrahams and Petrus Nkomo, 21, were at a court on January 11 at 5am when the the accused arrive at and leave.

They allegedly assaulted the R30, and said Elizabeth was didn't have a pass. They allegedly assaulted the R30, and said Elizabeth was didn't have a pass.

They are then alleged to have hit her with a cooldrink bottle. Evidence is that Wessels stole a fisherman's knife.

The bakkie was then driven several times.

The men surrendered to the after they learned the police were men in a bakkie similar to the senior.

Each one, the court heard, sites of the crimes to police, and out a pond where the murder was thrown in after the killing. With the pond was drained and the

The four alleged they were crimes occurred and some of the alleged they had thrown an empty bottle was found.

Smuts and two assessors will hear the men were drunk or not committed. Defence counsel, State, led by Free State Attorney General, claim their memories days after the killing when they the crimes - were too good to be drunk. It would indicate they drunk if they could recall events.

The trial continues.

## Judge says

By SOL MORATHI

A FULL bench of the Pretoria Court gave reasons this week for dismissing an urgent application for the release of two emergency detainees.

The applications for the release of the two senior law lecturer and UDF members Suttner and trade unionist Kubheka were dismissed last week. Suttner and Kubheka were



CAPC TRIPS 17/8/86

# Papers to challenge regulations

377

Own Correspondent

JOHANNESBURG. — The emergency regulations specifically affecting newspapers are scheduled to be challenged today in the Natal Supreme Court in a joint South African Associated Newspapers/Argus action.

The application against the State President, the South African Government, the Law and Order Minister and the Commissioner of Police will be heard before a full Bench in Maritzburg.

Six emergency regulations — Nos seven to 12 — will be challenged as "unreasonable, unjust and unduly oppressive".

Counsel for SAAN/Argus will argue that the effect of the regulations — issued as emergency regulations in terms of the Public Safety act — could not have been intended by the legislature when it promulgated the Act 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.

## Orders in terms of regulations

Regulation 7(1) — empowering the Commissioner of Police or any person authorized by him to issue orders in line with the emergency regulations — will be attacked on this basis. It will be argued that if this regulation is ultra vires, then so also are the orders issued by police in terms of that regulation.

Regulation 10 — concerning subversive statements — will be challenged on the basis that it exceeds the State President's powers.

Regulation 9 "attempts to detail a range of activities that would otherwise be perfectly lawful", counsel for the newspapers 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.

Regulation 12 effectively makes it possible for a newspaper to be banned. The State President does not have the power to confer this subjective discretion on the minister, counsel will argue.



CHG 7/12/86 11/8/86 327

# Police teargas mourners

JOHANNESBURG. — Police used teargas on Saturday to disperse mourners at the funeral of three teenagers who died last week in Soweto after a fight between rival township gangs.

The three dead pupils — Mselane Ronelle Sishange, 16, Edwin Nkomo, 17, and Simon Morris, 18 — have been described by residents of the Orlando neighbourhood as "comrades". Their bullet-riddled bodies were found in the open veld last weekend.

Three other youths, reportedly abducted with them and stuffed into car trunks, survived but were badly injured and were described as "battling for their lives" at Baragwanath Hospital.

The funeral service — which was restricted to two hours — began at Emadwaleni High School, where about 2 000 mourners gathered.

About 1500 people were turned away, however, as only 500 mourners were allowed into the school.

Pupils of nearly all of Soweto's high schools arrived in buses, trucks and cars, in groups from 20 to 100, said a reporter who was also not allowed inside. Some people had arrived as early as 7am for the 11am service.

Those turned away were milling in the streets in front of the school, where the situation was described as "tense". Some were commandeering cars to take them to the Awa-

lon Cemetery, where the three teenagers were to be buried.

A spokesman for the Bureau for Information, Mr Carel du Toit, said police used teargas at the cemetery when a section of the crowd became "unruly".

"When the police arrived there were already 500 mourners inside the school. A police colonel then allowed another 500 in. Another thousand or more were still outside. We couldn't allow them in. So the police arranged for buses to take them to the cemetery," said Mr Du Toit.

"At the cemetery a portion of the crowd became unruly and the police then opened up with teargas. The crowd then

dispersed and there was no damage, no injuries and no arrests."

He said the three teenagers were killed last weekend "in a faction fight between gangs".

Mr Jefferson Lengane, 29, appeared in the Soweto District Court on Thursday and was charged with murder and attempted murder in the case. Five others — three 17-year-old youths and two men, Mr Joseph Pitso and Mr Atatios Mphoreng — were charged with him, but none was asked to plead. They are to be kept in custody until their next court appearance on August 14.

Police confiscated 9mm pistols and two cars during the arrests. — Sapa-AP



# SOWETAN is seized by police

POLICE seized unsold copies of the *Sowetan* from selling points throughout the country on Friday — the second time this has happened since the declaration of the state of emergency on June 12.

*Sowetan* is the second largest selling paper in South Africa.

The first time copies of this newspaper were confiscated by police was on July 13, a day after the state of emergency had been introduced.

By late yesterday, the *Sowetan* had not been informed why copies of the Friday edition were impounded.

This newspaper's lawyer said he had learned that an order declaring Friday's edition undesirable had been issued by the office of the Commissioner of Police, General Johan

Coetzee, saying all unsold copies should be taken off the streets.

First reports of the seizure of *Sowetan* were received by an Argus Group correspondent in Port Elizabeth. In turn, he telephoned *Sowetan* manager, Mr Brian Moulton.

Mr Moulton was informed about the order on Friday afternoon, by a Captain Venter at John Vorster.

The managing director of the Argus Group, Mr Peter McLean, said: "We are obviously very concerned that *Sowetan* has been taken off the streets. We don't know the reason for it. But we and our lawyers are looking into it".

Mr Moulton said: "We are mystified."

To Page 2 →

## SOWETAN seized

From Page 1

The Bureau for Information hasn't given us a reason. And if one wants to be realistic, perhaps it cannot be too important. They waited until 4pm to inform us. The paper had been on sale since 6am."

Meanwhile a Natal Supreme Court judge, Mr Justice A Wilson, said in Johannesburg last Friday that the freedom of the Press is a basic human right and "one of the greatest bulwarks of liberty".



## Papers challenge curbs

Dispatch Correspondent

JOHANNESBURG — The emergency regulations specifically affecting newspapers are to be challenged today in the Natal Supreme Court in a joint South African Associated Newspapers (Saan) and Argus action.

The application against the State President, the South African Government, the Minister of Law and Order and the Commissioner of Police will be heard before a Full Bench in Pietermaritzburg.

Six emergency regulations will be challenged.

Counsel for Saan-Argus will argue that the effect of the regulations — issued as emergency regulations in

terms of the Public Safety Act — could not have been intended by the legislature when it promulgated the Act in 1953 and that they are ultra vires.

It will be argued that the regulation empowering the Commissioner of Police to issue orders in terms of the regulations also is ultra vires.

The regulations concerning subversive statements and photographs will be challenged on the basis that they exceed the State Presidents' powers in terms of the Act and unreasonably inhibit activities that would otherwise be lawful.

Regulations dealing with the seizure or banning of publications will also be challenged.



12/28/85 327 SNM

By Kym Hamilton,  
Pretoria Bureau

# Emergency brings 'new respect for law'

The momentum of violence in South Africa would not have been curbed but for the declaration of the state of emergency, according to the Bureau of Information — giving figures to support this claim.

Statisticians at the Bureau for Information yesterday drew a picture of the past eight weeks and compared it to that of the first five months of 1986 to show a dramatic drop in the number of incidents, deaths and injuries.

"We find it amazing that despite these positive facts there are still people who question whether the state of emergency is necessary," said Mr David

Venter, deputy director of the bureau's research unit.

Between January and May this year 504 people died and 1 559 were injured in more than 10 000 unrest related incidents, the bureau said.

Unrest had been reaching a dangerous and explosive level and "it would have been totally naive to have believed that this escalatory trend would not have continued", said Dr Kobus Neethling, director of the research unit.

During the second month of the state of emergency, 65 people died and 76 were injured, he

said. The death toll was a third less than the average figure for January to May. Attacks on the security forces had also dropped by 70 percent, said Dr Neethling.

The national state of emergency — declared on June 12 — had achieved its first objective and stability had been restored in many areas, he said.

Dr Neethling said: "The facts speak for themselves... over the past weeks we have experienced a greater level of calm than during the preceding 18 months."

In the first week of the state of emergency, 47 people died,

this figure dropped, but rose to a high of 31 in the fifth week. In the eighth week, the number of casualties was 12.

The security forces were responsible for only 26,6 percent of the deaths, Mr Venter said.

Attacks on the security forces also dropped from 180 in the first week to 25 in the eighth week. This showed a return to respect for law and order, said Mr Venter.

However, Soweto, the Eastern Cape and Witwatersrand were the worst-hit areas, while many areas reported no deaths and few incidents. Some quiet areas included the three Pre-

toria townships of Mamelodi, Atteridgeville and Soshanguve and Lebowa, he said.

According to Mr Venter, 20,1 percent of unrest occurred on the Witwatersrand, 20,6 percent in the Eastern Cape and 17,5 percent in Soweto. The small homeland of KwaNdebele also ranked high on the list for its size, accounting for 7,7 percent of unrest reported countrywide.

Mr Venter said that since the outbreak of political violence in South Africa in September 1984, 985 businesses had been seriously damaged or destroyed, as well as 26 clinics, 46

churches, 1 272 schools, 60 community halls, 3 920 private homes, 937 homes of policemen, 8 773 delivery vehicles, 3 254 police vehicles and 6 816 buses.

Death by the "necklace" method totalled 67 in 1985. Between January 1 and June 1 this year, 228 people died in this way. However, since the national state of emergency was imposed, only 40 were killed by the "necklace", he said.

In 1984 two people died by burnings other than the "necklace" method. This figure rose to 112 in 1985 and to 111 between January 1 and June 1 this year. Since June 12, 44 people have died from burning.



# UDF to fight ban on rally

Staff Reporter

THE UDF will today challenge in the Supreme Court a ban placed on a rally it has planned for tomorrow night.

The meeting in Hanover Park Civic Centre was to be addressed by Dr Allan Boesak and Mrs Winnie Mandela.

The Divisional Commissioner of Police, Brigadier Christoffel Swart, banned the meeting in terms of the amended emergency regulations.

The rally, the first in almost three months, was called after the ban on UDF meetings fell away at the end of last month when Brigadier Swart lifted restrictions

on 119 organizations in the Western Cape, days before the UDF brought a Supreme Court application for an order declaring the restrictions invalid.

An attorney for the UDF, Mr Essa Moosa, said yesterday that his firm had been served with a copy of the banning notice.

His firm had been instructed to apply for an urgent Supreme Court order declaring the ban ultra vires. He was meeting counsel to discuss the matter.

In the prohibition order Brigadier Swart says: "By virtue of the powers vested in me by Regulation 7 of the regulations in terms of Proc-

lamation R109 of 12 June 1986, as amended, I Christoffel Anthonie Swart, Divisional Commissioner of the South African Police for the Western Province Division, hereby prohibit a meeting of the United Democratic Front, its affiliates or members in the Hanover Park Civic Centre or at any place within the Western Province Division of the South African Police at any time on the 13th August 1986."

## 'Tussle'

UDF regional secretary Mr Trevor Manuel said last night "the tussle between the State and the courts is once again intensified. The decision of the Natal Supreme Court to order the release of emergency detainees must be welcomed".

Mr Manuel said: "The only logical response that the State should have to this decision is to immediately release all detainees or lift the state of emergency."

## 'Reverse'

"The action by Brigadier Swart in banning our perfectly legal meeting indicates the manner in which the State tries to reverse the kinds of gains which we have made in challenging their decisions."

"The UDF believes that it is our right to address our constituency. We are determined to proceed with the meeting on Wednesday. We have already briefed our lawyers to proceed with an urgent Supreme Court interdict," Mr Manuel said.



# Emergency clauses declared invalid

Court Reporter

IN A dramatic and far-ranging decision, a Full Bench of the Supreme Court in Durban yesterday freed the publicity secretary of the United Democratic Front who was being held under the Emergency Regulations and declared two main clauses of the regulations to be invalid.

Mr Solomon Lechesa Tsenoli, in detention since June, had brought an urgent application seeking his release on the grounds that his detention was unlawful and without effect.

The Full Bench comprised Mr Justice Friedman, Mr Justice Leon and Mr Justice Wilson.

The two clauses involved were Regulation 3 (1) and Regulation 3 (3) relating to detention and continued detention of persons held under the emergency.

Yesterday's judgment was read by the Judge President, Mr Justice Milne, and handed down on behalf of Mr Justice Friedman who threw out the two regulations ruling that the State President had exceeded his powers.

The Judge ordered that

the respondents pay costs of the application.

Leave to appeal by the respondents was granted.

The Judge said the first respondent in the application, the State President, derived his power to make the regulations from Section 3 (1) (a) of the Public Safety Act.

'It is of course clear that in promulgating these regulations, the first respondent is bound to observe the powers thus conferred upon him by the enabling statute and consequently, should he stray beyond these powers, he will have acted ultra vires.'

Mr M J D Wallis SC, assisted by Mr L Gearing, instructed by Yunus Mahomed and Associates, appeared for the applicant. Mr J Combrink SC, assisted by Mr R Hiemstra, appeared for the respondents.



yesterday could lead to the release of all people detained under the emergency regulations, say legal experts.

The Court ordered the release of detained United Democratic Front publicity secretary Lechesa Tsenoli and declared two clauses of the regulations invalid.

Mr Tsenoli's attorney, Miss Di Pillay, said the authorities were now 'obliged' to release all emergency detainees in Natal.

She said if that were not done, urgent applications like that brought by Mr Tsenoli would be lodged by other Natal detainees, and in any case, such applications would probably be brought in other provinces.

However, another legal source pointed out that as an appeal had been lodged against the judgment, the 'status quo' remained until that had been sorted out.

Monitoring groups say the number of known emergency detentions around the country is 6 000, 619 of them in Natal, but they believe the actual number of detainees is much higher.

### Other courts

Mr Jules Browde, national chairman of Lawyers for Human Rights, said his organisation welcomed any decision which ended detention without trial.

He said the judgment applied only to Natal but would be very persuasive to other courts if similar urgent applications were brought.

A Durban Legal Resources Centre lawyer said the authorities could get around the Court ruling by applying Section 50 (a) of the Internal Security Act, which provided for 48-hour detentions with possible 180 days extensions.

The lawyer said that at the end of the 180 days, the detainees could be released and then re-detained, effectively making the detentions indefinite.

He said the authorities could also redetain the released emergency detainees under section 28 or 29 of the Internal Security Act or redraft the emergency regulations to bring them into the terms of the Public Safety Act.

A spokesman for the Detainees' Parents Support Committee said the ruling was 'exciting' and once again demonstrated the ju-

### Political Reporter

diciary's independence of thought.

'The last time they did so, however, their actions were neutralised by Government administrative action. We can only hope that this does not happen again,' he said.

Mr Peter Gastrow, Progressive Federal Party spokesman on law and order, said the Tsenoli case provided a ray of hope that the Courts would continue to play a watchdog role in the narrow areas where they were still allowed to investigate executive action.

Mr Gastrow said the Tsenoli case was able to be brought before court only because Mr Tsenoli was detained in terms of 'secondary regulations'.

'The Courts are specifically excluded from making any inquiries about actions taken in respect of many Acts of Parliament, particularly in the area of security,' he said.

Mrs Sheena Duncan, former Black Sash president, said she trusted the State would accept the Court's decision as final and not try to make the regulations watertight.

'It is very good that the Courts are still able to protect individuals against arbitrary action of the State,' she said.

Mr Mamoo Rajab, Solidarity MP for Springfield

★ TURN TO PAGE 2

and spokesman on justice, welcomed the Court decision and saw it as a beacon of the future.

'It not only highlights the independence and integrity of our judiciary, but also the crass ineptitude of the Government,' he said, adding that he hoped the Minister of Justice and the

State would not move administratively against the judgment.

Mr Rajab said the recent spate of judicial interpretations and action against the Government regarding its state-of-emergency regulations had brought into focus the need for a special Bill of Rights which would be justifiable to afford vic-

tims of harassment and discrimination by the Government to seek urgent relief from the Courts.

'At the same time, I hope our Western allies will gain some reassurance from the decision that all power does not and should not rest in the executive arm of the South African Government,' he said.

## Court blow against detentions

FROM PAGE 1

DURBAN, TUESDAY, AUGUST 12, 1986 • Mercury

# Court blow to detentions



# Press fights curbs

12/8/76 C277 327 205  
AN urgent application challenging the validity of several emergency regulations which place severe restrictions on the Press and allow the Minister of Law and Order to seize any publication he considers subversive began before a Full Bench of the Natal Supreme Court in Maritzburg yesterday.

The application has been brought by the Argus Printing and Publishing Company Limited, South African Associated Newspapers Ltd, Natal Newspapers (Pty) Ltd and Natal Witness (Pty) Ltd against the Government.

The four companies are responsible for the printing and publishing of most of South Africa's English-language newspapers.

The Managing Director of the newspaper division of the Argus Company, Mr Peter McLean, said in an affidavit that the regulations being challenged in court directly or indirectly affected the free flow of news and comment. They therefore severely affected the

daily business of the applicant companies.

Counsel for Government asked for an adjournment to consider their position in light of a judgment handed down in Durban yesterday invalidating key emergency sections allowing for the arrest and detention of people.

## Heart

Mr J Combrink, SC, for the Minister of Law and Order, said the rationale behind the Full Bench judgment invalidating Sections 3 (1) and 3 (3) of the emergency regulations ran right through to the heart of those being challenged in Maritzburg.

Mr Justice Leon said that in order to be fair to both parties, he would allow Mr Kentridge to proceed with his argument and then adjourn the application until August 18 and 19.

The hearing was adjourned until today when Mr Kentridge will proceed with his argument. — Sapa.



12/08/86 Mercury

# Cosatu court challenge on emergency rules

Labour Reporter

THE Congress of South African Trade Unions (Cosatu) is to challenge state of emergency regulations in the Natal Supreme Court in Pietermaritzburg tomorrow.

Mr Chris Albertyn, Cosatu's legal representative in Durban, said an application would be made to have the provisions of Regulation 3 (1) and 3 (3) of the emergency regulations declared ultra vires and invalid.

An application would also be made to have the detentions of 30 people invalid and order their release immediately.

The action is being brought against President Botha, and the Minister of Law and Order, Mr Louis le Grange.

Mr Albertyn said the Court would also be asked to interdict the Minister of Law and Order to prevent the South African Police intimidating, harassing or interfering in the activities of eight unions and their employees at their offices in Newcastle and Empangeni Rail.

These are Cosatu, Commercial, Catering and Allied Workers' Union, Chemical Workers' Industrial Union, South African Allied Workers' Union, Metal and Allied Workers' Union, Paper, Wood and Allied Workers' Union, Textile Workers' Industrial Union and Motor Industry Combined Workers' Union.

The Court would also be asked to direct the Minister of Law and Order to declare to the eight unions full lists of all pamphlets, records, telexes and other documents, T-shirts and other material taken from the union offices at Newcastle and Empangeni Rail and return the items.



19/8/86 Mercury

# Government feeling the pressure, says freed Tsenoli

Political Reporter

THE state of emergency has effectively silenced extra-parliamentary anti-apartheid groups, giving the false impression that the majority of South Africans accept the Government's recent reforms, says United Democratic Front publicity secretary Lechesa Tsenoli.

He was speaking publicly for the first time in two months shortly after being released from the Westville Prison in terms of a Durban Supreme Court order yesterday.

He said the Government used the state of emergency to disorganise the UDF and other groups in the absence of any other way of silencing them.

'It became difficult for us to make comments, and more importantly, difficult for us to keep in contact with our members.'

'The state of emergency was an effective way for the Government to impose its sham reform moves, which are very far from dealing with critical issues,' Mr Tsenoli said.

His detention had not made him change his mind about opposing the Government, but his specific role could be

determined only after he had consulted his colleagues to find out what was happening currently.

Mr Tsenoli said although the obduracy of the Government had become clear, it was also clear that it was feeling the pressure against it and was 'running around in desperation'.

He said allegations that he was involved in terrorism were obviously untrue because if they were true he would have been charged in court.

'I am glad I have been released, but the only time I will get encouragement is when all other detainees are released and the state of emergency is lifted.'

Mr Tsenoli said other detainees he had met in prison claimed they had been assaulted, but he had not been assaulted.

'That might be explained by the fact that the authorities knew I was getting legal representation.'

Shortly after speaking to the Press, Mr Tsenoli returned to his wife and two children at his Lamontville home, where he was arrested at 1.30 a.m. on June 12.



Lechesa Tsenoli . . . has not changed his mind.



# Newspapers seek relief from emergency curbs

Own Correspondent

MARITZBURG — Although the State President's powers were very wide they could, nonetheless, be exercised only subject to the constraints of the parliamentary Act which conferred them, it was argued before a Full Bench of the Natal Supreme Court in Maritzburg yesterday.

The point was made in argument by Mr S Kentridge, SC, who is appearing for the Argus Printings and Publishing Company, South African Associated Newspapers, Natal Newspapers and the Natal Witness.

The newspapers have brought an application in the Pietermaritzburg Supreme Court challenging several of the emergency regulations which have restricted the Press since the State of Emergency was declared on June 12.

They have brought the application against the State President, the Minister of Law and Order, the Commissioner of the South African Police and the Government of South Africa and have asked for an order declaring that regulations 7 to 12 are void and without force and effect in law.

Regulation 7 empowers the Commissioner of Police or a commissioned officer to issue orders in line with the emergency regulations.

Regulations 9 to 12 forbid the taking of photographs of unrest-related incidents and action by the various forces and allows the Minister of Law and Order to seize a newspaper if, in his opinion, it contains subversive material.

## POWERS EXCEEDED

The application has been made on the grounds that, in making the emergency regulations mentioned, the State President exceeded the powers conferred on him by the Public Safety Act 3 of 1953.

It is also claimed that the regulations are unreasonable, unjust and unduly oppressive.

The Acting Deputy Judge President, Mr Justice Leon, Mr Justice Kumleben and Mr Jus-

tice Nienaber are hearing the application.

Mr Kentridge said the original legislative powers lay with Parliament and Parliament only.

Those exercised by the State President were subordinate or delegated legislation and therefore subject to judicial scrutiny. Mr Kentridge said that although the State President's powers were very wide they were nevertheless subject to tests of bonafides, gross unreasonableness and whether they were void for vagueness.

He argued that the State President's powers could be exercised only subject to the constraints implied and intended in the enabling Act and therefore were open to scrutiny.

Mr Kentridge said that by "unreasonableness" he meant a regulation that was so unreasonable as to force a court to the conclusion that Parliament could never have contemplated a regulation of that nature.

He said although the State President's powers were very wide they could not be used in the same way that Parliament used its powers.

## ADJOURNED

Yesterday Mr Justice Leon ordered that Mr Kentridge could proceed with his argument but the case would then be adjourned until August 18 and 19 for counsel for the respondents to argue.

Mr Justice Leon made this order after legal counsel for the State President and Minister of Law and Order asked for an adjournment so they could reconsider their position in the light of the Tsenoli judgment which was handed down in Durban yesterday and which invalidated the sections in the emergency regulations which allowed for the arrest and detention of people.

Mr J Combrink, SC, who is appearing for the Minister of Law and Order, said that the rationale behind that judgment ran to the heart of the regulations being challenged in this case and he would have to have time to take instructions.

The hearing continues today.



# Detention clauses 'invalid'

Own Correspondent

**DURBAN.** — In a dramatic and far-ranging decision, a Full Bench of the Supreme Court here yesterday freed the Natal publicity secretary of the United Democratic Front who was being held under the emergency regulations, and declared two main clauses of the regulations to be invalid.

## Lawyers hail judgment

Staff Reporter

WESTERN CAPE lawyers acting for emergency detainees last night began telexing the Minister of Law and Order, Mr Louis le Grange, asking for the immediate release of their clients following yesterday's Natal Supreme Court judgement.

Lawyers and legal bodies said they welcomed the judgment — which invalidated two clauses relating to the arrest and detention of persons under the emergency regulations — and said they expected a flood of urgent applications to courts throughout the country for the release of detainees.

The Associate Professor of Law at the University of Cape Town, Professor Denis Davis, said that a judgment by the full bench "is the law" until there is a court decision to the contrary.

Mr Dullah Omar, president of the Democratic Lawyer's Association, said the judgment rendered "virtually all detentions unlawful and it is our view that all detainees must be released immediately".

A Cape Town lawyer acting for several detained clients said a similar application would have to be made in Cape Town as the ruling was only binding on Natal, but expressed fears that the Internal Security Act could fill cracks made by the ruling.

A spokesman from the Legal Resources Centre, Mr Lee Bozalek, said: "Unfortunately with no fundamental right to liberty being entrenched in our legal system, the effect of the court's ruling could well be circumvented by the State President simply by issuing a re-drafted proclamation."

Mr Peter Gastrow, Progressive Federal Party spokesman on law and order, said the case provided a ray of hope that the courts would continue to play a watchdog role.

A spokesman for the office of the Deputy Minister of Information, Mr Louis Nel, said the ministry would not be commenting as the government had appealed and the matter was therefore still sub judice. The Bureau for Information said the same.

• Ian Hobbs reports from London that South Africa received welcome positive publicity in Britain yesterday as the independence of the South African judiciary was re-asserted.

The two clauses involved were regulation 3 (1) and regulation 3 (3) relating to detention and continued detention of persons held under the emergency.

Mr Solomon Lechesa Tsenoli, in detention since June, had brought an urgent application seeking his release on the grounds that his detention was unlawful and without effect.

His urgent application from Westville Prison for his release argued that the State President, Mr P W Botha, issued emergency regulations that were ultra vires in terms of the Public Safety Act of 1953.

The application was brought before a Full Bench of the Natal Supreme Court comprising Mr Justice Friedman, Mr Justice Leon and Mr Justice Wilson.

### Judge President

Yesterday's judgment was read by the Judge President, Mr Justice Milne, and handed down on behalf of Mr Justice Friedman.

The judge ordered that the respondents pay costs of the application.

Leave to appeal by the respondents was granted.

The judge said that the first respondent in the application, the State President, derived his power to make the regulations from Section 3 (1) (a) of the Public Safety Act.

### 'Without warrant'

"It is of course clear that in promulgating these regulations, the first respondent is bound to observe the powers thus conferred upon him by the enabling statute and consequently should he stray beyond these powers he will have acted ultra vires."

The clauses declared invalid read:

"3 (1): A member of a force may without war-

rant 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 any member of a force, detain, or cause to be detained, any such person in custody in a prison."

"3 (3): The Minister may ... order that any person arrested and detained under 3 (1) be further detained ... for the period mentioned in the notice or for as long as these regulations remain in force."

Mr Justice Friedman said regulation 3 (1) contained provisions which in his opinion proceeded beyond the powers conferred upon the State President by Section 3 (1) (a) of the Public Safety Act.

### 'Common criminal'

"The fact that (Mr Botha) may believe that the regulation in the terms in which he made it is well within his powers, however bona fide that may be, cannot, in my view, affect the position."

Earlier in the judgment, he said the clause could be construed as meaning that "every common criminal ... might be considered a threat to the safety of the public and liable as such to be detained summarily for the duration of the state of emergency, a result which does not seem to accord with the object of the (Public Safety) Act".

It followed that 3 (3) was also invalid, as it extended a detention in terms of 3 (1).

Mr M J D Wallis SC, assisted by Mr L Gearing, instructed by Yunus Mahomed and Associates, appeared for the applicant, and Mr J Combrink SC, assisted by Mr R Hlemstra, appeared for the respondents.

# WINTER SELL-OUT



321 19/8/86

# Uncertainty over what is 'subversive'

DURBAN — The real vice of emergency regulation 11 was that an editor had no way of knowing what in the opinion of the Minister of Law and Order constituted a subversive statement, it was argued before a full Bench in the Maritzburg Supreme Court yesterday.

The argument was heard during an urgent application by the major English-language Press groups in South Africa, challenging six of the emergency regulations which have placed severe restrictions on the media.

The Argus Company, South African Associated Newspapers, Natal Newspapers and the Natal Witness have brought the application before the acting Deputy Judge President, Mr Justice Leon, Mr Justice Kumleben and Mr Justice Nienaber. The application attacks regulations 7 to 12 and asks that they be declared void and without force and effect in law.

The application has been made on the grounds that in making the emergency regulations, the State President exceeded

the powers conferred on him by Section 3(1) (a) of the Public Safety Act No 3 of 1953.

Regulation 11 authorises the Minister or a commissioned officer to seize a publication which in their opinion contained a subversive statement or information which they consider may be detrimental to public safety, the maintenance of public order or the termination of the state of emergency.

Mr S Kentridge, SC, QC, for the newspaper groups, argued that the real problem with emergency regulations 11 and 12 was that they punished a person by confiscation and an enormous fine without the benefit of a trial.

He said regulation 11 allowed the Minister or a commissioned officer authorised by him to seize a publication if, in their opinion, it contained a subversive statement even if, objectively viewed, the statement was not subversive or would not be found so by a court.

The case continues. — Sapa



# Detention laws ruled invalid

12/8/86 DAILY STAR 327



We'll never win the July at this rate... a schoolgirl rides her father's ox during a junior Bavarian ox-riding championships at Langenpettenbach, West Germany. (Reuters).

**DURBAN —** A full bench of the Natal Supreme Court yesterday declared invalid two clauses of the emergency regulations.

The clauses relate to the arrest and detention of persons considered to be a threat to the maintenance of public order.

Mr Justice Friedman, with Acting Deputy Judge-President Mr Justice Leon and Mr Justice Wilson concurring, ruled that the State President, Mr P. W. Botha, had acted beyond his power in promulgating clauses 3(1) and 3(3) of the emergency regulations.

The Natal publicity secretary of the United Democratic Front, Mr Lechesa Tsenoli, had lodged an urgent application for his release from Westville Prison on the grounds that Mr Botha issued emergency regulations that were ultra vires in terms of the Public Safety Act of 1953.

Counsel for the state has lodged an appeal and a decision on whether the order should be made effective immediately is expected to be made soon.

In a written judgment handed down by the Judge-President of Natal, Mr Justice Milne, Mr Justice Friedman ordered that Mr Tsenoli be released and that the respondents — Mr Botha, the Minister of Law and Order, Mr Louis le Grange, and the Justice Minister, Mr Kobie Coetsee — pay the costs of the application.

The clauses declared invalid read:

"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



**MR TSENOLI**

of emergency, and may, under a written order signed by any member of a force, detain, or cause to be detained, any such person in custody in a prison.

"3(3) The minister may... order that any person arrested and detained under 3(1) be further detained... for the period mentioned in the notice or for as long as these regulations remain in force."

Mr Justice Friedman said regulation 3(1) contained provisions which in his opinion proceeded beyond the powers conferred upon the State President by section 3(1)(a) of the Public Safety Act.

"The fact that (Mr Botha) may believe that the regulation in the terms in which he made it is well within his powers, however bona fide that may be, cannot, in my view, affect the position."

Earlier in the judgment, he said the clause could be construed as meaning that "every

common criminal... might be considered a threat to the safety of the public and liable as such to be detained summarily for the duration of the state of emergency."

It followed that 3(3) was also invalid, as it extended a detention in terms of 3(1).

The Progressive Federal Party spokesman on law and order, Mr Peter Gastrow, said the case provided a ray of hope that the courts would continue to play a watchdog role in the narrow areas where they were still allowed to investigate executive action.

Meanwhile, Western Cape lawyers acting for emergency detainees last night began telexing Mr Le Grange, asking for the immediate release of their clients following the judgment.

Lawyers and legal bodies said they welcomed the judgment.

An associate professor of law at the University of Cape Town, Professor Denis Davis, said a judgment by the full bench "is the law" until there is a court decision to the contrary.

He said as a result all detainees should be released, but if they were not "one has to proceed to court to get them released".

Legal experts said they expected a flood of urgent applications to courts throughout the country for the release of detainees.

Mr Dullah Omar, president of the Democratic Lawyers' Association said, "In terms of the judgment virtually all detentions are unlawful and it is our view that all detainees must be released immediately."

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**Bluemels**

OF NAHOON

**PUTS YOU IN THE HEART**

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## 147 rescued

**HALIFAX —** Fishing vessels yesterday plucked 147 people from the Atlantic Ocean, where they had been adrift in lifeboats for five days off the coast of Newfoundland.

The nationality of the survivors and the name of the ship they had abandoned were not immediately available.



Emergency regulations nightmare

# Judges told of editors' fears

12/8/76

327

NEWSPAPERS, which had tried in good faith to see if they could live with the emergency regulations, had been driven to court after coming up against insuperable difficulties, a full Bench of the Supreme Court was told in Maritzburg yesterday.

Mr Justice Leon, Mr Justice Nienaber and Mr Justice Kumleben are hearing an application by the English newspaper groups challenging some emergency regulations affecting the Press.

The applicants are Natal Newspapers, the Natal Witness, Argus Printing & Publishing and SA Associated Newspapers.

They have brought an application against the State President, the SA government, the Minister of Law and Order, and the Commissioner of the SA Police, and are seeking an order declaring emergency regulations 7 to 12 to be void and of no force and effect in law.

Stressing the urgency of the application yesterday, Mr Sydney Kentridge, SC, for the applicants, said newspaper companies stood to lose hundreds of thousands of rands if even one of the publications were seized in terms of the emergency regulations.

Kentridge referred specifically to regulation 11, which he described as the most considerable clog in the freedom of the Press to inform the public of what was happening in the country.

This regulation empowers the Minister of Law and Order to seize a newspaper if, in his opinion, it contains a "subversive" statement.

Kentridge said this "enormous power" had now been given to any member of the force serving as a commissioned officer in the SAP, Railways Police, Defence Force or Prisons Service.

Turning to regulation 12 — which deals with the confiscation and seizure of "subversive" publications and allows for the banning of a newspaper for a specific period if the Minister of Law and Order is of the opinion it is of a "subversive nature" — Kentridge referred to the possible disastrous effects on such a paper or publication.

Daily News Editor Michael Green said in an affidavit if one day's issue of the paper were seized, the cost to Natal Newspapers would be about R175 000.

Sunday Times Editor Tertius Myburgh said the task of an editor had been rendered almost impossible by the emergency regulations.

He said in an affidavit that as an editor he could never be certain whether

Own Correspondent

a particular item of news or comment would or would not be viewed by some or other member of the security forces as a "subversive statement".

Myburgh said that, consequently, he had been forced to censor the newspaper on a completely arbitrary basis, "and still live under the fear of seizure".

Natal Witness Editor Richard Steyn said in an affidavit that while he and his staff tried conscientiously to avoid breaking the law, he was now fearful that at any time he might quite innocently publish a statement, report or article which could result not only in criminal prosecution but also the seizure of the newspaper, without warning, and forfeiture of the paper's printing press.

□ Earlier yesterday, Mr J Conradie, SC, and Mr Jan Combrink, SC, for the respondents, asked for an adjournment of the hearing on the grounds that they needed time to assess the implications of the Lechesa Tsenoli judgment handed down in the Durban Supreme Court.

Conradie submitted that the judgment could affect their position in the present hearing "quite dramatically".

However, the judges found that the matter was urgent and that Kentridge should be allowed to present his argument, after which the hearing would be adjourned to enable the respondents to prepare their case.

Commenting on the urgency of the case, Mr Justice Leon said great inroads had been made on the public's right to know, and the possibility of their being closed down was a daily source of anxiety to newspapers.

The hearing continues today.

## Cape oil data

ON-SHORE oil drilling could begin in the Algoa Bay area next year if locations of certain oil traps are confirmed by an Israeli exploration group.

By using oil-finding techniques from North Africa, the Israelis have reinterpreted Soekor research and pinpointed several possible oil traps in the Eastern Cape.

The find has not yet been proved but, if interpretation of research is correct, oil reserves of about 90-million barrels could be uncovered.

Prospecting rights for the area belong



## Cosatu in court bid

DURBAN — The Congress of South African Trade Unions (Cosatu) is to challenge the state of emergency in the Natal Supreme Court in Pietermaritzburg tomorrow.

Cosatu's legal representative, Mr Chris Albertyn, said an application would be made to have the provisions of two of the emergency

regulations declared ultra vires and invalid.

An application would also be made to have the detentions of 30 people ruled invalid and to order their release.

The action is being brought against the State President, Mr P. W. Botha, and the Minister of Law and Order, Mr Louis le Grange.

— DBC

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327

12/8/86



# Advocate says papers driven to court action

Dispatch Correspondent

PIETERMARITZBURG

— Newspapers, which had tried in good faith to see if they could live with the emergency regulations, had been driven to court after coming up against insuperable difficulties, a full bench of the Supreme Court here was told yesterday.

Mr Justice Leon, Mr Justice Nienaber and Mr Justice Kumleben are hearing an application by the English newspaper groups challenging certain emergency regulations affecting the press.

The applicants are Natal Newspapers (Pty) Ltd, the Natal Witness (Pty) Ltd, the Argus Printing and Publishing Ltd and South African Associated Newspapers Ltd (SAAN).

They have brought an application against the State President, Mr P. W. Botha; the South African Government; the Minister of Law and Order and the Commissioner of the South African Police.

They are seeking an order declaring six emergency regulations — regulations seven to 12 — to be void and of no force and effect in law.

Emphasising the urgency of the application yesterday, Mr Sydney Kentridge, SC, for the applicants, said newspaper companies stood to lose hundreds of thousands of rands if even one of the publications were seized in terms of the emergency regulations.

Mr Kentridge referred specifically to regulation 11 which he described as the most considerable clog in the freedom of the press to inform the public of what was happening in the country.

This regulation empowered the Minister of Law and Order to seize a newspaper if, in his opinion, it contained a subversive statement.

Mr Kentridge said this "enormous power" had now been given to any member of the force serving as a commissioned officer in the South African Police, the South African Rail-

ways Police, the South African Defence Force or the Prisons Service.

"Any serving commissioned officer is given the power to seize the whole of an issue of the Sunday Times or Rapport, which, in his opinion, contains information which is detrimental to the safety of the public.

"This power is bad enough even in the hands of the minister, but we say that the endowing of any commissioned officer with this power goes far beyond what is permitted in the Act.

"On the face of it, it gives power to what must be thousands of people of varying types, backgrounds and abilities."

Turning to regulation 12 — which deals with the confiscation and seizure of subversive publications and allows for the banning of a newspaper for a specific period if the Minister of Law and Order is of the opinion that it is of a "subversive nature" — Mr Kentridge referred to the possible disastrous effects on such a newspaper or publication.

The editor of the Daily News, Mr Michael Green, said in an affidavit that if one day's issue of the Daily News were seized, the cost to Natal Newspapers would be about R175 000.

The editor of the Sunday Times, Mr Tertius Myburgh, said the task of an editor had been rendered almost impossible by the emergency regulations.

He said in an affidavit that as an editor he could never be certain whether a particular item of news or comment would or would not be viewed by some or other member of the security forces as a "subversive statement", "or worse still, as being detrimental to, say, the termination of the state of emergency (whatever that may mean)".

Mr Myburgh said that consequently he had been forced to censor the newspaper on a completely arbitrary basis, "and still live under the

fear of seizure".

He did not believe that it was at all necessary, or desirable, to restrict the press in the manner that the emergency regulations do, even in a state of emergency.

"The ordinary laws of the land are more than adequate to curb seditious journalism. The effect of the emergency regulations on the press is quite simply to stifle news and comment which, in these times, the public in South Africa ought to hear," Mr Myburgh submitted in his affidavit.

The editor of the Natal Witness, Mr Richard Steyn, said in an affidavit that while he and his staff tried conscientiously to avoid breaking the law he was now fearful that at any time he might quite innocently publish a statement, report or article which could result not only in criminal prosecution but also the seizure of the newspaper without warning and forfeiture of their printing press.

Earlier yesterday, Mr J. Conradie, SC, and Mr Jan Combrink, SC, for the respondents, asked for an adjournment of the hearing on the grounds that they needed time to assess the implications of the Lechesa Tsenoli judgment handed down in the Durban Supreme Court.

Mr Conradie submitted that the judgment could affect their position in the present hearing "quite dramatically".

The judges, however, found that the matter was urgent and that Mr Kentridge should be allowed to present his argument after which the hearing would be adjourned to enable the respondents to prepare their case.

Commenting on the urgency of the case, Mr Justice Leon said great inroads had been made on the public's right to know and the possibility of their being closed down was a daily source of anxiety to newspapers.

The hearing continues today.



## IN THE COURTS

## Press is 'oppressed'

SOME of the emergency regulations affecting the Press were "oppressive" and interfered with the common law rights of the individual, a full Bench of the Maritzburg Supreme Court heard yesterday.

Sydney Kentridge, QC, appearing for the English language newspaper groups which are challenging six of the emergency regulations relating to the Press, said this during his legal argument.

He said the regulations went beyond the powers of the State President, could not have been envisaged by Parliament and were so wide that they could not commend themselves to any reasonable man.

Kentridge was arguing before Mr Justice Leon, Mr Justice Nienaber and Mr Justice Kumleben on behalf of Natal Newspapers, the

## Own Correspondent

Natal Witness, Argus Printing and Publishing and South African Associated Newspapers (SAAN). They have brought the application against State President P W Botha, the SA Government, the Law and Order Minister and the Commissioner of Police.

Referring to Regulation 7 which gives the commissioner or his delegate the power to make orders relating to comment on or news connected with any conduct of any member of a force, Kentridge said the section was vague and amounted to a total blackout of news involving say, the police, whether favourable or not.

He said Regulation 9 dealing with the taking or publication of photographs of public disturbances, riots, assaults or killings or

any conduct of any member of a force "with regard to the maintenance of the safety of the public or public order or for the termination of the state of emergency", could include normal news events.

It was "totally oppressive" and was not limited to time or place.

Kentridge said he challenged only one part of Regulation 10 which prohibits not only the making or dissemination of a subversive statement, but its possession.

He said Regulation 11, which allows for the seizure of any newspaper if the Law and Order Minister, or any commissioned officer, thought that it contained a subversive statement, was "riddled with vice".

It could lead to the complete closure of any newspaper which stood to lose hundreds of thousands of rands — "if not millions".



# 'Blackout of news' slated

Own Correspondent

MARITZBURG. — Some emergency regulations affecting the press were described as "oppressive" and as interfering with the common-law rights of the individual during legal argument before a Full Bench of the Supreme Court here yesterday.

Mr Sydney Kentridge, QC, appearing for the English-language newspaper groups which are challenging six of the emergency regulations relating to the press, submitted that the regulations went beyond the powers of the State President, could not have been envisaged by Parliament and were so wide that they could not commend themselves to any reasonable man.

Mr Kentridge was arguing before Mr Justice Leon, Mr Justice Nienaber and Mr Justice Kumleben on behalf of Natal Newspapers, the Natal Witness, Argus Printing and Publishing and South African Associated Newspapers (SAAN), who have brought the application against President P W Botha, the government, the Minister of Law and Order and the Commissioner of the SAP.

## Connected to conduct of a force

Referring to Regulation 7, which gives the Commissioner or his delegate power to make orders relating to comment on, or news connected with any conduct of a force, Mr Kentridge said the section was vague and amounted to a total blackout of news involving say, the police, whether favourable or not.

Mr Kentridge said Regulation 9, dealing with the taking or publication of photographs of public disturbances, riots, assaults or killings, or any conduct of any member of a force "with regard to the maintenance of the safety of the public or public order or for the termination of the state of emergency" could include normal news events. He described this regulation as "totally oppressive".

Mr Kentridge challenged the part of Regulation 10 which prohibits not only the making or dissemination of a subversive statement, but its possession.

## 'Strip their libraries'

"Are newspapers now supposed to strip their libraries and burn all their records?" he asked.

He referred to Regulation 11, which allows for the seizure of any newspaper if the Minister of Law and Order, or any commissioned officer, were of the opinion that it contained a subversive statement.

Mr Kentridge said this regulation was "riddled with vice" and could lead to the complete closure of any newspaper, which stood to lose hundreds of thousands of rands "if not millions", including the loss of advertising revenue.

The hearing was adjourned until August 18.



Argus 13/8/86

## Even a national service officer could seize a paper — lawyer

The Argus Correspondent

DURBAN. — Emergency Regulation 11 went "beyond the pale" by allowing any commissioned officer to seize a newspaper if he considered it contained a "subversive statement", it has been argued in the Maritzburg Supreme Court.

Mr S Kentridge, QC, said this before a Full Bench hearing an urgent joint application by the Argus Company and South African Associated Newspapers against the President asking for an order declaring emergency regulations 7 to 12 void and without force and effect in law.

The Full Bench consists of Mr Justice Leon, Mr Justice Kumleben and Mr Justice Nienaber.

It was bad enough, said Mr Kentridge, when the seizure of a publication was left to the Minister of Law and Order, but the mind boggled when one considered that even a national serviceman who received a commission after a year had these powers.

### "RIDDLED WITH VICE"

Mr Kentridge, who appears for the newspaper groups, said Regulation 11 was "riddled with vice".

He said newspapers ran the risk of committing a serious offence, not by publishing what could be objectively defined as a subversive statement, but by publishing what the Minister of Law and Order considered to be one.

Although the Minister might act in good faith, he might regard as subversive a statement which no court would regard as such.

Mr Kentridge said Regulation 11 was so gratuitously oppressive that it could never have been contemplated by Parliament.

"The idea that one can seize a whole publication, which amounts to a fine of hundreds of thousands, if not millions of rands, simply on the opinion of a Minister, cannot commend itself to any reasonable man."

The application was adjourned to Monday.



# Police stood by as Witdoeke attacked, court told

By ANDRÉ KOOPMAN

AN Anglican priest alleged in papers before the Supreme Court that police stood by while "witdoeke" attacked KTC residents in June.

The papers were before court last week when the Minister of Law and Order, Mr Louis le Grange, declined to oppose a temporary order being made final which restrains the police, "witdoek" leaders and the defence force from attacking or allowing attacks on KTC.

In further affidavits, the court also heard that while men in dark clothing with rifles in their hands stood next to a squatter leader's shack as it went up in flames. People who tried to approach the shack were allegedly shot at. It was

also alleged that white men wearing balacavas were seen in the vicinity at the time of the shack-burning forays.

In the more than 40 affidavits before the court, priests, doctors, squatter leaders and journalists made several allegations of security force collusion and participation in "witdoek" attacks on KTC.

Father David Cook of St John's Parish, Wynberg, said he and other clergy-men had been called to the Zolani Centre on Monday, June 9. On arrival, he saw that the Zolani Centre was on fire and that tents on the side of the centre had been burnt down.

Father Cook said they drove to the western side of the centre where they saw several Casspirs patrolling the road on the edge of KTC.

A group of "witdoeke" approached KTC from the direction of Crossroads.

"They were armed with sticks, stones and some of them had bottles of petrol. They proceeded to hurl the stones at KTC camp, smash windows and set fire to the shacks. The police in the Casspir made no attempt to stop them."

He said he later stood behind a second Casspir with the registration number BDV-583B. Its rear doors were open and a policeman was standing and "aiming a rifle in the direction of KTC residents".

Father Cook said he heard a gunshot very close to him, "looked up and saw that the policeman was still pointing his rifle in the general direction of the residents".

In another affidavit made by Mr Good-

win Nyingwa, formerly of Nyanga Hotel, allegations were made of "witdoeke" and police in Casspirs attacking "comrades".

On June 9 at 8am he saw about 1 000 "witdoeke" congregating outside the development board offices. There were five Casspirs parked next to the offices and a white van belonging to Warrant Officer Barnard.

There were about 200 people including refugees. W/O Barnard then said to them in Xhosa over a loudhailer: "Today I'm going to kill all the comrades."

"He then shot about six teargas canisters at all of us," Mr Nyingwa said. They fled towards the Zolani Centre, from there they saw W/O Barnard's van, five Casspirs and about 1 000 witdoeke on foot approaching the area of the

refugee tents.

"The vehicles came to a standstill and the police alighted armed with guns and proceeded towards the refugee tents which were soon surrounded. The next minute I saw flames rising from the tents."

Dr Mark Blecher, of SAGLA clinic, said he had seen several hundred armed "witdoeke" attacking a group of "comrades" near refugee tents on June 9, while "four Casspirs and Buffels patrolled the area during this time and did absolutely nothing to prevent the attack, let alone stop it."

"The witdoeke then gathered in front of the clinic and I saw a policeman in a Casspir stationed next to them, beckon with his hands to the witdoeke to charge in the direction of Zolani Centre."

"He then turned and aimed his gun and from where I was it looked as if he was shooting at the comrades in the direction of Zolani Centre. The witdoeke then surged towards Zolani Centre," the doctor said.

Dr Blecher described how witdoeke torched refugee tents "10 to 15 metres away from a stationary Casspir".

"The policemen in the Casspir did nothing to prevent the tents being burnt nor did they take any action whatsoever against the witdoeke who burned the tents," he said.

He saw a "witdoek" load an injured person into a Casspir. "The witdoeke then withdrew and gathered around another Casspir. They milled around this Casspir for a while and then headed off in the direction of KTC."



# Kentridge blasts regulations 7-12 in Press application



Mr Sydney Kentridge.

Own Correspondent

DURBAN — Emergency regulation 11 went beyond the pale by allowing any commissioned officer to seize a newspaper if in his opinion it contained a subversive statement, it was argued in the Maritzburg Supreme Court yesterday.

Mr Sydney Kentridge said it was bad enough when the seizure of a publication was left to the Minister, but the mind boggled when one considered that even a National Serviceman who received a commission after a year had these enormous powers.

He said this before a Full Bench of judges who are hearing an urgent joint application by the Argus Company and South African Associated Newspapers against the State President. They are asking for an order declaring emergency regulations 7-12 void and

without force and effect in law.

The Full Bench consists of Mr Justice Leon, Mr Justice Kumleben and Mr Justice Nienaber.

Mr Kentridge, who appears for the newspaper groups, said regulation 11 was riddled with vice.

He said newspapers ran the risk of committing a serious offence, not by publishing what could be objectively defined as a subversive statement, but what the Minister of Law and Order considered to be one.

Mr Kentridge argued that the Minister might act in good faith, but he might regard as subversive a statement which no court would regard as such.

One could not get a court interdict because the Minister's opinion could not be substituted by another.

Mr Kentridge said regulation 11 was so gratuitously oppressive that it could never have been contemplated by Parliament.

"The idea that one can seize a whole publication, which amounts to a fine of hundreds of thousands, if not millions of rands, simply on the opinion of a Minister cannot commend itself to any reasonable man."

Mr Kentridge said it was something that interfered with a common law right and was also bad because it left it to the discretion of an official.

Dealing with section 10, which makes it a criminal offence to make, disseminate or possess a subversive statement, Mr Kentridge argued that Parliament could never have intended the regulation to go as far as it did.

He said it went too far because it meant that it was now an offence to possess statements which were lawful before the regulations were made and had been acquired and disseminated lawfully.

Mr Kentridge said this was of extreme importance to newspapers because they had libraries and archives which no doubt now contained subversive material.

He said this went too far, particularly as the state of emergency was supposed to be temporary and newspapers could not be expected to strip their libraries and burn the offending material.

Mr Kentridge said newspapers also received letters, reports from journalists and other unsolicited material, some of which might even have come by telex.

He said even if an editor decided a report was subversive and did not publish it, he had still had it in his possession.

Regulation 9, which forbade the taking of photographs, films and graphic representations of police conduct, was breathtaking in its scope, Mr Kentridge argued. He said this was because the regulation was not limited in terms of time and place. This meant that material taken one or 20 years ago fell within the restrictions placed by regulation 9 and even included pictures from overseas.

The application was adjourned to August 18.



Mercury 13/08/86

# Govt 'does not accept' ruling on detentions

CAPE TOWN—The Government did not accept the decision of the Full Bench of the Natal Supreme Court that the detention clauses in the emergency regulations were ultra vires, Mr Louis le Grange, Minister of Law and Order, said yesterday.

Finding that the State President had acted beyond the powers contemplated by the Public Safety Act, the Court on Monday ordered the release of UDF

member Mr Lechesa Tsenoli.

Mr le Grange would not comment on whether other detainees would be released in terms of the ruling, but said: 'We are not accepting the decision of the Court. We have entered an appeal which will be heard by the Appellate Court as soon as possible.'

Meanwhile, lawyers are preparing applications for the release of many more detainees.

The head of the Progressive Federal Party's Bureau for Missing Persons, Mr Neil Ross, said 5 900 people were known to have been detained but estimated the real figure could be as high as 12 000.

detainees following Monday's ruling.

She echoed academic opinions that the State should release Natal detainees.

Government sources in Pretoria were silent yesterday about the likelihood of President Botha proclaiming retroactive emergency regulation amendments to circumvent the Court's ruling, as he did on August 1.

Mrs Suzman said: 'The Department of Law and Order will probably take their usual steps by changing the regulations.' — (Sapa)

## 'Scores' of detainees to apply for release

### Mercury Reporter

LAWYERS were making hurried preparations yesterday to lodge a flood of Supreme Court applications for the release of detainees following Monday's judgment which invalidated two detention clauses in the emergency regulations.

Several lawyers said yesterday that they were acting for scores of applicants and would be making applications throughout the week.

They said colleagues in the Cape and the Transvaal were making similar applications.

Some applications were handed to Court yesterday.

Mr Richard Lyster, of Legal Resources, said applications were being made in spite of the State's appeal against the Court's ruling.

He said if the State lost the appeal it could be faced with a load of civil actions for unlawful arrest.

He said Mr Paddy Kearney of Diakonia was claiming R10 000 from the State for wrongful arrest after the Supreme Court ordered his release.

Miss Di Pillay said she was acting for more than 30 applicants and other lawyers were acting for many

### Suzman

Government legal advisers are understood to be working to counter the decision of the Natal Court while also being tied up with the challenge to the regulations being heard before another Natal court by the Argus and Saan newspaper groups.

In Johannesburg, the PFP spokesman on law and order, Mrs Helen Suzman, said the Government should release emergency



13/08/86 Mercury

# Treason accused protest about (327) 'inedible' food

Mercury Correspondent

JOHANNESBURG—Three alleged ANC members facing charges of treason, alternatively terrorism, failed to appear in the Rand Supreme Court after the first tea break yesterday.

Sibusio Ngwenya, 32, Abraham Lentswane, 30, both of Soweto, and Guy Malamba, 25, of Umlazi, Durban, told the Court via their counsel that they were protesting against 'inedible food' they were receiving.

Mr Justice MJ Strydom heard from Mr Denis Kuny SC, representing the three men, that they would not reappear in the dock for the duration of the trial because they were 'constantly too hungry to concentrate effectively'.

Before the men's non-appearance, a video was shown to the Court in which Ngwenya was seen to demonstrate how he would build a car bomb and oper-

ate a SAM-7 missile launcher.

The three men are alleged to have reconnoitred Pretoria's Waterkloof and Swartkops Air Force bases in December last year with the intention of returning at a later date to destroy military aircraft with a SAM-7 launcher.

The men are also alleged to have tried unsuccessfully during 1985 to murder a retired black policeman and to have AK-47 rifles, TNT explosives, limpet mines and grenades brought into South Africa.

## Parcels

The three men returned to the dock shortly before lunch, after the Court had adjourned to allow their counsel time to communicate with them about their grievances.

Speaking from the witness box after returning to the dock, Mr Ngwenya said he and his co-accused had been refusing 'inedible'

food since the trial had begun on August 4.

He said food parcels, which they had been receiving from family and friends in lieu of the prison food, had suddenly been denied them on Tuesday for the first time.

Later in the day, Col PA Scheepers testified that as a security precaution no prisoners, whether awaiting trial or already convicted, were entitled to receive food parcels.

Col Scheepers, responsible for 'the welfare of 10 000 awaiting-trial prisoners per month', said the three men had been in contravention of the regulations if they had been allowed to receive food parcels at any time.

He assured the Court he personally would ensure that the men were given food of a 'quantity and quality permitted by the regulations'.

Mr Justice Strydom is expected to make a ruling on the issue today.



# Powers amount to 'blackout of news'

Pietermaritzburg Bureau

SOME of the emergency regulations affecting the Press were described yesterday as 'oppressive' and interfering with the common law rights of the individual.

This was said during legal argument before a Full Bench of the Supreme Court here.

Mr Sydney Kentridge QC, appearing for the English language newspaper groups which are challeng-

ing six of the emergency regulations relating to the Press, submitted that the regulations went beyond the powers of the State President, could not have been envisaged by Parliament and were so wide that they could not commend themselves to any reasonable man.

## Blackout

Mr Kentridge was arguing before Mr Justice Leon, Mr Justice Nienaber and Mr Justice Kumeleben on behalf of Natal Newspapers, the Natal Witness, Argus Printing and Pub-

lishing and South African Associated Newspapers (SAAN), who have brought the application against President Botha, the Government, the Minister of Law and Order and the Commissioner of the South African Police.

Referring to Regulation 7 which gives the commissioner or his delegate power to make orders relating to comment on or news connected with any conduct of a force, Mr Kentridge said the section was vague and amounted to a total blackout of news involving say, the police, whether favour-

able or not.

He said Regulation 9 dealing with the taking or publication of photographs of public disturbances, riots, assaults or killings or any conduct of any member of a force 'with regard to the maintenance of the safety of the public or public order or for the termination of the state of emergency', could include normal news events.

Mr Kentridge described this regulation as 'totally oppressive' and said it was not limited even to time or place.

He said for example, it

could prohibit the taking or publication of a photograph of a public disturbance at a football match. 'In this instance the Press, whose duty it is to inform the public, would not be able to take photographs.'

## Archives

He submitted that this went well beyond the question of the state of emergency and the powers of the State President and said it constituted 'such oppressive interference with the rights of the public that it can have no justification in the minds of right-thinking

men'.

Mr Kentridge said he challenged only one part of Regulation 10 which prohibits not only the making or dissemination of a subversive statement, but its possession.

Mr Kentridge said all newspapers possessed libraries and archives which contained records and old copies of newspapers which no doubt contained statements by, for example, trade unions calling for strikes or boycotts, which would now be regarded as subversive but which were made legally at the time.

He again referred to Regulation 11 which allows for the seizure of any newspaper if the Minister of Law and Order, or any commissioned officer, were of the opinion that it contained a subversive statement.

Mr Kentridge said this regulation was 'riddled with vice' and could lead to the complete closure of any newspaper which stood to lose hundreds of thousands of rands 'if not millions' including the loss of advertising revenue.

The hearing was adjourned until Monday, August 18.



court told

# Police stood by as Witdoeke attacke

By ANDRÉ KOOPMAN

AN Anglican priest alleged in papers before the Supreme Court that police stood by while "witdoeke" attacked KTC residents in June.

The papers were before court last week when the Minister of Law and Order, Mr Louis le Grange, declined to oppose a temporary order being made final which restrains the police, "witdoek" leaders and the defence force from attacking or allowing attacks on KTC.

In further affidavits, the court also heard that white men in dark clothing with rifles in their hands stood next to a squatter leader's shack as it went up in flames. People who tried to approach the shack were allegedly shot at. It was

also alleged that white men wearing balaclavas were seen in the vicinity at the time of the shack-burning forays.

In the more than 40 affidavits before the court, priests, doctors, squatter leaders, and journalists made several allegations of security force collusion and participation in "witdoek" attacks on KTC.

Father David Cook of St John's Parish, Wynberg, said he and other clergy-men had been called to the Zolani Centre on Monday, June 9. On arrival, he saw that the Zolani Centre was on fire and that tents on the side of the centre had been burnt down.

Father Cook said they drove to the western side of the centre where they saw several Casspirs patrolling the road on the edge of KTC.

A group of "witdoeke" approached KTC from the direction of Crossroads.

"They were armed with sticks, stones and some of them had bottles of petrol. They proceeded to hurl the stones at KTC camp, smash windows and set fire to the shacks. The police in the Casspir made no attempt to stop them."

He said he later stood behind a second Casspir with the registration number BDU-583B. Its rear doors were open and a policeman was standing and "aiming a rifle in the direction of KTC residents".

Father Cook said he heard a gunshot very close to him, "looked up and saw that the policeman was still pointing his rifle in the general direction of the residents".

In another affidavit made by Mr Good-

win Nyینگwa, formerly of Nyanga Hostel, allegations were made of "witdoeke" and police in Casspirs attacking "comrades".

On June 9 at 8am he saw about 1 000 "witdoeke" congregating outside the development board offices. There were five Casspirs parked next to the offices and a white van belonging to Warrant Officer Barnard.

There were about 200 people including refugees. W/O Barnard then said to them in Xhosa over a loudhailer: "Today I'm going to kill all the comrades."

"He then shot about six teargas canisters at all of us," Mr Nyینگwa said.

They fled towards the Zolani Centre, from there they saw W/O Barnard's van, five Casspirs and about 1 000 witdoeke on foot approaching the area of the

refugee tents.

"The vehicles came to a standstill and the police alighted armed with guns and proceeded towards the refugee tents which were soon surrounded. The next minute I saw flames rising from the tents."

Dr Mark Blecher, of SACLIA clinic, said he had seen several hundred armed "witdoeke" attacking a group of "comrades" near refugee tents on June 9, while "four Casspirs and Buffels patrolled the area during this time and did absolutely nothing to prevent the attack, let alone stop it".

"The witdoeke then gathered in front of the clinic and I saw a policeman in a Casspir stationed next to them, beckon with his hands to the witdoeke to charge in the direction of Zolani Centre.

"He then turned and aimed his gun and from where I was it looked as if he was shooting at the comrades in the direction of Zolani Centre. The witdoeke then surged towards Zolani Centre," the doctor said.

Dr Blecher described how witdoeke torched refugee tents "10 to 15 metres away from a stationary Casspir".

"The policemen in the Casspir did nothing to prevent the tents being burnt nor did they take any action whatsoever against the witdoeke who burned the tents," he said.

He saw a "witdoek" load an injured person into a Casspir. "The witdoeke then withdrew and gathered around another Casspir. They milled around this Casspir for a while and then headed off in the direction of KTC."



Dispatch Correspondent  
PIETERMARITZBURG

— Some of the emergency regulations affecting the press were described as "oppressive" and interfering with the common law rights of the individual during legal argument before a full bench of the Supreme Court here yesterday.

Mr Sydney Kentridge, QC, appearing for the English language newspaper groups which are challenging six of the emergency regulations relating to the press, submitted that the regulations went beyond the powers of the State President, could not have been envisaged by Parliament and were so wide that they could not commend themselves to any reasonable man.

Mr Kentridge was arguing before Mr Justice Leon, Mr Justice Nienaber and Mr Justice Kumleben on behalf of Natal Newspapers, the Natal Witness, Argus Printing and Publishing and South African Asso-

Advocate:  
press  
laws  
too wide

ciated Newspapers, who have brought the application against the State President, Mr P. W. Botha, the S A Government, the Minister of Law and Order and the Commissioner of the South African Police.

Referring to Regulation 7 which gives the Commissioner or his delegate power to make orders relating to comment on or news connected with any conduct of a force, Mr Kentridge said the section was vague and amounted to a total news blackout.

He said Regulation 9 dealing with the taking or publication of photographs of public disturbances, riots, assaults or killings or any conduct of any member of a force

"with regard to the maintenance of the safety of the public or public order or for the termination of the state of emergency", could include normal news events such as soccer hooliganism.

Mr Kentridge said he challenged only one part of Regulation 10 which prohibits not only the making or dissemination of a subversive statement, but its possession.

Mr Kentridge said all newspapers possessed libraries and archives which contained records and old copies of newspapers which no doubt contained statements by, for example, trade unions calling for strikes or boycotts, which would now be regarded as subversive but which were made legally at the time.

'Are newspapers now supposed to strip their libraries, and burn all their records?' he said.

The hearing was adjourned until Monday, August 18.



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# More emergency detainees released

**Dispatch Correspondent**  
**JOHANNESBURG** — A number of emergency detainees throughout the country have been released following this week's Natal judgment.

The Judge President of the Orange Free State, Mr Justice Frank Smuts yesterday confirmed that all 42 detainees held in Frankfort had been released.

However, he said that about 480 others were being held in Free State prisons and that detainees were being released "from time to time".

Transvaal lawyers are expected to bring a similar case as was argued in the Natal Supreme Court before the end of the week, possibly today, it was announced

after Johannesburg attorneys met last night.

An indication of the government's opposition to the Natal judgment came from the Minister of Law and Order, Mr Louis le Grange, yesterday when he said the government did not accept the Natal court's decision that the detention clauses in the emergency regulations were ultra vires.

He would not comment on whether other detainees would be released in terms of the ruling but said: "We are not accepting the decision of the court. We have entered an appeal which will be heard by the Appellate Court as soon as possible."

No government departments would confirm or deny the release of detainees.

Lawyers throughout the country have confirmed that a "significant number" of detainees have been released during the past few days — in most cases shortly before their applications were brought to courts.

Mr Richard Lyster of Legal Resources in Durban, said applications were being made in spite of the state's appeal.

He said if the state lost its appeal it could

be faced with a load of civil actions.

He said Mr Paddy Kearney of Diakonia was claiming R10 000 from the state for wrongful arrest after the Supreme Court ordered his release.

The release of five detainees has been confirmed by lawyers — two in Johannesburg, one in Natal, one in George and one in Bloemfontein.

A Johannesburg law firm confirmed the release of Transvaal Indian Congress (TIC) members, Mr Achmed Cachalia and Mr Jai Prakash Bhula, and the release of two other detainees, Mr Ashiom Shah, also of TIC, and a trade unionist, Mr Baxter Ndungwana, last week.

Another law firm said it was in the process of making more than 40 applications for the release of clients.

Six detainees, Mr Cornelius Skhosana, Mr Bonginkosi Gumede, Mr Eric Gwacele, Mr Boy Mfeka, Mr Msizi Nzuza and Mr Mandla Miya, were released from Westville prison near Durban after an urgent Supreme Court application, but were re-arrested under terms of the Criminal Procedures Act.

Editorial opinion P12;  
See also P13.



Mercury 14/08/86

# Police to study lists of detainees

(329) (327)

## Court Reporter

THREE urgent applications in the Supreme Court, Durban, yesterday for the release of detainees held under the Emergency Regulations were postponed by consent until tomorrow.

The applications were heard in chambers by Mr Justice Didcott.

The first application concerned two detainees, Edmund Myeza and Bra Dumisane Yimba, both held at Westville Prison.

Attached to the papers

was a list of 74 names of detainees.

The list is to be studied by the police during the interim and it is expected that tomorrow some of these people will have been released or held under common-law offences.

The second application concerned Ernest Maxwell Mpunzana, Emmanuel Edwards, Veronica Edwards and Sandile Gumede.

A list of 35 people detained in the Westville Prison, the Newcastle Prison, the Newcastle police

cells and the Utrecht Prison was attached.

Those names also will be studied by the police.

The third application concerned Jabulani Mandlakayise Ntuli, Sandile Thusi, Hezekial Mdluli, Neville Trummy Msolo, Innocent Bhengu, Nhlanhla Mabaso, Hamilton Mkhize, Graham Mkhize, Philip Bugani Mngoma, Mandla Sibya and Constance Dladla.

They are being held at the Westville Prison.

See Page 6



# Press challenges the 'impossible' regulations

CAA 7/12/88  
14/8/86

327

THE emergency regulations affecting the press are so grossly uncertain, so vague, so extravagantly unreasonable, so meaningless and so totally oppressive, that they go far beyond what Parliament could ever have contemplated, and should therefore be declared void, invalid and ultra vires.

That was the submission made by Mr Sidney Kentridge QC to a full bench — Judges Leon, Kumleben and Nienaber — in the Natal Supreme Court in Maritzburg this week.

Mr Kentridge was appearing on behalf of four newspaper groups — Natal Newspapers, Natal Witness, Argus and SAAN. The respondents were the State President, the Minister of Law and Order and the Commissioner of Police.

The applicants aver that the emergency regulations make it virtually impossible for them to publish newspapers without committing a criminal offence or without the newspaper being seized.

## Postponed

They ask the court to declare the relevant regulations to be ultra vires, and so relieve them of a burden which is described as intolerable.

Mr Kentridge had not yet concluded his argument on Tuesday when the matter was postponed until Monday of next week. Counsel for the respondents will re-

By JOEL MERVIS

former editor of the Sunday Times who attended this week's court case in Durban as an observer



ply next week. Since Mr Kentridge, so far, is the only counsel to have addressed the court on the merits, his submissions form the basis of this report.

Before we come to Mr Kentridge's comments on the relevant regulations, it is important to know and understand the legal basis on which the regulations are being attacked, and the legal basis on which the court is being asked to declare them ultra vires.

The State President's authority to make emergency regulations derives from the Public Safety Act. It empowers him to make "such regulations as appear to him to be necessary or expedient for providing for the safety of the public or the maintenance of public order".

It is common cause that the court has no power whatsoever to review or pronounce upon the validity of an Act of Parliament. What, then, is the position of regulations promulgated under the authority of an Act of Parliament?

The Public Safety Act, on the face of it, specifically provides that no court shall be competent to inquire into or give

judgment on the validity of any emergency regulation. Yet recent cases indicate that our courts, in what might look like open defiance of the Public Safety Act's specific prohibition, are not only inquiring into the emergency regulations, but have actually declared some of them to be ultra vires. What is the legal basis for this apparent anomaly?

When Parliament delegated power to the State President to make emergency regulations he became what is known in the (legal) trade as a "subordinate authority".

He is "subordinate" in the sense that while Parliament is free to legislate in any way it likes, the State President's powers are limited or restricted — and to this extent: He may not go beyond the powers or exceed the authority given to him by Parliament.

## Outside powers

The courts take the view that, as the State President's powers are limited, the courts have the right to examine whether those powers have been exceeded or not.

In what way, then, if any, could the State President have gone outside his powers in those emergency regulations which affect the press? According to counsel, the State President exceeded his powers in a number of respects. It was submitted that, in law, the State President, who exercised authority under powers delegated to him, could not in turn delegate that power to others.

Yet this was done, it was submitted, in a number of regulations. In the matter of reports of news about the "Force" (i.e. Police, Defence, etc) the Commissioner of Police or any other commissioned officer without furnishing reasons and without hearing any person, is authorized to issue orders he considers appropriate.

Counsel submitted that, apart from its vagueness and its comprehensive scope, which went far beyond emergency matters, the State President, who was himself fettered by the Public Safety Act, was giving unfettered power to the Commissioner of Police and to an unknown number of commissioned officers.

In effect, the purposes for which the commis-

make orders, it was submitted, go far beyond those which authorize the State President to make regulations. The State President had no authority to delegate such authority.

A further defect in the regulation giving powers to the commissioner was the fact that "the opinion of the commissioner" is brought into the regulation. In so far as the regulation could be made valid, the commissioner should be given specific authority. "The opinion of the commissioner" should not be the authority. Counsel submitted that the regulation, for the most part was void, so unreasonable and so uncertain that it could never have been contemplated by Parliament.

## Photo

Some of the press regulations invited these further descriptions from counsel: Breathtaking in its scope; vague beyond comprehension; a morass of uncertainty; a complete blackout on information, riddled with uncertainty, so wide that it deals with matters that have nothing remotely to do with the emergency.

How, asked Mr Kentridge, in dealing with a particular regulation, can anyone take a photo (as the regulation puts it) "of any conduct of a Force regarding the maintenance of the safety of the public?" The provision was meaningless.

One of the far-reaching regulations makes it an offence to possess a subversive statement. The regulation makes no sense. Newspaper libraries, and other libraries, were filled with subversive statements. A reporter might report a subversive statement, and show it to his editor, who would decide not to publish it. But they were transgressors because they were "in possession" of it.

## Oppressive

Regulation 11 earned Mr Kentridge's greatest scorn. It is the clause which allows a paper to be seized if, in the opinion of the minister, it contains subversive matter. I understand Mr Kentridge to say that Regulation 11 was riddled with inequities. He pointed out the enormous loss, running possibly to hundreds of thousands of rands, which a paper might suffer if it were "seized," for an alleged transgression, to be found only in the mind of the minister.

The regulation was so gratuitously oppressive, counsel contended, that it could never have been contemplated by Parliament when it delegated its powers — further evidence, if it were needed, of the extent to which the State President had exceeded his powers.



Mr Sidney Kentridge

In any event, if a paper was seized because "in the opinion of the minister" it had transgressed, how could one conduct a newspaper on the basis of what someone else's opinion might be? It was clear, he said, that some of the regulation was ultra vires.

The hearing continues on Monday. When Mr Kentridge finishes his argument the court will hear Mr J Conradie SC, representing the State President, and Mr P Combrink SC, representing the Minister of Law and Order and the Commissioner of Police.



200 at 327

## venue for UDF rally

Staff Reporter

DESPITE a banning order issued in terms of the emergency regulations, about 200 people gathered outside the Hanover Park Civic Centre last night but found that no United Democratic Front rally would be taking place.

After the meeting was banned the UDF applied for an interdict, but the hearing was postponed.

People started arriving about 7.15pm but found access to the hall barred. People who had gathered near a bus stop had to leave the area after actions were taken which cannot be reported in terms of the emergency regulations.

● UDF 'won't honour emergency', page 7



# Brigadier Swart tells court UDF 'will not respect the emergency'

Staff Reporter

THE divisional commissioner of police for the Western Cape, Brigadier C A Swart, claimed in the Supreme Court that the United Democratic Front would not respect the state of emergency.

He was opposing an application by the UDF yesterday for an order setting aside his ban on a meeting planned for last night in Athlone.

The application was postponed indefinitely by agreement between the parties and the meeting was cancelled.

## RESISTING

Brigadier Swart said the UDF would not respect the emergency.

An example of UDF actions was a pamphlet entitled: *We Will Not Be Silent* which contained the words: "We are devising new and creative ways of resisting the emergency."

Brigadier Swart said he had to consider whether law and order and public safety would be endangered by the meeting.

## TRAFFIC STOPPED

He decided the ban was necessary after taking into account events at previous UDF meetings.

He said that on March 11 in Claremont windows were broken and traffic stopped after a meeting.

In April and May in Mitchell's Plain, Bonteheuvel and Elsies River, contraventions of the Internal Security Act allegedly took place and on May 25 in Mitchell's Plain Mr Moegsien Abrahams was pointed out at a meeting as a police informer and was later found dead.

## ARRANGEMENTS

UDF Western Cape secretary Mr Trevor Manuel said in papers that arrangements for the Athlone meeting included steps to ensure public order and safety were not jeopardised.

UDF criticism of the Government, the call for the release of Mr Nelson Mandela and the unbanning of the African National Congress would be discussed.

Brigadier Swart had exercised his authority in terms of the emergency regulations "in an arbitrary and capricious manner", said Mr Manuel.



# UDF 'will not honour emergency'

By SHAUNA WESTCOTT  
Supreme Court Reporter  
THE Divisional Commissioner of Police, Brigadier Chris Swart, believes that the United Democratic Front "will indeed not honour the state of emergency," the Supreme Court learned yesterday.

Brigadier Swart's opinion was expressed in an affidavit opposing an urgent UDF application for an order overturning a ban on a UDF meeting scheduled for yesterday in Hanover Park.

Papers filed earlier by the UDF said they had taken adequate precautions to ensure order and safety at the meeting and conformity to the requirements of the state of emergency.

Brigadier Swart said his opinion that the UDF would not "honour" the emergency was supported by a UDF pamphlet obtained by police 14 days ago and headlined "We will not be silent". The brigadier said he wished particularly to refer the court to a paragraph in the pamphlet which said the UDF was "devising new and creative ways of resisting the emergency".

Denying that he had exercised his discretion in an arbitrary, capricious or grossly unreasonable way, the brigadier said what he had had to consider was whether the safety of the public, maintenance of order and termination of the emergency would be endangered if the gathering were allowed. He had weighed the following:

● On March 11 after a UDF meeting in the Claremont Civic Centre "about 350 youths streamed out into Main Road and brought traffic to a halt for about 30 minutes". The windows of six businesses in the area were broken.

● On April 6 in Mitchell's Plain, on May 4 in Bonteheuwel and on May 18 in Elsie's River there were UDF meetings "where it is alleged infringements of the Public Safety Act took place through incitement to deeds of violence, furthering the aims of the banned ANC and causing or encouraging hostile feelings between different population groups".

● On May 25 at the Westridge Community Hall in Mitchell's Plain, Mr Moegsten Abrahams was pointed out as a police informer and followed out of the hall by members of the audience. His body was found nearby soon afterwards and a murder charge is being investigated.

Mr A M Omar, for the UDF, asked that the application be referred to the Fourth Division for hearing at a later date.

Mr Acting Justice G Hofmeyr presided. Mr Omar was instructed by E Moosa and Associates. Mr C Y Louw, instructed by the State Attorney's Office, appeared for the brigadier.



# Teacher held for 'Freedom Day' stickers

CAPE TIMES 14/8/86

229 37 Supreme Court Reporter

AN ATHLONE high school teacher was detained after police decided stickers he was carrying advertising June 26 as "Freedom Day" were inflammatory, the Supreme Court learned yesterday.

Alexander Sinton Senior Secondary teacher Mr Dehran Swart was arrested and detained after midnight on June 26 — the 30th anniversary of the adoption of the Freedom Charter in Kliptown. A friend, final-year medical student Mr Aadil Moerat, was also detained, but has since been released.

An application for Mr Swart's release — citing the Minister of Law and Order, the Minister of Justice, the Commissioner of Police and the Officer Commanding Victor Verster Prison — was yesterday postponed by agreement to August 22.

An affidavit filed by Mr Swart said he and Mr Moerat had been given about 50 stickers each by a youth they did not know. The stickers said "June 26th — Freedom Day — The people shall govern".

On the way home they were detained by a Sergeant Marx and a Constable Pas.

Police also searched his home and confiscated 102 items, mainly publications, but including a few UDF and End Conscription Campaign T-shirts.

He said he was a member of the Western Cape Teachers' Union but not of any other political, cultural, trade or sporting organization. Furthermore, the papers and T-shirts were not unlawful.

An affidavit filed by Sergeant Andre Marx said he had come to the conclusion that the stickers, publications and T-shirts were "inflammatory material".

Mr Acting Justice G Hofmeyr presided. Mr S Desai, instructed by Esau and Adams, appeared for Mr Swart.



# Tambo quotes: SAAN pays R300

**Own Correspondent**  
JOHANNESBURG. — An admission of guilt fine of R300 has been paid by SAAN — owner of the Cape Times — for the publication of quotations of the president of the African National Congress, Mr Oliver Tambo.

But the board of directors of South African Associated Newspapers still firmly believes that "the public has a right to know and it is important that South Africans be aware of the policies of the ANC and what is said by its leaders".

"Without adequate information, informed judgements cannot be made," it said in a statement yesterday.

The Editor of the Cape

Times, Mr A H Heard, was originally charged with contravening the Internal Security Act by quoting Mr Tambo in an account of an interview with him in London. This was published on November 4 last year.

After several postponements, the charge, for which imprisonment is the only punishment, was withdrawn and the company was issued with a summons.

The SAAN statement said:

The Cape Times, on November 4, 1985, published an account of an interview which the president of the ANC, Mr Oliver Tambo, gave to its

♦♦♦♦  
To page 2

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**From page 1**  
editor, Mr A H Heard, in London.

In terms of legislation at present in force, Mr Tambo is one of a number of people whose statements and utterances may not, without permission of the minister, be quoted by anyone.

Mr Heard was arrested in his office and brought before the magistrate in Cape Town on a charge of contravening a provision of the Internal Security Act for which imprisonment is the only permissible punishment.

After a number of postponements, over many months, the charge against Mr Heard was withdrawn by the Attorney-General.

The company then received a summons alleging that it was responsible for the offence under the Internal Security Act. An admission of guilt fine of R300 was fixed.

The board of directors decided that the company should pay the fine rather than contest the matter.

Portions of what Mr Tambo was quoted by the Cape Times as saying have already been published, in one form or another, in South Africa.

Only recently, the government itself issued a brochure containing a selection of quotations from statements of leaders of the ANC. But neither the reader of the government's brochure nor the ordinary informed member of the South African public can establish, from the actual sources readily available in South Africa, exactly what is being said by the ANC and its leaders.

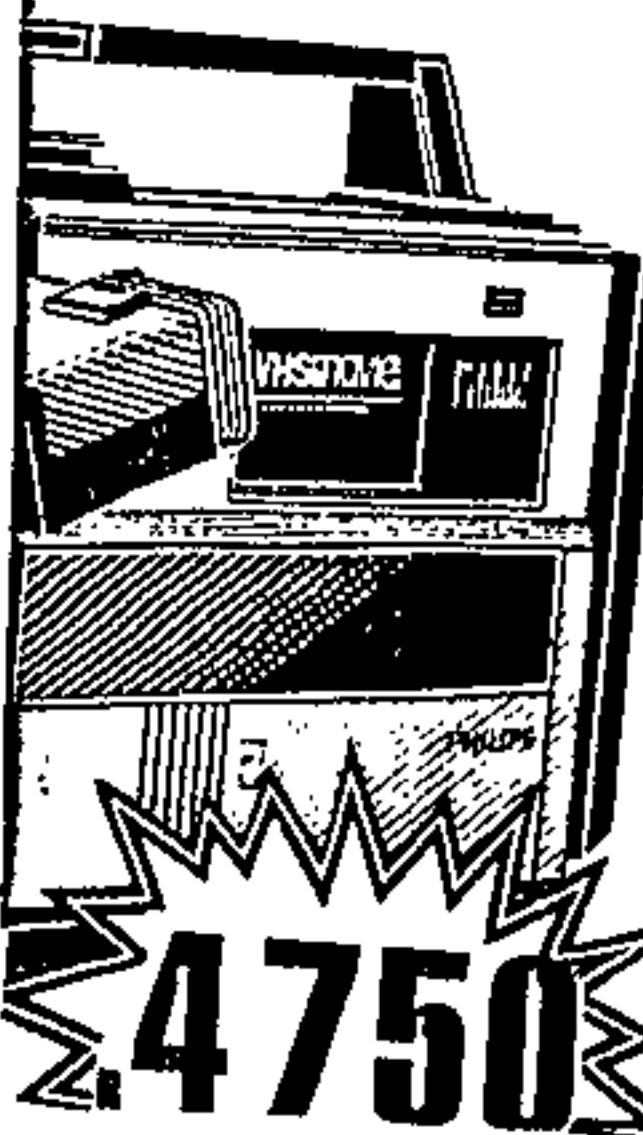
The board holds fast to the view that the public has a right to know and it is important that South Africans be aware of the policies of the ANC and what is said by its leaders. Without adequate information informed judgements cannot be made.



PHILIPS

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# Oram plea for detained DV 3

**Dispatch Reporter**  
EAST LONDON — Judgment was reserved in the Grahamstown Supreme Court yesterday in a case in which the Bishop of Grahamstown, Bishop Kenneth Cyril Oram, sought the release of three Duncan Village Anglican Church officials detained under the State of Emergency since June 13.

In papers before the court, Bishop Oram said that Canon Bernard Ndlwana, churchwarden Colbert Lubelwana and church secretary Sister Florence Solomon had been detained in terms of regulation 3 of the emergency regulations.

The respondents were cited as the Minister of Law and Order, the Commissioner of Police and the head of the South African Security Police in East London.

Bishop Oram said in an affidavit: "I cannot believe that the member of the force who detained them could have known of their qualities and the invaluable services which they have rendered to the community in which they reside.

"It is incomprehensible that any right-thinking individual could legitimately have formed the opinion that their detentions were necessary for the maintenance of public order and those responsible for their arrests and detention could not properly have applied their minds to the facts."

Bishop Oram said Mr Ndlwana was a man of peace, one of the most highly thought of clergymen in the diocese who had been elected to his canonry by election of various political persuasions, both black and white.

"While in England this year, I met people with whom Canon Ndlwana had stayed while he was overseas. They were amazed at the fact

that he had been detained, for they had known him to a man of God and not a political activist.

"While studying in Britain, Canon Ndlwana stated publicly his opposition to sanctions against South Africa because of the sufferings that sanctions would cause to fellow blacks," Bishop Oram said.

He added that he had appointed Canon Ndlwana this year to certain duties in a white congregation at St Saviour's Church in East London so he could be a "bridge-builder".

Turning to Mr Lubelwana and Sister Solomon, Bishop Oram said the two were communicant members of the church who had shown themselves to be devout Christians, with compassion for their fellow men.

Captain Charles Edward van Wyk of the South African Security Police, East London, who filed the replying papers on behalf of all the respondents, said he had been in charge of a special police unit known as the Unrest Investigation Team which was involved in curbing unrest in East London.

He said he had caused the detention of the three people but denied that he could not have been of the opinion that their detention was necessary for the maintenance of public order.

Captain Van Wyk said all three were being held in the Fort Glamorgan Prison, East London.

He said Mr Lubelwana was a member of the Duncan Village Residents' Association DVRA and at the time of his detention was treasurer of the Bebelela area committee of the DVRA.

Referring to the DVRA as an "alternative government" structure, Capt Van Wyk said

the purpose of "alternative structures" was to supplant government structures throughout the country as a vital part of the revolutionary strategy to overthrow the existing system of government in South Africa.

Capt Van Wyk said he believed that the DVRA was an "alternative structure" of the ANC.

Before the declaration of the state of emergency, the DVRA had succeeded in driving out all community councillors in Duncan Village, he said. Members of the DVRA were responsible for the enforcement of stay-aways and consumer boycotts, accompanied by widespread intimidation.

He said Mr Lubelwana, as a treasurer of the DVRA, had been actively involved in ensuring that residents of Duncan Village did not pay their rents to the legally constituted authority, but to the DVRA instead.

Capt Van Wyk said Sister Solomon was also a member of the DVRA and secretary of the Duncan Village Proper area branch committee.

He said the Duncan Village Proper area was one of the best organised areas under the DVRA and that most incidents of stone-throwing, burnings, necklaces and "people's courts" came from that area.

Capt Van Wyk said Canon Ndlwana was the vice-chairman of the Egesini area branch committee of the DVRA. He said the Egesini branch committee meetings were held in the church buildings of which Canon Ndlwana was in charge.

Mr Justice Kroon was on the bench. Advocate I. G. Farlam, SC, assisted by advocate S. Cole instructed by Mr N. N. Dullabh and Mr H. Lalla, appeared for Bishop Oram. Advocate J. J. Neppen, SC, assisted by advocate J. Froneman instructed by Whitesides firm of attorneys, appeared for the respondents.



AS part of an unusual trade-off with police, five University of Durban/Westville students handed themselves over for detention on Tuesday.

Brigadier J C van Niekerk, head of the Natal Security Police, confirmed that Vasu Gounden, Arnold Hansrajh, Max Moodley, Links Governder and Kumiran Naidoo were being held in terms of the Criminal Procedure Act, which allows for only 48-hour detention, instead of the Emergency regulations, as part of the deal.

The five were released on R500 bail each yesterday afternoon. They have been charged with malicious damage to university property, holding an illegal meeting and violating the Emergency regulations.

Tuesday's arrests followed negotiations between a Students' Representative Council-organised

# Campus detention-by-barter

By ALLISON GILLWALD

Bhagwandeem, said: "The police have been very co-operative and have assured us they will conduct their investigations as quickly as possible."

An SRC member confirmed Wednesday that Security Forces had left the campus and three of the 10 students held originally had already been released.

But, he added, the SRC had received a notice on Tuesday of a new ruling by the divisional commissioner banning further public meetings.

Confirming the deal, Van Niekerk cautioned that the agreement was dependent upon the SRC giving a

written guarantee that they will influence the students to carry on with their studies, recognise the State of Emergency regulations and comply with them, and resist damage to property.

The university has been the scene of simmering dissent since the Emergency was declared on June 12. There have been class boycotts and a mass meeting of several thousand students took place in June in defiance of Emergency regulations.

Addressing the student meeting on Monday before handing himself over, SRC president Gounden said while the SRC had attempted to restore order by calling for students to end the boycott

delegation of prominent community members, parents and two University Council members and the Divisional Commissioner of Police, Brigadier JA Botha, and Van Niekerk to secure the release of 10 detained students and the withdrawal of the Security Forces from campus.

The students then agreed to give themselves up on condition:

① A student meeting on campus was authorised by the Commissioner;

② No student would be detained before he or she had a chance to address the student body, and

③ SADF troops would be withdrawn from campus.

A lawyer acting for the SRC, Rabbi

and return to lectures at the beginning of the term two weeks ago, the troops' presence since then, especially the 24-hour road block, and the videoing of students by Security Police crews had been extremely disruptive.

He also condemned the University Council as being a "spineless body", which had failed to represent the students' interests in a situation that might have resulted in a bloodbath.

The university rector, Professor Jaap Greyling, said the University Council had not pursued the approaches made to it to secure the release of detained students because it had felt constrained by the State of Emergency.

"There is nothing I can do to stop the army, with its teargas, guns and Casspirs, from coming on to campus if they wish to."



## APARTHEID BAROMETER

### STATE OF EMERGENCY DETENTIONS

THE government refused to release the numbers or names of people detained under the Emergency regulations. However, three monitoring groups, the Detainees' Parents Support Committee (DPSC), the Wits University-based Community Research Group (CRG) and the Progressive Federal Party's Missing Persons Bureau, estimate the total number of people detained so far to be over 10 000.

The DPSC lists the names of some 4 004 detainees, a decrease of about 600 since last week. The groups hardest hit are community and political activists, followed by students, scholars and teachers.

The DPSC bases its estimate of the total number of detentions on this list of 4 000 names, two known incidents of mass detentions which netted some 1 500 people (whose names are not known) and estimates of the number of unknown detentions.

There are indications, however, that these figures may be overly modest. For example, the DPSC lists about 20 detentions in Worcester. There have been unconfirmed reports that over 150 people were held there in the first day of the Emergency. Similiar reports have been received from other small towns, notably Parys and Klerksdorp (where the DPSC lists only 20 detentions).

The PFP said it had the names of about 5 700 detainees by July 30. According to a report released by the CRG last week, an average of 1 535 people have been detained per week during the Emergency, or 219 per day. This means an average of nine detentions every seven minutes. According to the CRG's analysis, 74 percent of the detainees are from political, community and educationally-based organisations, 18 percent are trade unionists and eight percent are from other organisations. The United Democratic Front has accounted for 69 percent of the affiliated detainees, with the National Forum having five percent of the total and 26 percent belonging to unaffiliated groups.

If the figure of 10 000 people having been detained under the Emergency is correct, it means that a total of nearly 13 000 people have been detained so far this year — more than the total for the whole of last year and 13 times the 1984 total.

### DETENTIONS BY ORGANISATION





BAKING AND

Parties

Area

Footnotes

1. Overtime

2. Additional Allowances - B

3. Annual Leave

# Judges contradict Court's release of UDF detainee

Pietermaritzburg  
Bureau

A FULL Bench of the Natal Supreme Court in Pietermaritzburg yesterday found that Durban judges had incorrectly interpreted a State of Emergency regulation when they freed the

United Democratic Front publicity secretary Lechesa Tsenoli on Monday.

This finding was made during a reserved judgment in which an application for the release of emergency detainee Mr Peter Kerchof was refused.

On Monday the Supreme Court, Durban, ruled that Emergency Regulations 3 (1) and 3 (3), relating to detention and continued detention of persons held under the emergency, were invalid and that Mr Tsenoli's detention was unlawful and without effect.

The Tsenoli judgment, against which the State has appealed, resulted in a flood of urgent applications by emergency detainees for their release. Nineteen applications were withdrawn in the Pietermaritzburg Supreme Court following yesterday's ruling.

## Intended

In a 50-page judgment yesterday, Mr Justice Kriek, Mr Justice Thirion and Mr Justice Law said Parliament had intended to confer on the State President the power to make regulations to deal effectively with a situation where the safety of the public or the maintenance of public order was seriously threatened and where the ordinary law of the land was inadequate to enable the Government to ensure the safety of the public or to maintain public order.

The Judges found that the Supreme Court, Durban, had put an incorrect con-

struction on Section 3 (1) (a) of the Public Safety Act No 3 of 1953.

They said Parliament was not content (in Section 3 (1) (a) of the Public Safety Act) to confer on the State President the power to make regulations relating to specific matters and within defined limits.

'It went much further. It employed a special form of words. By empowering the State President to make "such regulations as appear to him to be necessary or expedient" for the achievement of the objects or for dealing with the circumstances mentioned in the section, Parliament conferred a far reaching discretion on the State President.'

Commenting on the interpretation of the Full Bench in the Tsenoli judgment, the Judges said in their view it 'largely frustrates the object for which the State President is empowered to make regulations'.

Prof S A Strauss of Unisa said from Pretoria last night that although the Pietermaritzburg decision applied to the whole of Natal, the decision taken on Monday by the local bench in Durban created an exception.

When asked whether Mr Tsenoli faced being re-detained in terms of the Pietermaritzburg Court's findings, Prof Strauss said: 'That will depend of course on where he finds himself — in Durban or Pietermaritzburg.'

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ed today in an expression of concern at the emergency regulations and detention of staff and students.

In general assemblies held simultaneously at the universities of the Witwatersrand, Cape Town and Natal, students and academic and non-academic staff, as well as members of the senates and councils, gathered "in response to the national crisis", as a UCT spokesman put it. The action was endorsed by Rhodes University and the University of the Western Cape (UWC).

At Wits, the various university constituencies gathered in the Great Hall on campus to hear one of the strongest protests at Government actions ever to come from the "open" universities.

Vice-Chancellor and Principal Professor Karl Tober read a statement endorsed by the heads of the three top English universities and the Vice-Chancellors of Rhodes and UWC.

"We are deeply concerned that the principles of justice have been subverted" in relation to the emergency regulations, the statement read. "It is our view that the current crisis is a product of the delay in extending basic political and civil rights to the majority of the population."

It said violence had escalated and black education had become a "symbol and a cause of most serious social unrest".

"We are concerned that what is happening in South Africa is affecting not only students, but also the careers of thousands of schoolchildren."

"Pupils in large numbers have been detained, and regulations recently announced by the Department of Education and Training have had a profoundly negative effect on schools which feed our universities."

"The education of our prospective students has thus been placed in jeopardy."

Professor Tober made a plea for "all to desist from violence", and for the Government to lift the state of emergency, release or charge all detainees, lift the curbs placed on the free flow of information, and "address the problems in black education immediately and imaginatively".

The university heads pledged their support to "reasonable, rational and non-violent attempts to establish democracy, academic freedom, freedom of association, freedom of speech and the rule of law in this land".

### Information

"And we declare that, notwithstanding the emergency, we will, to the best of our ability, continue to provide a forum for the exercise of critical thought and the transmission of information in the service of the wider community."

Before reading the statement to the assembly, which many attended in formal academic dress, Professor Tober said the "draconian provisions of the emergency regulations are an attempt to resolve, by force, the problems of South Africa, problems which require the repeal of the apartheid legislation and the security laws that are designed to maintain it."

He said these problems required the "negotiation of a new, just and democratic constitution built on the rule of law and the protection of human rights".

By Claire Robertson

# English-language universities take strong stand on security detentions

# United emergency protest

30/11/86



ARGUS 15/8/86

# Appeal court ruling needed on emergency

327

**T**WO opposing rulings by full benches of the Natal Supreme Court on the emergency regulations will have to be sorted out by the Appeal Court.

The legal situation could become even more complex when another Full Bench of the Natal Supreme Court on Monday continues hearing an application by English-language newspaper groups.

The court is expected to rule on the same points of law to the two judgments handed down this week. Its ruling will inevitably contradict one of the full-bench judgments.

And there is even confusion as to when the Appeal Court, the highest court in the land, will hear the matter.

Reports that it could hear the matter as early as next week, have been discounted.

It is understood the Appellate Division views the appeal as a matter of urgency and plans to hear it at the soonest possible date.

But by yesterday, the registrar in Bloemfontein had not yet received any official notice of the appeal.

Some lawyers believe it could take at least six weeks to come to court, while others say the Chief Justice could step in and hear the matter urgently.

This affects the situation of detainees in the Transvaal, where counsel agreed to hold off applications pending the outcome of the appeal.

**T**HE first judgment, by a Full Bench of the Supreme Court sitting in Durban, declared certain clauses of the emergency regulations



THE  
LAW

invalid. The effect was that detainees held under these clauses were being detained unlawfully. But this judgment was yesterday neutralised by a second Full Bench sitting in Maritzburg, which found the regulations to be valid.

The two judgments now stand side by side and both carry equal persuasive power, because they are full bench decisions in different divisions.

A single judge must abide by the full bench decision in his division. This could mean they are forced to come to opposite decisions.

**I**N the meantime, there is concern that urgent applications for the release of emergency detainees brought to the Rand Supreme Court are being delayed while awaiting the outcome of the appeal.

At present, the position is that applications of this nature can still be brought to court. The presiding Bench would be free to go along with either of the Natal deci-

sions, which carry equal persuasive value.

"The status quo has been returned to Natal — it is as if there had been no judgment at all," the chairman of Lawyers for Human Rights, Mr Jules Browde said. The second judgment did not mean that the first was wrong. "It will have to be decided by the Appeal Court."

Legal academic, Professor Dion Basson of the University of Pretoria said: "Both contradictory judgments would be valid in terms of authoritative value. The Appeal Court must decide on this law point to bring to an end the uncertainty."

Both judgments have persuasive power, according to the president of the Association of Law Societies, Mr Roger Cleaver. "This is clearly not a satisfactory situation and the sooner it comes to the Appeal Court for a definitive ruling, the better," he said.

The effect of the first judgment would probably be felt only in the Durban area, while the second decision would stand in greater Natal, he said.

This is because a single judge is bound by a full bench decision in his area.

The Natal Supreme Court will be required to decide on the same points of law for a third time in two weeks when the application by English newspaper groups is resumed on Monday. The newspapers also seek to have certain clauses of the emergency regulations declared invalid.



## Natal Bench 'incorrectly interpreted regulation'

MARITZBURG — A full Bench of the Natal Supreme Court here yesterday found that Durban judges had incorrectly interpreted a state of emergency regulation when they freed the UDF publicity secretary, Mr Lechesa Tsenoli, on Monday.

The finding was made during a reserved judgment in which an application for the release of emergency detainee Mr Peter Kerchhof was refused.

On Monday the Supreme Court, Durban, ruled that emergency regulations 3 (1) and 3 (3), relating to the detention and continued detention of persons held under the emergency, were invalid and that Mr Tsenoli's detention was unlawful and without effect.

In a 50-page judgment, Mr Justice Kriek, Mr Justice Thirion and Mr Justice Law said Parliament had intended to confer on the State President the power to make regulations to deal effectively with a situation where the safety of the public, or the maintenance of public order, was seriously threatened and where the ordinary law of the land was inadequate to enable the Government to ensure the safety of the public or to maintain public order.

Parliament must have contemplated that such a situation would call for "drastic measures which would necessitate the making of serious inroads into the rights and freedom of the individual to ensure the safety of the public or the maintenance of law and order".

The judges found that the Supreme Court, Durban, had put an incorrect construction on Section 3 (1) (a) of the Public Safety Act No 3 of 1953 in their judgment on Monday ordering the release of Mr Tsenoli.

They said Parliament was not content (in Section 3 (1) (a) of the Public Safety Act) to confer on the State President the power to make regulations relating to specific matters and within defined limits.

"It went much further. It employed a special form of words. By empowering the State President to make such regulations as appear to him to be necessary or expedient for the achievement of the objects, or for dealing with the circumstances mentioned in the section, Parliament conferred a far-reaching discretion on the State President."

Commenting on the interpretation of the full Bench in the Tsenoli judgment, the judges said it "largely frustrates the object for which the State President is empowered to make regulations".

● Urgent applications for the release of 19 Natal people being held in terms of the emergency regulations were withdrawn in the Mritzburg Supreme Court yesterday. — Sapa



# Natal judges clash on reading of emergency regulations

DOMINIQUE GILBERT and  
Own Correspondent

TWO key emergency regulations were thrown into disarray yesterday when a judgment handed down by a full bench of the Maritzburg Supreme Court conflicted directly with the landmark judgment handed down by a full bench in Durban earlier this week.

The earlier judgment, which freed United Democratic Front's Lechesa Tsenoli, and resulted in a flood of urgent Supreme Court applications and the release of several emergency detainees, appears to have been overruled by judges in Maritzburg.

Applications for the release of 19 detainees were immediately withdrawn in

the Maritzburg Supreme Court following yesterday's ruling.

However, Durban lawyers will today press ahead with more than 80 applications based on the Tsenoli judgment.

Lawyers fear that an immediate result of yesterday's judgment — in which emergency detainee Peter Kerchhoff's release was refused — means police are no longer under pressure to release detainees as they have been doing since Monday.

In a 50-page judgment yesterday, Justices Kriek, Thirion and Law said Parliament had intended to confer on the State President the power to make regulations

to deal effectively with the safety of the public or the maintenance of public order where the ordinary law of the land was inadequate.

They found that three Durban judges, Justices Wilson, Friedman and Leon, had incorrectly interpreted in their judgment which was handed down by Justice Milne, that the State President had acted *ultra vires* and emergency regulations 3(1) and 3(3) were invalid.

Parliament must have contemplated

serious inroads into the rights and freedom of the individual would be necessary in order to ensure the public's safety or the maintenance of law and order, they said.

Commenting on the interpretation of the full bench in the Tsenoli judgment, the judges said in their view it "largely frustrates the object for which the State President is empowered to make regulations".

□ The Appeal Court begins its third term today but no date for the State's appeal against the Durban judgment has been lodged yet.

□ The Grahamstown Supreme Court re-

served judgment on an application for the release of the Bishop of Grahamstown, Kenneth Cyril Oram and three Duncan village Anglican church officials.

□ The Congress of SA Trade Unions (Cosatu) said it would decide at a later stage whether to continue with their application involving 22 of their members.

□ The Bureau for Information, commenting for the first time on detainees and court rulings, sent newspapers a telex to say the Durban Supreme Court's declaration on certain emergency regulations "had been declared wrong" by the Maritzburg Supreme Court.



## NUM WAGE DISPUTE

### Amazing omission

The Minister of Manpower's unexpected failure to appoint a conciliation board in the wage dispute between the National Union of Mineworkers (NUM) and the Chamber of Mines means that the union is now entitled to call a legal strike. But the union is considering very carefully its next move.

NUM fulfilled its part of procedure by asking the minister to appoint a conciliation board. Expiry of the 30-day period provided for in the Labour Relations Act entitled the union to go on strike on August 7 — provided, of course, that NUM, which became a registered union earlier this year, first holds a strike ballot.

Approached for comment on the minister's omission, Manpower Director General Piet van der Merwe told the *FM*: "There are certain legal requirements that must be fulfilled, and there must be a reasonable chance that appointing a conciliation board will contribute to the solution of a particular dispute. The minister has full discretion in the matter of conciliation boards and we never give reasons for his decisions."

But talk in mining circles this week was that the Manpower Department simply fluffed the issue, and failed to appreciate fully what the consequences of its inaction would be. Bitter allegations were also made that the department botched the application earlier by classifying it as an unfair labour practice instead of a wage dispute.



**Minister Du Plessis . . . failure to appoint conciliation board**

Nevertheless, NUM does not at present appear to be intent on rushing into strike action. Says its press officer Marcel Golding: "We obviously expected the board to be appointed. Now we will have to convene appropriate structures in the union to decide upon our course of action."

The dispute was declared at the stage when NUM had dropped the wage compo-

nent of its demand from 45% to 30%, and the chamber was offering to increase the minimum wage rates of workers in the lowest and highest job categories by 20% and by 15% respectively. The union may well feel that it can squeeze more out of the mining houses. If so, there would be little point in precipitating industrial action — especially as its right to strike means it would have a distinct advantage over employers if negotiations are re-opened.

## TOWNSHIP RENT BOYCOTTS

### Councillors' arrears

In the wake of the official proposal to evict rent defaulters in black townships, it has come to light that all councillors in Soweto and the six townships in the Vaal Triangle have not paid rent either since the boycotts began.

Paradoxically, the evictions, intended to break the rent boycotts in 30 townships, are co-ordinated by the black councils themselves.

Sustained rent boycotts (see page 59), have cost the State at least R250m in lost rentals (*Current affairs* August 8).

The Bureau for Information has warned: "Services and infrastructure for the benefit of the consumer can only be maintained if rents and service charges are paid by householders." Plans for eviction of rent defaulters have been formulated in many affected townships.

Sebokeng's town clerk, Nicolaas Louw, tells the *FM* that of a total 1 800 eviction orders obtained, only 13 families — three at Zamdela, two at Sharpeville, and eight at Bophelong — were evicted on Monday.

Asked how many of those evicted were councillors, Louw said: "Councillors are not being evicted. They're making arrangements to pay off their arrears. Arrangements by any other person to pay arrears are welcome. We are not saying residents should pay all they owe immediately. They can pay off their arrears in instalments."

Asked what it was doing about councillors' arrears, Soweto housing director Del Kevin said: "I don't want to express an opinion on councillors. After all, they are the elected representatives."

Kevin also explained that her office has drawn up notices warning residents to pay or face prosecution.

Meanwhile, the Soweto Civic Association and other activist groups are jointly distributing a pamphlet, entitled *Asinamali* ("We have no money"). It urges residents to remain steadfast in refusing to pay. It states, among other things, that "an eviction of one is an eviction of all," and calls for boycott of businesses owned by councillors.

It says: "The people of Soweto . . . took a life-and-death decision that we are no longer prepared to finance our own oppression. We won't pay rent; we won't pay salaries of the puppet councils and their police."

## STATE OF EMERGENCY — 2

### Legal breakthrough?

The emergency regulations took yet another legal knock this week with the judgment of the Natal bench of the Supreme Court ordering the release from detention of United Democratic Front (UDF) publicity secretary, Lechesa Tsenoli.

Legal representatives for Tsenoli successfully argued that his detention was unlawful as emergency regulations 3 (1) and 3 (3) conveyed too wide a power on the State President or his nominee and, as such, contradicted the Public Safety Act of 1953, under whose authority the regulations are drafted.

Although the judgment specifically affects Tsenoli and is binding only in Natal, legal representatives for detainees country-wide are planning to flood the courts with release applications on their clients' behalf.

The Congress of South African Trade Unions (Cosatu), for example, was due to bring an application in the Natal Supreme Court on Wednesday for the release of 30 detainees on the grounds of the invalidity of those regulations.

Meanwhile, the State has appealed against the Natal bench judgment, and is bunkering down to defend all similar applications. The appeal is only expected to be heard in about three months, during which time the detainees will remain incarcerated unless their legal representatives can successfully plead on their behalf.

Legal sources also speculated that the Natal judgment could have a bearing on an application by several newspaper publishing groups seeking to have an entire section of the emergency regulations declared *ultra vires*. The publishers are seeking to have regulations seven to 12 declared void and of no force in law.

Legal counsel for the applicants, Sydney Kentridge, SC, is similarly probing the wide nature of the State's powers under the regulations and the competency of the State President's nominees in interpreting and applying them correctly. Inherent contradictions between the regulations and the Public Safety Act also form part of his argument.

The applicants are SA Associated Newspapers (Saan — owners of the *FM*), the Argus Printing & Publishing, Natal Newspapers and the Natal Witness. Argument on their behalf started before the full bench of the Natal Supreme Court in Pietermaritzburg earlier this week.

After the Tsenoli judgment, counsel for the State asked that the hearing be postponed for them to assess the implications. The judges ruled, however, that the matter was so "pressing" for the newspapers that Kentridge should be allowed to proceed with his argument.

An adjournment would be granted at the conclusion of his delivery to enable the State to prepare its case. Judgment is expected in several weeks.



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# Afrikaners must play ball 'in mature way'

By Hannes de Wet

WARMBATHS — Afrikaners still had to learn to play the ball and not the man when they differ politically, Professor Tjaart van der Walt, rector of the Potchefstroom University, told the Afrikaanse Taal en Kultuurvereniging (ATKV) yesterday.

"Afrikaners will always differ. They are 'korrelkoppe' by nature — but we have not yet learnt to do differ from one another in a mature way."

At the annual congress of the ATKV at Warmbaths, Professor van der Walt said he did not expect that the present political divisions between Afrikaners would last forever.

"That is why we should differ in such a way that it will not be too difficult for us to come together again."

## MORALLY WRONG

Professor van der Walt said he believed the Afrikaner was realistic enough to know that he could not keep on governing the country alone — not only because the Afrikaner was in the minority but because it would be morally wrong.

The Government was on the right path, "but I wish they would move a bit faster".

"We have to convince the other population groups that we are sincere and not acting out of fear. We should not be afraid to share power in such a way that it would have also been acceptable to us."

Professor van der Walt said many black youths were militant and they held the unrealistic view that only a little push was needed to topple the Government — so they were not interested in negotiations at all.

The African National Congress wanted to discredit the liberal English establishment because it did not want blacks to be appeased by the liberals, Professor van der Walt said.

327

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## 'Council man not a vigilante'

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A SHOWDOWN is looming between American company General Motors and the National Automobile and Allied Workers' Union over the company's refusal to grant full pay to detained employees.

The union is to seek a mandate on the issue from its membership at General Motors next Tuesday.

The dispute between the two parties revolves round the company's offer of 50 percent wages to employees detained under security legislation.

Naawu has rejected this offer, saying the company's policy "symbolises its support for apartheid."

Five General Motors members are in detention, and their families are being supported by the union.

Naawu is involved in a similar matter with the Volkswagen group, which is offering to pay 75 percent of detained employees' wages and to guarantee their jobs for 180 days. The union is negotiating with the company to improve the offer.

The American Chamber of Commerce and the co-ordinator of the Sullivan Code, of which General Motors is a signatory, have "washed their hands of" the full-pay-for-detainees issue, saying it is a matter between "the company concerned and its employees".

- Some 2 735 unionists have been detained at some time during the state of emergency, according to latest Labour Monitoring Group figures.



327

# EP judge criticises Natal court finding

From KEN VERNON  
The Argus Bureau

GRAHAMSTOWN. — The Natal Supreme Court judgment which invalidated emergency regulations providing for detention has been attacked in the Eastern Cape Supreme Court.

Yesterday Mr Justice Kannemeyer, sitting with Mr Justice Jennett and Mr Justice Jones, criticised the findings of the Natal court during the hearing of an application for the release of six detainees on the grounds that the regulations providing for detention were invalid.

Commenting "with respect" on the Natal judgment, Mr Justice Kannemeyer suggested that the regulations had to be read within the context of a state of emergency situation.

He said the suggestion that a drunken motorist might be arrested under the emergency regulations, as suggested in Natal, did not in his opinion apply because the regulations by definition were meant to be applied in a situation "where the normal laws of the State cannot cope with the situation".

The judge said this meant that there was an inherent limit to the scope of the regulations and suggested that if a policeman did, for example, arrest a drunken driver under the emergency regulations "he would be laughed out of court".

The applicants, who were detained in June in or near King William's Town, are Mr Gareth Damons, Mr Phila Ngqumba, Mr Prince Mhamhe, Mr Mxolisi Fuzile, Mr Brian Osteridge and Mr Mike Loewe.

The respondents are the State President, the South African Government, the Minister of Law and Order, the commanders of the King William's Town, Berlin and Kei Road police stations and the officer commanding the King William's Town prison.

They are asking for an order setting aside emergency regulations 3 (1) and 3 (3) and releasing the detainees, alternatively improving the condition of their detention.

The court heard yesterday that some of the applicants were fed an inadequate diet for almost six weeks and forced to sleep on cold

concrete floors with only thin sheets beneath them.

Mr D de Villiers, for the applicants, argued yesterday that the detentions of the six were also invalid because they had been unlawfully arrested.

He said the term "arrest" as defined in common law entailed the obligation to inform the arrested person why he was being arrested.

None of the detainees had been told why they were being arrested, only that they were being arrested in terms of the state of emergency regulations.

Mr de Villiers argued that regulations 3 (1) and 3 (3) were ultra vires and of no force or effect because they were of such a nature that Parliament could not have contemplated such measures when creating the Public Safety Act.

He argued that each and every arrest was by definition different, with different conditions, yet the regulations allowed for the "mindless" detention of any number of people.

(Proceeding).



327 Fin Mail 15/8/86

## STATE OF EMERGENCY — 2

### Abating unrest

The Bureau for Information this week produced statistics to show that the level of "unrest" in the country is gradually declining.

Before the State of Emergency was imposed, political unrest was reaching "very dangerous levels" observed the bureau, which is the only publishable source of information on these matters.

Evidence of that pre-emergency turmoil is contained in the bureau's statistics. They cover incidents since the current cycle of political conflict began in September 1984, to the imposition of the emergency regulations on June 12 this year.

The statistics of violence include the "loss" of some 1 272 schools; 985 business premises; 3 920 private homes; 8 773 delivery vehicles; and 6 850 buses. A total of 3 254 police vehicles as well as 937 SA Police members' homes were seriously damaged or destroyed.

It would be "totally naive" to believe that this escalatory trend would not have continued, said a bureau spokesman. The State of Emergency, however, has brought stability to many areas, saving many lives and preventing the destruction of more property, claimed the bureau.

Some 65 people died in unrest during the

past four weeks — a third lower than the average daily figure for the first five months of the year, it added.

While there were more than 2 500 attacks on the security forces from January to May — nearly 17 a day — attacks had declined by 70% during the past four weeks.

About 228 people had been necklaced this year before the emergency was called; since June 12, however, only 40 had been necklaced, said bureau researcher David Venter.

In the week to August 7, the eighth week of the State of Emergency, 12 people died in incidents of political violence compared with 19 the previous week. The number of people injured, however, rose from 16 to 61, said the bureau.

The Soweto police division reported the highest number of unrest incidents during the eighth week, followed by the Witwatersrand and the eastern Province.

Attacks on security forces decreased from 46 to 25 from the seventh to eighth week; incidents of damage to property, estimated to be around R1,5m, decreased as well.

Since the inception of the State of Emergency, 20,6% of unrest incidents occurred in the eastern Cape; 20,1% on the Witwatersrand; and 17,5% in Soweto. Some 7,7% of the incidents occurred in KwaNdebele; 9,6% in the Transvaal; and 9,1% in the western Cape and Boland.

Since June 12, stone throwing comprised 29,5% of unrest incidents; petrol bomb at-

tacks 23,3%; arson 13,3%; "gatherings" 6,8%; "other" incidents 21,4%; and "robbery" 5,6% of incidents.

According to the bureau, some 70,9% of those killed were killed by black agitators, while 26,6% were killed by security force action. Black agitators caused 60,9% of injuries while security forces were responsible for 22,9%.

Attacks on the security forces were mainly carried out through stone throwing and petrol bomb attacks. Shooting incidents accounted for just under 10%.

The Progressive Federal Party's (PFP) bureau for missing persons estimates that the number of people in detention is probably considerably underestimated and could be as high as 12 000. The number of people known to have been detained since June 12 is 5 900 according to the PFP bureau.

One suggestion that the number in detention far exceeds the known number, comes from figures released by the National Institute for Crime Prevention and Rehabilitation of Offenders, to the Judge President of the Free State. They confirm that 480 people are being held in the Free State. This is over 100% higher than the number of detainees in the Free State known to the PFP.

In other areas, such as the Border, it was "almost impossible" to monitor the scope of detentions where the number detained could be between 800 and 900, instead of the known 264 people. ■



# Appeal court must rule on opposing judgments

Two opposing rulings by Full Benches of the Natal Supreme Court on the emergency regulations will have to be sorted out by the Appeal Court.

The legal situation could become even more complex when another Full Bench of the Natal Supreme Court on Monday continues hearing an application by English-language newspaper groups.

The court is expected to rule on the same points of law to the two judgments handed down this week. Its ruling will inevitably contradict one of the Full Bench judgments.

There is even confusion as to when the Appeal Court, the highest court in the land, will hear the matter.

Reports that it could hear the matter as early as next week have been discounted.

But it is understood the Appellate Division views the appeal as a matter of urgency and plans to hear it at the soonest possible date.

By yesterday, the registrar in Bloemfontein had not yet received any official notice of the appeal.

The first judgment, by a Full Bench of the Supreme Court sitting in Durban, declared certain clauses of the emergency regulations invalid. The effect was that detainees held under these clauses were being detained unlawfully. But this judgment was yesterday neutralised by a sec-

ond Full Bench sitting in Maritzburg, which found the regulations to be valid.

The two judgments now stand side by side and both carry equal weight, because they are Full Bench decisions in different divisions.

An individual judge must abide by the Full Bench decision in his division.

In the meantime, there is concern that urgent applications for the release of emergency detainees brought before the Rand Supreme Court are being delayed pending the outcome of the appeal.

At present, the position is that applications of this nature can still be brought to court. The presiding Bench would be free to go along with either of the Natal decisions.

"The *status quo* has been returned to Natal — it is as if there had been no judgment at all," the chairman of Lawyers for Human Rights, Mr Jules Browde, said. The second judgment did not mean that the first was wrong. "It will have to be decided by the Appeal Court."

A legal academic, Professor Dion Basson of the University of Pretoria, said: "Both contradictory judgments would be valid in terms of authoritative value. The Appeal Court must decide on this law point to bring to an end the uncertainty."

"Both judgments have persuasive power, according to the president of the Association of Law Societies, Mr

Roger Cleaver. "This is clearly not a satisfactory situation and the sooner it comes to the Appeal Court for a definitive ruling, the better," he said.

● Last week's judgment which invalidated emergency regulations providing for detention has been attacked in the Eastern Cape Supreme Court.

Commenting "with respect" on the Natal judgment, Mr Justice Kanne-meyer suggested that the regulations had to be read within the context of a state of emergency situation.

● See Page 4.



DD 16/8/86 327

# Universities call to end emergency

**Dispatch Correspondent**  
**CAPE TOWN** — In a joint statement, the vice-chancellors of five South African universities yesterday called on the government to lift the state of emergency, release or charge all detainees, lift the curbs on the free flow of information and address the problems in black education "immediately and imaginatively".

The statement follows simultaneous university assemblies at noon yesterday at the universities of Cape Town, Witwatersrand and Natal.

The five heads, Professor P. de V. Booysen of the University of Natal, Professor K. Tober of Wits, Professor R. E. van der Ross of the University of the Western Cape, Dr D. S. Hender-

son of Rhodes University, and Dr S. J. Saunders, of UCT said:

"The primary task of a university is the advancement of knowledge by means of teaching and research. In the pursuit of that function, a university has a special responsibility to the community which it serves. It must have access to information about the problems and needs of society, and it must be free to investigate, assess and debate issues according to the dictates of reason.

"We are deeply concerned that the principles of justice have been subverted in relation to the above matters."

Pupils in large numbers had been detained

and the regulations announced recently by the Department of Education and Training had had a "profoundly negative effect on schools which feed our universities", they said.

"It is our view that the current crisis is a product of delay in extending basic political and civic rights to the majority of the population, and that, in this situation, violence has escalated and black education has become a focus, a symbol and a cause of most serious social unrest."

They pledged their support to "reasonable, rational and non-violent attempts to establish democracy, academic freedom, freedom of association, freedom of speech and the rule of law in this land".



# PFP intends making the Govt give answers on emergency

W/E Post 18/8/86 (327) (308A)

CAPE TOWN — The Progressive Federal Party intends lifting the veil of secrecy over virtually every aspect of the state of emergency when Parliament resumes on Monday.

A party spokesman said today it would seek clarification of certain important events which had taken place during the emergency and would press the Government to provide information about detentions and detainees.

The PFP argues it is even more important than previously for the public to know what is going on, in view of State President P. W. Botha's hint this week of a possible early general election.

A PFP law and order spokesman, Mr. Tian van der Merwe, a PFP law and order spokesman, said: "It will be a gross assault on democracy if such a totally uninformed electorate is taken into a general election."

PFP MPs would use their parliamentary privilege to extract information from the Government and make statements about recent events which the public had been prevented from hearing about.

They had already placed a variety of questions about the emergency on the parliamentary order paper.

Political Correspondent Dirk van Zyl writes that the second half of this year's

session will revolve around the passage of further Bills in the Government's constitutional reform programme and the tabling of the long-awaited Margo Commission tax report.

The report is expected to be released by the end of this month and the Government will probably table its response in a White Paper, either simultaneously or soon afterwards.

Far-reaching new tax measures flowing from this could be implemented as early as next year's main Budget.

Possible changes in the Group Areas Act — but not its scrapping — could flow from a President's Council report around October, but

legislation is not expected before next year's session.

On the reform front, there is likely to be a revised National Council Bill.

It is expected that recommended changes to the Group Areas Act could centre on providing for "grey areas" in accordance with the "local option" principle. The Separate Amenities Act may go altogether.

Measures to be dealt with include a second RSC Amendment Bill and other Bills

- providing for a joint executive authority for Natal/Kwazulu

- amalgamating the SA Police and the SA Railways Police.



# State of emergency stabilising the country, says Le Grange

W/le 16/8/86  
Weekend Argus

Correspondent 327

DURBAN. — The Minister of Law and Order, Mr Louis le Grange, said that since the declaration of the emergency unrest had declined and stability was returning.

Opening a new police station at Margate, Mr le Grange

praised the police, who were doing an excellent job in bringing unrest under control.

He said that since the introduction of the emergency unrest had shown a dramatic decrease.

In April there were 2 293 incidents of unrest, 2 645 in May, 1 614 in June and in July the

figure dropped to 793.

Me le Grange said: "From September 1984 to July 1986 1 704 people have been killed in unrest-related incidents.

"Of these, 780 were killed by black-on-black violence, 882 by security force action and 42 members of the security force were killed."

He added that the Government has been criticised in some quarters for introducing the emergency.

"The state of emergency has certainly proved effective in that it has reduced incidents of unrest and stability is returning to the country," said Mr le Grange.



# E Cape curbs on funerals

DD 16/8/86 327

Dispatch Correspondent

PORT ELIZABETH —

Month-long restrictions on funerals were last night imposed on 13 Eastern Cape magisterial districts by the Divisional Commissioner of Police in the area, Brigadier Ernst Schnetler.

The restrictions are effective from today until September 16 inclusive and affect the districts of Port Elizabeth, Uitenhage, Fort Beaufort, Albany, Humansdorp, Hankey, Kirkwood, Somerset East, Bedford, Adelaide,

Alexandria, Cradock and Bathurst.

They include orders that no memorial or commemorative service in connection with the funeral of a deceased person shall be held out of doors and that only an ordained minister of a religious denomination may act as a speaker.

Mourners have to travel from the venue of a memorial or commemorative service to the site of the burial by vehicle and only along routes determined by the Commissioner of Police.

No flags, banners, placards or posters may be displayed at any time during a funeral, no public address systems may be used and the number of mourners is restricted to 200.

Only one person at a time may be buried at a particular service.



# Orders restrict unrest funerals

By Weekend Post Reporter

NEW orders restricting the funerals of unrest victims or people who have apparently died as a result of unnatural causes were issued today by the Divisional Commissioner of Police in the Eastern Cape, Brigadier Ernest Schnetler.

The orders were issued in terms of Regulation 7 under the Public Safety Act 3 of 1953 by proclamation R109 of June 12, 1986.

The orders start today and will be enforced until Tuesday, September 16, in the magisterial districts of PE, Uitenhage, Albany, Fort Beaufort, Humansdorp, Hankey, Kirkwood, Somerset East, Bedford, Adelaide, Alexandria, Cradock and Bathurst.

The orders are for funeral ceremonies, including any memorial service, commemorative service, funeral procession or burial of any person who has apparently died as a result of unnatural causes.

The PE townships where the orders apply are New Brighton, Kwazakele, Zwide, Walmer, Motherwell, Kwamaxaki and Kwadwesi.

In terms of the orders, no memorial or commemorative service in connection with the funeral of a deceased person who apparently died of unnatural causes shall be held out of doors.

Only an ordained minister of a religious denomination or organisation may act as a speaker during any proceedings at any such funeral ceremony.

Persons attending the funeral shall only travel by vehicle from the place where the memorial or commemorative service has taken place to the place where the deceased is to be buried along a route determined by the Divisional Commissioner. No flags, banners, placards, pamphlets or posters shall be displayed or distributed.

No public address system shall be used at or during the funeral ceremony. A particular funeral ceremony shall not be held for more than one deceased person, attended by more than 200 persons or last longer than four hours.



# Crisis law blocks ad

12/8/86  
3.7  
AFTER consulting its legal advisors, the Sunday Times this week reluctantly declined to accept for publication an advertisement submitted by four Soweto community organisations.

Lawyers advised that the advertisement — directed at Members of the Houses of Delegates and Representatives — could have contravened the emergency regulations, thus exposing the Sunday Times to the risk of arbitrary seizure by the police.

The advertisement was submitted by four Soweto bodies: the Parents Crisis Committee, the Civic Association, the Youth Congress and the Students Congress.

A spokesman for SA Associated Newspapers, proprietors of the Sunday Times, said yesterday: "Our decision was taken with great reluctance, since we firmly believe in the right of free expression of opinion."

SUNDAY TIMES  
However, since the seizure of a single issue of the Sunday Times — South Africa's biggest circulation newspaper — would cause us huge financial losses (well in excess of R2 million), our lawyers' advice could not be disregarded."

He said the advertisers are to be asked whether they will agree to amend their advertisement in a manner that would remove any risk of it falling foul of the stringent regulations.

- In the Maritzburg Supreme Court this week, SAAN, the Argus Company and the Natal Witness brought a joint application to challenge sections of the emergency regulations which restrict the media. The case resumes tomorrow.

- Each week since June 12, readers of the Sunday Times have been advised that the newspaper has been censored to comply with emergency regulations.



# THE EMERGENCY

# STATE TRIES TO CLOSE THE EMERGENCY GAPS

CP Correspondent

THE cracks discovered in the government's emergency regulations by the Metal and Allied Workers' Union last month were forced even wider this week by the Natal Supreme Court's ruling that the regulations allowing for arrest and detention were invalid.

Since this judgment - which secured the release of UDF official Lechasa Tsenoli - many releases have taken place and many more individual applications for release are coming to court.

The State has already lodged an appeal against the judgment and the matter could be heard in the Bloemfontein Appeal Court soon.

But before the appeal court could examine the ruling, Law and Order Minister Louis le Grange made his displeasure clear - saying the government did not accept it and would fight every application. He also

hinted at new regulations to close the gaps - possibly to effectively bar any further court-ordered releases.

Among those freed this week were 22 unionists in northern Natal, after the Congress of SA Trade Unions and seven other unions brought an application to the Maritzburg Supreme Court.

Cosatu asked for the release of all 22 because the Tsenoli ruling had set a precedent in Natal. The unions also asked for a number of documents and records to be returned to them.

Union officials claimed the police in northern Natal were not arresting members because they were a threat to the public safety or security, but because the police wanted to get rid of the unions. The officials said their work was totally hampered by the police who had arrested so many of their members, and who walked in and out of the offices as if they owned

them.

Cosatu's Alec Erwin alleged that in northern Natal the police had deliberately left the Inkatha-backed United Workers' Union of SA "unhindered", but had attacked Cosatu in order to "limit its ability to challenge Uwusa".

Cosatu asked the court to order the police to return union documents and records confiscated during raids last month. It also asked the court to stop police harassing them.

Cosatu lawyers were told during an adjournment of the court hearing that the 22 would be released.

The State also agreed to return the union's documents once the police had copied the papers they needed.

Among the unionists released were Willis Mchunu, whose wife - together with Mawu - originally challenged the emergency.

Although she and Mawu won

the right for lawyers to have access to detainees, they lost the challenge for his release.

Lawyers for the 22 said some of them had been served with restriction notices valid until the end of the emergency. However, they could not give any details of the restrictions.

And while lawyers for detainees were flocking to court, a full Natal Supreme Court bench was hearing a new application - by newspapers challenging the validity of government Press restrictions.

Most of the major SA English language papers jointly brought the application in which they argued that the regulations restricting the power of the State President.

Argument has been adjourned until Monday.

Sydney Kentridge, arguing for the newspapers, said the seizure of copies of the *Sowetan* last weekend was

UDF official Lechasa Tsenoli shaking hands with lawyer Malcolm Wallis - while Leonard Gering looks on.



an example of the kind of minefield faced by the Press.

Several editors involved in the application said in court papers that their publications would lose heavily if an edition should be confiscated.

In other developments, the application declared the detention of teacher Dehnan Swart invalid was postponed to August 22.

Swart was detained on June 26 for allegedly possessing subversive stickers.



# Detainees: <sup>(327)</sup>curb lifted <sup>18/8/86</sup> on attorneys' visits <sup>28/8</sup>

JOHANNESBURG — A regulations ultra vires rule restricting visits to detainees issued on June 12 by the Minister of Justice in terms of emergency regulations was repealed on Friday.

One of the provisions of rule 5, repealed by notice in the Government Gazette, was that a legal representative could not visit a detainee without the permission of the Minister of Law and Order or the Commissioner of Police.

A Prisons Service spokesman said in Pretoria the Minister of Justice had scrapped the rule following a recent Supreme Court judgment.

The judgment was given on August 4 in the Rand Supreme Court by Mr Justice Levenson who found the repealed rule and section 3 (10) (a) of the emergency

regulations ultra vires and invalid.

The section forbids access to emergency detainees to all persons "other than the Minister of Law and Order or a person acting by virtue of his office in the service of the state" unless they have permission from the minister or a person authorised by him.

Mr Justice Levenson ruled that detainees had the right to consult their lawyers for the purpose of making representations to the minister for their release.

● Orders have gone out to police stations throughout South Africa to improve the diet of state of emergency detainees, a spokesman for the police directorate of public relations confirmed on Friday.

This follows revelations in the Grahams-

town Supreme Court last week when Mr Justice Kannemeyer undertook to have the matter investigated "by the highest authority".

A full bench hearing of an application by six detainees for their release was told by an expert in nutrition that their diet — dry brown bread, black unsweetened coffee, soup and mealie meal, failed to meet accepted minimum standards of nutrition.

Mrs Joan Huskisson, formerly in charge of the dietetics department at Groote Schuur Hospital and a lecturer at the University of Stellenbosch, said in an affidavit that the diet did not come up to the recommended daily allowance needed to maintain minimum health standards.

She said it could be regarded as a "strict weight reduction diet". — DDC-Sapa



SA political situation to be discussed in Assembly

# Special debate

AF6645

19/11/86

322

By TOS WENTZEL  
Political Correspondent

THE Assembly is to have a special 3½-hour debate on Friday to discuss the political situation.

The debate has been agreed to by the Government and the Opposition Progressive Federal Party.

The leader of the PFP, Mr Colin Eglin, will lead off the debate.

The second part of the 1986 parliamentary session, which started today, is expected to continue for about six weeks.

## Full story

Legislation to be dealt with is mainly technical and the Bill to provide for a consultative national council will not come up.

Mr Eglin said today that the Opposition would carry on trying to get as much as possible of the full story of the state of emergency situation.

He said it was quite clear that the public did not know what was going on.

In international affairs there had been a marked deterioration since the first part of the session.

The state of emergency, while it might produce a facade of peace, was making the real solution to the country's problems more difficult. There was a breakdown of effective management over a wide field.

## Resolving

The National Party's federal congress showed that the party had no real plan for resolving the constitutional problems of the country.

Within the rules of Parliament, the PFP would do whatever it could to focus the public's attention on these issues.

The party had insisted on a general debate to focus attention on the failure of the Government's policies.

After meetings of Natal and Transvaal PFP MPs last week a full meeting of the parliamentary caucus was held today to complete the strategy for Friday's debate.

(Report by T Wentzel, 122 St George's Street, Cape Town.)



*Cape Times 11/11/82*  
**Journalist in London**

Staff Reporter

A CAPE TIMES journalist, Ms Chris Steyn, who has been subpoenaed by a Johannesburg magistrate to answer questions in terms of Section 205 of the Criminal Procedures Act, is in London, the Cape Times has confirmed.

Ms Steyn is due to appear in court this Thursday to answer questions relating to an alleged contravention of Section 27 (b) of the Police Act by three men, one of whom she interviewed in June last year while a reporter on the Johannesburg Star.



# Over 12 800 detained this year - DPSC

By NKOPANE  
MAKOBANE

AN estimated 12 831 people have been detained this year in South Africa and the homelands, according to a report issued by the Detainees' Parents Support Committee (DPSC).

Detentions have been carried out under state of emergency regulations, as well as under existing security legislation.

The DPSC report said since the beginning of this year, an estimated 2 200 people had been detained under security legislation, and of these, about 187 were still being held.

A total of 631 were detained under security legislation during the first state of emergency, but were subsequently released.

An estimated 10 000 have been detained since the second state of emergency was declared, and approximately 8 000 of these are still in custody, according to the DPSC.

"Although a state of emergency was declared on June 12 and huge numbers have been detained under these regulations, detentions under security legislation also continued during June and July.

"These detentions have mainly been carried out under "homelands" security legislation, and under Section 29 of the Internal Security Act. The use of Section 50 for deten-

tions ceased after June 12, being replaced by emergency detention."

Of the known security detentions, 26 people were released within 40 hours and 529 after a longer period. More than 183 were still in detention and 39 were awaiting trial.

Two security detainees died in jail, the DPSC said.

The Eastern Cape had been hardest hit, with 250 people known to have been detained,

while in the Transvaal, there were 240 security detainees.

The largest number of security detainees was community and political workers (227), followed by students and teachers (137). Thirty trade unionists were reported to be held under security laws.

The report said there had also been a steady increase in the number of political trials this year. Trials completed during June and July

have resulted in prison sentences for at least 24 people.

During the same period, at least 56 people were acquitted or had political charges against them withdrawn.

At present, there are 25 people facing charges of treason at trials in Delmas and Johannesburg.

Another 49 trials are in progress relating to other offences.

The report said another step taken by the State has been updating the list of people who may not be quoted — there are 180 listed people, including 23 who are dead.

18/8/86  
SOWETO  
3.27



- (3) whether his Department has received any enquiries from the South African Police in connection with any of these weapons; if so, (a) when and (b) what (i) were the circumstances surrounding and (ii) was the outcome of each case?

**THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING:**

(1) R388 166,33 as at 10 June 1986.

(2) (a) and (b) No.

- (i) and (ii) East Cape Development Board.  
West Cape Development Board.  
Southern OFS Development Board.  
Orange Vaal Development Board.  
East Rand Development Board.  
West Rand Development Board.  
Central Transvaal Development Board.  
Northern Cape Development Board.  
Bloemhof Community Council.  
Wolmaransstad Community Council.  
Leendoringstad Community Council.  
Orkney Community Council.  
Stilfontein Community Council.  
Carletonville Community Council.

(3) (a), (b)(i) and (ii). No.

1123. Mr P G SOAL asked the Minister of Constitutional Development and Planning:

- (1) What was the adult (a) male and (b) female population of Thaba Nchu as at the latest specified date for which information is available;

(2) whether Thaba Nchu is to be included into the Regional Services Council for the Bloemfontein area; if not, why not?

**THE MINISTER OF CONSTITUTIONAL DEVELOPMENT AND PLANNING:**

- (1) The Bophuthatswana Department of Economics and Statistics provided the following statistics in regard to Thaba Nchu:

Population: Adult men: 30 067

Adult women: 34 601

- (2) Not at this stage as Thaba Nchu was not included in the proposed region which the Administrator of the Orange Free State requested the Demarcation Board for Local Government Areas to investigate as a possible region for a Regional Services Council for the Greater Bloemfontein region. In terms of section 4(3)(a)(iii) of the Regional Services Council, 1985 (Act 109 of 1985) it is however legally possible to include an area situated outside the Republic by way of interstate agreement in the area of a Regional Services Council for the rendering of services.

1163. Mr P G SOAL asked the Deputy Minister of Information:

- (1) Whether the Bureau for Information has ruled that the word "draconian" may not be used in media reports during the current state of emergency; if not, (a) who made this ruling and (b) when; if so, (i) on what date, (ii) why, (iii) who took the decision in this regard and (iv) in terms of what regulation was the ruling made;

(2) whether he or members of the Bureau consulted any Government Departments, bodies and/or persons in this regard; if so, (a) what (i) Departments (ii) bodies and (iii) persons, (b) when and (c) what was the response in each case?

**THE DEPUTY MINISTER OF INFORMATION:**

(1) No.

- (a), (b) (i) to (iv) Fall away.  
(2) (a) to (c) Fall away.

**"White minority regime"**

1164. Mr P G SOAL asked the Deputy Minister of Information:

- (1) Whether the Bureau for Information has ruled that the term "White minority regime" may not be used in media reports during the current state of emergency; if not, (a) who made this ruling and (b) when; if so (i) on what date, (ii) why, (iii) who took the decision in this regard and (iv) in terms of what regulation was the ruling made;

(2) whether he or members of the Bureau consulted any Government Departments, bodies and/or persons in this regard; if so, (a) what (i) Departments, (ii) bodies and (iii) persons, (b) when and (c) what was the response in each case?

**THE DEPUTY MINISTER OF INFORMATION:**

(1) No.

(a) and (b) Fall away.

(2) Fall away.

1165. Mr P G SOAL asked the Deputy Minister of Information:

- (1) Whether the Bureau for Information has been informed that a large number of persons were detained at an Anglican church in Eises River on 15 June 1986; if not, from what source does this Bureau obtain information on detentions; if so, (a) how many persons were detained on this occasion, (b) on what date did the Bureau (i) receive this information and (ii) convey it to the media and (c) from what source was the information obtained;

- (2) whether there was a delay in the announcement of this information to the media; if so, (a) why, (b) what was the duration of the delay and (c)(i) who took the decision in this regard and (ii) on what authority was it taken?

**THE DEPUTY MINISTER OF INFORMATION:**

(1) Yes.

- (a) 2 Whites.  
102 Coloured men.  
85 Coloured women.  
(b) (i) 18 June 1986.  
(ii) 18 June 1986.

(c) SA Police.

(2) No.

(a)-(c) Fall away.  
1167. Mr P G SOAL asked the Deputy Minister of Information:

Whether the Bureau for Information has issued any instructions to or made any requests of the SABC in connection with the transmission by satellite of any television film for foreign television networks; if so, (a) what was the purpose of these instructions or requests, (b)(i) when, (ii) why and (iii) in terms of what regulation were they issued or made and (c) how long is it intended that they will be in force?

**THE DEPUTY MINISTER OF INFORMATION:**

No, (a) to (c) Fall away.

**Subversive questions**

1171. Mr P G SOAL asked the Deputy Minister of Information:

Whether the Bureau for Information



# New bid to ease curbs on media

CAPE TOWN — Two key laws curbing the free flow of information have been discussed with the Home Affairs Minister, Mr Stoffel Botha, the Media Council disclosed today.

And in another development which directly concerns what the public can be told, an urgent action brought jointly by South Africa's major English language newspaper groups resumed before a full Bench in the Maritzburg Supreme Court today.

The Argus Company, SA Associated Newspapers, Natal Newspapers and the Natal Witness are challenging six provisions of the emergency regulations which inhibit reporting.

In Cape Town the SA Media Council executive has approved a recommendation by its Free Flow of Information Committee that representations be made to the Government on restrictive clauses in two laws.

These are Sections 27 (b) of the Police Act and Section 205 of the Criminal Procedure Act.

At today's Media Council meeting the committee reported that representations were made to Mr Botha, who undertook to discuss the matter with the Minister of Law and Order, Mr Louis le Grange, and to arrange a meeting between the council and both Ministers.

Section 27 (b) of the Police Act makes it a crime to publish reports on police action which cannot be proved by the publisher.

Section 205 of the Criminal Procedure Act empowers a magistrate, on request by a prosecutor, to summon to court any person who might have information on an alleged crime.

Representations were also made to Mr Botha on Section 15 of the Internal Security Act of 1982, which authorises the Minister of Law and Order to ask for a deposit of R40 000 for the registration of a newspaper.

The chairman of the Media Council's executive, Mr L De V van Winsen, told the meeting today he would in future refuse to attend confidential meetings with the Government unless he were set at liberty to discuss with his colleagues and with editors matters of direct concern to them.

The convenor of the Conference of Editors, Mr Ed Linnington, had queried the propriety of such meetings.

— Sapa

As has been stated elsewhere, by the late 1970's and early 1980's the DEPARTMENT OF COMMUNITY DEVELOPMENT had acquired substantial

This is the area of Melkhoufontein in which we have been most interested; the socio-economic characteristics of the area and its population are discussed more fully under the sections which follow. Only brief comments about its development will be made here. Part Two of this paper has already laid the background of the area's development.

## MELKHOUTFONTEIN LOCATION



# PFP bid to lift veil of secrecy'

327

Eve Post 19/8/86



By DIRK VAN ZYL  
Political Correspondent

CAPE TOWN — The probe by the Progressive Federal Party during the resumed parliamentary session into what it has termed a veil of secrecy surrounding events connected with the state of emergency begins in earnest in the House of Assembly this afternoon.

A number of questions will be formally tabled.

Yesterday afternoon the Minister of Law and Order, Mr Louis le Grange, tabled the names of 8 551 people detained for a month or longer since the declaration of the emergency on June 12.

In terms of the Public Safety Act he was obliged to do so within 14 days but as Parliament adjourned on June 25 — 13 days after the declaration of the emergency — the obligation shifted to the new session with him having to table them within 14

days after the start of the resumed session.

On Friday the Government's handling of the state of emergency will be spotlighted in a special debate to be introduced by the Leader of the Opposition, Mr Colin Eglin.

The PFP leader, who gave notice of his motion in the House of Assembly yesterday, is to launch a wide-ranging attack on the Government and will call on the entire Cabinet to resign. The 3½-hour debate amounts to a mini no-confidence debate.

The leader of the Conservative Party, Dr Andries Treurnicht, said last night that his party would "possibly" propose an amendment.

"We will probably agree with some of Mr Eglin's points of criticism and we are at one with him on the call for the Cabinet's resignation," he said.

The MP for Johannesburg North, Mr Peter

Soal, director of special projects for the PFP, is to ask the Minister of Communications and Public Works, Dr L A P A Munik, in the Assembly today whether telephone services were cut off in any areas on June 16 — the anniversary of the 1976 unrest in Soweto.

If so, Mr Soal wants details including which townships, towns or areas were affected.

The chairman of the PFP's federal executive, Mr Ken Andrew (MP for Gardens), wants to know from Mr Le Grange whether any people handing out leaflets advertising a PFP lunch-hour meeting in the Cape Town City Hall on June 16 were held for questioning by police on that morning.

Mr Andrew also wants Mr Le Grange to inform the Assembly about any order given to the PFP that the meeting could not be proceeded with.



100 days of  
emergency  
but deaths,  
violence  
continue

THELMA TUCH

ONE HUNDRED days ago today President P W Botha declared a national state of emergency.

Since June 12, political violence has claimed 288 lives and at least 15 bombs have exploded, killing six people and injuring 123.

Officially, 9 337 people have been detained under emergency regulations, but United Democratic Front (UDF) spokesman Murphy Morobe said yesterday at least 16 000 people had been detained.

The Repression Monitoring Group said that represented an increase of 269% on the first 100 days of last year's emergency.

Detainees Parents Support Committee (DPSC) figures show that 25% of detainees are members of student organisations, while 55% belong to youth groups.

The Bureau for Information said three people died in unrest-related incidents on Wednesday.

Security police arrested four people after the charred bodies of two men were found in KwaNdbele and a 16-year-old also died.



# Regulations 'uncomfortable but necessary'

N/M 19/8/86  
Pietermaritzburg Bureau (327)

SOME emergency regulations could well be 'unjust and unfair' to certain people and this was the reason that they were not part of the ordinary law of the land, a Full Bench of the Supreme Court here heard yesterday in an application by four English-language newspaper groups challenging emergency regulations affecting the Press.

Natal Newspapers, the Natal Witness, the Argus Printing and Publishing Company and South African Associated Newspapers (SAAN) lodged the application last week against the State President, the Government, the Minister of Law and Order and the Commissioner of the South African police, in which they contest the validity of Regulations 7, 8, 9, 10, 11 and 12.

## 'Unfortunate'

Mr J Conradie SC, for President Botha and the Government, arguing before Mr Justice Leon, Mr Justice Kumbleben and Mr Justice Nienaber, submitted yesterday that the Court has limited powers to intervene on the grounds that the regulations were unreasonable.

He said it was unfortunate that the regulations might be unjust to certain people, but they were necessarily uncomfortable.

'That is why they are emergency regulations.'

Mr Conradie submitted that that did not mean they were unreasonable in the lawful sense.

For example, someone who was subjected to a curfew could well argue that it was inconvenient and grossly unreasonable to a law-abiding citizen.

'This does not mean that in the broad context it would be unreasonable.'

Mr Conradie said it would be difficult for a court to assess the reasonableness or otherwise of the regulations because it did not know the circumstances which prompted the authorities to promulgate the regulations.

If one didn't know the necessity for them, they might well appear to be unreasonable.

He submitted that the Public Safety Act gave the State President the discretion to do whatever he thought was required in the circumstances.

'That is why the powers of intervention of this Court are extremely limited.'

Mr Conradie said the regulations might operate very harshly on newspapers, but he asked at the same time whether the Court was in a position to say they were not necessary.

## 'Vague'

Mr Sidney Kentridge QC, for the newspapers, submitted during his argument, lasting about two-and-a-half days, that the regulations went beyond the powers of the State President, were vague, grossly unreasonable and could not have been envisaged by Parliament.

Mr Conradie contended that if the powers given in terms of the regulations could be validly or invalidly interpreted, there was no prejudice until they were invalidly exercised.

'One cannot challenge the empowering regulations on the basis that perhaps someone might act ultra vires in terms of it,' he submitted.

In answer to an attack by Mr Kentridge on regulations 7, 11 and 12, on the grounds that they gave an undue and unfettered discretion to the commissioner or his delegate to make orders, Mr Conradie submitted that in terms of the 'vast' powers bestowed on the State President, he was entitled to grant this power to the commissioner (or his delegate) if he believed it was necessary.

The hearing continues today.



# Opinion: editors at loss court told

DURBAN. — The real vice of Emergency Regulation 11 was that an editor had no way of knowing what in the opinion of the Minister of Law and Order constituted a subversive statement, it was argued before a full bench in the Pietermaritzburg Supreme Court yesterday.

The argument was heard during an urgent application by the major English-language press groups in South Africa, challenging six of the emergency regulations which have placed severe restrictions on the media.

The Argus Company, South African Associated Newspapers, Natal Newspapers and the Natal Witness have brought the application before the acting Deputy Judge President, Mr Justice Leon, Mr Justice Kumleben, and Mr Justice Nienaber, attacking regulations 7 to 12 and asking that they be declared void and without force and effect in law.

The application has been made on the grounds that in making the emergency regulations, the State President exceeded the powers conferred on him by Section 3(1) (a) of the Public Safety Act no 3 of 1953.

Regulation 11 authorises the minister or a commissioned officer to seize a publication which in their opinion contained a subversive statement or information which they consider may be detrimental to public safety, the maintenance of public order or the termination of the state of emergency.

Mr S Kentridge, SC, QC, for the newspaper groups, argued that the real problem with Emergency Regulations 11 and 12 was that they punished a person by confiscation and an enormous fine without the benefit of a trial.

He said that Regulation 11 allowed the minister or a commis-

sioned officer authorised by him to seize a publication if, in their opinion, it contained a subversive statement even if, objectively viewed, the statement was not subversive or would not be found so by a court.

Mr Kentridge said there was not only uncertainty over what would be subversive in the minister's opinion but also who was to say what would be detrimental to public order.

Mr Kentridge said the Commissioner of Police had not adhered to Regulation 8 when he issued orders relating to the press by telex through the South African Press Association.

He submitted Regulation 8 which dealt with promulgation of orders under the emergency was ultra vires.

The hearing continues. — Sapa



# Term 'white minority regime' not banned

CAB T17/13  
19/8/86  
327

By BARRY STREEK  
Political Staff

HOUSE OF ASSEMBLY. — The Bureau for Information had not ruled that the term "white minority regime" could not be used in media reports during the current state of emergency, the Deputy Minister of Information, Mr Louis Nel, said yesterday.

Nor had the bureau ruled that the word "draconian" could not be used in media reports during the emergency, Mr Nel said in reply to questions tabled by Mr Peter Soal (PFP Johannesburg North).

Mr Soal said he was not satisfied with Mr Nel's "incorrect or misleading" replies.

"For instance, the head of the Bureau for Information, Mr David Steward, said on Friday, June 13, that the bureau took exception to the foreign media referring to the South African Government as 'a white minority regime'.

"Mr Steward said the journalists who did this would 'place their position in jeopardy. We expect the media to play by the rule — tough as they may be. We will not hesitate to take any action against any media which contravene these rules'.

## 'Meaning of words'

"Yet Mr Nel now says that the Bureau for Information had not ruled that 'white minority regime' or 'draconian' may not be used.

"Obviously, one of us does not know the meaning of words and I will take this up with Mr Nel.

"The bureau's performance during the state of emergency has been entirely unsatisfactory and Mr Nel's replies yesterday have compounded the errors of their pathetic display," Mr Soal said.

In his replies yesterday, Mr Nel denied there had been any delay by the Bureau for Information in making an announcement about the detention of two white men, 102 coloured men and 85 coloured women at an Anglican Church in Elsie's River, Cape Town, on August 15.

Mr Nel said the bureau had received the information on the detentions from the police on August 18 and this was conveyed to the media the same day.



# SAMC still waiting for meeting with ministers

By RENEE MOODIE  
THE South African Media Council's (SAMC) "Free Flow of Information" committee made representations early this year to Mr Stoffel Botha, Minister of Home Affairs, for the alleviation of the harsh effects of Section 27 (b) of the Police Act and Section 205 of the Criminal Procedure Act.

However, the sixth meeting of the SAMC heard yesterday that the committee was still waiting to hear from Mr Botha on an undertaking he gave to raise the matter with the Minister of Law and Order, Mr Louis le Grange, and arrange an interview with both ministers.

The report of the committee, which was adopted by the SAMC, said that the two sections hampered the free flow of information.

Under Section 27 (b) of the Police Act it is a crime to publish untrue reports on police action unless there are reasonable grounds for believing the information to be true.

Section 205 of the Criminal Procedure Act empowers a magistrate, on request from a prosecutor, to summons to court any person who might have information on an alleged crime.

During the council's discussion of the report of its "Monopolies" committee, Mr Ton Vosloo, chairman of M-Net, called for the establishment of a commission which would look into the licensing conditions of electronic media in South Africa, and on which the print media would have representation.

Referring to rescheduling moves by the SABC in which TV4 programmes are to be

screened during the air time allocated to M-Net, Mr Vosloo said the SABC could not be allowed to be a law unto itself.

"Our licensing conditions contain conditions on hours we can broadcast but the SABC has no such limit. If this is allowed to go on, many more newspapers will be ruined."

"Our objection is that the SABC can do as it pleases whereas our hands are tied behind our back. They enjoy such a strong monopolistic hold that they can move into our agreed slot — this is highly undesirable," he said.

In earlier appeals to the government, Mr Vosloo had said the SABC changes amounted to the creation of an artificial channel to attract advertising revenue.

## M-Net

The SAMC resolved that the relationship between M-Net and the SABC should be investigated by the "Monopolies" committee.

The council also decided that it would not adjudicate in disputes concerning political advertisements.

The council chairman, retired Appeal Court judge Mr Louis van Winsen, said that if the issue of judgements on political advertisements was to be taken under the council's wing, the council would have to draw up and apply specific standards applying to advertisements.

The discussion arose from a submission by attorneys to the Media Council of a complaint from the End Conscription Campaign against an advertisement in the Sunday Times, inserted by a student organization opposed to the ECC.



ARLW 19/8/86

# 'Emergency unjust through necessity' 327

The Argus Correspondent

MARITZBURG. — The emergency regulations might well be unjust to many, but they had to be assessed on how necessary they were, counsel for the State President argued before a Full Bench of the Natal Supreme Court yesterday.

Mr J Conradie SC said the emergency regulations made by the President were necessarily uncomfortable and unfair.

But, he argued, this did not make them unreasonable in the broader sense as for example the case of a curfew.

Mr Conradie is appearing on behalf of the President and the Government in an application brought against them and the Minister of Law and Order and Commissioner of Police, by the major English newspaper groups.

## Press restrictions

The Argus Company, South African Associated Newspapers, Natal Newspapers and the Natal Witness have applied for an order declaring emergency regulations 7 to 12 void and without force and effect in law.

These regulations have placed restrictions on the Press since the emergency was declared.

Regulation 7 allows the commissioner of police to issue orders while regulation 8 relates to the promulgation of these orders.

Regulations 9 to 12 prohibit the photographing and filming of the various forces in unrest situations and allow the Minister of Law and Order or any commissioned officer to seize a publication which in their opinion contains a subversive statement.

The application is being heard by a Full Bench consisting of the acting deputy judge-president, Mr Justice Leon, Mr Justice Kumbelen, and Mr Justice Nienaber.

## "Unfortunate"

Mr Conradie said it was unfortunate that the emergency regulations were unjust and unfair to many, but that was why they were called emergency regulations.

Mr Conradie argued that the reasonableness of the regulations had to be assessed on their necessity. The court was unable to do this because it could not assess their necessity, because it did not know the exigencies and did not know why the regulations had been promulgated.

He said it could not have been intended that under the law of the land it would be reasonable or fair to lock up a man because someone in a force thought it had to be done, as could be done under the state of emergency.

Mr Conradie said the regulations might well deal harshly with newspapers but the court could not say this was not necessary unless it knew what were the exigencies.

The hearing continues today.



927 Times 19/1/06 (22) 37

## Now Citrusdal won't stand for 'nuisances'

Municipal Reporter

CITRUSDAL municipality has passed a by-law "for the prevention and suppression of nuisances" as stringent in its provisions as the one passed last month in Gansbaai.

Four pages of Friday's Provincial Gazette were taken up by an exposition, in English and Afrikaans, of almost everything one may and may not do in Citrusdal.

Many of the clauses are exactly the same as Gansbaai's by-law provisions. "Unseemly noises or behaviour" are prohibited, and plots may not be "dirty, neglected or infested with insects harmful to health".

Citrusdal by-laws also require that "no person shall fail to maintain any building's roof-water disposal system, pipes, sewers, drains, water fittings, waste-water fittings, water-closet fittings and all other appurtenances attached to any building or structure".

Only the owner shall be deemed guilty of contraventions arising from "a defect of a structural character", the regulations say.



†Mr J H HOON: The Ministers break all the rules.

Mr A B WIDMAN: Mr Chairman, on a point of order: Is it not in the discretion of a Minister as to whether he is prepared to answer a question or not?

The CHAIRMAN OF THE HOUSE: It works both ways. It is for either the presiding officer or the Minister to make that decision.

Mr H H SCHWARZ: Mr Chairman, on a point of order: With great respect, I am very afraid of a precedent being created for the future, and I hope you will treat my submission to you in that light, and not as being relevant merely to this issue. There is a tradition in this House that supplementary questions may be asked on a reasonable basis, namely that the Minister may ignore them, answer them, or do whatever he likes. However, there has never been a tradition either in this House or in the House of Commons in Britain, or in any of the other... [Interjections.] Mr Chairman, I am addressing you, but there appears to be a chorus of chairmen.

There has never been a tradition that that should not be allowed. When there is an abuse of it I agree with respect that one should then put an end to it. As far as reasonable supplementary questions are concerned, however, I would ask you to hesitate before giving a ruling that they are not part of the parliamentary tradition of this House.

The CHAIRMAN OF THE HOUSE: I appreciate the hon member's appeal to the Chair. The hon member has of course given the answer as to what a reasonable question is in his argument. Somebody has to decide as to whether a question is reasonable and that is the function of the Chair.

I should like to refer the House to Kilpin at page 82. Hon members should read page 82 of Kilpin which deals with all aspects of supplementary questions. I should be much obliged if hon members would do so, because that would make the task of the presiding officer far easier. Under this rule, Mr Speaker declines to allow any question which, not strictly arising from a reply, goes beyond the original question, and he discounts

anything in the nature of cross-examination. That is in the discretion of the Chair. Replies to supplementary questions are as a matter of fact regarded as acts of courtesy and if a Minister states that he is not prepared to answer supplementary questions or further supplementary questions, Mr Speaker will not allow such further questions to be asked.

As I have said, this is a discretion that cuts both ways. I would therefore be much obliged if hon members would look at Kilpin in this regard. It will make the task of the Chair so much easier.

Persons held in custody  
\*10. Mr K M ANDREW asked the Minister of Law and Order:

Whether, with reference to his reply to Question No 20 on 17 June 1986, any of the persons who had the charges against them withdrawn or not proceeded with were held in custody for longer than 72 hours; if so, (a) what was the average number of days for which these persons were held in custody and (b) what was the longest period for which any individual was held in custody?

†The MINISTER OF COMMUNICATIONS AND OF PUBLIC WORKS (for the Minister of Law and Order):

Yes.

(a) 3 days.

(b) 4 days.

PEP: public meeting 327  
\*11. Mr K M ANDREW asked the Minister of Law and Order:

(1) Whether the acting station commander or any other person at the Cape Town police station informed (a) the Progressive Federal Party or any representative of this party and (b) any official or employee of the Cape Town City Council that a public meeting scheduled for lunch-time on 16 June 1986 in the Cape Town city

hall could not be proceeded with; if so, (i) what is the rank of the person (aa) who furnished this information and (bb) on whose instructions it was furnished, (ii) at what time was the information furnished, (iii)(aa) why and (bb) in terms of what law or regulation was this decision made and (iv) what were the terms of the order prohibiting this meeting;

(2) whether the said political party or any representative of this party was subsequently informed by the South African Police that the meeting could be proceeded with; if so, (a) what is the rank of the person (i) who furnished this information and (ii) on whose instructions it was furnished, (b) at what time was the information furnished and (c) why was this decision made;

(3) whether any action has been taken in respect of the policemen concerned; if so, what action; if not, why not?

The MINISTER OF COMMUNICATIONS AND OF PUBLIC WORKS (for the Minister of Law and Order):

(1) (a) No.

(b) Yes.

(i) (aa) A Major of the South African Police.

(bb) The District Commandant, Cape Town.

(ii) 10h00.

(iii) (aa) and (bb) I refer the honourable member to paragraph (1)(b) of my answer on Question No. 9.

(iv) None, as the meeting was not prohibited.

(2) No, but an official of the City Council was notified.

(a) (i) A Major of the South African Police.

(ii) The Divisional Commissioner of the South African Police in the Western Province.

(b) At 12h40 on 16 June 1986.

(c) Because the Divisional Commissioner so decided.

(3) No, because no reason therefor existed.

Maj R SIVE: Mr Chairman, arising out of the ruling that you gave from Kilpin, surely hon members on the other side of the House should have the courtesy in that if there happens to be a Deputy Minister in the House, he should answer the questions on behalf of his ministry?

The CHAIRMAN OF THE HOUSE: Order! I have referred the hon member to Kilpin. If he would show me the courtesy of referring me to that part of Kilpin where this is pointed out as a requirement I shall be most obliged. I am not aware of the fact that that is a requirement.

†Mr J H VAN DER MERWE: Mr. Chairman, is there perhaps in the book from which you are quoting also a reference to the fact that 16 hon Ministers are not here on the day on which questions are being answered? [Interjections.]

†The MINISTER: Mr Chairman, may I just point out to hon members that it is the prerogative of each Minister to ask any other Minister to furnish the reply to a question on his behalf. There is no rule determining that the Deputy Minister must reply to it. Secondly I want to point out, for the sake of the hon member who has just sat down, that Ministers take part in other activities as well. There are two other Houses sitting. I think he is casting aspersions on them by trying to make petty politics about who is present in the House and who is not.



†Mr J H VAN DER MERWE: It is not an aspersion; it is an accusation that they fail to do their duty! [Interjections.]

†The CHAIRMAN OF THE HOUSE: Order! This is not a debate. We are busy with questions.

Mr B R BAMFORD: Mr Chairman, on a point of order: May I perhaps just ask the hon the Minister who has just sat down whether he is not aware of the fact that if the Deputy Minister replies to a question, it is much more likely that the House will be given the benefit of an answer to a supplementary question than when an alien Minister replies. [Interjections.]

The CHAIRMAN OF THE HOUSE: Order!

The MINISTER: Mr Chairman, may I just reply to the hon member? That does not really follow like day follows night because there are certain things with which the Minister deals himself and other subjects with which the Deputy Minister deals. It may be that the Deputy Minister is not aware of any of the matters raised in the questions which are addressed to the Minister. That is how the parliamentary system works. [Interjections.]

†The CHAIRMAN OF THE HOUSE: Order! Hon members' parties all have Whips and I am quite sure that they can pursue the matter further if they should find it necessary.

*Question standing over from Tuesday, 8 July 1986:*

*Pamphlets distributed in Black townships*

\*1. Mr L F STOFBERG asked the Minister of Defence:

- (1) Whether any members of the South African Defence Force distributed pamphlets in Black residential areas in the vicinity of Pretoria on or before 16 June 1986; if so, (a) when, (b) why and (c) on whose instructions;

- (2) whether residents of these residential

HoA

areas were requested by means of the above-mentioned pamphlets not to go to work on 16 June 1986; if not, what was the purport of the pamphlets; if so, why;

- (3) whether any of the Black employees of the South African Defence Force who live in the areas concerned complied with this request; if so,

- (4) whether such employees were or will be paid wages for that day; if not, why not;

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

†The DEPUTY MINISTER OF DEFENCE:

- (1) and (2) Yes, pamphlets were distributed on various occasions in Black residential areas in the vicinity of Pretoria to inform the inhabitants of the proposed actions of radical elements during the period 16 to 26 June 1986 and to discourage them from taking part therein. The distribution took place on the instructions of the Officer Commanding Northern Transvaal Command.

- (3) It is not known whether any of the Black employees of the SA Defence Force stayed away from work on 16 June 1986 as a result of the distribution of any of the pamphlets.

- (4) Falls away.

- (5) No.

*Own Affairs:*

*Questions standing over from Tuesday, 1 July 1986:*

*Equipment for educational purposes*

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

- Whether he or any provincial education department has determined a policy re-

garding the provision to schools of (a) electronic, (b) audio-visual, (c) scientific and (d) any other specified equipment for educational purposes; if not, why not; if so, (i) what is this policy, and (ii) when was it determined, in each case?

The MINISTER OF EDUCATION AND CULTURE (Reply laid upon the Table with leave of House):

The required information is furnished separately in respect of each provincial education department and the Department of Education and Culture:

#### *Cape Province*

- (a), (b), (c) and (d) Yes.

- (i) It is the policy of the Department to provide, within the limits of the available funds, the equipment needed to

- \* meet the syllabus requirements
- \* introduce or make known new developments
- \* provide teaching staff with teaching aids.

#### *Natal*

- (a), (b), (c) and (d) Yes.

- (ii) As far as known it has always been done.

- (d) (i) The Department supplies fully.

- (ii) As far as known it has always been done.

- (c) (i) The Department supplies fully.

- (b) (i) Equipment is provided on a subsidised basis.

- (ii) Typewriters—in 1985  
Micro computers—in 1983  
Pocket calculators—in 1984.

Department does not supply pocket calculators to schools.

- (ii) There is no specific date on which this policy was determined but it has already been applied on this basis for many years. New apparatus is introduced from time to time and others withdrawn depending on the changing requirements of the syllabuses and of developments in educational technology.

#### *Orange Free State*

- (a), (b), (c) and (d) Yes.

- (a) (i) Electronic typewriters: The Department provides fully.

Micro computers: The Department provides fully to five training centres only, in the OFS for the training of teachers. The Department does not supply micro computers to schools.

Pocket Calculators: The

- (i) Acting upon expert subject advice, the department draws up, revises and regularly updates lists of the equipment required for the teaching of the various subjects in the different standards, and equipment of general application across the curriculum (eg projectors, tape recorders, etc). Such lists normally distinguish between essential items and those which are desirable but not essential.

Schools may purchase listed items against their normal annual monetary allocations, or in special circumstances (eg where a subject is being introduced for the first time) against a special grant made for the purpose.

Wherever provincial or state contracts exist in respect of items, they must be purchases from the contractors. For items not covered by such contracts,

HoA



Cape Town, 16 June 1986  
 9. Mr K M ANDREW asked the Minister of Law and Order:

- (1) Whether any persons handing out leaflets in Cape Town on the morning of 16 June 1986 were arrested, detained or required to go to the Cape Town police station; if so, (a) why, (b) in terms of what law or regulation, (c) how many persons were involved, (d) what is the rank of the person (i) who made the order or request and (ii) on whose instructions was the order or request made, (e) where were the leaflets being handed out and (f) what was the content of the leaflets;
- (2) whether any of these persons were (a) employees and (b) voluntary helpers of the Progressive Federal Party; if so,
- (3) whether this party or the next of kin of any of these persons were advised of their being held at the Cape Town police station; if not, why not;
- (4) how long were these persons kept at the Cape Town police station;
- (5) whether any action has been taken against the policemen concerned; if so, what action; if not, why not?

The MINISTER OF COMMUNICATIONS AND OF PUBLIC WORKS (for the Minister of Law and Order):

- (1) Yes, the persons concerned were requested to go to the Cape Town police station.
- (a) To investigate whether the distribution of the leaflets in terms of the emergency regulations and/or other security legislation was not illegal.
- (b) To ascertain whether in view of the declared state of emergency and the existing security situation, especially in the Crossroads

Squatter Camp and adjacent areas, and mindful of inter alia the contents of a pamphlet advising the meeting, a police recommendation to the magistrate and/or Minister and/or Commissioner was not advisable. Such a recommendation could have been required in terms of Section 46 (1) (i) or (ii) or Section 46 (3) of Act 74 of 1982 (Internal Security Act), or of Regulation 7 (1) of the Regulations promulgated under Act 3 of 1953 (Public Safety Act), by Proclamation R109 of 12 June 1986.

- (c) 6 persons.
- (d) (i) and (ii) A Major in the South African Police.
- (e) The Parade.
- (f) That a protest meeting against the alleged crisis in Crossroads and KTC squatter camps was to be held under the banner of the Progressive Federal Party at 13h10 on 16 June 1986 in the City Hall, Cape Town.

- (2) (a) Yes.
- (b) No.
- (3) No, because the persons were not detained.
- (4) Approximately 2 hours and 30 minutes.
- (5) No, since no offence has been committed by the policemen concerned.

Mr K ANDREW: Mr Chairman, arising out of the hon the Minister's reply, may I ask him whether it is now normal practice to harass legal political parties in their open public activities by detaining their employees and so preventing them from distributing leaflets advertising a legal meeting?

†The MINISTER: Mr Chairman, I think I

gave a comprehensive reply. The reply which he wants from me now, is a reply to the question as to whether a normal political party can be harassed in its actions. It is not for me to reply to that. I think a political party should keep its path so clean that it does not get into trouble.

Mr K M ANDREW: Mr Chairman, arising from the hon the Minister's reply, may I ask him whether he now considers the South African Police to be the law and order arm of the NP as opposed to South Africa?

The CHAIRMAN OF THE HOUSE: Order! I shall allow no more supplementary questions on this matter.

Mr K M ANDREW: Mr Chairman, I beg your pardon?

The CHAIRMAN OF THE HOUSE: Order! First of all I disallow that question and secondly I rule that no more supplementary questions may be asked about this matter.

HON MEMBERS: Why?

Mr H H SCHWARZ: Mr Chairman, on a point of order: There has been one supplementary question and then you ruled a second supplementary question out of order. However, it has never been the practice that you only allow one supplementary question.

The CHAIRMAN OF THE HOUSE: Order! There is no practice in this regard. It is in the discretion of the Chair. I think that that supplementary question supplied information instead of seeking to obtain information regarding this matter. That is my decision.

Mr H H SCHWARZ: That is not my point of order. You can say, Sir, with great respect, that you do not regard the supplementary question of the hon member for Cape Town Gardens as being a proper question, but once you lay down a precedent that you allow only one supplementary question to be put, you are making a decision for which there is no precedent in this House.

The CHAIRMAN OF THE HOUSE: Order! Let me make this quite clear. I have laid down no precedent.

Mr H H SCHWARZ: May I then, with great respect, ask the hon the Minister a question which will perhaps be a question?

The CHAIRMAN OF THE HOUSE: The hon member may ask his question.

Mr H H SCHWARZ: Mr Chairman, will the hon the Minister please tell the House what he means by a political party having to keep its path so clean as he indicated in his answer. What does he mean by that?

The MINISTER: Mr Chairman, I think anybody who has a basic knowledge of ordinary English will know exactly what I meant.

Mr K M ANDREW: Mr Chairman, arising from the hon the Minister's reply, may I ask him why it was necessary to keep six people for two and a half hours before a decision could be made whether a one-page leaflet advertising a meeting should be permitted to be distributed?

†The MINISTER: Mr Chairman, I suggest that if the hon member requires any further information with regard to this question, he should place it on the Question Paper in the usual manner. [Interjections.]

†The CHAIRMAN OF THE HOUSE: Order! I want to make it quite clear so that there will be no uncertainty in this connection. Basically my ruling was that I did not at that stage consider the hon member's question to be a proper question. The actions of the hon member for Yeoville to put another question in this connection, were quite correct. I also want to make it clear that whether or not a supplementary question, of whatever nature, will be allowed totally in the discretion of the Chair.

†Mr H D K VAN DER MERWE: Mr Chairman, on a point of order: May I perhaps ask you whether there is not a rule in terms of which the Ministers should be in the House during question time?

†The CHAIRMAN OF THE HOUSE: I have no control over that. I am not aware of such a written rule. [Interjections.]



†Mr J H HOON: The Ministers break all the rules.

Mr A B WIDMAN: Mr Chairman, on a point of order: Is it not in the discretion of a Minister as to whether he is prepared to answer a question or not?

The CHAIRMAN OF THE HOUSE: It works both ways. It is for either the presiding officer or the Minister to make that decision.

Mr H H SCHWARZ: Mr Chairman, on a point of order: With great respect, I am very afraid of a precedent being created for the future, and I hope you will treat my submission to you in that light, and not as being relevant merely to this issue. There is a tradition in this House that supplementary questions may be asked on a reasonable basis, namely that the Minister may ignore them, answer them, or do whatever he likes. However, there has never been a tradition either in this House or in the House of Commons in Britain, or in any of the other . . . [Interjections.] Mr Chairman, I am addressing you, but there appears to be a chorus of chairmen.

There has never been a tradition that that should not be allowed. When there is an abuse of it I agree with respect that one should then put an end to it. As far as reasonable supplementary questions are concerned, however, I would ask you to hesitate before giving a ruling that they are not part of the parliamentary tradition of this House.

The CHAIRMAN OF THE HOUSE: I appreciate the hon member's appeal to the Chair. The hon member has of course given the answer as to what a reasonable question is in his argument. Somebody has to decide as to whether a question is reasonable and that is the function of the Chair.

I should like to refer the House to Kilpin at page 82. Hon members should read page 82 of Kilpin which deals with all aspects of supplementary questions. I should be much obliged if hon members would do so, because that would make the task of the presiding officer far easier. Under this rule, Mr Speaker declines to allow any question which, not strictly arising from a reply, goes beyond the original question, and he discounts the

HoA

anything in the nature of cross-examination. That is in the discretion of the Chair. Replies to supplementary questions are as a matter of fact regarded as acts of courtesy and if a Minister states that he is not prepared to answer supplementary questions or further supplementary questions, Mr Speaker will not allow such further questions to be asked.

As I have said, this is a discretion that cuts both ways. I would therefore be much obliged if hon members would look at Kilpin in this regard. It will make the task of the Chair so much easier.

*Persons held in custody*  
\*10. Mr K M ANDREW asked the Minister of Law and Order:

Whether, with reference to his reply to Question No 20 on 17 June 1986, any of the persons who had the charges against them withdrawn or not proceeded with were held in custody for longer than 72 hours; if so, (a) what was the average number of days for which these persons were held in custody and (b) what was the longest period for which any individual was held in custody?

†The MINISTER OF COMMUNICATIONS AND OF PUBLIC WORKS (for the Minister of Law and Order):

Yes.

- (a) 3 days.
- (b) 4 days.

*PPF: public meeting*  
\*11. Mr K M ANDREW asked the Minister of Law and Order:

- (1) Whether the acting station commander or any other person at the Cape Town police station informed (a) the Progressive Federal Party or any representative of this party and (b) any official or employee of the Cape Town City Council that a public meeting scheduled for lunch-time on 16 June 1986 in the Cape Town city

HoA

hall could not be proceeded with; if so, (i) what is the rank of the person (aa) who furnished this information and (bb) on whose instructions it was furnished, (ii) at what time was the information furnished, (iii)(aa) why and (bb) in terms of what law or regulation was this decision made and (iv) what were the terms of the order prohibiting this meeting;

- (2) whether the said political party or any representative of this party was subsequently informed by the South African Police that the meeting could be proceeded with; if so, (a) what is the rank of the person (i) who furnished this information and (ii) on whose instructions it was furnished, (b) at what time was the information furnished and (c) why was this decision made;

- (3) whether any action has been taken in respect of the policemen concerned; if so, what action; if not, why not?

The MINISTER OF COMMUNICATIONS AND OF PUBLIC WORKS (for the Minister of Law and Order):

- (1) (a) No.

(b) Yes.

- (i) (aa) A Major of the South African Police.

(bb) The District Commandant, Cape Town.

- (ii) 10h00.

- (iii) (aa) and (bb) I refer the honourable member to paragraph (1)(b) of my answer on Question No. 9.

(iv) None, as the meeting was not prohibited.

- (2) No, but an official of the City Council was notified.

- (a) (i) A Major of the South African Police.

(ii) The Divisional Commissioner of the South African Police in the Western Province.

- (b) At 12h40 on 16 June 1986.

(c) Because the Divisional Commissioner so decided.

- (3) No, because no reason therefor existed.

Maj R SIVE: Mr Chairman, arising out of the ruling that you gave from Kilpin, surely hon members on the other side of the House should have the courtesy in that if there happens to be a Deputy Minister in the House, he should answer the questions on behalf of his ministry?

The CHAIRMAN OF THE HOUSE: Order! I have referred the hon member to Kilpin. If he would show me the courtesy of referring me to that part of Kilpin where this is pointed out as a requirement I shall be most obliged. I am not aware of the fact that that is a requirement.

†Mr J H VANDER MERWE: Mr. Chairman, is there perhaps in the book from which you are quoting also a reference to the fact that 16 hon Ministers are not here on the day on which questions are being answered? [Interjections.]

†The MINISTER: Mr Chairman, may I just point out to hon members that it is the prerogative of each Minister to ask any other Minister to furnish the reply to a question on his behalf. There is no rule determining that the Deputy Minister must reply to it. Secondly I want to point out, for the sake of the hon member who has just sat down, that Ministers take part in other activities as well. There are two other Houses sitting. I think he is casting aspersions on them by trying to make petty politics about who is present in the House and who is not.



# Special debate: 'Lifting the veil'

By ANTHONY  
JOHNSON

Political Correspondent

THE Progressive Federal Party will call for the resignation of the entire cabinet and plans to begin lifting the veil of secrecy surrounding the state of emergency during a special debate in Parliament on Friday.

The 3½-hour debate, which will in effect be a mini-no confidence debate, will also place a critical spotlight on the economy, sanctions and foreign relations.

The leader of the PFP, Mr Colin Eglin, said yesterday that his party would be using Parliament in the coming weeks "to highlight what is going on under the

cloak of the emergency".

Mr Eglin said it would have been "farcical" for the government to deny the PFP the opportunity to debate the crisis that had been enveloping the country during the parliamentary recess.

"What makes the situation worse is that the government has not merely failed to address the crisis but that its policies have in fact aggravated the problems facing the country," Mr Eglin said.

Mr Eglin noted the "government's inability to set in motion meaningful negotiation on a new constitution or to present any realistic vision for the future".

● More reports, page 4



# Minister names 8500 detainees

**CAPE TOWN** — The government confirmed for the first time yesterday that more than 8 500 people had been detained under the emergency regulations since June 12.

A list of 8 501 names was tabled in Parliament by the Minister of Law and Order, Mr. Louis le Grange.

The 171-page list, which is not in alphabetical order, does not state when the people were detained or in which part of the country they live and does not indicate how many have subsequently been released.

The tabling of the names of the detainees took place in terms of regulation 349 of the Public Safety Act.

The revelation of the number of detainees was condemned by the PEP spokesman on Law and Order, Mrs. Helen Suzman, who said: "It confirms our worst fears." She said the PEP's monitoring group had estimated that the number of detainees was well in excess of the 5 000 names it had collected.

The number, she said, was already more than the total number of people detained in the eight-month emergency between July 1985 and March 1986. "It is a terrifying indictment of the government's inability to

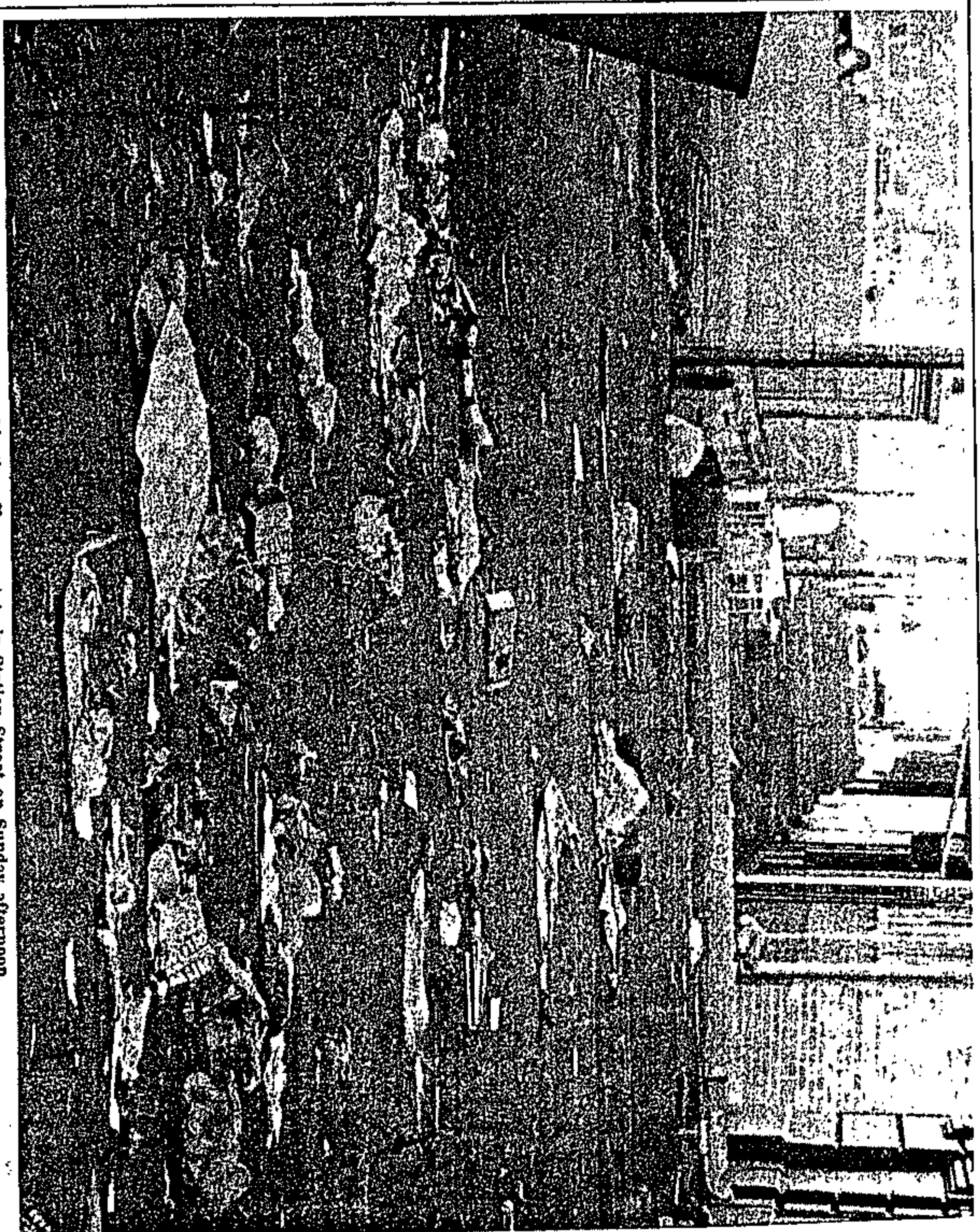
maintain law and order through normal due process of the rule of law, and it indicates in no uncertain terms the mass tide of resistance against apartheid."

"If South Africa is ever to regain respectability in the eyes of the outside world, the emergency must be lifted and all detainees released," Mrs. Suzman said.

At the start of Parliament yesterday the PEP leader, Mr. Colin Eglin, gave notice that he would propose a motion on Friday calling for the resignation of the cabinet.

He said he was making the proposal as the government had failed to deal with the serious problems facing the country, in particular the economy, unemployment, and inflation; sanctions and international relations; and unrest and security.

Further, Mr. Eglin said, the motion was being proposed in the light of the government's inability "to set in motion meaningful negotiation on a new constitution or to present any realistic vision for the future."



The scene outside the off-course tote in Station Street on Sunday afternoon.



# Press has no benefit of a trial — QC

DURBAN. — The real vice of emergency regulation 11 was that an editor had no way of knowing what, in the opinion of the Minister of Law and Order, constituted a subversive statement, it

was argued before a Full Bench in the Maritzburg Supreme Court yesterday.

The argument was heard during an urgent application by the major English-language press

groups in South Africa, challenging six of the emergency regulations.

The Argus Company, South African Associated Newspapers, Natal Newspapers and the Natal Witness have brought the application before the acting Deputy Judge President, Mr Justice R N Leon, Mr Justice M E Kumleben and Mr Justice P M Nienaber.

The application asks that regulations 7 to 12 be declared void. The application has been made on the grounds that in making the emergency regulations, the State President exceeded the powers conferred on him by the Public Safety Act.

Regulation 11 authorizes the minister or a commissioned officer to seize a publication which in their opinion contains a subversive statement or information which they consider may be detrimental to public safety, the maintenance of public order or the termination of the state of emergency.

Mr S Kentridge, QC, for the newspaper groups, argued that the real problem with emergency regulations 11 and 12 was that they punished a person by confiscation and an enormous fine without the benefit of a trial.

He said that regulation 11 allowed the minister, or a commissioned officer authorized by him, to seize a publication if, in their opinion, it contained a subversive statement even if, objectively viewed, the statement was not subversive or would not be found so by a court.

He said there was not only uncertainty over what would be subversive in the minister's opinion but also who was to say what would be detrimental to public order.

He said in a sense the whole of political debate in any country was detrimental to the safety of the public or the maintenance of public order.

Mr Kentridge said if one guessed wrongly what the minister's opinion was of a statement or anything one published in a newspaper, the punishment for guessing wrongly was inordinate.

Mr Kentridge said regulation 12 was marginally better than 11 because there was no reference to information that might be detrimental to the safety of the public.

## Telexed orders

He said it was more drastic in that it allowed the minister to apply the seizure to any or all publications published by a person if he was satisfied that one issue of the newspaper, for example, contained what he thought was a subversive statement.

Mr Kentridge argued that the Commissioner of Police had not adhered to regulation 8 when he issued orders relating to the press by telex through the South African Press Association.

He said regulation 8, which dealt with promulgation of orders under the emergency, was ultra vires, but added that even if it were in order, the commissioner had not followed the regulation because it did not provide for promulgation by telex as he had done.

Mr Kentridge was referring to two orders made by the Commissioner of Police relating to the press.

The hearing continues today. — Sapa

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**Kow over**

**Info**

**song**

Own Correspondent

JOHANNESBURG. — The noise over the Bureau for Information's R500 000 pop-song project grew louder yesterday as various political and youth organizations urged the artists who are to participate in the venture to withdraw.

It was slated yesterday by former Juluka singer Johnathen Clegg as part of government strategy to give the world a distorted view of South Africa's political situation.

A spokesman for the Progressive Federal Party (PFP) said the project was a waste of money and made clear that using taxpayers money was unacceptable.

The song — written by Felani Gumbi — is inspired by the US for Africa's "We Are The World", which has sold millions of copies.

"We want to warn the artists that they should avoid being used by the government in such a crucial time of our history.

"They cannot run with the hares and hunt with the hounds," said a spokesman for the Azanian Peoples' Organization.

Media watchers believe that the level of criticism aimed at the bureau's "Operation Optimism" could force some artists to withdraw from the venture.



THE United Democratic Front this week brought two new challenges against key provisions of the State's emergency regulations - in Natal and the Transvaal. In the Rand Supreme Court today the UDF will try to prove that a meeting it wishes to hold in Soweto tomorrow would not constitute a gathering prohibited by any of the emergency regulations.

And in the Durban Supreme Court this week an application was brought for the release of UDF Natal publicity secretary Lechesa Tsenoli.

Tsenoli - in detention since the emergency was declared - claims the regulations which allow for arrest and detention are invalid as they are outside the powers of the State President.

Wilson, who heard the application, adjourned it until next week when it will be heard by a full bench of the Supreme Court.

Tsenoli's application against the State President and the Law and Order Minister is brought on his own behalf, as his lawyers were able to get access to him following the judgment of the Durban Supreme Court in the Metal and Allied Workers' Union case last week.

His challenge to the validity of the arrest and detention provisions is based on a number of technical arguments. It includes the claim that no guidelines were given by the State President to those who may detain and arrest, concerning the circumstances under which they may act against a person they wish to detain.

● Transvaal's first test against provisions of the emergency regulations will be heard in the Rand Supreme Court today, when the UDF will try to have a meeting scheduled for Soweto declared lawful, writes Mono Badela.

The UDF will challenge Regulation 7, which gives the Police Commissioner the power to issue special or additional regulations affecting particular areas.

Regulation 11, which authorizes the seizure of copies of publications regarded as subversive or detrimental to public safety, will also be challenged.

The UDF will also apply to the court to interdict and restrain any member of the SA police or the force from rendering the planned meeting inaccessible to any member of the public, or from interfering with the meeting.

In an accompanying affidavit, UDF Transvaal vice-president Samson Ratshivhanda Ndou said the UDF was a legal organisation, with a number of other organisations such as civic, student, women and youth organisations as affiliates.

It operates openly and publicly throughout South Africa, he said.

He said it was resolved at an executive meeting that an indoor meeting be held in Soweto to discuss with and inform the community that the emergency had had upon the UDF and its affiliates and other matters incidental thereto.

He said that on Monday the UDF's lawyer had sent a letter to Soweto's Divisional Police Commissioner, asking for permission to convene and hold the meeting.

UDF lawyer Krish Naidoo said yesterday papers had already been sent to the State President PW Botha - who is the first respondent, Soweto Divisional Police Commissioner - second respondent, the SA Police Commissioner - third respondent and Law

# The UDF takes on the State again

and Order Minister Louis le Grange - fourth respondent.

● A full bench of the Eastern Cape Division of the Supreme Court this week reserved judgment on a UDF application for a similar meeting in New Brighton.



# Press clamp acceptable in emergency, counsel argues

Pietermaritzburg Bureau

PRESS censorship in an emergency situation was acceptable, counsel for President Botha and the Government argued yesterday before a Full Bench of the Supreme Court in Pietermaritzburg in an application by four newspaper groups attacking the validity of six emergency regulations affecting the Press.

Mr J Conradie, SC, said 'unhappily' the freedom of the Press and the free flow of news was always 'one of the first things to go' in a war or unrest situation to protect the public from 'dismay or despondency'.

Mr Conradie submitted before Mr Justice Leon, Mr Justice Kumbleben and Mr Justice Nienaber that prejudice to newspaper proprietors should not be set higher than prejudice to the individual in an emergency.

Mr Conradie said many people were unfairly affected by measures taken in terms of emergency regulations and agreed that newspapers were among those and could well complain that the regulations were so wide that they did not know how to conduct their affairs properly.

## Prejudiced

This did not, however, mean that the regulations were grossly unreasonable, he submitted.

'It may be that there are facts not before this Court which make it clear that the regulations must necessarily operate so harshly on newspapers for the maintenance of public order and safety overall'.

He said newspapers might claim to be prejudiced because, for example, they were prohibited from publishing a photograph of the scene of a terrorist bomb explosion, but one of the aims of the emergency was to prevent the dismay and despondency which the publication of such a photograph could cause.

Mr Conradie submitted that Mr Sidney Kentridge, QC, for the newspapers, sought out absurd examples on the basis of which to attack the regulations and submitted that when interpreting the meaning of regulations one should al-

ways first look for a 'sensible' interpretation and only if there wasn't one could the regulation be declared ultra vires.

He referred to an example that even photographs of violence at a soccer match could be prohibited in terms of Regulation 9, and said it was clear this was not what the regulations intended.

Mr Conradie agreed with a question by Mr Justice Leon that Regulation 10, which makes it an offence to possess a subversive statement, was an unqualified prohibition and covered even statements which could be found in the Supreme Court library. Mr Conradie said, however, the regulation should be viewed in the light of the objects of the emergency.

Referring to Regulation 11, which provides for the seizure of a publication if in the opinion of the minister or a commissioned officer it contained a subversive statement, Mr Conradie submitted that Parliament had given enormously wide powers to the President and could have countenanced such a regulation if, in his opinion, it was necessary.

Similarly, he submitted, Regulation 12, which provides for the seizure, confiscation or banning of a publication if the Minister of Law and Order were of the opinion that it contains a subversive statement, was within the powers of the President.

The hearing continues today with argument by Mr Jan Combrink, SC, for the Minister of Law and Order and the Commissioner of the South African Police.

The application has been brought by Natal Newspapers, the Natal Witness, Argus Printing and Publishing and South African Associated Newspapers (SAAN).



**Official list**

**of names**

327 X  
**of detainees**







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[illegible]



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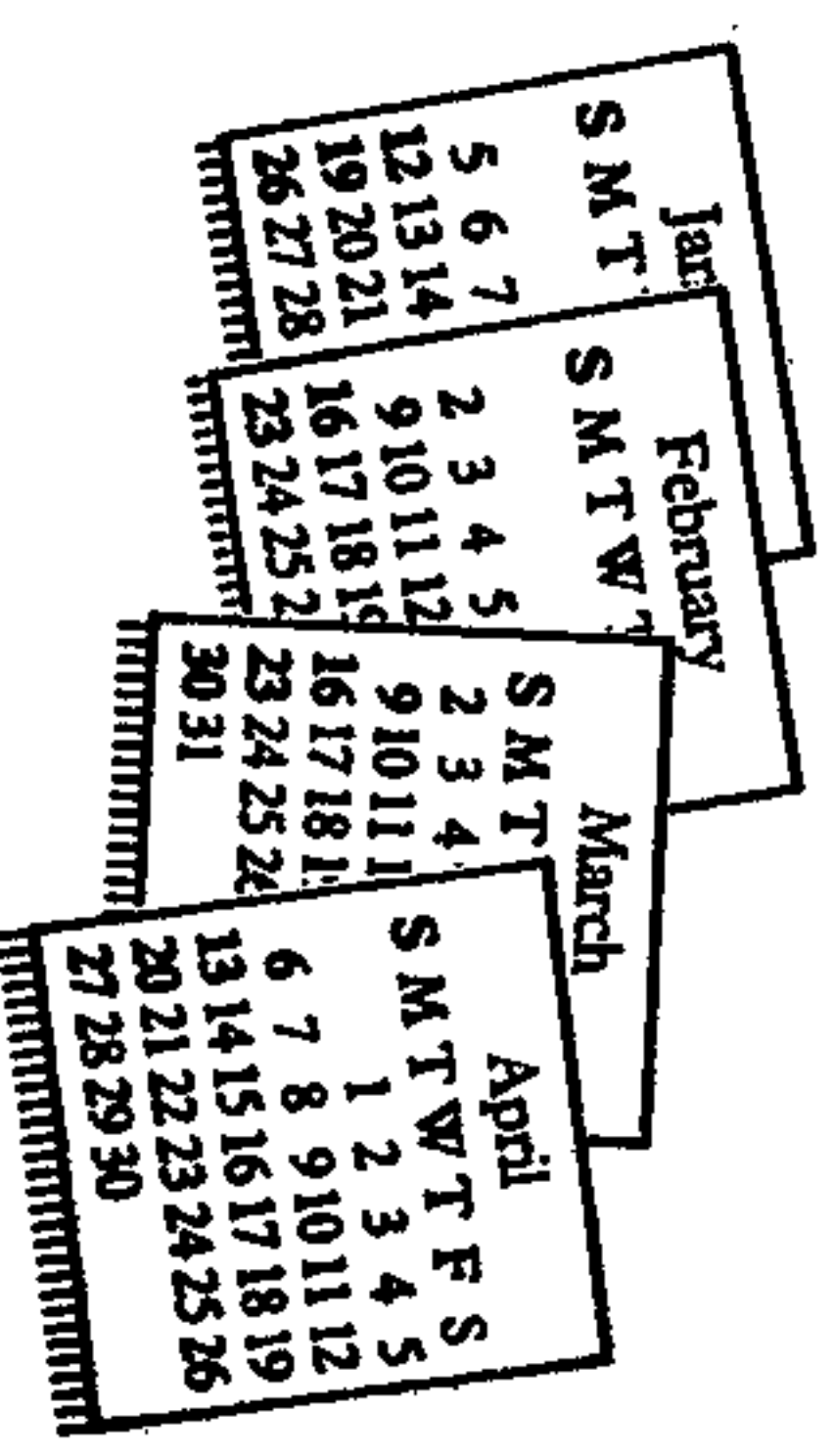


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ZATU Monroe	ZONDI Dumisane	ZULU Mawandile
ZAWTI Thandwa	ZONDI Fana Motisi	ZULU Percys
ZAXELA Bonalike	ZONDI Maswa Vincent	ZULU Roy
ZECMAN Charles	ZONDI Mawankasi Enemi	ZULU Bethuel Mondu
ZENANI Aited	ZONDI Neo	ZULU Norman
ZENANI Aited	ZONDI Ntshapha Derrick	ZULU Phumushani Sefdy
ZENANI Bame and Dumiso	ZONDI Patrick Bhekithemba	ZULYA Velele Mavele
ZENANI Henry	ZONDI Phahli Phillip	ZULYA Wiceman Mawisi
ZENANI Joseph	ZONDI Sipho James	
ZENGKE Joseph	ZONDI Sisoni	ZUNGU Joseph Thudeni
ZENZILE Ethel	ZONDWE Francis Tolo	ZUNGU Josephine Hetsela
ZENZILE Lubayo Pate	ZONDWE Wili	ZVAKA Thobisi
ZENZILE Mckinstry Bongolethu	ZONDO Alexander	
ZBI Peter	ZONDO Gabriel	ZVANE Ben
ZIGOXO Simone	ZONDO Thomas Buti Exchange	ZVANE Berenice Simon
ZIKALALA Termwell Miana	ZONSELE Aaron and Annme	ZVANE Dumisane Sefdy
ZIKHILI Nombuthi Prudence		ZVANE Fiti and Gordon
ZILLO Lulu Kura		ZVANE Isack Vusi
ZILNDILE Maza		ZVANE Jeffery
ZIMA George	ZINNE Joseph	ZVANE Linda William
ZIMBANE Mphahleppho	ZONO Grims	ZVANE Mimi Parveta
ZINCHINA Fiti John	ZONO Maboy Julius	ZVANE Petrus Marinda
ZINTRA Zozani	ZONT Andre Opydrian	ZVANE Petrus Andelo
	ZONT Boy	ZVANE Pretorius Mbedo
ZIDUBU Lazarus Zimbi	ZOYA Jacob	ZVANE Samuel
ZITHA Aited Ngidi	ZIKALAA Jacob	ZVANE Shadrack
ZITHA Godfrey Goddy	ZILAA Sandars	ZVANE Simon
ZITBA Simon Spivee	ZILANI Mntshobu	ZVANE Sipho Reginald
ZITO William Moulteni	ZILU Bhele	ZVANE Sydney
ZIZI Kienpooi	ZILU Desemier	ZVANE Thandi Constance
ZIZAZELE Daniel	ZILU Dumisani Oscar	ZVANE Thembisa and Betsa
ZOFUKA Victoria and Nobuntu	ZILU Ertizabehn	
	ZILU Francis	ZWEDLA Lindo
ZOMKIZA Bonalike	ZILU John	ZWELINDLE Lawrence Popoza
Zone	ZILU Joseph	ZWENI Andile
ZOU OKAZI Thazi	ZILU Kenneth	ZWENI Fanie Wilson
ZONDA Heronhi	ZILU Lazarus	ZWENI Koonce Mndofindaba
ZONDI Aaron	ZILU Lantive Fransisca	ZWENI Masoko
		ZWNE Masoko Stranger

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# Police accused of interfering with PFP

By ANTHONY  
JOHNSON

Political Correspondent

HOUSE OF ASSEMBLY.

— The Progressive Federal Party yesterday accused the police of interfering in the party's legal activities in a row in Parliament over a June 16 protest meeting held to discuss the crisis in Crossroads and KTC.

On the day of the meeting, six PFP officials attempting to distribute pamphlets advertising the City Hall meeting were kept at the Cape Town police station for 2 1/2 hours.

And the City Council was advised by the police that the PFP meeting could not be proceeded with — until just half an hour before it was due to start.

Yesterday Mr Ken Andrew (PFP Gardens) asked the government during question time why a legal political party and its office-bearers were being harassed.

Replying on behalf of the Minister of Law and Order, the Minister of Communications, Dr Lapa Munnik, suggested the PFP should keep its "road clean".

When Mr Andrew asked whether Dr Munnik considered the SAP to be "the law and order arm of the National Party", the Speaker ruled the question out of order.

Mr Andrew said in a statement afterwards that the banning of meetings was in conflict with the rule of law and infringed upon the basic right of citizens to hold free assemblies.

The police interference with the PFP's plans to hold a June 16 meeting indicated one of two things, he said:

"Either the police are deliberately attempting to harass the PFP and its officials or they are so incompetent that they are unable to understand the provisions of the law.

"In either case, a public apology to the PFP and the persons detained should be made by the Minister of Law and Order, if he has any decency in him, or if he wishes the public to retain any confidence in his ability to administer the police force properly," Mr Andrew said.



# City Hall

*Cape Times*  
meeting 20/8/86

banned 327

By CLARE HARPER

A MEETING of the UDF scheduled for the City Hall today, was yesterday banned in terms of the emergency by the Divisional Commissioner of Police in the Western Cape, Brigadier C A Swart.

It is the second UDF meeting in a week to be banned under the emergency.

Last Wednesday a rally planned for the Hanover Park Civic Centre was banned by Brigadier Swart.

The meeting, organized by the UDF's Claremont and Observatory area committees, was to have focused on the organization's response to the current crisis and to call on whites to stand together with the majority of South Africans in resisting apartheid and building a peaceful and democratic society.

Last night a spokesperson from the Claremont and Observatory area committees said: "We believe the people of Cape Town have the right to hear the message of the UDF. Brigadier Swart has arbitrarily removed our right to speak."

## 'Add fuel to violence'

Mr Jan van Eck, a member of the Progressive Federal Party's Unrest Monitoring Group, said the ban was "another attempt to silence legitimate opponents of the government".

"This repressive action, instead of creating greater stability, will merely add fuel to the spiral of violence," he said.

Brigadier Swart's order, issued in terms of Regulation 7 of the emergency regulations, prohibits "a meeting of the UDF, its affiliates and members in the Cape Town City Hall or at any other place within the Western Province division of the SAP at any time on August 20".

Author Menan du Plessis and Mr Mike Evans, a former Western Cape chairman of the End Conscription Campaign recently released from detention, were due to speak at the lunchtime meeting.

National president of the Black Sash, Mrs Mary Burton, said the Sash was opposed to all attempts to silence organizations and prevent them from achieving their legitimate aims.

● The Black Sash will hold a lunchtime meeting in St George's Cathedral Hall at 1pm today on "The Right to Know".



327

Another factor is the number of judges who will hear the appeal. — Sapa.



CAPE TOWN 20/8/86

# Phone failure: No reply

Political Staff

**HOUSE OF ASSEMBLY.** — The Minister of Communications, Dr Lapa Munnik, yesterday refused to say whether any telephones in South Africa were cut off on June 16.

Dr Munnik told Mr Peter Soal (PFP Johannesburg North) it was not in the interests of State security to reply to the PFP question on the issue.

Mr Soal said afterwards: "It is obvious that the government did cut off telephones into black townships.

"This shows the cynical disregard the Nationalists have for citizens who have paid for their telephone service.

"At the flick of the switch they cut everyone off from the outside world.

"One wonders if they are going to refund the rent to all those subscribers because they would have collected that money under false pretences.

"One shudders to think about what happened to people who were caught in medical emergencies when the phones were cut off," Mr Soal said.

In another question, the Deputy Minister of Defence, Mr Adriaan Vlok, confirmed that members of the Defence Force distributed pamphlets "on various occasions" on or before June 16 in the black residential areas in the vicinity of Pretoria "to inform the inhabitants of the proposed actions of radical elements during the period June 16 to June 26 1986 and to discourage them from taking part therein".

Mr Vlok confirmed that residents were asked in the pamphlets not to go to work on June 16.

Asked if any black employees of the Defence Force had been paid for being away from work on June 16, Mr Vlok said the question "falls away".



Q13

327

20/8/86

DAILY DISPATCH

## Court told censorship acceptable

Dispatch Correspondent

PIETERMARITZBURG — Press censorship in an emergency situation was acceptable, counsel for the State President and the government argued yesterday before a Full Bench of the Supreme Court here in an application by four newspaper groups attacking the validity of six emergency regulations affecting the press.

Mr J. Conradie, SC,

said "unhappily" the freedom of the press and the free flow of news were always among "the first things to go" in a war or unrest situation in order to protect the public from "dismay or despondency".

Mr Conradie submitted before Mr Justice Leon, Mr Justice Kumleben and Mr Justice Nienaber that higher value should not be set on prejudice to newspaper proprietors than was set

on prejudice to the individual in an emergency.

Mr Conradie said many people were unfairly affected by measures taken in terms of emergency regulations and agreed that newspapers were amongst those and that they could well complain that the regulations were so wide that they did not know how to conduct their affairs properly.

This did not, however,

mean the regulations were grossly unreasonable.

Mr Conradie submitted that Mr Sidney Kentridge, QC, for the newspapers, sought out absurd examples on the basis of which to attack the regulations and said when interpreting the meaning of regulations one should always look first for a "sensible" interpretation. Only if there wasn't one could the regulations be declared ultra vires.



Mr. T. B. 20/1/16

## No charges against pupils

327 Court Reporter

CHARGES against 23 Cape Flats high school pupils of contravening the emergency regulations were yesterday dropped in the Goodwood Magistrate's Court.

They had been arrested on July 14 for failing to be on school premises during school hours at Uitsig, Belhar Number 2, Symphony, Florida and Ravensmead high schools.

Mr M De Klerk was the magistrate. Mr L. Muller prosecuted. Mr P Sonn appeared for the pupils.



CAPE TOWN 2/11/86 327

# Protests on news film 'tampering'

JOHANNESBURG. — News film shipped from South Africa by television networks has been intercepted and some video tapes have been removed, network and United States Government officials said yesterday.

Complaints by ABC and NBC had resulted in "high-level discussions" between South African and US government officials, said the head of the US Information Service here, Mr Harvey Leifert.

There had been "no particular action or response yet, to my knowledge", he added.

Britain's Independent Television News has also lost film airfreighted to London, network sources said.

ABC-TV's producer in Johannesburg, Mr Richard Sergay, said: "We have had four shipments of ABC news video-tape tampered with in recent days. Two of the shipments failed to arrive in London."

He said two other

packages intentionally mislabelled by ABC included a tape which disappeared from the consignment.

"We have formally protested to the South African Government about what we assume to be some kind of human tampering," Mr Sergay said.

Missing ABC material included video news compiled for the Good Morning America programme on violence in black communities and alleged police complicity in battles between rival groups at Crossroads in June.

Network staff said video packs are sent through commercial shippers on commercial airlines, usually to London.

An information officer with US Embassy in Pretoria told Sapa the matter had been "raised with the Department of Foreign Affairs" this week.

ITN's Mr Mike Hannah said the matter was being handled from London. — UPI and Sapa



# State may make new rules to gag Press

21/8/86 - STAR 327

Staff Reporters

The Government may issue new emergency regulations after Press freedom to report on unrest was restored yesterday in a dramatic development in the newspaper court case in Maritzburg.

Counsel for the State Mr J Combrink SC conceded in the Natal Supreme Court yesterday that two orders restricting Press unrest coverage had been improperly promulgated, and were invalid because they had simply been telexed to the South African Press Association (Sapa).

The court application by English-language newspaper groups challenged those emergency regulations which restricted the free flow of news.

Both orders were made under the emergency regulations by the Commissioner of Police, General Johann Coetzee.

The first order prohibited any person from disseminating any comment or news about the conduct of a member of the police or armed forces regarding the maintenance of public safety.

The second prohibited journalists from being present in any black residential area or any place where "an incident of unrest is occurring".

Both orders were promulgated simply by telexing them to Sapa.

Regulation 8 of the emergency regulations set out how orders should be promulgated. Mr Combrink admitted the regulation made no provision for promulgating orders by telex, and therefore they had never been of any force.

The court must still decide on two issues which place severe curbs on the Press: regulation 9, which outlaws any photographs of unrest situations; and regulations 11 and 12, which empower the authorities to confiscate or ban newspapers.

Johannesburg media lawyer Mr. Peter Reynolds said Mr Combrink's concession rendered the two police orders immediately invalid until the defective promulgation was rectified.

## Township reports

"It is to be welcomed by all newspapers and journalists. Once again it shows there is still an element of Press freedom left in our country."

The result of the orders being invalid is that newspapers can once again freely publish comment and news on the conduct of the police and armed forces without the prior consent of the Commissioner of Police.

Mr Reynolds pointed out that Press reporting still remained subject to the Police Act.

The other aspect was that journalists could enter black townships and areas of unrest for purposes of reporting on disturbances.

But the position concerning television reporting and taking photographs of disturbances remains unchanged. That depends on the final court decision.

Legal academic Professor John Dugard said: "It is in line with the general failure of the police during the state of emergency to act in accordance with the law. There have been cases where the authorities have acted irregularly or exceeded their powers in the present state of emergency that one can draw the inference that the police have too little regard for the law."



# Study on Cape arrests

*CME Talk*  
*21/8/86*  
*327*

Staff Reporter

IN a case study of 258 people arrested in the Western Cape for politics-related offences, only 32 were convicted, 168 had charges against them withdrawn and more than 70 percent of those charged were under 18.

This was disclosed in a survey by the Repression Monitoring Group based on assistance given to 258 people by the RMG since September last year.

"Statistics indicate that a large number of juveniles are being arrested, charged and held for varying periods of imprisonment in circumstances where in 83 percent of all cases it subsequently transpired that insufficient evidence existed to secure a conviction," the group said in a weekly fact sheet.

Of 70 people who had been charged, 38 were found not guilty.

The RMG said the courts were being used "to attain objectives that in the majority of cases bear little relation to the conviction of alleged perpetrators of 'crimes'.

"The emergency however prevents us from stating what we see as the real reasons for the above-mentioned trends," it concluded.





LONDON — "Mad" Mike Hoare, the mercenary whose abortive coup on the Seychelles led to his jailing in SA, yesterday made startling allegations about his backing.

● **HOARE** — In a BBC interview after the publication of his book, *The Seychelles Affair*, he alleged that President P W Botha and the cabinet had known and approved of the plans.

□ The National Intelligence Service (NIS) provided the money for the attack on the Marxist island regime. *Business Day* was unable to get

# PW backed coup, claims Hoare

Own Correspondent

comment from either Botha's office or the NIS by time of going to press. He alleged that SA went so far as to provide recruits from a commando unit.

"I was met by the second-in-command of the NIS, who assured me that the decision to assist the operation was taken at the highest level."

"He said that the then Prime Minister, now President Botha, knew all about it. I was astounded at this piece of news and was assured that he was 100% behind the coup."

He said this really shook him be-

cause it was the sort of thing one reads about in novels.

The role of the deposed president of the Seychelles, James Mancham, was put under the spotlight in the lengthy and penetrating interview.

Hoare said: "Right from the beginning I had been told by the exiles that Mancham was completely behind the planned coup."

But apparently Mancham blew hot and cold over the affair. Eventually he gave his whole-hearted support.

At that stage, he said he would raise the money, which was \$5m.

"He said he would put his whole weight behind it," Hoare said.

"Five million dollars sounds like a lot of money, but in terms of warfare it is nothing because it would take a \$1m to keep 100 mercenary soldiers in the field for a month."

But when Mancham failed to get the necessary finance, he then said he was not interested in going any farther. Hoare said he was not interested in going any farther. Hoare said he was not interested in going any farther.

ture, there would have been a different outcome to the proceedings.

Later, when Gerard Horeau took over, he did everything humanly possible — except raise the necessary money. The money he did raise, Hoare alleged, had come from the NIS — about \$300 000. Hoare felt that this would mean making the attempt on a shoestring and provided the men were paid in arrears.

"This was an extraordinary situation. It gives some idea of the keenness of the men involved that they were prepared to soldier under these circumstances. \$1 000 down and a further \$1 000 on successful completion of the mission."



Can Times 21/8/80

# Bureau's 'brighter future'

209  
327

JOHANNESBURG. — The Bureau for Information's "song for peace" is being recorded here.

One person who refused to take part said at least 50 artists of all races are recording "We'll Build a Brighter Future" — and being paid up to R8 000 a day for what could be a four-day session.

Among them are Stewart Irving, lead singer of Ballyhoo, Wendy Oldfield of Sweatband, Anton Goosen and black singer Blondie Makhele.

Irving said: "There's a great feeling in the studio and everybody, black and white, is working towards putting across a positive vibe."

"All this negativity is a load of humbug."

He said the lyrics were about unity and all in the studio subscribed to that.

Oldfield said she would rather have the government spend R500 000 on a song than on a missile.

Goosen said if the ANC could get involved in publicity, then government should be allowed to do the same. He found the lyrics positive and in his seven years of touring South Africa he had found few cases of racism in music.

Neo Maphaka, an artist who said he wanted nothing to do with the song because it was State-funded, said artists were also offered accommodation at five-star hotels and free air travel to attend recording sessions.

"The terms are lucrative but I would not like to be party to what the Bureau is involved in."

"I also do not agree with the lyrics of the song because they do not say what is happening in the country at the moment."

"Some of us were offered R8 000 a day and the recording could go on for days, but not even that could get us involved," Maphaka said.

— Sapa



## Press ban invalid

# First press reports on unrest

AKG 7mP  
21/8/86  
(243) (387) (218)

### Staff Reporters

FOR the first time since June 16, newspapers can now publish details of South African Police, Prisons Service, Railways Police and South African Defence Force actions carried out during the state of emergency.

They include long-term roadblocks, raids on shops, schools, mourners and activists, press lock-outs, the questioning of a prominent professor and his wife, detention of a student photographing a veld fire, the rounding up of 999 striking dairy workers, and a physical police presence at some schools.

Counsel for the State in the Natal Supreme Court in Maritzburg yesterday conceded that two orders issued on June 16 banning the press from reporting security force actions and from entering unrest areas for the purposes of reporting were invalid as they had only been telexed to Sapa and had not been gazetted. This takes the situation back to before the issue of these orders.

What follows is far from a full account of security force actions in Cape Town and other parts of the country since June 16, and is merely intended to give an idea of the type of action which has taken place.

In some cases, specific allegations have been withheld at this stage because of the strict provisions of the Police Act. Some other incidents, such as the arrest of an entire congregation in Elsie's River, have already been reported, in Parliament or in court.

### Roadblocks

Journalists were barred from the Greater Guguletu area for almost two months because police and soldiers at roadblocks refused them entry.

In some incidents either reported to or witnessed by the Cape Times:

● June 14, Worcester: Police swoop on most major supermarkets including Pick 'n Pay, Spar, Checkers, a number of bars and the off-course tote. They detained a large number of black and coloured shoppers. Some are still in detention.

● June 16: Police surround and search Vukukhanya School, New Crossroads, and arrest between two and five people, confiscating pangas and knives. Two people allegedly whipped on grounds when a crowd gathers around a Casspir. Two others treated at Guguletu Day Hospital for rifle butt injuries, doctors say.

● June 17: Police surround Vukukhanya School and at 7.50am, a young woman and man run out of the school, breaking through police cordon. The woman escapes. The man was shot at and was last seen disappearing over a wall. It is not known if he was wounded.

The building was searched. Witnesses said 11 young men later treated for head and face lacerations and bruises at Guguletu Day Hospital.

● June 18: Police trucks roll into Nel's Dairy, Johannesburg, and police detain and arrest 999 striking Commercial Catering and Allied Workers' Union members. Detained for two weeks. On release from prison, 750 workers were dismissed.

● June 22: Police use teargas and sjamboks to disperse part of a 150-strong crowd of mourners gathered to bury Mr Stewart Maxama, murdered by witdoek vigilantes in his home on June 11.

● June 25: Heavily-armed police and troops surround about 200 marching mourners in Nyanga East. Order mourners to travel in vehicles to cemetery.

● June 26: Cape Times television correspondent Joe Guwa unable to file television report after being held at Guguletu roadblock. Guwa questioned about serial number of his camera and where he received it.

● July 2: Doors kicked in and cooking pots overturned when police raided I D Mkhize Senior Secondary School in Nyanga where squatter refugees were sheltering, witnesses said. Men and boys loaded into trucks, taken to Guguletu police station where a man disguised by a balaclava identified certain of the refugees. It is not known how many were detained. Some men returned to the school with an SAP ink stamp on their hands.

### 'Bundled into van'

● July 7: Michaelis School of Fine Art student Mr Ivor Sias, 27, detained for two weeks in Somerset East after he photographed a veld fire outside his aunt's home. Mr Sias said eight armed men jumped out of a police vehicle, "bundled me into a van" and accused him of being an arsonist. After telling security police his story, was allegedly told: "I'm afraid we will have to detain you for fourteen days under emergency regulations."

● July 10: Head of School of Economics at UCT, Prof Francis Wilson, and Mrs Lindy Wilson questioned by East London security police for four hours after being detained while interviewing and filming for the South African College for Higher Education, Sached.

● July 15: Police arrest 57 pupils from Uitsig, Belhar Number 2, Symphony, Florida and Ravensmead High Schools for being outside classes during school hours.

### 'ECC homes raided'

● Last week of July: Security police raid homes of 12 Johannesburg End Conscription Campaign members. Activists questioned, photographed and material confiscated. Neighbours of two ECC executive members allegedly asked to "spy on the members". Floor plans made of some of homes raided. Teargas thrown into homes of two ECC activists during police raids.

● August 12: Cape Times tries to visit Zwelethema township, Worcester, but access refused at army base erected at entrance where soldiers train rifles on arriving cars and a mounted guard tower overlooks the township.

● Throughout emergency: Cape Times informed almost daily that police were on premises of Modderdam Senior Secondary and sometimes stayed overnight. Police initially remained on premises of Bonteheuvel High School and later sat in a bus outside the school.



*exp. 1/25 21/8/82*

## Drunk profs: Rhodes 'acts'

*372*  
Own Correspondent

GRAHAMSTOWN. — Rhodes University has taken "appropriate" action against two of its academics, Professor Peter Vale and Professor Bill Davies, who earlier this month paid R10 admission-of-guilt fines on charges of being drunk and disorderly.

The charges were a sequel to an incident on August 4 when Professor Vale poured a glass of beer over a well-known security policeman, Lieutenant Lloyd Edwards, at a pub.

Vice-chancellor Dr Derek Henderson said it was the university's policy not to discuss "in any detail" the action taken.

Both academics declined to comment.



DD 28/86 327

## Court action on emergency detentions

DURBAN — The parents of three Wentworth men who claimed their sons were arrested under the emergency regulations for alleged gang activities brought urgent applications in the Supreme Court here yesterday for orders declaring their detentions unlawful.

The three men, Mr Henry Robin Julie, 22, Mr Gabriel George Dwarka, 25, and Mr Daniel David Walstrom, 18, were all detained on June 26. Mr Chris Nicholson, who acted for all three, told the court they had been released on July 29 after the applications had been served on the Minister of Law and Order, Mr Louis le Grange.

Mr Justice Didcott adjourned all three applications by consent until August 27.

In affidavits before the court, the parents of all three denied their

sons were involved in any gang activities or political activities related to the current unrest.

They said even if their sons were involved in gang fights or unlawful activities, these types of transgressions were to be dealt with in the ordinary course of the enforcement of criminal law.

They said the detention of their sons for alleged gang activities was a gross misuse of the provisions of emergency Regulation 3(1), which clearly had no application in combating ordinary criminal activity.

They said that by using Regulation 3(1) in relation to their sons, the three men were denied the right to be brought before the court within 48 hours, the right to bail and the right to know the specific charges against them.

— Sapa



## Horror smash: driver jailed

Own Correspondent

PAARL. — A motorist was jailed yesterday for causing a horror smash on the Paarl-Cape Town national road on November 4 last year which claimed the lives of a lay preacher and three children.

Kevin Lindsay Robb was convicted in the Paarl Magistrate's Court of culpable homicide and driving under the influence of alcohol.

Robb, 29, of Tamboers Kloof, was sentenced to one year for culpable homicide and fined R2 000 (or a further one year in jail).

In addition, Robb was fined R1 000 (or another year's imprisonment) for driving under the influence of liquor and his driver's licence was cancelled.

The court heard that Robb's car collided head-on with a bakkie returning from the Goodwood Skating Rink with a crowd of schoolchildren.

Robb made a U-turn when he realized he had missed the turn-off to Stellenbosch where he was going to attend a girlfriend's party.

### Wheelchair

An engineer and lay preacher, Mr Clive John Minter, 36, who was driving the bakkie, was killed instantly as were a brother and a sister, Gregory Robert Grobler, 14, and Shirley Grobler, 12.

A third scholar, Terryn Kim Blacklaws, 14, of Groot Drakenstein, was also killed.

Four other children were seriously injured and one of them, a 14-year-old Paarl Boys High School pupil, was paralysed and is confined to a wheelchair.

Robb was unconscious in Tygerberg Hospital for a month after the accident.

He said his jaw was broken in six places, his right arm was also broken in six places and both his thighs were fractured.

He pleaded not guilty to culpable homicide but guilty to driving under the influence of liquor.

He said he had had a "few drinks" a short while before the smash.

Mr A J F Louw was the magistrate. Mr R Nortje appeared for the State.

## State concedes

# 2 curbs on press invalid

CAPE TIMES 21/8/86

327

Own Correspondent

MARITZBURG. — Two emergency regulations relating to news reports about the conduct of the police and the presence of journalists in black townships and unrest areas were invalid, counsel for the State conceded in the Supreme Court here yesterday.

This move came during legal argument before judgment was reserved in an application by four newspapers groups challenging the validity of six emergency regulations before a Full Bench of the court.

Counsel for the Minister of Law and Order and the Commissioner of Police, Mr Jan Combrink, SC, conceded that the two orders issued by the Commissioner of Police in terms of regulation 7(1)(c) of the emergency regulations were invalid because they were promulgated by means of a telex message to the South African Press Association.

The orders prohibited reporting of "any conduct of a force or member of a force" regarding the maintenance of public safety, order or the termination of the state of emergency; and prohibited the presence of journalists in any black residential area, or any unrest area, for the purposes of reporting, without prior consent.

### Promulgation

In terms of regulation 8, the only means of promulgation of orders under regulation 7 are by notice in the Government Gazette, in a newspaper, radio or television, distribution in writing among members of the public and affixing it on public buildings or prominent public places in the area concerned, handing it to a

particular person in written form, and an oral announcement to any particular person or the general public.

During yesterday's argument, Mr Douglas Shaw, QC, for the newspapers, submitted that regulation 12 (which allows for the confiscation or banning for any period of any publication which in the opinion of the minister contains a statement of a subversive nature) was "so drastic that one is driven to the conclusion that those who drafted the regulations could never have considered the implications".

Mr Shaw said this was not censorship, but amounted to punishment for a crime which was never brought before court.

During argument concerning regulation 11 (which allows for the seizure of a publication if in the minister's, or any commissioned officer's opinion, it contained a subversive statement) it was pointed out by Mr Justice Leon that this meant any commissioned officer, even if he only had Std 6, would be entitled to seize a newspaper which stood to lose hundreds of thousands of rands.

Mr Justice Leon said it was not necessary for him to have good grounds for his action since the matter was subject only to his opinion, which might be incorrect.

In this event newspapers would not have recourse to the courts since an opinion could not be tested objectively.

Mr Combrink submitted that the regulation fell within the powers of the State President, but said as an alternative argument that the words "in his opinion" could be deleted from the regulation.

### 'Drastic'

Mr Combrink agreed that regulation 12, which provides for the banning and confiscation of any publication which in the minister's opinion is of a subversive nature, was even more "drastic and far-reaching" than regulation 11.

However, he submitted that it was intended to make provision for "the setting up of a censorship" and that it was within the powers of the State President.

In terms of regulation 10(b) (which makes it an offence to possess a subversive statement), Mr Combrink agreed in reply to questions by Mr Justice Leon that if the judge possessed any book containing what he knew to be a subversive statement in his library and kept it intentionally, he would be guilty of an offence.

Mr Justice Kumleben commented that the regulation was "worrying" because there seemed to be no conceivable reason for it.



# 'Govt orders not valid'

By LANGA SKOSANA

21/8/86  
Soweto  
LAWYERS representing the Government conceded in court yesterday that police orders prohibiting newspapers reporting about the conduct of police and the banning of reporters from unrest areas were invalid.

The *Sowetan* lawyer, Mr Peter Reynolds, said in an interview yesterday that this was a sequel to an application brought in the Maritzburg Supreme Court by some newspapers. The newspapers are challenging powers given to the police under Section 7 1(c) and Section 7 1(d) of the emergency regulations.

Section 7 1(c) prohibits newspapers from publishing anything regarding the conduct of police or armed forces. Section 7 1(d) prohibits the presence of journalists for the purpose of reporting any action of the police or armed forces in any black residential area or any place where unrest is occurring, without proper consent.

## Telex

Mr Reynolds said the newspapers challenged both orders on the basis that they were not properly promulgated in terms of emergency regulations and also because they had been issued by a telex message and not published in the Government Gazette.

He added that the effect of the Government lawyers conceding, meant that the two orders were invalid and have no force or effect.

Judgment was reserved.



WEEKLY MAIL, August 15 to August 21, 1986

## APARTHEID BAROMETER

### STATE OF EMERGENCY DETENTIONS

THE government has refused to release the numbers or names of people detained under Emergency regulations. The Progressive Federal party Missing Persons Bureau reported on Monday that they had the names of 5 900 people who have been detained under Emergency regulations, but they estimate the real number to be around 12 000.

The Detainees Parents Support Committee have a list of 4 145 names, but estimated that a total of between 10 000 and 15 000 people had been held under the Emergency regulations.

Figures which have recently been released include a total of 152 detainees from Grahamstown (as of August 10), of whom only two have been released, and 48 detainees from the End Conscription Campaign (August 1), of whom 35 have been released.

According to the Labour Monitoring Group (LMG), at least 344 elected leaders and officials of trade unions were known to be in detention at the beginning of this week. Cumulatively, some 2 735 unionists have been detained at some time during the Emergency.

### DETENTIONS BY ORGANISATION

	PWV	Tvl country	E-Cape	N-Cape	W-Cape	Natal	OFS	Unknown	Total
Students/ scholars/ teachers	191	54	54	25	31	87	58	4	504
Unionists/ workers	101	40	30	15	19	42	44	44	335
Community/ Political	225	118	263	30	38	83	43	5	805
Clergy/ churchworkers	25	19	19	5	8	13	1	3	96
Media	2	0	8	0	5	0	0	0	15
Other/Unknown	402	221	895	66	446	84	133	41	2 200
TOTAL	967	487	1 98	141	535	311	284	102	4 145

Figures supplied by the Detainees' Parents Support Committee

Of these, 79 percent are from the Congress of SA Trade Unions (Cosatu). Worst affected Cosatu affiliates are Fawu (45), Ccawusa (42) and Mawu (40).

Thirteen percent of detained unionists are from the Congress of SA Trade Unions (Cusa). Their worst-hit affiliates are Sacwu (20) and FBWU (13).

### UNREST DEATHS

ACCORDING to figures released by the government's Bureau for Information, by 6am on Tuesday morning a total of 221 people had been killed in political violence since the Emergency was declared.

According to David Venter, deputy director of the Bureau's research unit, between January and May this year 504 people died and 1 559 were injured in more than 10 000 incidents of unrest.

According to the South African Institute of Race Relations a total of 754 people died in political violence between January and May.

Mr Venter said that 20,1 percent of unrest occurred in the Witwatersrand, 20,6 percent in the Eastern Cape, 17,5 percent in Soweto and 7,7 percent in KwaNdebele. He added that since September 1984, 985 businesses had been seriously damaged or destroyed as well as 26 clinics, 46 churches, 1 272 schools, 60 community halls, 3 920 private homes, 937 police homes, 8 773 delivery vehicles, 3 254 police vehicles and 6 815 buses.

### POLICE EXPANSION

BY 1987 the government aims to increase the size of the police force from a ratio of 1,7 to one of 2,9 per 1 000 South Africans. The goal was to have 87 000 policemen and a further 7 000 railway policemen, bringing the total police force to 94 000.

In November 1984 the SADF had a full-time force of 83 400 men and women. The proposed SAP increase would beef up the Security Forces to a total of at least 177 000 men and women.

### HANGINGS

ON August 6, Gilbert Letsoalo, a convicted murderer and rapist, became the 68th person to be hanged this year. Last year 137 people were hanged, the highest number since at least 1969. Letsoalo was the 1 522nd person to be hanged in South Africa since January 1969.

### PRISONER OF CONSCIENCE

MIKE LOEWE, 27, a Port Elizabeth journalist and End Conscription Campaign member, has been held in detention under the Emergency regulations for nearly nine weeks. He was detained with four other ECC members at a meeting with church and business leaders on June 15.

Loewe runs an independent news agency in Port Elizabeth and is a regular contributor to the Weekly Mail, the New Nation and several major overseas papers. He has previously worked for the Evening Post, the Eastern Province Herald, the Sunday Express and the Argus.

Before completing his military service, Loewe, who grew up in East London, was a Border surfing champion. While at Rhodes University, where he studied journalism, he was a member of the SRC. He completed his degree at UCT where in 1982 he edited Varsity Newspaper. After arriving in Port Elizabeth two years ago he became active in ECC.

According to Loewe's family, since being detained he has received psychiatric treatment as a result of spending a month in solitary confinement. He was also admitted to hospital suffering from a severe asthma attack.

### BANNED BOOKS, PUBLICATIONS AND OBJECTS

Two Dogs and Freedom (Ravan Press, Braamfontein); The She Complete Guide to Sex and Loving (Dr David Delvin); Lovehead (Jackie Collins); 1986 June 16th Ten Years Later the Struggle Continues (WECTU, Cape Town); We March to Freedom - poster (Not stated); Cape Youth Congress June 16 - Youth Day (Cape Youth Congress, Cape Town); Namibia (Alfred Babing and Hans-Dieter Brauer); Stag Vol 5 No 9 August 1986 (Vicen Promotions, Turffontein); Prank Vol 1 No 124 (Sonskyn Uitgewers (Pty) Ltd Jeppe Johannesburg).

Unbanned: Rationality and Irrationality in Economics (Maurice Godelier); Racial Geography: Alternative Viewpoints on Contemporary Social Issues (Richard Peet); Black Fire! (Michael Raeburn - unbanned for possession and distribution); Lenin: A Biography (David Shub).



## Press action lawyers get threatening calls

Two Johannesburg attorneys who have been extensively involved in the application brought by the English-language newspaper groups in Maritzburg against the State President and others, have been on the receiving end of strange telephone calls.

Mr Peter Leon, a partner in Webber Wentzel and son of Mr Justice R N Leon, the presiding judge in the application, and Mr Paul Jenkins, also of Webber Wentzel, the Argus Company's attorneys, said they had received abusive and threatening calls.

Mr Leon said that on Sunday, August 10, the night before the application was due to start in Maritzburg, someone left an extremely abusive message on his telephone answering machine.

While Mr Jenkins was in Maritzburg his wife received a telephone call, purportedly from a Warrant Officer Brown of Hillbrow police station, claiming that their motor car has been stolen and recovered.

Mrs Jenkins was asked to confirm both the registration number and her identity number. She refused and was told a policeman would visit her.

After the call it was established that the car was exactly where it had been left the night before and, on enquiring, Mrs Jenkins was told that there was no Warrant Officer Brown at Hillbrow police station.

On August 19, a message was left at the Imperial Hotel in Maritzburg for Mr Leon. It said Mrs Leon had been hurt in a car accident in Johannesburg but was "all right". Mr Leon is single.

● See Page 3.



# State concedes

## Press

## has

## the

## right

## to report

## all

## unrest

SA'S Press can now report on unrest incidents for the first time since this year's June 16 anniversary of the Soweto riots. Two emergency regulations — banning news reporting on security force action and banning journalists from unrest areas — have effectively fallen away after State counsel yesterday conceded they were invalid.

A Bureau for Information spokesman declared to comment on grounds that it could prejudice the outcome of the case. The admission by the State emerged during legal argument in an application.

by four newspaper groups challenging the validity of six emergency regulations. An attorney for SA Associated Newspapers said two orders — issued on June 16 and June 21 — by the Commissioner of Police had been improperly promulgated. Specifically, counsel for the State, Jan Combrink, SC, conceded the orders issued under regulation 7 (1) (C) of the emergency regulations were invalid because they were promulgated by a telegraphed message to the SA Press Association. He said: "But regulation 8 does not allow for this type of promulgation."

HAMISH McINDOE

It is unclear whether the Commission of Police will correctly re-issue the orders in terms of Regulation 8. The orders prohibited reporting of "any conduct of a force or member of a force" regarding the maintenance of public safety, order or the termination of the state of emergency and prohibited the presence of journalists in any black residential area or any unrest area for the purposes of reporting without prior consent. In terms of Regulation 8, the means of promulgation of orders under

Regulation 7 are by notice in the Government Gazette, in a newspaper, radio or TV, distribution in writing among members of the public and affixing it on public buildings or prominent public places in the area concerned, handing it to a particular person in written form, an oral announcement to any particular person or the general public. During yesterday's argument for the person of the newspaper's submitted Shaw QC for the Minister's argument that Regulation 12 (which allows for the confiscation or banning of any publication which contains a statement of a subversive nature) was "so drastic that

one is driven to the conclusion that those who drafted the regulations could never have considered the implications for a crime. Shaw said this was not censorship, but amounted to punishment for the seizure of a publication. During argument concerning Regulation 11 (which allows for the Minister's opinion that a publication is subversive), it was pointed out by Mr Justice Leon that this printed out by Mr Justice Leon that this near any newspaper which stood to be only had a Sd 6, would be entitled to seize a newspaper which stood to hundreds of thousands of rands



# Clamp left much unresolved

Lowveld Bureau

NELSPRUIT — The state of emergency had resulted in a marked decrease in unrest-related incidents, but many issues remained unresolved and problems still existed in various fields, Professor Mike Hough, director of Pretoria University's Institute for Strategic Studies, said here yesterday.

Problem areas included education, rent collection, housing, unemployment, the functioning

of black local authorities and a negotiated political situation.

Speaking at a Nelspruit and district chamber of commerce luncheon, Professor Hough said one of the most disturbing facts of the current unrest cycle was the political stalemate which seemed to be developing.

"Despite the government's apparent desire to introduce political reform, it is totally rejected by those who regard revolution as a 'zero-sum' game without compromise," he said.

Reform and unrest, he said, were not totally contradictory situations.

"Hopefully the long term effects of meaningful reform coupled with economic recovery will lessen the revolutionary and unrest potential.

"In the meantime the maintenance of law and order, within certain limits, is crucial and should continue, for reform alone will not cause the ANC, other radical elements and the criminal elements to disap-

pear," he said.

Compared to the 1976/77 unrest period the current cycle — which started in September 1984 — is more wide-spread, longer and more organised.

During 1984, 149 people had been killed and 651 injured in riots. In 1985, 824 had been killed and 2615 injured.

Geographic areas affected by terrorist attacks for the period 1976 to July this year were: PWV area, 209; Natal, 140; rest of Transvaal, 74; Eastern Cape,

53; West and Northern Cape, 47; Free State, 25.

Since November, 1985, until July this year there had been 24 landmine incidents.

Of these 93 percent took place in rural areas. Seventeen people (black and white) were killed and 36 injured.

Although unrest generally was wide-spread, Alexandra, Soweto and Mamelodi appeared to be more affected than other areas. The Eastern Cape also appeared to be unrest-prone.



Now that the state has conceded that two of the Emergency regulations are invalid, we peel off our own censorship stripes to reveal what lay behind them ...

# Peeling away

A SMALL CRACK OFF

FOCUS ON JUNE 16

## The day that fell off the calendar

June 16 did not turn into a day of violence after all. If anything, it was a day of empty streets, closed shops and disconnected phones. SEFAKO NYAKA reports

SOWETO resembled a ghost town on Monday, the 10th anniversary of the Soweto uprisings.

Life ground to a halt as commuters ignored their alarm clocks and decided to spend the day in bed or indoors.

Even if they could have ventured to work, there were no buses or taxis. The only transport available was by train, but then not everybody in Soweto lives next to a railway station.

Despite a heavy presence of soldiers and police travelling in "rallies" (military vehicles similar to miniature tanks), only a handful of commuters bunched the trains.

There were no "intimidators" in sight — no youths turning away people at bus termini and railway stations. In fact, the empty streets had a ghostly air around them.

7am: A white car, with red crosses on the side and the driver wearing a first aid officer's jacket, picks me up from home. We drive towards Baragwanath bus terminus.

7.00am: Our car is waved through a roadblock on the Potchefstroom road without so much as a glance at the occupants.

"Good morning, please drive on," says one soldier to our driver. His smile is huge and he is trying too hard to be friendly.

7.25am: The Baragwanath bus and taxi depot is deserted apart from heavily armed security force officers.

A few nurses and other health workers, some having walked more than 10km, cross the fly-over bridge into Baragwanath Hospital. The bustling Blackchain Shopping Centre — Soweto's equivalent of Johannesburg's Carlton Centre, is dead. All shops in the complex are closed and even the in-company security guards are off-duty today.

7.35am: We drive through Zone 6 Diepkloof, an area once regarded as a no-go zone. There is an eerie silence and absolutely no movement in the streets.

8am: We drive through Orlando East towards Meadowlands. In the distance there is some smoke billowing as if a vehicle or a building is on fire. It appears two cars were sprinkled with petrol and set alight. Soon after our arrival there soldiers and police arrive in "rallies" and keep watch over the smouldering wrecks.

There is a loud explosion a few streets away and the troops race away. It appears a bottle placed in a heap of burning tyres at a street corner had exploded. On our arrival there is hardly a soul in sight.

This cat-and-mouse game goes on, with fires springing up at a spot the security forces have just left.

9.12am: A car draws up. "We have had it," we think. But these are friends who tell us about a young man who has been shot twice below the hip. He has refused their help, suspecting they might be security force members. No amount of assurance could get him to climb into the car and be driven to hospital, our friends say. His blood-spattered trousers were soon exchanged for a dress, but how he got to hospital we will never know because he and his friends maintained they would find their own way to Bara.

10.30am: We drive back to town because all the phones in the township have been cut off. Officials later called it a technical hitch. Not a soul

is hitching a ride to town although I doubt if the driver would have offered a "sell-out" a lift into town.

Town is deserted and most black-staffed shops are closed for business. There is a heavy presence of security forces at almost every street corner in town.

1.30pm: We drive back to the township, but this time there is some movement in the streets. We drive towards the Regina Mundi church in Rockville. There are no people there. We turn into the Roodtfontein road. Some distance away we see three people talking to occupants of a white car.

Some security force members appear from a side street and lob a teargas canister at the men. They run into the houses at Mofolo South. The driver races off and the men in the "rally" seem amused.

2.12pm: We arrive in Naledi but even here there is nothing happening. Men are watering their gardens while the "rallies" thunder up and down the street.

3pm: We are back in Diepkloof. There is a heavy smell of teargas, but nobody seems to know who fired the canisters and why. A few youths peer at us from inside houses before moving out and fleeing running down the street depositing some pamphlets into letter boxes at incredible speed. The pamphlets are about a rent boycott.

5.30pm: It is the time most workers would be returning to the township had it been a normal day. There are no people getting off trains at Plumtree, Phelani, Dube and KwaZulu. We decide to try Naledi station — maybe the hostel dwellers have gone to work and would be returning. But even here there are no commuters.

We drive back to Bara and a few nurses are wondering how they are going to get back home after a quiet day at the hospital.

It is dusk and still there is little or no movement. We decide to call it a day.

## Some ironic pockets of press freedom

By FRANZ KRUGER, East London

reports emerge regarding June 16 events.

The tenth anniversary of the Soweto uprising was marked by numerous outbreaks of violence in Mdantsane, leading to the death of at least one youth, 14-year-old Mhlangabazi Tiyoyo.

Tiyoyo died in Cecilia Makiwane hospital in the township after Ciskei troops broke up an inter-denominational service in a Methodist church in the township.

According to Rev Gilbert Nyangane, who was leading the service, Ciskei soldiers arrived in trucks and surrounded the church shortly after the head of Security Police in Mdantsane, Colonel Louis Nonhono, had given an order that the service would be allowed to proceed.

Nyangane said two ministers went out to relay Col Nonhono's assurance, but the soldiers did not listen.

Instead, they assaulted the ministers, then began throwing stones through the windows and firing teargas into the church.

Then soldiers moved into the church, beating people indiscriminately.

"They were beating to kill, and now they have

succeeded," he said, referring to the death of Tiyoyo.

Nyangane said he had also been beaten and kicked, and was still nursing a swollen arm and numerous bruises. Other ministers had also been attacked.

About 70 people are estimated to have been taken for medical treatment to both Cecilia Makiwane hospital and East London's Frere Hospital. By Wednesday, only seven remained in the wards, and a hospital spokesman said they were progressing well.

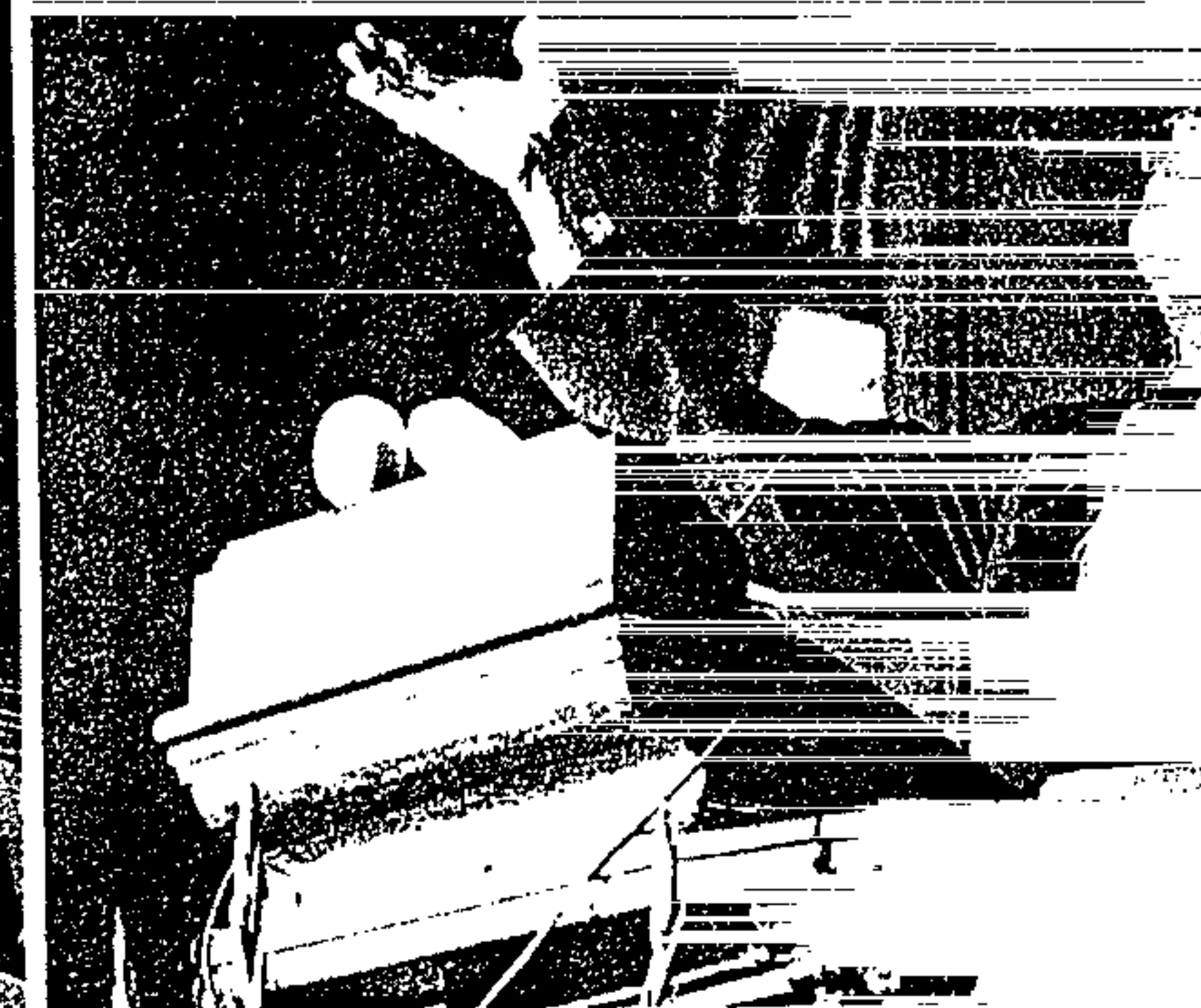
Ciskei government representative Headman Somumzi said police action had been taken after the service became rowdy, and after a 20-minute warning had been given. Nyangane denied this: "Everyone was behaving well," he said, "and there was no warning."

In other incidents of violence on Monday, the house of Goodwin Makongolo, the senior editor of Umhombi, a Ciskei government publication, was petrol-bombed. Nobody was hurt, but damage was caused.

A number of buses were attacked by stone throwers. At least two buses were severely damaged, while a third was burnt out in a petrol bomb attack.



Church volunteers wrap flowers with memorial cards



Bishop Desmond Tutu leads a memorial service at St Mary's

## Clouds of teargas above the mosque

COMMUNITY leaders have described the action of police in firing teargas into a packed local mosque on Sunday night a "callous attack on unarmed worshippers."

Law and Order Minister Louis le Grange, however, speaking in parliament, said this week the police had acted with "great restraint."

The incident occurred at the St Athanasius Road mosque in Athlone, at a commemorative service for the victims of the 1976 protests.

According to eyewitness reports, over 1 000 people attended the service, which was described as completely peaceful. At approximately 9.15pm, according to eyewitnesses, police arrived and fired several canisters of tear gas into the courtyard adjoining the mosque. Eyewitnesses allege that only after these initial shots were fired did police issue a warning that the gathering was illegal in terms of the Emergency regulations.

The service continued; the doors of the mosque were closed in an effort to keep the teargas out. Then, say eyewitnesses, teargas canisters and rubber bullets were fired through the windows into the mosque. Worst affected were several hundred women who were seated upstairs. Several of the older women fainted, and several others vomited.

By A'DIL BRADLOW, Cape Town

Returning to the mosque sometime later, eyewitnesses described the scene: "A thick cloud of teargas hovered just above the floor. Where the teargas canisters had landed there were marks on the carpet and items of clothing scattered everywhere."

The Muslim Judicial Council (MJC) condemned the police action in the strongest terms. MJC president Shaykh Husein Muhammad, the president of the MJC said: "The (the police) must bear in mind that the precincts of the mosque are sacred and inviolable."

"Furthermore, any meeting held in the mosque is a religious meeting, more so if it addresses a question of justice. Muslims do not accept a dichotomy between religion and politics."

"The callous attack on unarmed worshippers in the mosque once again clearly gives the lie to Botha's statement that there is religious freedom in this country. The police action was a blatant act of intolerance towards Islam."

**[RESTRICTED]**

## DURBAN: SHOPOWNERS SHUT THE DOORS

WEEKLY MAIL REPORTER, Durban

THE sombre mood on June 16 was worsened by the car bomb which exploded on the beachfront Saturday night, leaving three dead and dozens wounded.

There were virtually no black people in the city, and while the shops in the "white" part of town were open, many had closed by mid-afternoon. In the "black" part of the city, no shops opened at all.

Security Forces were strongly in evidence in the streets, but in terms of the regulations, there can be no description of what action they took.

More alarming for residents of the township was that a mysterious technical fault, the exact nature of which has still not been announced, disconnected many phone exchanges and no one could call in or out.

Azapo had been granted an order by the Natal Supreme Court on Thursday last week, declaring legal two meetings scheduled for June 16 in Durban. After the Emergency was made public,

both meetings were banned by court order.

At St Thomas's Church, Musgrave Road, ... made a bid to use Currie's Fountain for a rally June 16. Stadium management promised due to whichever group acquired a permit.

The magisterial permit went to the Youth Brigade. However, even this was addressed by KwaZulu Chief Minister Inkathata President Chief Mangosuthu Buthe, who was hit by a stayaway problem, and fewer than expected. Estimates ranged from 2 000 to 6 000.

With most meetings banned, the church provided the only way of making the day.

At St Thomas's Church, Musgrave Road, ... arm bands were made available for the interfaith wear until the lifting of the State of Emergency.

Bishop Dominic Kumbalo and 30 ... messes celebrated a special mass at St Thomas's Church, Sydenham, praying for "justice"

The week of June 16, when tension was at its highest. The paper was seized the week before and more and more regulations were pouring out of the government printer, most of them sweeping — and vague. Sefako Nyaka's eyewitness account was thrown out entirely. He actually lives in Soweto, but the regulations then barred journalists from the townships. A photograph of flowers was deemed subversive. Police had the previous day briefly detained people who displayed June 16 peace bouquets.

## The day that fell off the calendar

June 16 did not turn into a day of violence after all. If anything, it was a day of empty streets, closed shops and disconnected phones. SEFAKO NYAKA reports

## Some ironic pockets of press freedom

reports emerge regarding June 16 events. The tenth anniversary of the Soweto uprising was marked by numerous outbreaks of violence in Mdantsane, leading to the death of at least one youth, 14-year-old Mhlangabazi Tiyoyo. Tiyoyo died in Cecilia Makiwane hospital in the township after Ciskei troops broke up an inter-denominational service in a Methodist church in the township. According to Rev Gilbert Nyangane, who was leading the service, Ciskei soldiers arrived in trucks and surrounded the church shortly after the head of Security Police in Mdantsane, Colonel Louis Nonhono, had given an order that the service would be allowed to proceed. Nyangane said two ministers went out to relay Col Nonhono's assurance, but the soldiers did not listen. Instead, they assaulted the ministers, then began throwing stones through the windows and firing teargas into the church. Then soldiers moved into the church, beating people indiscriminately. "They were beating to kill, and now they have



above the mosque floor

DURBAN: SHOPOWNERS SHUT THE DOORS AT NOON



'S IN THE REGULATIONS ...

# y those black stripes

WEEKLY MAIL, June 20 to June 26, 1986 15

## IN THE HOUSE

### Under the cloak of privilege

IN the days since the State of Emergency was declared, PFP MPs have lost no opportunity of saying during debate what they think of it and the way it has been handled.

Graham McIntosh (Pietermaritzburg North) recited off the names of a number of people who had been detained, all of which were duly reported next day in the press.

If he had not done so, newspapers publishing the names could have been for the high jump: but he, and they, were protected by parliamentary privilege.

PFP leader Colin Eglin, speaking in the third reading debate on the budget this week, hammered home the fact that "in the circumstances created by the State of Emergency, parliament remains the only platform for free political expression in South Africa today".

"It remains the only place where the facts about what is going on can be probed — and debated," he said.

He asked that parliament should remain in session until the end of the State of Emergency.

Moreover, he added, it was "not good enough for parliament to rely on the limited information provided by the Bureau for Information, supplemented by rumours that are flying around the country".

The minister responsible for handling the regulations "must use parliament as a base for keeping MPs and the public fully informed about what is going on in the country".

"We must tell parliament how many people have been detained. What are their names? Have their next of kin been informed? Rumour has it that Mrs Winnie Mandela has been house arrested once again. Is this so? How many other people have been placed under house arrest?"

The reason Eglin and other MPs have been able to criticise the handling of the State of Emergency so freely is that there is absolute freedom of speech in parliament.

Moreover, the right to publish what has been said in parliament has never been assailed, although the government came within a hair's breadth of doing so when it tried to stop newspapers publishing particulars about an oil scandal referred to in a speech by John Malcomson (PFP, Port Elizabeth Central) in the early 1980s.

The privilege of parliament was also invoked in 1979 when the speaker stepped in to stop the police from questioning members of the press gallery in parliament in 1979.

The speaker's ruling was that police might not enter parliament except in the course of their ordinary parliamentary duties without his permission.

Just as judges are jealous of the independence of the courts, so are parliamentarians jealous of the privileges of parliament.

Freedom of speech in the South African parliament is one of the Westminster traditions which has not been abandoned.

It is entrenched in the Powers and Privileges of Parliament Act of 1963, itself a virtual repeat of the Act with the same title of 1911, after union.

The handbook of joint rules and orders of the House of Assembly, the House of Representatives and the House of Delegates "printed by order of parliament" and distributed to all MPs, confirms the Westminster origins of privilege.

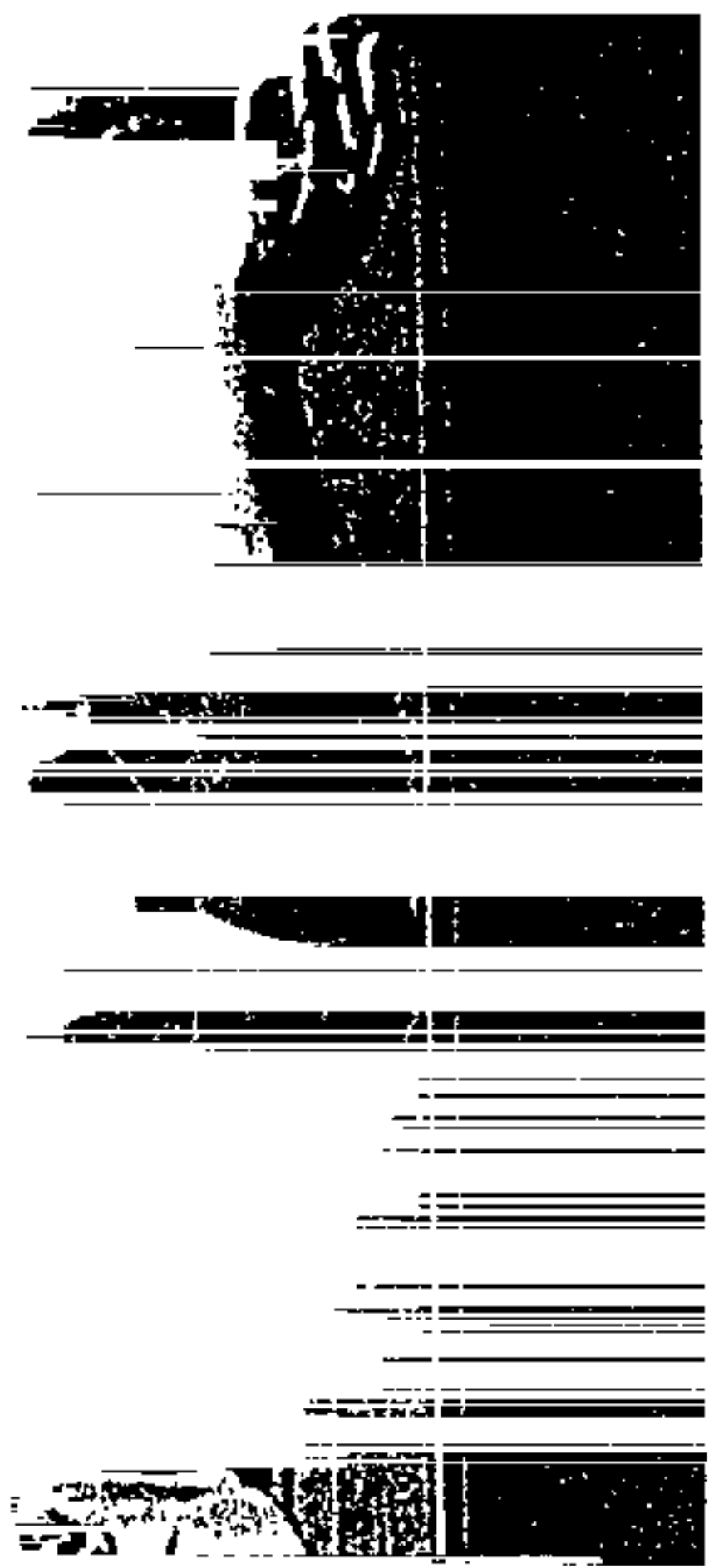
"Privilege" is actually indexed as "Commons, House of, same as ..."

To delve deeper, it is necessary to go to the parliamentarian's bible, Erskine May's "Parliamentary Practice".

Erskine May was a Brit (more accurately, a Scot) but his book is used as the supreme authority wherever the Westminster tradition, or remnants of it, survive.

Absolute freedom of speech in parliament was entrenched in the Bill of Rights of 1688, as every schoolchild probably no longer knows.

JEAN LE MAY



Picture: KIMBA ZIEMINSKI, Atrapo

## mosque floor

Le Grange, replying to a question in parliament during the second reading of the Internal Security Amendment Act, said police had received a tip-off that "armed members of the Muslim community" were going to attend the gathering. Upon their arrival at the mosque, police saw on the roof three armed men who allegedly opened fire on them. In returning the fire, police acted with "great restraint".

The minister also noted the police issued a warning that the gathering was illegal, but this was ignored.

According to Le Grange, three people were arrested.

In the House of Delegates, Le Grange came in for heavy criticism. The chairman of the Ministers' Council in the House of Delegates, Amichand Rajbansi, said he had been in touch with the State President on the issue, while Ahmad Arbee (Solidarity, Eastern Transvaal) called for a commission of inquiry into the incident, saying the failure of police to respect the sanctity of the mosque "left a bad taste in the mouth".

Other papers have been censored to comply with the Emergency Regulations.

## AT NOON

reconciliation" in South Africa. A number of detainees were mentioned and prayed for by name, but these names cannot be published — except for those of Father Theo Kneifel and Brother Hanz Ernst, both deported on Tuesday evening after their release from detention.

The service followed a remarkable show of solidarity by the priests of the Archdiocese of Natal, recently in disarray after a strong negative reaction by some clergy to the Southern African Catholic Bishops' Conference statement on economic pressure against South Africa.

But a statement read in many Catholic churches on Sunday read, in part, "we express our solidarity uncompromisingly with the people who because of their opposition to apartheid are detained ..."

"If it is a crime to oppose the evil of apartheid, we ourselves stand in solidarity with those detained and choose gladly to share the lot of the following..."

THE

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# WEEKLY MAIL

Volume 2, Number 31 FRIDAY AUGUST 8 to THURSDAY AUGUST 14, 1986

THE PAPER FOR A CHANGING SOUTH AFRICA

WHY PW WON'T  
WET HIS FEET  
IN RUBICON 3  
THE TALK IS NO  
LONGER REFORM 5

DO OUR ARTS  
DESERVE THE  
BOYCOTTS?  
A GUIDE THROUGH  
THE CULTURE MAZE 14

THE ARMY TRUCK  
AT THE BOTTOM  
OF THE GARDEN  
HOME'S AN IRON  
EX-WARRIOR 16

## Boycott • RESIDENTS' AMAZING CLAIMS town under siege ABOUT BORDER TOWNSHIP

By WEEKLY MAIL REPORTER  
STARTLING reports of events in Zwelithemba, a small inland settlement on the outskirts of Worcester, have been received by the Weekly Mail.

However, the Bureau for Information yesterday refused to grant permission for these allegations to be published.

Emergency regulations forbid the reporting of any conduct of Security Forces without permission.

The Weekly Mail has information that the events in Zwelithemba are not isolated. Similar allegations are emerging from a number of small towns in the Transvaal and the Cape.

The following is as full a report as our lawyers tell us we can publish without contravening Emergency regulations.

Zwelithemba is a township virtually under siege; a South African Defence Force camp is pitched on its borders, and within walking distance is a police station, hastily erected during the last State of Emergency.

Searchlights from towers that encircle the township span the streets nightly, frequently coming to rest on the front doors of known activists or anyone else suspected by police. A 7pm to 7am curfew imposed the weekend the current Emergency began is still in force.

This is the grim picture painted by two activists who came out of hiding

**This report has been restricted to comply with the Emergency Regulations**

briefly this week to speak to the Weekly Mail. Refusing to be named, they told of a community that is living under the constant fear of detention and harassment and is subjected to regular house-to-house searches, often twice a week or more.

All township activists are in hiding or in detention — they claim 154 were detained in a single swoop on June 16. Frequent raids since June 12 have meted at least 20 more.

And residents claim earlier this month police shot and killed a 17-year-old youth, Nimrod Smanga. Witnesses deny police claims that he was throwing stones.

In spite of this siege situation, residents still refuse to pay rents and are continuing their consumer boycott of the single township beach and all white-owned stores. They shop only at one particular supermarket, which has given support in the past to residents, extending credit to the unemployed and employing people desperate for jobs.

Even with the activists in detention or in hiding, the community is still aware and mobilised. We might not be around, but we have left behind our

• TO PAGE 2



## Behind the barbed-wire curtain

Renewed tension on the border: An armed soldier stands guard along the recently-installed barbed wire security fence on South Africa's border with Zimbabwe. At the same time, the sanctions-hit government began a counter-blockade of neighbouring black states. All transit goods bound for export through South African ports were meticulously searched, slowing traffic to a trickle.

• Picture taken by REUTERS with Defence Force permission

**RESTRICTED: REPORTS IN THIS NEWSPAPER HAVE BEEN CENSORED TO COMPLY WITH THE EMERGENCY REGULATIONS**

## Minister accuses NECC of plotting revolt

By PAT SIDLEY

THE Minister of Education and Development Aid, Dr Gerni Viljoen, has accused the National Education Crisis Committee (NECC) of being involved in a plot to overthrow the state and replace it with a structure called "people's power".

In papers this week before the Rand Supreme Court, he claimed the NECC wants to replace the current education system with one called "the people's education system", an instrument to mobilise black communities to overthrow the government and replace it with a black regime.

Viljoen also charged the NECC is carrying out the aims and policy of the African National Congress.

These allegations were made in an affidavit submitted in response to an NECC court application to overturn Emergency regulations relating to black schoolchildren.

Replying to the charges in the affidavit, Rev Molefe Tsele of the NECC has emphatically denied the organisation is doing anything unlawful or that it intends to act unlawfully. The organisation is concerned with the quality of black education, which it finds "woefully inadequate and inferior", he said, and would like the present system of education changed to a unitary, nonracial democratic education system.

Judgement in the case was reserved yesterday.

The outcome of the case is likely to have broad ramifications for 2-million schoolchildren, many of whom are engaged in boycotts involving the same issues as those before the court.

These include the compulsory registration of black students contained in a proclamation gazetted just before schools were due to reopen on July 13.

The NECC has asked the court for an order which would declare invalid the proclamation or the rules that provide for it.

• Compulsory registration of black pupils.

• The right of the Director General

• TO PAGE 2

## Land, shares may be cheaper for foreigners

FOREIGN investors may soon be able to buy South African property and holdings in unlisted companies at about half the price paid by local investors.

This will be the result of an expected extension to the use of "financial" rands, at the moment less than half the price of normal "commercial" rands.

In an attempt to encourage foreign investment, the government is considering allowing financial rands to be used to buy property and other unlisted holdings.

The decision was discussed by a joint committee of the Reserve Bank and the Department of Finance yesterday and a decision was expected shortly.

Such a move would aim to counter both the steady deterioration in the value of the financial rand on foreign exchange markets and the slump in the property market. The financial rand hit a record low this week of less than 18 cents in the US dollar, as against some 38 cents for the commercial rand.

Government officials concede, however, that in the present political climate the move would have little impact on either property prices or the value of the financial rand, at least in the short term. — Guardian

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The press has been unable to report freely on matters of substance for years. What the Emergency did was make reporting of the trivial illegal too.

A photograph of flowers. An eyewitness report saying nothing much was happening in Soweto.

A more serious effect of the Emergency has been that it has dried up news-gathering networks. Scores of contacts are detained or in hiding. Nor can reporters get to news events. Until this week they have been barred from unrest areas. They are still prevented from setting foot on school property. The prohibitions on photographs of unrest remain intact.

There are other, more subtle obstacles. In several instances local communities have taken grievances to court. The state has applied successfully for embargoes on affidavits until it has prepared its own case.

And then there is fear. Witnesses are reluctant to put their names to allegations because they believe — rightly or wrongly — that there may be repercussions.

The black lines have been peeled away. But the prohibitions remain.

THE WEEKLY MAIL

Minister accuses NECC of plotting revolt

Boycott • RESIDENTS' AMAZING CLAIMS  
town under siege ABOUT BORDER TOWNSHIP

Behind the barbed-wire curtain

RESTRICTED: REPORTS IN THIS NEWSPAPER HAVE BEEN CENSORED TO COMPLY WITH THE EMERGENCY REGULATIONS

A fortnight ago: There was increasing evidence of a massive crackdown on rural areas. We use a township in the Boland as an example. The Security Forces had surrounded the area. An army camp and a police station had sprung up overnight. Towers with searchlights swept across the town all night. But even without the black lines, the full story remains untold, for the legislation restricts the press.



## LETTERS FROM A LINKSFIELD LIBERAL



"Mon-Imali"  
Linksfeld, Johannesburg  
Monday, August 18

My son,

YOU will be glad to hear that we will not be spending your inheritance going to Bulgaria. We are still going, but we have found a foolproof way to get there for free and to get a life subsidy from the United Nations. The method is so simple, any Black Sash tannie from Pretoria could pull it off.

We found the plan in the People's Workbook, under the heading "Building a chicken run; making sure the chickens come home to roost (using low-cost, asbestos-free, locally-produced, cottage-industry materials and the unpaid labour of your extended family)."

Lawyers sum up the method in one word: deportation!

The method is this: your grandmother gets her Bulgarian passport back. We learn folk dances, eat yoghurt and thus, with the help of your grandmother and a poisoned umbrella or two, lay similiar claim to Bulgarian "citizenship". As practise we went to the Market Theatre to see a play called Sofiatown. End part one.

Part two is the easy part: we let Barney loose (ie we don't follow him when he goes on the Parktown prow), and when he is arrested, he produces his Bulgarian passport and demands to see the Ambassador. He gets deported. End part two.

Part three is the nerve-wracking part. We have to get ourselves arrested — probably by picketing in protest against the cruel, inhuman, unjust deportation of the uncle. Once arrested, we produce our Bulgarian passports and should make the same plane as Uncle Barney.

There is one major catch. Beauty refuses to protest Barney's deportation.

The only alternative to this is to wait for clearance from the Bulgarian government-in-exile, our pink cards, our work permits, our assets to be liquidated, our house to be sold (Beauty is asking R250 000, which she says is a steal), your army clearance (I don't want to be difficult, my son, but it's the least you could do to smooth the path for your family), and our income tax exemption. The other problem is that when your grandfather went for the gap (to put it delicately) all those years ago, he left a blaze of bad debts behind him, and some cousins you would enjoy to hear about.

We are also having a few problems with your Uncle Barney. He is, he says, "committed to the struggle" and he is mostly concerned to "live in the contradiction". He spends sleepless nights worrying about whether two-phase theory is better than the other one, and also whether marginality is not, in fact, the best disguise of them all. He has a few disguises which he tries out every day after lunch in Rosebank. The first is called a "workerist" facade. He dons a blue overall (courtesy of Eva, who usually uses it for fundraising), totes a rickety stepladder (courtesy of the neighbourhood peeping Tom and property liberation manager) and packs a toolkit full of do-it-yourself, easy-to-assemble, fun for the whole family, age six to 16, limpet mines which he tries to hide in Cafe Wien cocoa-cups. Unfortunately, the last time he was preening himself in the side-view mirror of the BM before leaving on his mission, Gloria caught sight of him and sniggered.

"You're really out of touch, old toppie," she said rudely. "That was the disguise six months ago. You've got to be alert, change to meet a changing situation. You're too old to be a revolutionary, why don't you go organise in a geriatric home?"

This was hard for Barney to take, but he now has a philosophy to deal with it.

"Thank you for raising these issues, Gloria. I think it's been useful. We need to channel our energies into dealing with some of the inherent difficulties of what I hear you to be saying. Firstly, I feel that we need to examine the ageism which I feel is being manifested. Do you think you could unpack that?"

Gloria, having heard a lot of that sort of talk, was unfazed.

"Oh stop with the bourgeois mystification and liberal humanism, you pompous Kerenskyite. Get yourself a Pierre Cardin suit and be sure to wear a waistcoat. I've always wanted to go with a sugar-daddy to the Japanese restaurant at the soon-to-be imploded Jo'burg Sun."

This disguise is apparently called "knowing the enemy" and Gloria and Barney do it three times a week on my credit card.

Your loving father,

Dad

## OTHER PEOPLE

# I've changed my politics, says the mayor who quit

After seven years as mayor of Tembisa, Lucas Mothiba has quit. The reason, he says, has nothing to do with a boycott of his various businesses in the town. They have to do with his new realisation that the local authorities system cannot work. SEFAKO NYAKA reports

LUCAS MOTHIBA thought the best way to fight one's enemy successfully was to get into his boots — to fight the battle from within.

But the former mayor of Tembisa found that that "strategy" has its limits.

Since his association with the "enemy" — government-created Black Local Authorities — the takings from his more than half-a-dozen businesses in this East Rand township have slowly dwindled. Now, with a three-month-old boycott of his businesses, he is taking in a fraction of the amount he used to make from one outlet alone.

When Mothiba resigned from the council two weeks ago, he wasn't expecting a sudden flock of patrons. And indeed, his businesses — a night club, bottlestore, butchery, supermarket, restaurant and dry cleaning depot — are still being boycotted.

"My resignation from the council was not prompted by the three-month-old boycott of my businesses.

"I resigned because of the realisation that the Black Local Authorities were politically and economically non-viable," the soft-spoken Alexandra-born Mothiba — who once worked as a personnel officer for a Kempton Park-based company — said in an interview this week.

"The Black Local Authorities Act, which is an Act of Parliament, has been decided by an exclusively white Parliament and yet the Act itself was designed to govern black people."

The BLA was a "practically new thing" and Mothiba felt black people had to explore all avenues made available to them.

During his seven years as mayor — he went into community councils in 1979 — part of Tembisa acquired electricity, a water-borne sewerage system and tarred roads.

But when the former ANC Youth League member realised that people "have taken a new stride" in politics and were rejecting the BLAs, he decided to call it quits.

With him he brings the "wise counsel" of years in the local government bodies:

"Unless the government subsidises 90 percent of black needs, the whole system will collapse.

"The government should release Mandela and other imprisoned leaders, unban the people's organisations, allow exiles like Oliver Tambo to return and negotiate with the authentic leaders of the people, not those at local level."

The spiral of violence can only be cut if President PW Botha heeds the demands of the people.

But people should give Botha a chance to try and effect the reforms he is contemplating.

"The role played by violence has encouraged some reform, but while that is happening it is necessary to



Ex-mayor Lucas Mothiba ... people should still give PW a chance

Picture: STEVE HILTON-BARBER, Afrapix

talk. A man like PW needs to be given a chance to see what will happen if he is given the chance he is asking for."

Born in Alexandra more than 50 years ago, Mothiba can vividly remember such leaders as Moses Kotane, secretary general of the SA Communist Party for many years.

He didn't take part in the Defiance Campaign, he said, "because I was too young then".

Although "some pressure" was applied on him to resign, Mothiba says that wasn't the only factor that contributed to his resignation.

"Over the years, since 1984 to be precise, I have been seriously reviewing my participation in government created structures."

There is no particular event that jolted him into resigning, but it is a "decision taken over the years".

But allegations that he was setting up a vigilante group only hastened his decision to resign.

There have been several attempts on his life, but his family was never intimidated.

On the night of July 30, 1984 he narrowly escaped death when gunmen opened fire on him as he was leaving his shop.

"My businesses have been the target of angry stone-throwers and arsonists more than half a dozen times."

In 1985 a limpet mine "of East German origin" caused extensive damage to his two-storey shopping complex.

"And every time this happened,

some people would come to me to ask why I was just folding my arms and not taking revenge on those who were doing these things to me."

By that he understood "those people" to be suggesting he set up a vigilante group.

It therefore came as a surprise, he said, when two youths told a press conference they had been recruited by the Tembisa mayor to become vigilantes.

"If I had wanted to take up arms against the people who were destroying my businesses, I could have done it.

"But then people would have misconstrued my attempts at defending myself as an act towards the formation of vigilantes."

He said he felt he would rather be destroyed than lift his hand against his brother. "That is my Christian belief," said Mothiba — who admits the last time he went to church was when he was 19.

"I have never been involved in setting up vigilantes. Soon after those youngsters were released by the people who made them say the things they said at the conference, they came straight to me and told me that they were pressurised." Their story convinced him people were finding new ways to try to bring pressure on him.

So he has resigned and is watching, with keen interest, what the people of Tembisa decide to do about lifting the boycott of his businesses.

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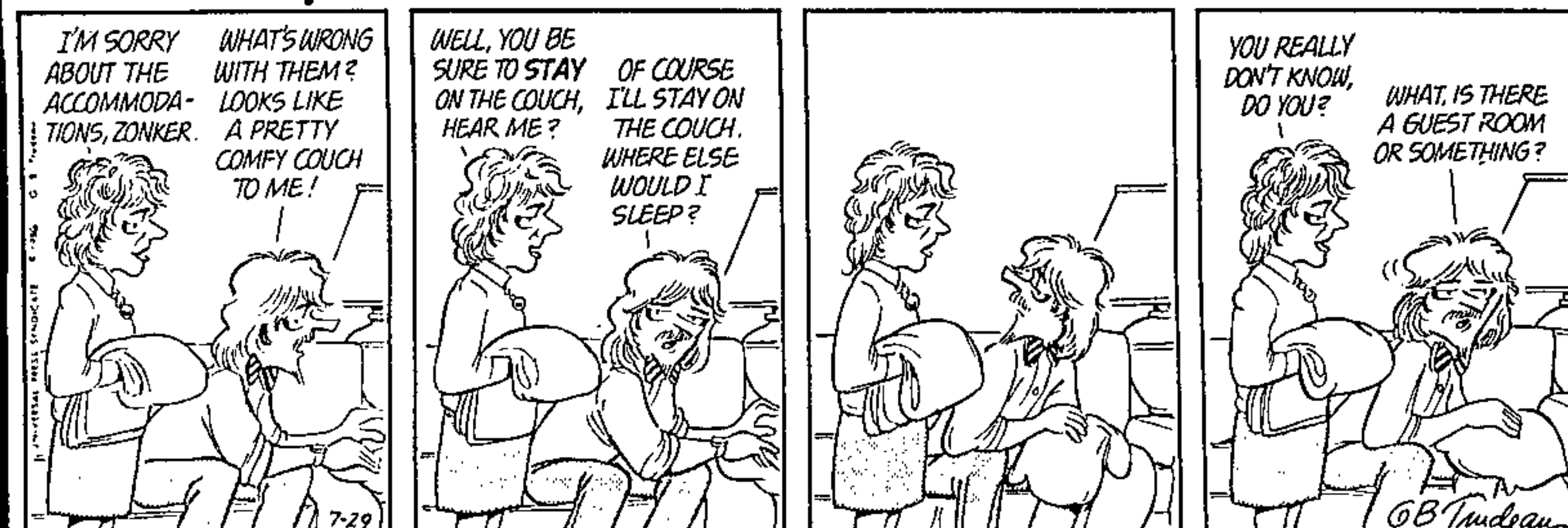
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## Doonesbury

BY GARRY TRUDEAU





## THE ECONOMY

## The unmentionable trade: SA and Africa

OWN CORRESPONDENT,  
London

THERE are no sales statistics. The goods are unmarked. The freight planes bear no registration numbers. It is the trade to which no side can admit: between the black African

states and their greatest foes, South Africa.

Pretoria can afford to be smug about the world's talk of sanctions. On a continent dismally short of transport networks and industry, independent Africa has little option but to continue

Pretoria can afford to be smug about black Africa's talk of sanctions. It's not only the frontline states which depend on South African food and technology.

trade with the south.

Most backdoor dealings are so secret there are no statistics available, only the infrequent pronouncements of government officials on those occasions when it suits them to lower the veil a little.

South Africa's Deputy Foreign Minister Louis Nel, for example, has castigated African leaders for their hypocrisy, remarking that "all but four African states trade with South Africa".

His claims have received at least some tacit reinforcement in statements by African leaders. At a Paris conference on apartheid in June, Senegalese President Abdou Diouf said where trade with South Africa was concerned, not all countries could claim to be "blameless".

Organisation for African Unity (OAU) President Sassou Nguesso has called on African states to put their own houses in order by breaking off overt and covert relations with South Africa. Several other speakers at the last OAU conference backed him up by attacking the hypocrisy of some — unnamed — countries which call for sanctions while trading secretly with South Africa.

The OAU itself showed no hurry in wanting to clean up the house. A list of those African capitals which accommodate South African Airways flights was presented to the last meeting of OAU foreign ministers. It was promptly "classified" and shelved.

South African Airways is, in theory, allowed to overfly no African country. The practice is rather different. The Seychelles, for example, is full of moneyed South African tourists, who contribute generously to the national coffers.

SAA stops off daily at the Amilcar Cabral international airport (named after a famous black African revolutionary leader) at Cape Verde, bringing the country a goodly chunk of its foreign currency earnings in the form of transit fees. The capital of Cape Verde is known to serve as a venue for unofficial contacts between South Africans and black African governments.

While SAA lands openly at Cape Verde, there are a good few countries where South African planes land more discreetly. Unmarked, unregistered jets arrive at airports in Abidjan, Libreville, Kinshasa, Nairobi and Mogadishu, and taxi discreetly to areas outside the public gaze, there to offload their cargoes and vanish once more, equally discreetly.

Zaire and the Ivory Coast are two other countries which have open political contacts with Pretoria. Under President Felix Houphouët-Boigny, the Ivory Coast invented the idea of "dialogue" with Pretoria, as far back as 1974.

Zaire, in theory an arch-foe of apartheid, is at South Africa's mercy. The Benguela railway line linking Zaire and Angola has been cut by South African-backed Unita rebels, isolating the mineral-rich province of Shaba. The diamonds of Shaba reach the world market only by courtesy of South Africa. Almost the entire Zairean diamond output is marketed by a company called Britmond, itself a

subsidiary of South Africa's De Beers corporation, which in turn controls 80 percent of the world diamond market.

South African officials like to point out that 57 percent of Kinshasa's imports go through South African ports. So do 45 percent of Zaire's copper exports, 60 percent of its zinc and 40 percent of its cobalt.

In the Central African Republic it is again South Africans who have until now marketed a substantial portion of the country's diamond output. Last month a new company was formed to handle the country's marketing, with specific instructions to exclude South African participation. Time will tell whether this actually works.

Gabon, whose president, Omar Bongo, was one of the more vociferous supporters of the OAU resolution to withhold landing rights to any plane bound for South Africa, not only permits "covert" visits by South African planes; he is also employing South African technical expertise to build a new international airport.

Malawi's President Kamuzu Banda, for years the only African leader to maintain diplomatic relations with Pretoria, once criticised those politicians who "piously vote

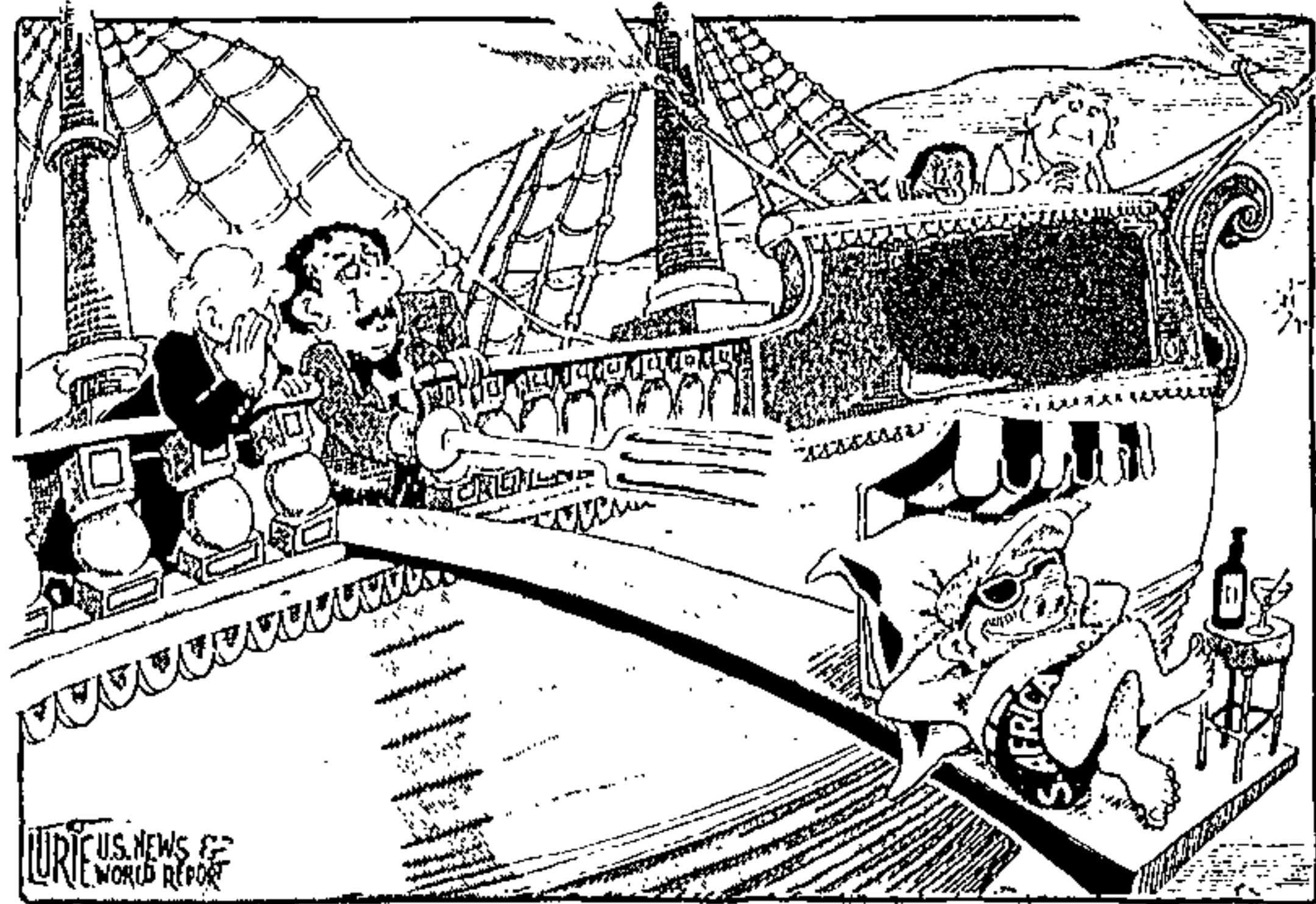
resolutions against Pretoria when their stomachs are full of South African meat".

And indeed, meat is a favourite among the foodstuffs imported from Pretoria. Indeed, until quite recently, the label "Produced in South Africa" could be found in food stores in most African cities like Brazzaville, Dakar, Douala, Lagos, Lome and Kampala. In Equatorial Guinea, the South Africans have even helped launch a huge cattle-breeding ranch.

Part of the reason for the South African success is the excellent trade relations Pretoria has managed to maintain with the Asian community in Kenya, which controls trade throughout East Africa.

Another reason has to do with the inefficiency — not to mention corruption — of customs officials who are either unable or unwilling to enforce the trade boycott.

And, ironically, it is not only nationals from countries bordering South Africa who are eager to work there, apartheid or not. Some years ago, the Ghanaian government actually had to campaign to dissuade some of its nationals from taking up work offers in the South African "independent" homelands.



"He seems too frightened to jump."

## Boycott busting: A new industry booms:

By VIVIENNE WALT in  
Johannesburg and RAFIQ  
ROHAN in Durban

THE Durban newspaper advertisement had all the signs of an undercover job. Experienced sanctions-busters wanted, it said. And especially those with foreign passports, the advertiser told those who called.

"The response was phenomenal," said Tony Mears, owner of an import/export firm called Trader Corporation which deals, *inter alia*, with the export of coal. "At last count, we had 86 people wanting to do the job."

Mears said his motive was not patriotism but business. His sanctions-busting operation will cover all forms of trade in a number of countries. "I don't deal with official or semi-official departments," he said, "but directly with the countries interested in trade."

"We already have a few front organizations." Exactly how it is done, he said, "is all self-evident. Just take an atlas, figure out who is hostile to us, and who is friendly."

Aside from Pretoria's traditional friends, like Israel, South Korea and Taiwan, African countries — starved of export markets and foreign currency — are beginning to emerge as the most likely and convenient go-betweens.

Companies here are already said by traders to be investigating facilities in countries bordering South Africa, where goods would be repackaged and new labels pasted, in order to disguise the country of origin. Export documentation would be neatly changed so the goods would appear to be shipped originally from outside South Africa.

Although discomfiting to leaders who publically detest the apartheid regime, sanctions-busting would undoubtedly be very lucrative. "When you get down to reality, all this fighting talk against South Africa doesn't feed empty bellies," said a Johannesburg export consultant, who refused to be named, saying he had been "swamped with calls from clients trying to reroute their goods."

In their new wrappings, South African goods would ostensibly be shipped from other African ports

direct to the disinvesting country. "Containers could go straight to Havana," he said.

Perhaps an extreme example of what is gently known in the business as "unconventional trading" was South Africa's large shipment earlier this year to Ethiopia of grain, as food aid, routed via Mozambique and bearing Mozambican documentation.

But traders admit the scheme is not problem-free. They point to the decade-old oil embargo against Pretoria by several Opec countries which has so far cost the South African government about \$22-billion (R55-billion) in stockpiling costs and premium rates.

Since the US Senate and European Community sanctions packages hit mainly at South African exports, rather than imports, the new problems would involve inadequate transport routes.

South Africa has by far the most advanced rail and port network in the region, and has taken the trouble to usurp trade from its competitors' ports. Reversing the process could take several years. "There's just no way you could get the coal out of Maputo in anything like the same quantities," said one financial journalist.

Aside from the considerable expense involved in rerouting goods, perishable items like fresh fruit and vegetables — on the European Community's new blacklist — will have to move too quickly to be rerouted.

Other embargoed commodities will be impossible to disguise, like South African coal, which accounts for nearly 10 percent of the country's exports and has unique mineral properties. How effective coal-shipping operations will be will depend on how zealous are the monitors in Europe and the US. "Success will lie in the clandestine movement of goods," said the Johannesburg export consultant. "It's becoming a very delicate game."

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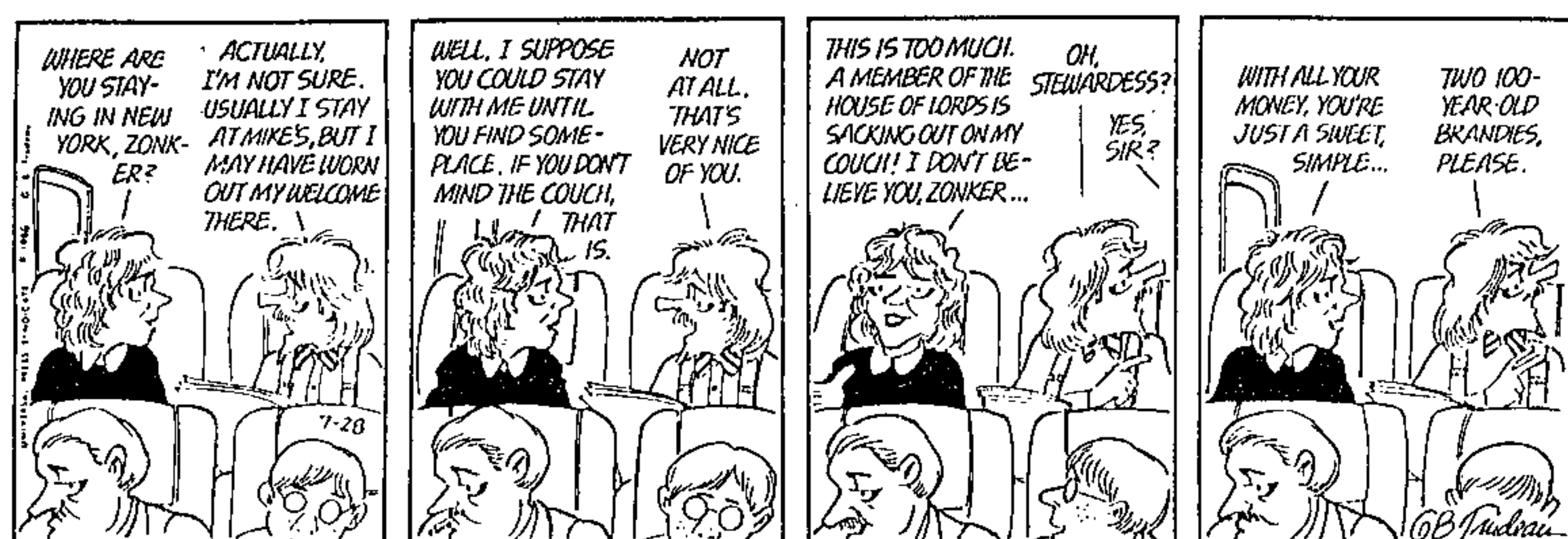
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## Doonesbury

BY GARRY TRUDEAU





CAPE TIMES 22/8/86 287 (397)

# Lyrics of 'peace' song

Staff Reporters

THE controversy surrounding the Bureau for Information's "song for peace" continued yesterday with the song's copyright holders warning they would sue newspapers which published the lyrics.

But the lyrics of the R500 000 song "We'll Build a Brighter Future" — which appeared in the Star, in Johannesburg, on Wednesday and in the first edition of the Argus yesterday — were read in Parliament yesterday.

Mr Roger Burrows, PFP MP for Pinetown, read the lyrics at the end

of his speech during the debate on the South African Certification Council Bill.

The lyrics read: "Now's the time to join our hands together/Prepare ourselves for the days ahead/Have a say, yes, have a say in what goes on/So let's join our hands/Join our hands in friendship/Educate our kids for the future/Plan for a bright tomorrow and a peace we're going to share/Yes, black and white all building our land together/Working side by side to build us a brighter future/In city and country building a

bright new future/All together now/Heading for a land of harmony and peace and plenty/Work together at the jobs that suit us/Finding work that suits us best/We must build, yes we must build the things we need/Shelter for our heads/Water for our crops/With the help of God build the future/Build for a bright tomorrow and a peace we're going to share."

Meanwhile, David Kramer has joined the growing list of performers who want "no part" of what bureau's venture into pop music.



327

327

REPUBLIEK  
VAN  
SUID-AFRIKA



REPUBLIC  
OF  
SOUTH AFRICA

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Vol. 254

PRETORIA, 22 AUGUSTUS 1986  
AUGUST

No. 10399

## GOEWERMENSKENNISGEWING

### MINISTERIE VAN WET EN ORDE

No. 1772

22 Augustus 1986

KENNISGEWING VAN BEVEL UITGEVAARDIG DEUR DIE AFDELINGSKOMMISSARIS VAN DIE SUID-AFRIKAANSE POLISIE VIR DIE AFDELING WESTELIKE PROVINSIE

Hierby word kennis gegee dat Christoffel Anthonie Swart, Afdelingskommissaris van die Suid-Afrikaanse Polisie vir die Afdeling Westelike Provinsie, op 16 Augustus 1986, kragtens die bevoegdheid hom verleen by regulasie 7 (1) (d) van die Regulasies uitgevaardig kragtens die Wet op Openbare Veiligheid, 1953 (Wet 3 van 1953), by Proklamasie R. 109 van 12 Junie 1986 soos gewysig, die bevel in Bylae B uiteengesit, met betrekking tot die gebiede in Bylae A vermeld, in die landdrostdistrik van Wynberg, uitgevaardig het.

#### BYLAE A

(a) In die landdrostdistrik van Wynberg en in die gebied bekend as Nyanga-uitbreiding 3-woongebied soos afgebaken en omskryf in Goewermenskennisgewing 662 van 3 April 1980; daardie deel van 'n gebied begrens deur Mahoberylaan, Klipfonteinweg en Lansdowneweg wat op die datum hiervan oop en opgeruimde grond is, soos omhein met lemmetjiesdraad.

(b) In die landdrostdistrik van Wynberg en in die gebied bekend as Nyanga-woongebied soos afgebaken en omskryf in Goewermenskennisgewing 1984 van 9 Desember 1960 daardie deel van 'n gebied begrens deur Terminusweg, NY 78, NY 5 en Great Dutchsingel wat op die datum hiervan oop en opgeruimde grond is.

#### BYLAE B

Geen persoon mag, van die datum hiervan, enige gedeelte van 'n gebied in Bylae A omskryf, betree of daarop of daarin aanwesig wees sonder die skriftelike toestemming van die gemelde Afdelingskommissaris van die Suid-Afrikaanse Polisie en anders as ooreenkomstig die voorwaardes, as daar is, wat genoemde Afdelingskommissaris bepaal nie.

76—A

## GOVERNMENT NOTICE

### MINISTRY OF LAW AND ORDER

No. 1772

22 August 1986

NOTICE OF ORDER ISSUED BY THE DIVISIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE FOR THE WESTERN PROVINCE DIVISION

Notice is hereby given that Christoffel Anthonie Swart, Divisional Commissioner of the South African Police for the Western Province Division, has on 16 August 1986, under the powers vested in him by regulation 7 (1) (d) of the Regulations promulgated under the Public Safety Act, 1953 (Act 3 of 1953), by Proclamation R. 109 of 12 June 1986, as amended, issued with reference to the areas mentioned in Schedule A, in the Magisterial District of Wynberg, the order set out in Schedule B.

#### SCHEDULE A

(a) In the Magisterial District of Wynberg in the area known as Nyanga Extension 3 township, as demarcated and described in Government Notice 662 of 3 April 1980, that portion of an area bordered by Mahobe Avenue, Klipfontein Road and Lansdowne Road, which at the date hereof is ground which is open and cleared as fenced by a barbed wire fence.

(b) In the Magisterial District of Wynberg in the area known as Nyanga township, as demarcated and described in Government Notice 1984 of 9 December 1960 that portion of an area bordered by Terminus Road, NY 78, NY 5 and Great Dutch Crescent which at the date hereof is open and cleared ground.

#### SCHEDULE B

No person may from the date hereof enter on or be present on or in any part of an area as described in Schedule A, without the written permission of the said Divisional Commissioner of the South African Police and other than in accordance with such conditions, if any, as the said Divisional Commissioner may determine.

10399—1



32/10/86 (721) 288

## Star reporter in Rand court

JOHANNESBURG. — A Star reporter, Mr Michael Tissong, appeared in the Magistrate's Court here yesterday in connection with a story about hand grenade blasts in Duduza township on June 26 last year.

A warrant of arrest was issued for another reporter, Miss Chris Steyn, who contributed to the story. She left for London last week.

The reporters are being asked to confirm under oath an article they wrote about the blasts, which killed seven youths. — Sapa



# Files, photos seized in raid on Ccawusa

THE Pretoria branch of the Commercial Catering and Allied Workers Union of South Africa was raided on Wednesday morning and several files and photographs seized, the union has claimed.

The raid, which lasted about an hour, was condemned by the union, which reiterated its commitment and determination to fight for the general interests of the working class.

In a statement sent to the *Sowetan* yesterday, the union said: "This raid as well as the continuous and systematic harassment of our officials and members leads us to conclude that the authorities are bent on weakening our union."

"In this they will not succeed," the statement added.

## Dispute

• The Brushes and Cleaners Workers Union will hold its general meeting at Lekton House on Saturday.

Meanwhile, the dispute between the union and Nels Dairy has entered a new phase.

Twenty workers who were living on company premises have been evicted.

This comes after the company dismissed 750 workers who were arrested at the company's premises on June 18 and detained for two weeks.

## Wages

Top on the agenda will be wages and salaries.

A spokesman for the union said the union was comprised of the most underpaid workers in the country and this meeting was crucial.

All members are urged to attend.

• This article has been censored in terms of the emergency regulations.



22/8/86  
STATE OF EMERGENCY

## The week's tally

The Sunday peace of the eastern Transvaal was shattered when two separate landmines were detonated, killing three women and two children, and injuring four others — two of whom were still critically ill as the FM went to press.

The first explosion was at a garage near Kanyamazane outside Nelspruit. The dead were: Katy Sambo (23); Lindiwe Mdluli (20); Emelina Sebeti (28); Joyce Nkomane (10 months-old), and June Nkomane (nine months-old). Absolom Nkosi (31) and Roger Nkowanye (43) were injured in the same blast.

In the second explosion, a Mrs Roos and her three children drove over a landmine close to their farmhouse near the Nelspruit-Komatipoort road. The woman and her nine-year-old son were critically injured.

Four men were shot dead and a fifth was wounded in a skirmish with police in the eastern Transvaal near the Swaziland border last Thursday.

Police arrested the fifth man in the vicinity the following day. They also seized a number of Russian weapons, including an RPG launcher and projectiles, limpet mines, hand grenades, and AK 47 rifles. Law and Order Minister, Louis le Grange, said the incident happened while the men were trying to enter SA.

Following the blasts, Deputy Information Minister, Louis Nel, slammed the West for practising double standards by supporting the African National Congress.

Fourteen people died in other unrest-related incidents for the week to Tuesday, according to the Bureau for Information, bringing the death toll to 228 since the emergency came into effect on June 12.

Most of the recent fatalities and unrest-related incidents occurred on the Reef, particularly in Soweto, Tembisa, and Katlehong. However, the level of unrest is declining, according to the bureau.

On the plus side, four people were saved — two by the security forces — from being burned to death. Eight people have been arrested and will be charged.

On Monday, an Umlazi attorney and United Democratic Front member, Kwenza Mlaba, was shot in the back by unknown men. His wife said shots were fired into her daughter's room, their cars set alight, and their lounge petrol-bombed. Mlaba is in a stable condition in hospital.

Also in Umlazi, a policeman and his wife were slightly injured in a hand grenade attack on their home at the weekend.

Following the publication of the names of 8 501 emergency detainees by Le Grange this week (see page 47), the Department of Law and Order said that weekly supplementary lists of detainees would be issued, which would include only the names of those who had been in detention for more than 30 days. The supplementary lists are to be issued in terms of the Public Safety Act.

Meanwhile, in the Maritzburg Supreme Court, argument continued in the case English-language newspaper groups have brought against emergency regulations 7 to 12 (*Current affairs* August 15).

Sidney Kentridge QC, for the newspapers, contended that the regulations were inordinately punitive on editors and publishers who transgressed; that the State President had exceeded his powers; and that the consequence of his emergency decrees could not have been foreseen by parliament.

The State argued that the regulations were necessarily uncomfortable — which is why they were regulations — and that it would be difficult for the court to assess their reasonableness without being acquainted with the circumstances which prompted them.

□ The appeal against the Natal bench judgment invalidating emergency regulations 3 (1) and 3 (3) — on the grounds that they contradicted the spirit of the Public Safety Act — is now only likely to be heard in the Appeal Court in Bloemfontein early next month.



# Curb on media invalid

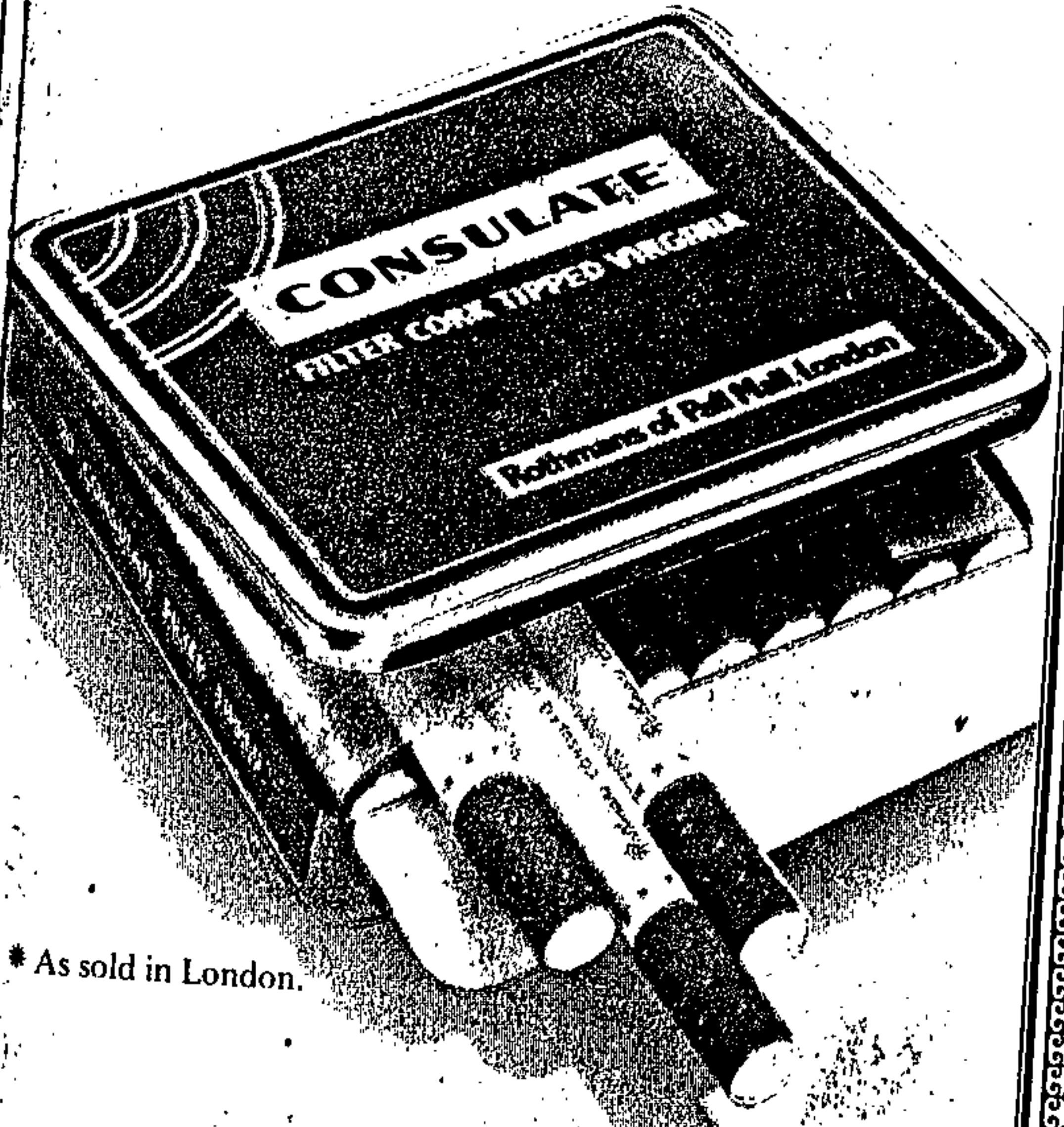
SA'S PRESS can now report on unrest incidents - for the first time since this year's June 16 anniversary of the Soweto Riots. Two emergency regulations banning reporting on security force action and banning journalists from unrest areas effectively fell away after the State conceded in the Maritzburg Supreme Court that they were invalid.

The State made its concession during the application by four newspaper groups challenging six emergency regulations.

It agreed that the restrictions on media coverage had not been promulgated - they had merely been sent to newspapers by telex.

● Taking photographs and other visual material of security force action is still banned.

# INTINS



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CON217EF



Cape Times 25/11/86.  
327  
**Bid to name political  
censors turned down**

**PRETORIA.** — The Publications Appeal Board chairman, Professor Kobus van Rooyen, on Friday turned down a petition from Ravan Press to identify members of a "political publications committee".

Ravan had charged that this committee abused its powers by banning Professor Raymond Suttner's book "30 Years of the Freedom Charter", and had asked that members of the committee be made available to answer questions.

However, Professor Van Rooyen dismissed the application, saying he did not believe such evidence would be of use in the formal appeal tomorrow against the banning of the book.

The book, written by Professor Suttner and Jeremy Cronin, was banned on June 20, within days of Professor Suttner being detained.

Mr Gilbert Marcus, who appeared for Ravan Press, said it had become abundantly clear that a special "political" committee existed to deal with publications falling under Section 47 (2) (e) of the Act. This section provides for the banning of a publication that endangered the safety of the State or the maintenance of public order.

Mr F Roos, appearing for the publications committee, said the sole purpose for bringing the application was to cross-examine and discredit the committee members. — Sapa



976-10-18 2/10/6

# Raid on railway union

Labour Reporter

THE fledgling Cape Town branch of the South African Railway and Harbour Workers' Union (Sarhwi) was raided by security police last week, according to a union spokesman.

The spokesman said police entered and searched the offices in the City soon after lunch on Friday.

"They questioned workers here, but they didn't arrest anyone or take anything," he said.

Security police were harassing the union because it was attracting so much interest from local railway and harbour workers "but they won't cripple us", he said.

A police liaison officer, Captain Jan Calitz, referred the Cape Times to his head office, the public relations division in Pretoria.

A spokesman, Major S Van Rooyen, said last night that police "do not comment on routine police duties".



27/8/80  
GVC 10/81

# 7 will contest their arrests

Post Reporter

IN one of the first cases of its kind under the current state of emergency, seven detainees will bring an application for their release before the Grahamstown Supreme Court tomorrow.

The case, set down for two days, has been brought by several prominent Grahamstown residents, including two Black Sash members, Mrs Louise Vale and Miss Anne Burroughs, a Rhodes University lecturer, Mr Andre Roux, a teacher at one of the local African schools, Mr Timothy Bower and three students, Miss Melissa de Villiers, Miss Karen-Leigh Thorne and Miss Jean Burgess.

The application includes allegations that a security branch policeman, Lieutenant Lloyd Edwards, misdirected himself and acted improperly in ordering the arrests and detentions of the seven detainees.

The applicants also hope to persuade the court to rule — if it finds that if the facts relied on by the arresting officer Lt Edwards, are shown to be wrong — that the arrests and detentions were invalid even though he held the opinion that they were necessary.

The respondents are the Minister of Law and Order, the Commissioner of Police, the Divisional Commissioner of Police and the Commissioner of Prisons.



27/8/76  
EVE POST (327)

# Bench to hear legal argument in Press challenge

Post Reporter

TOMORROW a full Bench of the Grahamstown Supreme Court will hear argument in a matter in which the Editor-in-chief of the Eastern Province Herald and Evening Post and three other senior journalists are challenging the validity of a Government notice issued by the Minister of Law and Order last year.

The notice, No 2221 of September 25, deals with the prohibition of gatherings.

The applicants are Mr J C Viviers, the Editor-in-chief, Mr Trevor Bisseker, deputy editor of the Evening Post, and news editors Mr André Erasmus and Mr Cliff Foster.

The four newsmen were issued with subpoenae for an inquiry in terms of Section 205 of the Criminal Procedures Act 51 of 1977.

They were required to give material evidence before a magistrate concerning a supposed offence committed by Mr Mkhusele Jack and others.

It will be argued that they are not obliged to testify because the Government notice was invalid and that as no crime could therefore have been committed by Mr Jack and others, a subpoenae could not have been issued.

The respondents are a Port Elizabeth magistrate, Mr P Rothman, and the Attorney-General of the Eastern Cape.



# Dean tells of 'altercation'

By CLARE HARPER

THE Anglican Dean of Cape Town, the Very Rev Edward King, yesterday described the charges withdrawn against him for attending an illegal gathering and resisting arrest as "a fruitless exercise on the part of the authorities".

Charges against Dean King and 142 squatter women — who marched to Parliament on June 12 — were dropped yesterday in the Cape Town Magistrate's Court.



Dean King outside St George's Cathedral yesterday.

Dean King said the women and their babies had marched peacefully and were demonstrating against "justified grievances".

He said the women had assembled outside St George's Cathedral, "but when it became clear they intended moving to Parliament I felt sure I should go with them".

Dean King said he was uncertain of the nature of the actual charges against him as he had not seen the charge sheet. "But I gathered I was given an additional charge for resisting arrest," he said.

He said he had "an altercation with a riot policeman who took exception to my comments

and general attitude, which was not particularly co-operative".

"There is a fair amount of confusion on these occasions," he added.

● Case against dean dropped, page 2





327

DD27/8/86

## Detention delays results of probe on shootings

PRETORIA — The publication of the results of an independent inquiry into the November 21 shootings in Mamelodi, which left 13 people dead, has been delayed because one of three commissioners has been detained under the emergency regulations.

This was announced by the chairman of the Pretoria Council of Churches, Dr Nico Smith, whose organisation held the inquiry.

The Attorney-General of the Transvaal, Mr Don Brunette, said last week magistrates' courts would hold inquests into the deaths.

Dr Smith welcomed the decision and said he hoped the findings of the PCC would be published before the start of the formal inquest.

However, one of the three commissioners detained in terms of the emergency was still in detention so the commission's findings had been delayed, he said.

The commission sat in Mamelodi earlier this year and heard evidence from a number of witnesses to the shootings.

An invitation to the police to testify before the commission was turned down.

The deaths occurred when security forces opened fire on almost 50 000 Mamelodi residents — including women, children and pensioners — who marched on the local council offices in protest against the high monthly rentals and police presence in the township. — Sapa



# Chipping away at South Africa's legal system

**T**HE SA government's tough state of emergency regulations were dealt a sharp blow by the Natal Supreme Court last week.

The ruling by three judges in Durban that the strict regulations governing visits by lawyers to detainees were invalid, has already been felt countrywide.

Dozens of detainees have been already been visited by their lawyers. Access to detainees by their lawyers constitutes far more effective protection against abuse.

The Natal ruling - and the case in Cape Town where a nun was released and in Johannesburg where a TV soundman was freed - has shown that judges have a wider discretion to interpret the law than is sometimes thought.

Over the years a series of cases have established that in SA parliament is the final power which the courts cannot check, regardless of whether the law is "just", "fair" or even "reasonable".

Prof John Dugard of Wits Law School commented: "In SA few holds are barred as far as parliament is concerned: parliamentary sovereignty has been taken to its logical and brutal conclusion at the expense of human rights."

During the early 50s the situation was different. Parliament tried to remove Cape Town's coloured people from the voters' roll.

But this law, the Separate Representation of Voters Act, was declared invalid by the Appeal Court which ruled that coloureds could not be removed from the roll except by a two-thirds majority of both Houses of Parliament - the Assembly and the Senate.

Parliament then passed the High Court of Parliament Act, giving it the power to set aside an Appeal Court decision.

**B**ut even this didn't work - the Appeal Court threw out the High Court of Parliament Act.

The government then increased the number of judges who had to hear the appeal from five to 11 and almost doubled the number of members of the senate - from 48 to 89.

This method of electing the senators meant the government had no difficulty passing its legislation as the National Party had an overwhelming majority in that house.

Since then there has been a shift in Appeal Court decision. In many key human rights cases, when the Appeal Court judges had the freedom to decide either way - in favour or against the rights of the individual - they tended to favour the executive (parliament) against the individual.

**F**or example, in 1964 Cape Town lawyer Albie Sachs held under the 90-day detention law wanted to have reading and writing material during his detention. The law did not say whether detainees could have books or not - so it was up to the judges to decide.

The Appeal Court judges decided he could not have books. Since the purpose of the 90-day law was to get information from detainees, the purpose may be frustrated if detainees were allowed to read or write, they said.

A number of legal authors have claimed there has been a trend for the Appeal Court to decide against human rights and in favour of the executive.

The trend can be summed up in the words of the judgment by the Appeal Court in Sachs' case, where one judge said: "Parliament may make any encroachment it chooses upon the life, liberty or property of any individual subject to its way. And it is the function of the court of law to enforce its will (ie. parliament's will)."

Today's judges are bound by the decision made by the Appeal Court in these and other cases. In addition many of the laws themselves have become harsher. This

is why the Supreme Court is so seldom able to intervene when human rights are violated by law.

One basic human right is having access to a lawyer. This was allowed under the emergency regulations, but only under strict conditions - and in fact no lawyer was granted permission to visit a client detained under the emergency regulations.

But the Natal Supreme Court restored this basic right.

**E**ven the courts' background against civil liberties, how was it possible that this right could be restored? How could the judges throw out this section permitting visits under the tightest of conditions only?

The important difference is that judges cannot question or set aside laws made by parliament - but "subordinate legislation" is a different story.

City by-laws and township regulations are examples of "subordinate legislation" and the court has the power under certain conditions to overturn them - and to declare them invalid. Emergency regulations are also "subordinate legislation", which is why the judges were able to consider whether they were lawful or not.

**T**hey decided that it was established as basic right in SA law that any individual should be allowed access to legal representation. Only a law made

by a parliament could exclude this right - for example some sections of the Internal Security Act prohibit lawyers from having access to detainees. When the law takes this right away, the courts can do nothing about it.

However, when it is "subordinate legislation", the courts may intervene and declare the regulation invalid.

The Supreme Court ruling has important implications for emergency detainees, who can now see their lawyers. And it could well lead to a number of applications for release.

**B**ut while it will clearly benefit many detainees, it does not necessarily mean that the courts have found a new power to challenge government laws.

The judges were ruling on a specific example of where "subordinate legislation" was contrary to established legal rights. If legal access was restricted in a law, they would have found it difficult, if not impossible, to throw it out.

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# RMG had helped 238 charged politically

By Sue Leeman  
Pretoria Bureau

The Repression Monitoring Group says more than 80 per cent of those people who came to its offices for help with politically related cases in the past year were ultimately acquitted or had their charges dropped.

The group (RMG) believes its statistics are indicative of trends countrywide.

The group said that since last September it had helped 238 people with their cases.

Of these, 168 had their charges withdrawn and 38 had been found not guilty.

Only 32 had been convicted, 17 for offences under the common law (including violence and arson) and seven under the Internal Security Act.

## UNDER AGE OF 18

The RMG said 63 of those who had approached its offices for help during this period were under the age of 18. Only 11 out of this group had been found guilty of offences.

Another 22 were between 19 and 25 years of age and four of them had been convicted.

The RMG had drawn the conclusion that a large number of juveniles were "being arrested, charged and held for varying periods of imprisonment in circumstances where in 83,9 percent of all cases it subsequently transpired that insufficient evidence existed to secure a conviction.

"The courts are therefore being used to attain objectives that in the majority of cases bear little relation to the conviction of alleged perpetrators of 'crimes'.

"The emergency, however, prevents us from stating what we see as the real reasons for these trends."

The Bureau for Information has not given details of cases resulting from the unrest.

However, last week it announced that "a large number" of future cases were being prepared, with 29 of these being on the East Rand alone.



28/8/86  
Sowetan

# Freedom Charter book unbanned

THE Publications appeal Board on Tuesday unbanned the book *30 Years of the Freedom Charter*, saying the "arm of the law" was not needed in this case.

After the successful appeal, Mr Norman Manheim, attorney for publishers Ravan Press, lashed out at the political censorship system. He said it was not possible for the publishers to recoup financial losses, although they had won the case.

"This system of secrecy and unaccountability is conducive to an abuse of power," he said.

"The Committee continues, despite a strong message from the Publications Appeal Board, to ban all material directly or indirectly related to the Freedom Charter."

Guidelines laid down by the board in at least 12 cases involving the Freedom Charter had again been ignored.

The Board's chairman, Professor Kobus van Rooyen, overturned a Publications Committee decision that the book, written by Professor Raymond Suttner and Mr Jeremy Cronin, was undesirable as it endangered the security of the state.

The Board also felt that *Prima Facie*, the book did not threaten law and order or State security.

Professor van Rooyen rejected an attempt by counsel for the committee, Mr F Roos, to have the book banned under another section relating to race relations.

Some statements in the book did deal with race relations and did have political significance. However, there had to be a real and substantial likelihood that these statements would harm race relations, he said.

The Board felt that the publication was unlikely to contribute to creating any kind of animosity between the races.

Counsel for Ravan Press, Mr Gilbert Marcus, was not called on to argue the case.

Full reasons would be given later, said Professor van Rooyen.

*30 Years of the Freedom Charter* gives a history of the Charter through personal accounts of people involved in the campaign. It was banned within days of one of its authors, Professor Suttner, being detained under the emergency regulations.

Recently, during an unsuccessful bid in the Pretoria Supreme Court to secure his release, a security policeman cited the book as a possible reason for Professor Suttner's detention.



CHALLENGE TO govt notice

Own Correspondent

PORT ELIZABETH. — The Editor-in-Chief of the Eastern Province Herald and the Evening Post, Mr J C Viviers, and three others, are to challenge in the Grahams-town Supreme Court today the validity of a government notice issued by the Minister of Law and Order last year.

The notice, No 2221 of September 25 last year, deals with the prohibition of gatherings.

The applicants are Mr

Viviers, Mr Andre Erasmus, Mr Trevor Bisseker and Mr Clifford Foster. They were each issued with subpoenas for the purpose of an inquiry in terms of Section 205 of the Criminal Procedures Act 51 of 1977.

They were required to appear before a magistrate to give material evidence concerning an alleged offence committed by Mr Mkhuseleli Jack and others; and to testify and declare all they knew of the offence.

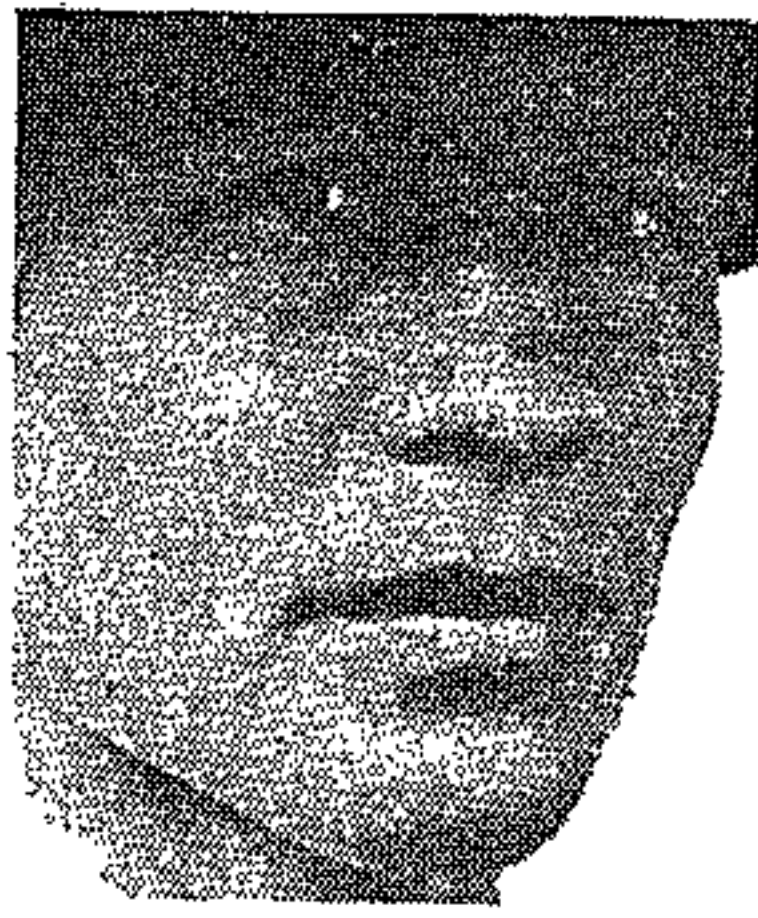


# 'No' to SA Biko film

JOHANNESBURG. — The proposed alternative Biko film has collapsed with the withdrawal of the financial backers after an announcement on TV news on Tuesday night by the Deputy Minister for Information, Mr Louis Nel, that no foreigner involved in the film would be issued with a work permit.

The American executive producer, Mr Jeff Sneller, his director wife, Sherry, and British actor Michael York were all refused work permits, the co-producer, Mr Chris Davies said last night.

"The financiers withdrew lock, stock and barrel when they heard the news. The film was destroyed by a ridiculous



Michael York

public announcement on TV.

"Without the foreigners we cannot get theatrical distribution overseas. The distributors just don't want to know."

Mr Nel's private secretary on Tuesday confirmed that the minister had been approached and said he was "neutral" on the subject.

This was followed by a

second statement from the Bureau for Information that no work permits were to be issued to any foreigner involved in the film.

The production was to be in competition with Sir Richard Attenborough's version of black consciousness leader Steve Biko's life, being filmed in Zimbabwe.

Many black consciousness and other political organizations are believed to disapprove of Sir Richard's film but were "delighted" with the South African version, Mr Davies said.

"We obviously had to approach the minister for his approval — approval in the remotest sense of the word — because of the sensitive nature of the film," Mr Davies said. — Sapa



QAL 7/11/86  
28/8/86  
327

# Universities' declaration on SA crisis

THE vice-chancellors of five leading South African universities issued a historic declaration on the national crisis on August 15.

The signatories were Professor P de V Booyesen, vice-chancellor and principal of the University of Natal; Professor K Tober, vice-chancellor and principal of the University of the Witwatersrand; Professor R E van der Ross, rector of the University of the Western Cape; Dr D S Henderson, vice-chancellor and principal of Rhodes University; and Dr S J Saunders, vice-chancellor and principal of the University of Cape Town.

The text was as follows:

"The primary task of a university is the advancement of knowledge by means of teaching and research. In the pursuit of that function, a university has a special responsibility to the community which it serves. It must have access to information about the problems and needs of society, and it must be free to investigate, assess and debate issues according to the dictates of reason.

"Because of the following features of the state of emergency, South African universities cannot carry out these tasks effectively:

- "Restricted access to information prevents investigation and research in many areas.

- "The definition of prohibited 'subversive statements' is so broad that critical discussion and analysis is seriously curtailed.

- "Provision for the searching of premises and for the seizure of materials and documents allows access without warrant to private papers and confidential records.

- "Detention without charge or trial allows for the intimidation and arrest of staff and students for the opinions they form in the pursuit of their legitimate educational objectives.

"We are deeply concerned that the principles of justice have been subverted in relation to the above matters.

"We are further concerned that what is happening is affecting not only students but also the careers of thousands of school children. Pupils in large numbers have been detained, and regulations recently announced by the Department of Education and Training have had a profoundly negative effect on schools which feed our universities. The education of our prospective students has thus been placed in jeopardy.

"The effects of the present disruption of the flow of students through the educational system will be felt for years to come, and there is thus an urgent need for the restoration of normality.

"Our universities are united in their concern as to the causes and the effects of the state of emergency. It is our view that the current crisis is a product of delay in extending basic political and civil rights to the majority of the population, and that, in this situation, violence has escalated and black education has become a focus, a symbol and a cause of most serious social unrest.

"We call upon all to desist from violence and



Prof Stuart Saunders

- "To lift the state of emergency.
- "To release all detainees or charge them in a court of law.

- "To lift the curbs placed on the free flow of information and.

- "To address the problems in black education immediately and imaginatively, without measures as drastic as those currently in force, but through negotiation and with a receptive spirit.

"Particular attention will have to be paid to those whose education over the years has been neglected or disrupted. Our universities bear a great responsibility in the process of reconstruction and reform. We therefore commit ourselves to continuing assistance to those from educationally disadvantaged backgrounds, and those condemned by the policy of apartheid to conditions of life not conducive to the full realization of their true potential.

"We further pledge our support to reasonable, rational and non-violent attempts to establish democracy, academic freedom, freedom of association, freedom of speech and the rule of law.

"And we declare that, notwithstanding the emergency, we will, to the best of our ability, continue to provide a forum for the exercise of critical thought and the transmission of information in the service of the wider community."

## Fundamental values

On the same occasion the University of Cape Town, meeting in formal assembly, adopted the following statement on the national crisis:

"We are living in a time of severe crisis. As members of this university meeting in assembly we are called to affirm our belief in the fundamental values upon which this university is founded:

- "To be an open non-racial university.

- "To work for a non-racial and equitable education system.

- "To pursue excellence in teaching and research, and relevance to the Southern African context we serve.

- "To encourage and practise enquiry, diversity of opinion, freedom of association and assembly, and a commitment to social justice.

- "To work for a non-racial united and democratic South Africa.

"The fundamental crisis in our land cannot be solved by coercive state power, such as the current state of emergency.

"What we need now is space within which democratic processes can emerge, and in which a cessation of violence by all parties can occur. This is in order for negotiations to commence by representatives, elected in free and non-racial elections in which all the people of South Africa have participated. Necessary conditions for this include:

- "The immediate lifting of the state of emergency, the removal of troops from the townships and the repeal of repressive security legislation.

- "The establishment of the rule of law.

- "The release of all detainees.

- "The repeal of restrictive measures in black schools where the crisis is endemic.

- "The removal of restrictions on worker organizations and the acceptance of the right to strike and picket.

- "The unconditional release of Nelson Mandela and all other political prisoners.

- "The unbanning of the ANC and all other political movements.

- "The return of political exiles.

- "The repeal of all apartheid laws and the dismantling of all apartheid institutions.

"The university, having addressed itself to the national crisis, recognizes that it is itself a microcosm of the deeply divided and unequal South African society. We need to address the problems of those who come from oppressed communities, including black students and workers.

"This university is endowed with rich human resources and immense goodwill. We will need to draw on both if we are to meet the challenges of serving our society in transition towards a post-apartheid South Africa.

"We commit ourselves to critical self-examination and creative participation in that process through our policies, our teaching, our research, our structures and our use of resources. Our role as a leading South African university requires that we re-dedicate ourselves to our task with courage and determination. This we do now solemnly and seriously."



## APARTHEID BAROMETER

### STATE OF EMERGENCY DETENTIONS

THE government has released the names of 8 551 people who had been detained under the Emergency regulations since June 12. According to the PFP's Missing Persons' Bureau, the names of at least 2 000 Emergency detainees had been omitted from the government list. It included only those who were still held and had been in custody for more than 30 days. Missing Person's Bureau director, Neil Ross, said the PFP estimate of more than 12 000 detained since the Emergency was declared was not an exaggeration.

The Detainees Parents' Support Committee also estimated that 12 000 people had been detained under Emergency regulations, most of whom are still being held.

### DETENTIONS BY ORGANISATION

The following is a breakdown of detainees who have been identified by the Detainees Parents' Support Committee. Although it is not drawn from a comprehensive list, it is used to give an indication of which areas and which interest groups are most affected by the Emergency.

	PWW	TW country	E-Cape	N-Cape	W-Cape	Natal	QFS	Unknown	Total
Students/scholars/teachers	209	85	54	25	31	122	50	4	508
Unionists/workers	108	41	30	16	19	50	47	44	355
Community/Political	243	119	263	30	38	113	44	5	855
Clergy/churchworkers	26	19	24	5	11	13	1	3	102
Media	2	0	0	0	5	0	0	0	15
Other/Unknown	622	339	977	76	484	211	135	50	2 934
<b>TOTAL</b>	<b>1210</b>	<b>603</b>	<b>1376</b>	<b>152</b>	<b>588</b>	<b>509</b>	<b>305</b>	<b>106</b>	<b>4 849</b>

Figures supplied by the Detainees' Parents Support Committee

### OTHER DETENTIONS

THE DPSC has listed 2 200 people who had been detained under security legislation (187 still being held) and 631 people who had been detained under the first Emergency in the first seven months of this year.

In their monthly report they said that detentions under security legislation had continued since June 12, mainly in the homelands.

Of the known security detentions, 26 people were released within 40 hours and 529 after a longer period. More than 183 were still in detention and 39 were now awaiting trial. Two security detainees died in detention this year, the DPSC said.

The area hardest hit was the Eastern Cape with 250 known security law detentions, while in the Transvaal there were 240.

The category with the most detentions is that of community and political workers (227), followed by students and teachers (137). Thirty trade unionists had been detained under security laws by the end of July.

The Repression Monitoring Group reported an analysis of persons they have assisted with court action under security legislation during the last year.

Of 258 cases, they say only 13,4 percent were convicted. Of the balance, 18 percent were acquitted and 82 percent had their charges withdrawn.

Of the 91 cases where the ages of the accused were known, 70 percent were under 18.

"These statistics indicate that a large number of juveniles are being arrested, charged and held for varying periods of imprisonment in circumstances where in 83,9 percent of all cases it subsequently transpired that insufficient evidence existed to secure a conviction," the RMG said.

### POLITICAL TRIALS

ACCORDING to the DPSC report, during June and July 56 people on trial for alleged political offences were acquitted or had charges against them withdrawn while 24 people were convicted of political offences. At present there are 25 people facing trial for treason while another 49 trials are in progress relating to other offences, the DPSC said.

### THE LIST

THE government has updated the "list" of those who may not be quoted — bringing the total number of listed people to 180, including 23 dead people.

### PASS LAW ARRESTS

A TOTAL of 13 481 arrests for pass offences were made between January 1 and April 23 this year, the Minister of Law and Order, Louis le Grange, said in Parliament. He said 7 555 of these arrests were made in Pretoria, 1 138 in Bloemfontein and 590 in Hillbrow.

### HOUSING SHORTAGE

A TOTAL of 37 000 houses and flats in white areas are empty, while, outside of the "independent homelands" there is a shortage of 538 000 houses for Africans, 52 000 for coloureds and 40 000 for Indians, according to figures released by the Housing Research Information Centre.

### BRAIN DRAIN

SOUTH AFRICA suffered a net loss of 559 people in June this year, compared to a net gain of 723 in June last year. 1 075 people emigrated while 516 immigrated, according to figures released by the Central Statistical Office. Between January and June a total of 7 189 people emigrated, a net loss of 3 552. In the same period last year, South Africa experienced a net gain of 6 253. 1 215 of this year's emigrants have been professionals, including 252 engineers, 51 medical doctors and dentists and 14 accountants.

### TOURISM

A total of 38 431 foreigners visited South Africa between January and June compared to 47 783 last year.

### BANNED BOOKS, PUBLICATIONS AND OBJECTS

Styr, Vol 1, No 1, August 1986 (Richard Lyon and Co.).

Unbanned:

Social Conditions in Namibia (United Nations In Council for Namibia); Studies in Pedagogy (Monthly Review Press, New York)

### PRISONER OF CONSCIENCE: JEAN FRANCOIS BILL

BILL, 52, Moderator of the Evangelical Presbyterian Church of South Africa, was detained under Emergency regulations on June 20 and is still being held at the Jeppe Police Station.

He was born of a Swiss Mission family at Elim near Louis Trichard, and at the age of five could speak only Tsonga and French. In 1959 he was ordained as a minister in the Tsonga Presbyterian Church. While completing a masters degree in theology at Chicago University and a doctorate in theology at the University of Lausanne, Switzerland, he was exposed to the new influences of black and liberation theology.

In 1971 he was seconded to the Federal Seminary in Alice and became a close associate of Steve Biko. In 1981, after a period working for the South African Council of Churches as Director of Theological Education, Bill became the first white moderator of the predominantly black Evangelical Presbyterian Church and was reappointed three years later. He also took part in the formation of the Alliance of Black Reformed Christians of Southern Africa (Abresca) and became its organising secretary. He is recognised as one of the leading liberation theologians in South Africa today and is closely associated with the Kalros Document. A court application for his release was postponed indefinitely.

Bill, a Swiss citizen, is married with three children.



# A 'BERLIN WALL' IN THE CAPE

25/1/88  
327

THE state of emergency has given birth to South Africa's own version of the infamous Berlin Wall — an 11-km barricade of razor-sharp barbed wire that completely cuts the township of New Brighton off from the outside world.

But in the case of the New Brighton wall, no one knows if it is designed to keep people in or out.

As the fence snakes

## SOWETAN Correspondent

its way across the littered township, it separates neighbours from their friends, shops from their customers and even in one instance, seemingly a school from its playing fields.

The barbed wire barricade has existed for over a month, but the Press have been gagged from even mentioning it until last week.

### Invalid

The gag came off when the State admitted in the Maritzburg Supreme Court that police orders on the presence of reporters in townships, and the reporting of any security force action, were invalid.

On Friday the Minister of Defence, General Magnus Malan, visited Port Elizabeth and toured the barbed wire barricade and I managed to slip on to his coat-tails, so to speak, to see along the length of the South African version of the Wall.

It stretches like a long silver snake for about 10

km around the perimeter of New Brighton, cutting the township off completely from the neighbouring townships of Zise and Kwazakele.

For most of its length it consists of three coils of the new-styled barbed wire, the type with little razor sharp blades.

It piled up 2 m high and 3 m wide in places.

The fence cuts directly across several minor roads, closing them completely, and where it bisects major arteries, there is a small gap protected by sandbagged army emplacements for traffic to be monitored as it passes.

Residents say that every time they wish to either enter or leave New Brighton, they are stopped and searched.

The Bureau for Information has issued a statement about the fence, saying it was erected "to isolate the area in order to control entry to prevent interference with municipal authorities and security forces."



## APARTHEID BAROMETER

### STATE OF EMERGENCY DETENTIONS

The government has yet to update the list of 8 551 names of people detained under the Emergency regulations. The list was released two weeks ago. It applies only to those detained in the first month of the Emergency and does not apply to those held for less than 30 days. A representative for the Detainees Parents Support Committee (DPSC) said that their initial estimate of a total of about 12 000 people having been detained under the Emergency regulations was far too low. If all those in hiding as a result of the crackdown were added to the list, the number could be as high as 50 000 the representative said.

### DETENTIONS BY ORGANISATION

The following is a breakdown of detainees who have been identified by the Detainees Parents Support Committee. Although it is not drawn from a comprehensive list, it is used to give an indication of which areas and which interest groups are most affected by the Emergency.

	PWV	Tvl country	E-Cape	N-Cape	W-Cape	Natal	OFS	Unknown	Total
Students/ scholars/ teachers	251	109	68	25	63	128	58	5	707
Unionists/ workers	118	42	37	16	19	51	47	44	374
Community/ Political	253	126	271	30	51	115	44	6	896
Clergy/ churchworkers	27	19	26	7	15	13	1	4	112
Media	4	0	8	0	5	0	0	0	17
Other/Unknown	624	374	1119	115	781	240	156	51	3460
<b>TOTAL</b>	<b>1277</b>	<b>670</b>	<b>1529</b>	<b>193</b>	<b>934</b>	<b>547</b>	<b>306</b>	<b>110</b>	<b>5566</b>

Figures supplied by the Detainees Parents Support Committee

### CONSCIENTIOUS OBJECTION

A total of 1 059 people have applied to be classified as religious objectors by the Board for Religious Objections, according to the board's chairman, Mr Justice JW Edeling. He said the board, which was established over two years ago, had heard a total of 936 applications, while 123 applications were withdrawn. The applications of 15 objectors had been refused, he said. Those who are not accepted by the Board as religious objectors are liable for a possible six years imprisonment.

### AID TO "INDEPENDENT HOMELANDS"

Direct financial assistance from the government to the four "independent homelands" increased from a total of R307,8-million in the 1981/2 financial year to an estimated R773,6-million in the current financial year.

Direct financial assistance to Transkei rose from R153,7-million to R300,3-million. The corresponding amounts for Venda were from R56,8-million to R133-million, for Ciskei R165,4-million (for the 1982/3 financial year) to R224,7-million and for Bophuthatswana from 27,9-million to an estimated R115,6-million. This does not include transfer payments, loans and "other specified assistance". If these were included, the figures for the Transkei, for example, would be from R289,1-million to R 740,7-million this year.

### POLICE EXPANSION

The government aims to increase the ratio of policemen for every 1 000 South Africans from the present 1,7 to 2,9 by next year, said the Minister of Law and Order, Louis le Grange. He said the government's goal was 87 000 policemen with an additional 7 000 Railway Police, bringing the total police force to 94 000. He said that at present 3 517 students were being trained at various police colleges. Two years ago South Africa had a total of 45 660 policemen.

### BANNED BOOKS, PUBLICATIONS AND OBJECTS

Banned for possession: The Freedom Fighters' Manual, CIA Publishers' Sabotage Manual (Grove Press, New York); Profile of a Civil War — Conscripted to serve apartheid — No Justice No Peace (Kairos Co-Cord Committee, Braamfontein); Umsebenze, no 3, 1985 (South African Communist Party); A Tribute To Our Comrades Who Were Killed Monday 3.3.86 — pamphlet (Cape Youth Congress); We Salute the ANC Seven; ImaBhunu Agqibelsile (Cape Youth Congress); Afrika, Our Afrika (Africanist Patriotic Front); Southern African Labour and Education Project Study Notes for Workers — Sifuna Konke (SALEP).

### Banned for distribution:

One Oppressor, One Bullet; Africa, our Africa and Land, Freedom, Education (all by The Alliance of Black Reformed Christians in SA); Pleasures Women Write Erotica (Lonnie Barbach); Exit to Eden (Anne Rampling); Lust in Paris (Antoine S); A box with the description: "For the man who wants to save millions for his old age" inside which is the following words: "Sperm Bank Deposit Bottle" (Not Stated); A box with the description: "Mightier than the sword" (Not Stated); Pen with description: "Dirty Doodle Pen" (Not Stated); Angola: The Path of Struggle and Labour (Vladislav Dmitrenko); What is Scientific Communism? (Leonid Seleznev, Vladimir Fetisov); No to Colonialism. No to Racism (Novosti Press Agency); Stag, Vol 5, No 9, August 1986 (Vicen Promotions, Turfontein); and Prank, Vol 1, No 124 8 Sionskyn uitgewers (Pty) Ltd, Jeppe, Johannesburg).

Unbanned:

Freud for Beginners (Richard Appignanesi); Thunderheads (Colin Sharp); The Green Man (Kingsley Amis); The Struggle Against Fascism in Germany (Leon Trotsky); The Legacy of Rosa Luxemburg (Norman Geras).

### PRISONER OF CONSCIENCE

MS MAFOLO, 33, United Democratic Front National Executive member, has been held in Pretoria under the Emergency regulations since June 12.

Mafole has been politically active since the early seventies. Five years ago he helped set up the Pretoria community newspaper, The Eye. He is currently the Transvaal UDF Treasurer, an executive member of the Atteridgeville/Saulsville Residents' Association (Asro), as well as being a member of the UDF National Executive.

During the last Emergency he was detained for six weeks. There have also been several recent attempts on his life. In December last year, at the time of the Pretoria consumer boycott, he was followed by what was allegedly a police car and several shots were fired at him while he was driving. He fled the car and the armed men confiscated it. A month later a group of armed men fired shots at his house and then jumped over the wall and removed the cartridges. In March this year shots were fired at his mother while she was at home — allegedly by town council police. Mafole is married with two children.



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*Times 29/8/86*  
**Emmy for  
'Trojan  
Horse'**

Staff Reporter

TWO newscrews of the American television company Central Broadcasting Service have won a prestigious Emmy award for their October 1985 footage of the "Trojan horse" incident.

The footage depicts railway policemen hiding in the back of a truck and shooting dead three youths in Thornton Road, Athlone.

CBS staffers Mr Chris Everson, Mr Nic de la Casa, Mr Anton van der Merwe, Mr Allan Pizzey, Mr Michael Gavshon and Mr Wim de Vos — who was deported from the country last month — won the Emmy on Wednesday night for "outstanding coverage" of the best news segment.

The award, regarded as the "Oscar of television", was made by the National Academy of Television, Arts and Sciences at the Grand Hyatt Hotel in New York.

It was said at the ceremony that the videotapes of the "Trojan horse" incident "were considered a watershed in the perceptions of the South African story".

Producer Mr Gavshon said last night from Johannesburg the credit should go to the crews, who had shown "extraordinary" courage.

MUS



322  
323  
324

CHK Tmk  
29/8/86

★Cap

## Subpoenas 'vague'

Own Correspondent

GRAHAMSTOWN. — Subpoenas served on four Port Elizabeth newsmen to provide the police with information were yesterday criticized by three judges of the Supreme Court here as being vague and failing to specify any offence.

The judges, hearing an appeal against an earlier finding by a Port Elizabeth magistrate that the subpoenas were valid, also questioned the government notice prohibiting gatherings, in terms of which the subpoenas were served.

Mr Justice Eksteen, Mr Justice Mullins and Mr

Justice Olivier presided over an application to review and set aside a decision by the magistrate that the subpoenas and the government notice under which they were served were valid.

The applicants were Mr J C Viviers and Mr Andre Erasmus of the EP Herald, and Mr Trevor Bisseker and Mr Clifford Foster of the Evening Post.

The respondents were the magistrate, Mr P Rothman, and the Attorney-General of the East Cape Division, Mr J A d'Oliveira.

Judgment was reserved.

## Healing



*Fin Mail 29/8/86*  
GROUP AREAS ACT

# Carving the holy cow

The President's Council (PC) report on the Group Areas Act, due to be published within the next few weeks, is expected dramatically to increase tensions within the National Party (NP).

It is understood that the report recommends desegregation of all non-residential property, excluding agricultural land, and a flexible "local option" for residential areas (see *Current affairs* June 27).

President Botha started paving the way for acceptance of changes to the Act by telling delegates at the recent NP federal congress that it may be applied more "flexibly." He has also said the Act is not a "holy cow." However, Transvaal NP leader, F W de Klerk, put the issue in perspective when he underlined his opposition to mixed residential areas.

The PC constitutional affairs committee report is understood to recommend that:

- ☐ Town planning schemes and title deeds to individual properties constitute the mechanism for "ordering" of communities, instead of the Act as at present;
- ☐ All non-residential areas — in particular business and industrial sites — be opened to trading and occupation by all races. At present only certain designated CBDs are open to nonracial trading;
- ☐ Where a property in a business area is zoned for both business and residential use, only the business section be open, but that provision be made for a special permit for residential use as well. Motivation for recommending opening all non-residential areas is based on the principle of free competition and the acceptance that business is not "culturally based;"
- ☐ Residential areas must be able to change status from racially exclusive to open areas;
- ☐ Applications for change of status can be made by a wide range of interested groups, including the local authority concerned, a neighbouring local authority, local residents and any group with a bona fide interest;
- ☐ Provision be made for objections against applications for open areas, but once they are opened, they cannot later be closed;
- ☐ If necessary, a referendum be held on the question of open areas, but the outcome need not be binding on the authorities;
- ☐ If an application for an open area fails, it can be made again after two years;
- ☐ Local authorities give particular attention to establishing either open or "own" residential areas closer to CBDs and other places of work to accommodate workers who need to live closer to their workplaces than they are permitted to do now in terms of Group areas;
- ☐ The permit system for "own" areas currently administered at central government



Minister De Klerk ... opposes non-racial residential areas

level be designated to local authorities. This would localise applications from, for example, ministers, doctors and other professionals, to live in "own" areas not designated for their particular race group;

- ☐ A free choice be given to developers to decide whether new residential areas should be open or "own" townships;
- ☐ The onus rest on local authorities to ensure that "own" areas are not occupied by unqualified people; and
- ☐ Universities be allowed to decide who they want living in their residences.

It is understood that the PC report does not give detailed consideration to the question of where or how residents in open areas will vote at local level. It is believed to suggest, however, that either common or separate voters' rolls be considered. The report does not address the problem of schools for the children of residents in open areas. It is understood that a separate investigation into agricultural land is recommended.

The report is believed to be highly critical of current residential policy and is understood to conclude that "separate but equal" treatment is impossible, because whites already have all the best ground and facilities.

The report is also expected to express the belief that the ultimate objective in SA should be freedom of association, but that this is impossible in the current socio-political climate.

## STATE OF EMERGENCY — 1

### No rest

*29/8/86*  
*327*  
*Fin Mail*  
The official death count in "unrest" incidents since the State of Emergency came into effect on June 12 reached 252 on Monday, with 13 fatalities officially reported in

The *FM* has been edited to comply with the emergency regulations. Information may therefore be distorted, incomplete and misleading.

the past week.

Among those who died this week is Nelspruit landmine victim Marietjie Roos (*Current affairs* August 22). Her son remains critical after undergoing surgery to remove shrapnel from his head.

Unusually, the Bureau for Information provided an inkling of why the emergency remains in force, despite reiterations of a decline in the level of violent township strife, which is now described as being in a "stable trend" (about two deaths a day). The bureau stated that there are still "sporadic increases in unrest incidents in certain areas, which does indicate that subversive forces are still organising and planning, and that in many areas normality has not returned."

One such area may be KwaZulu, where government officials remain under attack. On Friday night, the wife of KwaZulu MP and Inkhatha official Winnington Sebalo was killed in a grenade attack on their Umhlanga home. Sebalo was away at the time of the blast in which three of his children were injured.

Sebalo described the attack, the second in recent months, as being well planned, but said the attackers were "lucky... We have had guards outside the house almost every night for the past year," he says.

The home of Austin Kwejani, a town councillor in the Maritzburg township of Imbali, was also attacked. Five-year-old Siphso Kazi was killed when a grenade was hurled through the window of the room in which she was sleeping.

School boycotts continued in Soweto. On Monday morning a crowd of about 500 pupils at the Nghunghunyani secondary school attacked and stoned four policemen in civilian clothes. The policemen retaliated with birdshot and teargas killing Maxwell Mbulelo Gaga (22) and injuring eight others. Details of the condition of the eight were unavailable as the *FM* went to press.

At Victor Verster prison near Paarl about 30 detainees were teargassed. The incident happened after detainees refused to enter their section after being ordered to. According to a spokesperson of the prisons service, "the detainees also threw eating utensils at members of the prisons service." They refused to comment on whether charges would be brought against the offending detainees.

Meanwhile, detentions continue and, according to the Detainees' Parents Support Committee, the number of detainees could rise to well over 50 000 if the large number of people in hiding gave themselves up.

Controversy continues over the list of 8 501 detainee names released in parliament last week. Various monitoring groups and



29/8/76 (327)  
STATE OF EMERGENCY - 2  
F. A. H. A.

## Judging the judges

Two conflicting judicial interpretations of the legality of the emergency regulations have forced a temporary halt in applications for the release of detainees in Natal held

under the emergency.

Their legal representatives are now waiting for the Bloemfontein Appellate Division's definitive judgment before deciding how to proceed. Both judgments have gone on appeal to Bloemfontein, and will be heard together on September 10.

The conflicting judgments are almost epoch-making in legal terms, say lawyers. Certainly, it is the first time that a judgment of one high court has been struck down and overturned, within days, by another high court.

Much now rests on the Appellate Division

ruling: it will obviously have a bearing on emergency detainees' continued incarceration; and the increasingly liberal judicial interpretation of State security legislation, especially by the Natal bench, could be called into question.

### Contradiction

The background to the matter is broadly as follows. On August 11 a full bench of the Durban Supreme Court found that the State President had acted outside his powers in drafting the emergency regulations, and that there were inherent contradictions of the Public Safety Act of 1953 (*Current affairs* August 15).

Accordingly, the judges declared section 3(1) and 3(3) of the regulations (relating to the detention and continued detention of detainees) invalid, and ordered the release of United Democratic Front officer Lechesa Tsenoli. On the bench were Justices Friedman, Leon and Wilson.

Three days later, a full bench of the Natal Supreme Court, hearing an application for the release of Peter Kerchhof, an organiser for the Pietermaritzburg Association for Christian Social Awareness, disagreed with the Durban bench's finding and dismissed Kerchhof's application.

Justices Kriek, Thirion and Law contended that the Durban division had put an improper construction on section 3 (1) (a) of the Public Safety Act. It had been argued that, in effecting an arrest or detention in terms of the emergency regulations, the arresting officer must have in mind the bringing about of an early end to the State of Emergency.

But the Natal bench held that the State

President, in drafting the regulations, had "already decided that the arrest and detention of all people who are a threat to public peace will hasten the end of the emergency."

It held further that the provisions of the Public Safety Act had been purposefully framed widely to enable him to use his discretion in making regulations. Hence, if the Durban division's narrow interpretation was accepted, it would have the purpose of "frustrating" the object for which he is empowered to regulate.

The State has appealed the Tsenoli judgment, and Kerchhof that of the Natal Bench.

### Newspapers

The outcome of the appeal could also have a bearing on the application being brought by several newspaper groups, including Saan (publishers of the *FM*), to have several of the emergency regulations declared invalid.

Counsel for the newspapers has similarly probed for weaknesses in the regulations on the grounds that the State President had acted ultra vires. But more specifically, the attack has been directed at the sweeping nature and unreasonableness of the regulations.

Counsel for the State has already conceded that two orders issued in terms of regulation 7(1)(c) are invalid on the grounds of a technicality. The orders were issued to newspaper offices by means of a telex — not an accepted means of promulgation.

The orders deal with the reporting on the activities of the security forces, and entering black areas for the purposes of reporting. Government has yet to re-issue the orders in an acceptable form — as it did when the

jurisdiction of police commissioners in the emergency was called into question.

Legal sources speculate that government could be holding off until the court has handed down its judgment. That is expected to be any day now. ■



THE meeting was not, on the face of it, unusual: eight Alexandra activists meeting in a house in this Johannesburg township to tell a journalist about recent events.

But the eight men — ranging in age from teenagers to elderly men — were all "on the run". They had gathered secretly during a State of Emergency, some of them believing that Security Police were looking for them, others believing their lives were under threat in some way.

My purpose was a fairly simple inquiry: as key political figures in what had been an organised and active centre of resistance, were these leaders able to continue their work under the Emergency?

The answer is the key to assessing the effectiveness of the Emergency. The government clampdown was aimed, above all else, at curbing political resistance and smashing its organs.

However, national leaders of the United Democratic Front have repeatedly expressed confidence that the government could not succeed in doing this without arresting the entire population. UDF acting publicity secretary Murphy Morobe said last week the UDF's national leadership had been able to hold meetings, plan campaigns and continue their struggle.

More importantly, he added, many of the UDF's affiliates were still active at the local level and were able to press ahead with their own campaigns.

If he was right, then the Emergency is failing, and resistance will continue unabated. If he was being over-optimistic, then critical changes have occurred.

"One thing is certain," said an elderly member of the Alexandra Civic Association (ACA). "There are a lot of activities."

"Although organisations operate under great pressure, they are carrying on very, very well."

"They hold meetings underground, nobody knows where or how. They are in fact carrying on the struggle in spite of the difficulties," he said.

The fact that this group had been able to organise the meeting, at fairly short notice, and it could take place in broad daylight without incident, was some evidence of what he said. With a few discreet signals and messages, and

# Refugees in their own home towns



Drawing: CARL BECKER

**Eight Alexandra activists meet secretly at a safe house to talk to ANTON HARBER about how politics have changed under Emergency conditions**

precautions to ensure the journalist could not clearly identify the place of the meeting, they had brought together representatives from ACA, the Alexandra Youth Congress (Ayco), the Alexandra Students' Congress (Asco) and the national office of the UDF.

But this capacity to meet is limited; it could only happen on a weekend or at night, when Security Police were not patrolling the township.

"They (Security Forces) always come on Mondays and Tuesdays. They

even roam the street at night now in cars and go to the shebeens. They are no longer worried."

Few of these activists are able to live in the township. Almost all had taken refuge elsewhere and came home only when they felt it would be reasonably safe.

"We can't just move freely. We call it double-up. You walk sideways so no-one can see you," said the ACA representative.

An Ayco leader gave more details: "On the question of moving around

freely, I can't say we are. But we know the township and we do move around and are still organising the unorganised youth."

A colleague gave more details: "We just arrange a meeting point and move from there to a venue — a different one every time. Nobody knows where we are going to meet."

Had the Security Forces apprehended many of their members? "Yes, but not the key activists," one of them told me. "They have picked up many of the youths and some

executive members, but not the key people." Some evidence of this was sitting in the room, though it is known that at least some important leaders, such as Moses Mayekiso, are in custody and have been for some time.

"We must admit," another representative said, "it is very hard. We are operating under very trying conditions. But that has taught us to become more resistant. Our organisation is underground."

"We are unable to talk to people in open situations; the only vehicle we can employ is by mobilising people through our structures. The way is full of thorns, but we are all the more determined to reach people in one way or another."

Most of these activists had been in detention during the last Emergency. They had gone into hiding after their release, long before the current clampdown.

Some did this because they feared re-arrest was imminent. Others did it because they feared the vigilantes who have attacked Alexandra activists a number of times.

Do their organisations still command the support of many people in the township? "Our support is still strong. People were mobilised and conscientised and the next step was to organise them, to get them into structures. Now were having to talk to people about the clampdown and how it affects the struggle."

Were they able to do this? "We'll just have to try. If we relax now, then when the Emergency is over we'll have to start from scratch."

Before the Emergency, Alexandra had begun to develop yard, street and area committees — the organisations of alternative power that were replacing the state-imposed structures. Are these still in existence?

"They carry on. But they (Security Forces) come sometimes and pick up a yard representative and then they release him. They do it just to put fear in the people."

And the people's courts, which had administered a rough and controversial popular justice? "They are not so effective because of the clampdown. We can't have specific people's courts, because they are constantly raided by police."

"But people still get help from the comrades rather than go to the police," he said.

The activists were reluctant to give further details. Whether this was for security reasons, as they hinted, or because the details were not available, is difficult to know.

Asked about specific campaigns they may be undertaking, they would give only broad answers. "We were sitting only the other day deciding to intensify the situation. We decided to launch some kind of campaign by way of getting into yards, meeting yard representatives and giving them guidelines."

The rent boycott had fallen into "some confusion", but there were still very few people paying.

The schools had closed down, and students were not doing anything in particular.

It is difficult to assess how much of what the activists tell about their work is rhetoric, and how much is substantial. What is crystal clear, however, is that the major effect of the Emergency has been to teach these activists a new mode of "underground" operation.

As one of the activists said, "the one difference is that they (organisations) are now more vigorous than they were when they were above ground. In my view, the government has taught the people more methods of avoiding the police and still carrying on," he said.

They have long since learnt to live in hiding — and expect to do so indefinitely. "In the last Emergency, I was in for a long time. I was in John Vorster (Square). This time I was already in hiding from the time I was released because these guys just come and get you even if there is no trouble."

Having grown used to this "underground" organisation, these activists are not likely to re-emerge in a hurry. And that is likely to be the major — and most lasting — effect of the Emergency.



# Indefinite detention of boy of 13 upheld

Mercury Correspondent

JOHANNESBURG—A Rand Supreme Court judge ruled yesterday that a 13-year-old pupil should remain in detention indefinitely in terms of the emergency regulations.

Mr Justice J F Ludorf ruled that he was satisfied the boy should remain in detention in the interests of public order and safety.

His mother, of Sebokeng, brought the urgent application seeking to have his detention since August 21 declared unlawful.

The Judge ruled that he was satisfied Lt Johannes Louw, of Vereeniging, had formed a bona fide opinion that the boy's detention was in the interests of public order and safety.

Lt Louw had said the boy as a prominent SRC member, had helped to instigate a school boycott.

N/M  
30/8/86 327



## 240 detained in Natal and Cape

Mercury Correspondent

CAPE TOWN—More than 240 people have been detained under state of emergency regulations in the Cape and Natal in the past week, the director of the Progressive Federal Party's Missing Persons Bureau, Mr Neil Ross, said yesterday.

Mr Ross said 'detentions are continuing nationwide and do not appear to be slacking off'.

He said that according to the party's field workers, more than 100 people

were detained last weekend in Adelaide, Eastern Cape, more than 100 in the East London township of Duncan Village, and 28 were detained in the Port Elizabeth townships of Zwide and New Brighton during the week.

'The Port Elizabeth detentions appear to be related to the rent boycott there which is 100% effective in New Brighton,' said Mr Ross.

One person was detained in Uitenhage this week, while five were taken in Klaarwater, Natal, two in Umlazi and one in Wentworth.

20 (327) (2029) N/M 30/8/86



Cape Times 31/7/86 (327) 1/2A

# Cosatu may hold meetings

By SHAUNA WESTCOTT  
Supreme Court Reporter

COSATU, paralysed locally since June 21 by an order banning meetings, may now hold meetings after reaching an out-of-court settlement with the State President, the Minister of Law and Order, the Commissioner of Police and the Divisional Commissioner of Police.

Cosatu, which has about 50 000 members in the Western Cape, cited these respondents in a Supreme Court application aimed mainly at regaining the ability to function normally.

When the application was called in the Supreme Court yesterday, counsel for Cosatu asked for the matter to stand down since negotiations were in progress.

Agreement was subsequently reached — including an undertaking from the respondents that they would pay Cosatu's costs. The agreement was not made an order of court and the case was postponed indefinitely.

This means that if Cosatu experiences harassment the agreement is intended to prevent, it will be able to reapproach the court on the basis of the papers already filed.

It is clear that Cosatu lawyers undertook to be reticent about further details of the agreement in return for the concession on meetings, and payment of costs.

While the Cosatu application did challenge the emergency regulations, specifically the State President's delegation of the power to delegate to the Commissioner of Police, the application was more limited in aim than those successfully brought in Johannesburg and Grahamstown this week.

The postponed Cosatu application has shed no further light on the status of the order imposed on June 21 by the local Divisional Commissioner, Brigadier Chris Swart, which gagged 119 organizations — including Cosatu — and banned their meetings.

Brigadier Swart's order also imposed severe restrictions on school pupils and on funerals.

Mr Justice H Berman presided. Mr J G Foxcroft, SC, with Mr J R Whitehead and instructed by Bernadt, Vukic and Potash, appeared for the applicants. Mr W G Burger, SC, with Mr C Y Louw and instructed by the State Attorney's Office, appeared for the respondents.



Copy Times 31/7/86 (327)

# Emergency rulings under fire in courts

Own Correspondent

JOHANNESBURG. — The powers of the state of emergency are under a barrage of attack in South Africa's courts as a flood of applications have challenged 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 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.

## Names

While a list of provisions restricted the media at the beginning of the emergency, now only two major constraints remain: 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 previously restricted area.

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 the University of Grahamstown; Jeffery Vilane, Mawu vice-president; Donsie Khumalo, Pretoria regional secretary of Cosatu, and Oscar Malgas, a senior Ccawusa official.

Separate lists of detainees kept by monitoring groups such as the Detainees Parents Support Committee and the PFP's Missing Persons Bureau have vastly different versions of the numbers in detention.

A PFP spokesman, Mr Harry Schwarz, said an official list should be issued as a matter of public importance.

The Bureau for Information said it was not aware of any plans by police to issue a list of those detained.

□ In Cape Town yesterday, Cosatu challenged the Western Cape Divisional Commissioner of police ruling gagging 119 organizations and banning their meetings. The matter was settled out of court.

□ The National Education Crisis Committee and two others brought an application against the State President and Minister of Education and Development Aid in the Rand Supreme Court to invalidate regulations barring unregistered pupils from schools. The case will be heard on August 5.

## Dismissed

□ A full bench of the Pretoria Supreme Court 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.

Reasons for the dismissal were not given yesterday, but will be furnished later.

□ Tomorrow's action brought by the UDF and the Western Cape Teachers' Union challenges the State President's authority to make regulations and his power to delegate the power of delegation to the Commissioner of Police.

□ Today UDF official Solomon Tsenoli, at present in detention, will argue in Durban that his arrest and continued detention is unlawful.



Staff Reporter

FOR the first time in almost six weeks, a Cape Times reporter yesterday entered Cape Town's black townships.

This follows the ruling by a full Bench of the Rand Supreme Court that individual orders issued by Divisional Commissioners of Police under the emergency regulations were invalid.

The court found that only the Minister of Law and Order, Mr Louis le Grange, or the Commis-

# Back into the townships

CAPE TIMES, THURSDAY, JULY 31, 1960

sioner of Police, General Johann Coetzee, have the power to issue declarations and this power may not be delegated.

Repeated attempts by the Cape Times to enter the Greater Guguletu area since the state of emergency was declared, have failed, save for two occasions soon after the declaration — despite there having been no

specific ban on entry to the area.

Although the only specific ban in force throughout was on entry to the KTC/Crossroads/Nyanga Bush area, officers at roadblocks at the entrances to the township have said entry was banned on orders from the Divisional Commissioner for the Western Cape, Brigadier Christof

fel Swart.

Yesterday, the Cape Times was initially refused entry at the main entrance, but after it was explained that no permission was necessary, we were waved through. Later, the Cape Times was again asked to produce a "permit", but after an explanation, we were allowed to proceed.

It was clear from conversations with residents that there has been little unrest in recent days.

Buses were operating normally and council workers — operating with security force guards — were repairing damaged electrical installations. Residents said a large

number of overhead electrical lines had been damaged after poles were sabotaged — either by being sawn down or by being burnt.

In the KTC area, a large number of new shacks have been built in the area devastated in attacks by vigilantes in June. However, more than half the original KTC area has now been

levelled and cleared.

The Shawco mobile truck was yesterday dispensing supplies to refugees in the Nyanga area. Relief workers said they were unsure of the fate of many of the refugees who appear to have been taken in by township residents in private homes.

Some 200 refugees are living in the burnt-out shell of the Zolani Centre in Nyanga East, another 90 people are sheltering at the Holy Cross Church in Nyang-