Totalitarianism

Political trials

1976

'Breyten is still one of us'

312 - Pol. Trials

STAR 8/1/76.

Pretoria Bureau

It is every Afrikaner's right to criticise the life and work of Breyten Breytenbach, but, warns the editor of the Calvinist journal, Woord en Daad, don't deny him his Afrikanership.

Writing in the latest issue of the journal, Professor J H Coetzee said a small nation in a difficult situation could not afford to drive a single one of its numbers into the arms of the waiting wolves ready to use exiles for selfish and criminal purposes against their own people.

He viewed the Breytenbach affair with two hearts. One said "forget it as soon as possible" — not forget Breyten himself in his prison cell, but rather the net of sorrow over the events leading to his imprisonment.

And the other heart said: "Don't forget." This did not imply he should remember with hatred or malice or joy, but that the events should be reflected on because they had something to tell us.

NOT LICENCE

To be an artist was not a licence for irresponsibility, Professor Coetzee said. Art could be used against the nation and its people just as treacherously as landmines or machine guns.

But there was also a lesson to be taken to

DEEP LOVE

Whichever way one felt about Breyten's art or criticised certain aspects of it, this writer was born out of Afrikanerdom. Out of his deep love of his land and its people he had continued to write in his home language while living abroad, said the professor.

Afrikaners furthermore did not all belong to the same political party or follow the same faith.

It was not for the Christian to judge the sinner, but rather to try to point out his sins to him and admonish him, Professor Coetzee said.

"Don't reject and alienate the artist too lightly, and turn him in his frustration and longing to desperate measures. It is no small thing to feel rejected by your people," he said.

Zulu politician held in big SB swoop

Express Reporter 11/1/76. S EXP.

DURBAN. — A leading Zulu politician, Mr Hertzog Dube, chairman of the Kwa Dlangezwa branch of the Inkatha ka Zulu Party, has been arrested by the Security Branch under Section Six of the Terrorism Act.

Col H. Dreyer, Chief of the Security Branch, Natal Inland Division, said yesterday that Mr Dube was arrested at Empangeni, Zululand, last week. He had been taken to Maritzburg for questioning.

Col Dreyer said Mr Dube was being held with 25 other Africans in connection with alleged contraventions of the Terrorism Act relating to the illegal recruitment of members for banned organisations operating in Africa and Britain.

He could not say at this stage when those detained would be brought to court.

"Though we are working day and night, the investigation will still take some time to complete before the case comes before the Supreme Court, Maritzburg."

312 - Detention

TCH

Fo

Zwelitsha student leader held

Daily Disp. 13/1/76.

312 - Detention

KING WILLIAM'S TOWN — Mr Mandisi Mthi, 20, of Zwelitsha, has been detained by the Security Police.

According to eyewitnesses, Mr Mthi was taken on Monday from the Zwelitsha post office, where he works, by two whites and a black whom they identified as security policemen.

He is the regional convener of the South African Students' Movement. Mr Mthi was expelled from the Thembalabantu High School during the 1973 strike at the school.

The acting postmaster of Zwelitsha, Mr Raymond Xoseka, refused to comment on the arrest.

In Grahamstown, three black youths were interrogated by the Security Police on Monday in connection with the Grahamstown black youth organisation, Gayo.

They are, Mr Malawi Nomgqokwana of B Street, Fingo Village, Mr Phla Nkayi of C Street, Fingo Village, and Mr Desmond Madlavu of Tantyi location. All were picked up by black security men at their homes and taken to the Security Police office for interrogation.

According to Mr Madlavu, Mr Nomgqokwana is president o f Gayo and Mr Nkayi the secretary.

Mr Madlavu said: "However, I have absolutely nothing to do with the organisation and do not even know anything about its principles.

"I was taken to the branch office and what was labelled by two white security men as a nice, friendly chat evolved around Gayo, my associations with Rhodes University students and my political convictions."

Mr Madlavu said the interrogation seemed like the beginning of harassment and intimidation in his life.

Mr Madlavu is a matriculant at the Nathaniel Nyaluza High School and the other two have just completed their schooling. — DDR-DDC.

(3/2 - Detention)

15/1/76 DD.

Special Branch swoop: 10 held in East Cape

KING WILLIAM'S TOWN — There has been a series of arrests of the South African Students Movement (SASM) and the Youth Organisation membership in the Eastern Cape this year.

More then ten members of these two organisations were taken from their homes by men who identified themselves as Security Police and, in most cases, nothing has been heard of them since.

Mrs N. Sinxo, mother of Mr Nkululeko Sinxo, 20, of Njwaxa Village, told how two whites and a black man searched her house on January 2 and later took her son away, promising to bring him back.

According to her the men, who identified themselves as Security Police, arrived in a police van. They searched her house and later asked Mr Sinxo to leave with them.

"When I asked them where they were taking him to, they told me he was a terrorist going to where other terrorists go," his mother said.

"They promised to come back or bring him back, but I never heard from them since."

"When his brother went to inquire at Alice police station, he was told he had been taken to King William's Town on his way to East London," Mrs Sinxo said.

Mr Sinxo is the son of the Xhosa writer, the late Mr Guybon Sinxo, and was awaiting his Form IV results. He had been expelled from Healdtown last year after the unrest there. He later studied for two days at Mzomhle High School where, according to Mrs Sinxo, he was expelled because the principal alleged the Security Police had asked him not to harbour Healdtown students.

He later wrote his examinations at Khama High School.

Mr Koko Mda, a Healdtown student, is believed to have been taken by Security Police from his Mdantsane home two weeks ago. Nothing has been heard of him since.

Mr Ntlahal Mnyanda, of Zwelitsha, also a SASM member from Healdtown, was arrested on December 31 and released last Friday after interrogations.

Nothing has been heard of Mr Mandidi Mthi, of Zwelitsha, also a SASM member, who was taken by Security Police from Zwelitsha this week.

There are three more youths who were taken from Grahamstown, one from Cape Town and one from Port Elizabeth. Others have disappeared and according to SASM sources, they are with the police. — DDR.

3/2 - Pol. Trials

RDM 23/1/76

Saso ex-president bit a policeman

RDM 23/1/76

Staff Reporter

A FORMER president of Saso who said he was against police brutality was yesterday found guilty of assaulting a policeman by biting his hand.

Pandelani Nefolovhodwe, 28, told a Pretoria magistrate, Mr D. de Janse van Rensburg, that he and his eight "brothers", were placed in solitary confinement for 28 days after the incident.

Before he pleaded not guilty yesterday, Nefolovhodwe said he was against police brutality.

Constable W. Nel said that last December 8, he, another policeman and a prison official carried Nefolovhodwe to a van at Pretoria Central Prison after he and others had refused to get in. The accused bit him on the hand.

Asked to take the oath, Nefolovhodwe gave a Black Power salute. The magistrate adjourned the court for five minutes.

Nefolovhodwe said he was arrested in October, 1974, on terrorism charges. He had been in prison since.

The terror trial judge had been told earlier that the accused were suffocating in the van taking them to court. Canvas flaps had been lowered, cutting off the air.

Later, the nine accused found the canvas lowered again. They refused to enter the van. Nefolovhodwe denied the assault.

Sentence will be passed today.

7 remanded

Natal Mercury 27/1/76

312 Polit. Trials

JOHANNESBURG—To chants of "Amandla Awethu" from the gallery, six Black men and one Black woman descended to the cells in the Johannesburg Magistrate's Court yesterday after being remanded in custody by Mr. A. T. Meiring on charges under the Terrorism and Criminal Procedure Acts.

The seven face alternative charges under the Suppression of Communism Act.

They are Mr. Joseph Molokeng, Mr. Andrew Moletsane, Miss Punja Dyantyi, Mr. Benjamin Mafenjane, Mr. Amos Masondo, Mr. Bheki Langa and Mr. David Nhlapo, no addresses or ages given.

The charge sheet lists 46 people as co-conspirators, many of whom are in Botswana or in detention.

The State alleges that individually or as members of various organisations the accused took part in terrorist or Communist activity.

The hearing was postponed to March 1 for trial in the Supreme Court. — (Sapa.)

312 - Pol. Trials

3 face Terror Act charges

STAR 27/1/76

Three Coloured men from Noodgesig appeared briefly in the Johannesburg Magistrate's Court today on charges under the Terorism Act.

The men — Mr Chris Goddard (22), Mr Johnny Ramrock (24) and Mr Weitzmann Hamilton (21) — faced alternate charges under the Suppression of Communism Act.

Bail of R500 was extended. The case was postponed to February 10.

312 - Pol. Trials

Breyten fails in appeal application

R.D.M. 29/1/76

By DAVID NIDDRIE

BREYTEN Breytenbach yesterday failed in his application for leave to appeal against his nine-year prison sentence imposed in November under the Terrorism Act.

He is now to petition the Chief Justice, Mr Justice Rumpff, for leave to appeal.

The Judge President of the Transvaal, Mr Justice Cillie, rejected Breytenbach's application because he could find no reasonable possibility that the Appeal Court would view the case differently and impose a lighter sentence.

In an unexpected move during argument, the application was opposed by the Attorney-General for the Transvaal, Dr Percy Yutar, who supported a defence plea at the trial for the minimum five-year sentence.

He said it would be churlish to support the application when the judge had seen fit to impose a nine-year sentence.

He said two questions should be asked:

● Was the trial judge misdirected or did he commit any irregularities in his judgment on sentence?

● Did the sentence create a sense of shock?

"The answer to these questions is undoubtedly no," Dr Yutar said. He therefore opposed the application, but said a higher court could possibly impose a different sentence.

Breytenbach's counsel, Dr Piet Henning, said that in imposing a nine-year sentence, the court had taken into account evidence which was not relevant and ignored evidence which was.

The court had attached too much importance to the interests of the community without considering adequately that those interests had not been damaged.

Okhela, the organisation to which Breytenbach belonged, had never had potential for action.

Dr Henning criticised Press coverage of Breytenbach's arrest and trial. He described it as "the prototype of intolerable licence and gross contempt of court."

"I am not suggesting that a trial judge would be influenced by irresponsible reports, but the test for contempt of court does not relate to the extent to which legal officers are influenced, but rather on the publication of any facts before or during a trial, or when an appeal is pending, which might influence the legal officers.

"Judges cannot be expected to avoid newspapers, radio and TV continually."

● A senior officer of the Prisons Department in Pretoria said yesterday that Breytenbach would not be allowed to publish anything he may write in prison while serving his sentence.

He was commenting on an announcement in an Afrikaans morning newspaper which indicated that it would soon publish material which Breytenbach had written since his imprisonment.

The officer said the department was not aware that Breytenbach had written anything in jail. If he had he would not be allowed to publish it until he was released.

312 - Political Trials

MR WEBSTER

3/2/76

Nusas trial postponed

JOHANNESBURG — The Suppression of Communism Act trial of five Nusas men was postponed here yesterday for hearing on April 1.

The magistrate extended bail granted at a previous hearing.

Mr Cedric de Beer, 23, and Mr Glenn Moss, 23, a former Wits University SRC president, are out on R2 000 bail.

Mr Charles Nupen, 25, a former Nusas president, Mr Karel Tip, 24, also a former Nusas president, and Mr Edward Webster, 33, a sociology lecturer at Wits University, are out on R1 000 bail each.

The magistrate ordered that Mr Tip's fingerprints be retaken.—SAPA.

RDM 4/2/70

3/2 - Pol. Trials

Terror Act 'used to suppress ideas'

4/2/70

RDM

By DAVID NIDDRIE

THE State had "attempted to misuse the far-reaching provisions of the Terrorism Act to suppress legitimate expression of ideas" by relating the writings of the Saso terrorism accused to terrorism, Mr David Soggott, defence advocate, told the Pretoria Supreme Court yesterday.

Mr Soggott was addressing the court during a defence application for the discharge of five of the nine accused.

Defence advocates have also asked the court to discharge the remaining four accused on all but one of the 13 charges. The application will continue today, and has been made before any evidence has been led in defence of the nine accused.

"To tell Blacks that Whites are treating them badly is telling them something they already know and could never be a proper subject for prosecution under the Terrorism Act," he told the court.

Saso was a student organisation which articulated in its documents the attitude of Black students, and the State indictment would therefore seem to suggest that the entire Black student population was involved in a treasonable conspiracy.

"Mere criticism, couched in intellectual, articulate terms, which contains no threats of violence, does not fall within the terms of the Terrorism Act."

He said that the State had failed to show, prima facie, any evidence of an anti-State conspiracy by the accused.

Arguing on the application, defence advocate Mr Harry Pitman told the court that although the accused were charged with conspiracy to "commit what amounts to high treason," there had been no direct evidence of "secrets, sinister meetings and plots," between the alleged conspirators.

In addition, there were indications that the authorities had been aware through informers and that the organisations to which they belonged for years, but had taken no action.

"The State has thrown a lot of documents at the court and said, 'find a conspiracy'," Mr Pitman said.

312 - Pol. Trials

RDM 5/2/76

Blacks will win, Saso trial told

5/2/76 RDM

Staff Reporter

"NOBODY in South Africa doubts that time is on the side of the Black man in his struggle for political equality," the Saso terrorism trial defence advocate told the Pretoria Supreme Court yesterday.

Mr Harry Pitman was arguing before Mr Justice Boschoff during a defence application for the acquittal of five of the nine accused and the discharge of the remaining four on all but one of the 13 charges they are facing.

He told the court that Saso and the BPC, the two organisations to which the nine accused belonged, aimed at bringing about political change by non-violent means.

"It is a matter of time. Nobody in South Africa doubts that time is on the side of the Black man. the only matter in doubt is the length of time involved," he said.

Arguing on the application the defence advocate, Mr Roy Allaway, SC, told the court that the State had misconstrued many of the documents and statements of Saso and BPC.

Despite State claims, there was nothing to indicate, after a proper analysis of the evidence before the court, any threats by the organisations to resort to violence if their attempts at political liberation failed.

He said statements in the evidence that violence could follow if the Government failed to grant political equality to Black South Africans were warnings rather than threats.

"All they say is 'if you don't change your ways, there could be violence'," he told the court.

Referring to allegations in the indictment against the accused that they had denigrated homeland leaders, he said it was not terrorism to do so.

The reason for the attacks on homeland leaders was that the organisations felt that these leaders were binding themselves to a system which practised a divide and rule policy towards Black South Africans.

Defence and State argument on the application is expected to end today.

(312 - Pol. Trials)

Saso plans 'common political sense'

By DAVID NIDDRIE

CERTAIN Saso documents were "purely common or garden political sense" and negated prosecution claims that the organisation aimed at breeding Black hostility towards White South Africans, the defence advocate, Mr Roy Allaway, SC, told the Saso terrorism trial judge yesterday.

Mr Allaway was speaking during the fourth day of a defence application for the acquittal of five of the nine accused. Yesterday's hearings were attended by Mr Collins Ramusi, leader of the Lebowa's governing party, the Lebowa Peoples Party, and Dr Charles Duncan, an Amenesty International observer and Dean of the American Howard University.

The defence application, which covers all 13 of the charges facing the accused, and will leave the four remaining accused facing only one charge if it succeeds, will end today.

A reply to the application by Mr Cecil Rees, SC, the Deputy Attorney-General, is also expected to be completed today.

Defence advocates have analysed almost all the 147 documents submitted as State evidence during the trial, as part of their application.

Quoting from the documents, Mr Allaway said yesterday that both Saso and BPC believed that by showing a united front Blacks could persuade Whites to see reality and agree to a fully democratic society.

The organisation believed that the vehicles to enable Blacks to form a united front were Black consciousness and Black solidarity.

The organisations believed that the wishes of the majority would eventually prevail, he told the court.

He told the court that other documents negated State claims that Whites would be excluded in the society envisaged by the two organisations, and specifically stated that the aims of Black powers were not vengeful, but wanted to disprove that all Whites were enemies.

Many of the documents were "purely common or garden political sense," he said.

He said that certain of the documents and speeches were "the work of intelligent people," and could not be aimed at stirring up hostility towards Whites, as alleged in the indictment against the accused.

During Mr Allaway's argument, which lasted throughout yesterday's hearing, the judge, Mr Justice Boshoff, asked him for the names of any locally-written books on Black consciousness.

312 - Pol. Trials

COURT TOLD OF SASO 'SENSE'

NM 6/2/76

Natal Mercury Correspondent 6/2/76

JOHANNESBURG — Certain Saso documents were "purely common or garden political sense" and negated prosecution claims that the organisation aimed at breeding Black hostility towards White South Africans, defence advocate Mr. Roy Allaway, SC, told the Saso terrorism trial judge yesterday.

Mr. Allaway was speaking during the fourth day of a defence application for the acquittal of five of the nine accused.

The defence application, which covers all 13 of the charges facing the accused, and will leave the four remaining accused facing only one charge if it succeeds, will end today.

A reply to the application by Mr. Cecil Rees, SC, the Deputy Attorney-General, is also expected to be completed today.

Defence advocates have analysed almost all of the 147 documents submitted as State evidence.

Quoting from them, Mr. Allaway said yesterday that both Saso and BPC believed that by showing a united front, Blacks could persuade Whites to see reality and agree to a fully democratic society.

Certain of the documents and speeches were "the work of intelligent people," and could not be aimed at stirring up hostility towards Whites as alleged in the indictment against the accused.

The hearing continues today.

312 - Pol Trials

7/2/76

Prosecutor quizzed in the Saso trial

By DAVID NIDDRIE

NO Saso or BPC policy documents could be reconciled with calls for a general strike to cripple South Africa's economy, the Saso terrorism trial judge, Mr Justice Boschoff, told the senior State prosecutor in the trial yesterday.

The judge was speaking during Mr Cecil Rees' argument in the Supreme Court in Pretoria on a defence application for acquittal of five of the nine accused, and the discharge of the four others on all but one of the 13 counts against them.

Mr Rees began his reply to the defence's four-day argument yesterday afternoon. Mr Justice Boschoff repeatedly questioned his submissions.

Mr Rees said Saso and BPC documents contained continued references to White brutality towards Blacks, and that Blacks were gunned down "whenever they stand up."

Quoting from an alleged BPC letter to the "People of Namibia," signed by the Rev Victor Mayathula as interim president of BPC, he said the BPC had called for a general strike which would cripple the South African economy.

Such a general strike would almost inevitably result in violent confrontation between Blacks and the State.

Mr Justice Boschoff asked how the nine accused could be assumed to know of the letter.

He said the letter was the only document that spoke of a general strike to cripple the economy. There was nothing in the constitutions or policy documents of the two organisations that could be reconciled with statements in the letter.

Mr Rees replied there was a pattern of conduct evident in all the documents handed to the court, and that the letter showed "what these people are all about."

"No, it shows only that one man said something about a strike," the judge replied.

"I can see a clear inference in these documents that the accused wished to change the existing system, but is this an offence under the Terrorism Act?" he asked.

He said Saso and BPC had apparently aimed at working outside Government-created bodies, such as the homeland govern-

Mr Rees replied that he would submit that the organisations planned to work outside the system, and were therefore acting unlawfully.

"Are you saying that the Opposition in South Africa is acting unlawfully because it opposes Bantustans,?" the judge asked.

Mr Rees replied that the accused and the organisations were "doing far more than opposing the Government, which was their democratic right. They were building disrespect for law and order."

The judge interrupted to say: "We must be careful not to jump to conclusions."

Mr Rees submitted that at this stage, all he had to show was that there was evidence on which a reasonable man might convict.

State argument on the application continues on Monday.

the president of the African Staff Association, Jimmy Zurich, says the lo and the provision which must be made for pay

Hansard 3 col 122 9/2/76

325 - Pol. Trials

Terrorism Act: Offences

53. Mrs. H. SUZMAN asked the Minister of Police:

(1) How many persons were charged with offences under the Terrorism Act in 1975;

(2) how many of them (a) were (i) acquitted, (ii) convicted of terrorism and (iii) convicted of lesser offences and (b) are still on trial or awaiting trial;

(3) for what period was each of the persons charged detained before being charged.

The MINISTER OF POLICE:

(1) 38.

(2) (a) (i) None.

(ii) 4.

(iii) 1.
The cases against three persons were withdrawn.

(b) 30.

(3)

1 for 3 days	1 for 99 days
1 for 5 days	3 for 102 days
1 for 15 days	1 for 103 days
1 for 30 days	1 for 109 days
1 for 41 days	4 for 111 days
2 for 43 days	1 for 119 days
1 for 48 days	3 for 127 days
1 for 57 days	1 for 169 days
1 for 60 days	1 for 204 days
1 for 64 days	1 for 278 days
1 for 76 days	2 for 279 days
1 for 84 days	1 for 287 days
1 for 86 days	

Break in Saso trial

10/2/76

NM

PRETORIA — The Saso terrorism trial was postponed until Thursday at Pretoria Supreme Court yesterday, to enable State counsel to prepare written argument on a defence application for the discharge of five of the nine accused.

Before Mr. Cecil Rees, the senior State counsel, began arguing against the application, the judge, Mr. Justice Boschoff, said that he could not do justice to the State argument on the application without written argument.

"The State unloads a pile of exhibits on the Court, and the Court must find out for itself the status of these documents," he said.

The defence application, which lasted almost a week, covers 12 of the 13 charges facing the accused, and if it is successful, will mean the release of five of the nine. The remaining four will be left facing only one charge, relating to the Viva Freedom rally in Durban in September, 1974.

312 - Pol. Trials

312 - Pol. Trials

Plea under Terror Act

STAR 16/2/76

Mr Bernard Trevor Bloem (21) of Noodgezicht pleaded not guilty at the Rand Criminal Sessions today to charges under the Terrorism and Suppression of Communism Act.

He pleaded not guilty to the main charge under the Terrorism Act and to two alternative charges, one under the Act and the other under the Suppression of Communism Act.

He pleaded not guilty to being in possession of indecent or obscene playing cards, not guilty to possessing unlawful "Sechaba" magazines and to escaping from custody.

"CONSPIRED"

On count one under the Terrorism Act the State alleges that, during the period, June 1974 to February 6 1975 in South Africa, Botswana and Denmark, Mr Bloem conspired with others named in the indictment with intent to endanger the maintenance of law and order in South Africa.

Demo at terror trial of Swapo six

DP 17/2/76

SWAKOPMUND — Police used dogs to disperse about 200 shouting demonstrators outside the Supreme Court here yesterday shortly after the trial of six members of the South West Africa Peoples' Organisation under the Terrorism Act was adjourned for lunch.

The crowd became angry, gathering in the street opposite the court building, and refused to leave.

Summarising the case for the State yesterday, the prosecutor, Mr J. Jansen, said eighteen shots were fired from Russian automatic weapons at Chief Elifas, of which two had hit him, killing him.

Mr Jansen said one of the men charged, Mr Hendrik Shikongo, had entered Chief Elifas's shop shortly before the shots were fired to observe his whereabouts.

The other accused are Mr Aron Mushimba, Mr Andreas Nangolo, Miss Anna Hihondjwa, Miss Ruana Nambinga and Miss Naimi Nombowa. They all pleaded not guilty.

According to the charge sheet all six were known to be active supporters and members of Swapo. They are charged with taking part in terrorist activities aimed at overthrowing the lawful administration of South West Africa.

A South African Defence Force major told the court that a number of terrorists had been killed in a skirmish in Owambo last year and that Russian weapons and spent ammunition of the type that had killed Chief Elifas had been found near the terrorists' vehicle.

The officer, Maj J. P. Human, said he also found a carton containing documents.

Cross-examined by defence counsel, Dr W. E. Cooper, SC, Maj Human said the incident had taken place near the Owambo border. He denied that he had been inside Angola.

The case continues today. — SAPA.

(1) 224

(2) 312 - Pol. Trials

Detainee jailed for not testifying

DD 7/2/76

JOHANNESBURG — A detainee called to give evidence in the Terrorism Act trial here, refused to testify yesterday and was sent to prison by Mr Justice Theron.

Mr Raymond Burgers refused to testify at the trial of Mr Bernard Bloem.

Mr Burgers was told he would not be prosecuted as an accomplice if he gave satisfactory evidence.

He is is named in the indictment as an alleged conspirator. Mr Burgers said he had been detained by the police since last February.

"I was told by the police what to say which is contrary to my knowledge," he said.

"I was assaulted and had to sign and admit the contents of my statement to the police."

He alleged the police refused to take down his statement in English.

"The contents of my statement are the thoughts of the Security Police.

After the lunch adjournment Mr Burgers refused to testify and was told he could be sent to prison in terms of the Criminal Procedure Act if he persisted in doing so.

He again refused to testify saying that if he revealed anything it would be contrary to his statement.

The judge committed him to prison for ten days. If after that time he again refuses to testify he may be jailed for recurring periods of ten days. — SAPA.

312 - Pol. Trials

312 - Pol. Trials

Call to terror witness

STAR 17/2/76

At a gathering in a Johannesburg township in early 1974, young men discussed going to Mozambique or Botswana for military training, a judge heard today.

Mr Bernard Trevor Bloem (21) of Noordgezicht, now facing a Terrorism Act charge in the Rand Supreme Court, was at the discussion. But he did not indicate his attitude to the training proposal, a State witness, Mr Hector Mbau, told Mr Justice Theron.

Mr Bloem has pleaded not guilty to the main charge under the Terrorism Act and two alternatives, one under that Act and one under the Supression of Communism Act.

The State alleges that he and nine others conspired between June 1974 and February 1975 to leave South Africa for military training and instruction in urban guerrilla warefare, terrorism, subversion and political science.

Mr Mbau, of Western Coloured Township, told the court that in early 1974 he used to gather with a group of friends (named in the indictment as "co-conspirators") at a house in Noordgezicht in which Mr Raymond Burgers lived.

Political subjects were among those discussed. At one meeting Mr Christopher Wymers suggested the group should go for military training.

The hearing was adjourned to February 26.

TERROR IS SAME AS TREASON SAYS A-G

312 - Pol. Trials

17/2/76 Mercury Correspondent

JOHANNESBURG — South African Courts should approach Terrorism Act trials in the same way as trials for high treason, Mr. Cecil Rees, SC, the Deputy Attorney-General for the Transvaal, told the Saso Terrorism trial Judge yesterday.

He told the Court that attempts by Saso and BPC to impose their will on the Government amounted to treason.

He described publications by the organisation as "seditious."

The Terrorism Act was intended to cover activities aimed at undermining the authority of the State, and the Court should therefore adopt the same approach towards Terrorism Act trials as towards high treason trials.

The Judge, Mr. Justice Boshoff, interrupted Mr. Rees's argument to say that if the Courts did this, then Mr. Rees was ruling the trial out of court, as there had been no attempts at violent overthrow of the State.

Mr. Justice Boshoff postponed the trial until tomorrow to enable defence to prepare written reply to State argument on the application.

4.2 Vergoeding

Die Departement Landbou-ekonomie en Bemarking onderneem jaarliks aanvullende produksiekosteopnames afgewissel met volledige bedryfs- en kosteopnames in die volgende gebiede:

Streek	Agro-ekonomiese streeknommer
Transvaalse Hoëveld	B1
Noordwes-Vrystaat	B5
Wes-Transvaal	B4
Swartland	K1
Rûens	K3

Vir die doel van hierdie referaat word streke B1, B5 en B4 veronderstel om n verteenwoordigende situasie met betrekking tot die vergoeding van Bantoe-arbeid in die Republiek voor te stel terwyl streke K1 en K3 veronderstel word om dieselfde situasie weer te gee ten opsigte van Kleurlingarbeid in die Republiek.

Vervolgens word die vergoeding aan Kleurling- en Bantoeplaasarbeiders [illegible] in die onderstaande tabelle uitgebeeld.

General Law Amendment Act, 1962/Suppression of Communism Act/Unlawful Organizations Act/Terrorism Act/General Law Amendment Act, 1972/Gatherings and Demonstrations Act/Riotous Assemblies Act: Convictions

57. Mrs. H. SUZMAN asked the Minister of Justice:

(1) Whether any persons were convicted during 1975 of offences under (a) section 21 of the General Law Amendment Act, 1962, (b) the Suppression of Communism Act, (c) the Unlawful Organizations Act, (d) the Terrorism Act, (e) section 10 of the General Law Amendment Act, 1972, (f) the Gatherings and Demonstrations Act and (g) the Riotous Assemblies Act; if so, how many persons in each race group in respect of each Act;

(2) how many persons in each race group were serving sentences of imprisonment imposed under each Act as at 1 January 1976.

The MINISTER OF JUSTICE:

		Whites	Coloureds	Asians	Bantu
(1)	(a)	—	—	—	—
	(b)	1	—	—	3
	(c)	—	—	—	—
	(d)	1	—	—	3
	(e)	—	—	—	—
	(f)	—	—	—	—
	(g)	—	—	—	1
(2)	(a)	5	3	9	154
	(b)	1	—	—	4
	(c)	—	—	—	2
	(d)	3	3	4	64
	(e)	—	—	—	—
	(f)	—	—	—	—
	(g)	—	—	—	1

Hansard 4
Col 261
18/2/76

325 - Pol. Trials

Alleged terror group plan

Natal Mercury 18/2/76

312 - Pol Trials

JOHANNESBURG — A group of young men at a gathering here early in 1974 discussed going to Mozambique or Botswana for military training, a judge heard yesterday.

Mr. Bernard Trevor Bloem (21), of Noordgezicht, now facing a Terrorism Act charge was present at the discussion, but did not indicate his attitude to the training proposal State witness Mr. Hector Mbau told Mr. Justice C. Theron in the Rand Supreme Court.

Mr. Bloem has pleaded not guilty to the main charge under the Terrorism Act and two alternatives under the same Act and one under the Suppression of Communism Act.

The State alleges that Mr. Bloem and nine others conspired between June 1974 and February 1975 to leave South Africa for military training and instruction in urban guerrilla warfare, terrorism, subversion, and political science.

Mr. Mbau, of Western Coloured Township, said that in early 1974 he used to gather with a group of friends (named in the indictment as co-conspirators) at a house in Noordgezicht in which Mr. Raymond Burgers lived.

At one meeting Mr. Chistopher Wymers suggested the group should go for military training. Each should have his own fare but whether the group should go to Botswana or Mozambique was not discussed.

The hearing was adjourned to February 26. — (Sapa.)

Saso action 'not illegal' says defence

20/2/76 Mercury Correspondent

PRETORIA—If Saso and BPC were prevented by law from pursuing their political aims, no Black political activity in South Africa would be legal, the Saso terrorism trial's senior defence counsel, Mr. Roy Allaway, told the Pretoria Supreme Court yesterday.

312 - Pol. Trials

He told the Court that it was not illegal to want and to attempt to bring about a complete change in the S.A. political structure of separate development as long as force, violence, or foreign assistance were not used to effect this change.

He said that the Progressive Reform Party aimed at changing the system completely by allowing Blacks to participate freely. The party was not operating illegally, he said.

Mr. Allaway was addressing the Court during the ninth day of argument on a defence application for the acquittal of five of the nine accused and the discharge of the remaining four on all but two of the charges facing them.

He said that the Government had set up a system of legislative enforcement of its philosophy of separate development, and that in order to oppose the Government's philosophy one had in a sense to oppose the entire system.

Saso and BPC opposed the philosophy of separate development, and thus opposed the entire sub structure of the Government, as it was based on this philosophy.

However, in doing so they were not acting illegally, as they were not aimed at effecting change by force, violence or foreign intervention.

The Terrorism Act had not been intended by Parliament to prevent Black political aspirations and attempts to be granted the vote and gain sovereign powers in South Africa.

"The Terrorism Act is aimed at violence, not words. Terrorism is the use of violence to a political end," he told the Court.

law and order, which he said, was "nothing more than a serious erosion of private liberty," and in effect admitted as much in its wording. "There is nothing to suggest that Parliament intended the Terrorism Act to have the same effect," he said.

He told the Court that it was unfortunate that he was not allowed by law to bring the parliamentary debate relating to the Act to the Court's attention, as it "casts an interesting light" on intentions of the Act.

He said that the Act was aimed at persons engaged in war or preparations for war against the State, and those intent on endangering the general maintainance of law and order in South Africa.

Argument on the defence application is expected to end today or early next week.

If the Terrorism Act had been intended to be an intrustion on the personal liberty and freedom of speech of South Africans, Parliament would have said so, but it had not," he said.

He compared the Terrorism Act with Rhodesian legislation relating to the maintainance of

312 - Pol. Trials

RDM 21/2/76.

'Apartheid permeates life'

Staff Reporter

THE TERRORISM Act was not designed to prevent Blacks seeking political change by unconstitutional means because there were no constitutional means by which they could effect change, the Saso terrorism trial defence senior defence counsel, Mr Roy Allaway told the Pretoria Supreme Court yesterday.

He told the court that legislation in South Africa was based on the notion that only Whites could take part in it, and that the Government's apartheid policy "permeates all life in South Africa."

Merely because people and organisations were opposed to the policy did not mean that they opposed the whole system of organised government in South Africa.

Mr Allaway was arguing on the defence application for the discharge of five of the nine accused.

Argument on the application which began three weeks ago, is expected to end on Monday.

Mr David Soggott for the defence, said the State made a cardinal error in the presentation of its case.

The State, had skimmed over a concentration of documents arising from years of Saso and BPC activities and presented them to the court. The result had begun to sound ominous, he said.

Because of the concentration of documents, there was an implied assumption that each of the accused charged with conspiring with the organisations was aware of each of the documents and speeches.

He said the State had thrown documents at the court indiscriminately, but if the documents could be seen chronologically the individual items were separated by a great space of time.

He said a Saso member in Durban could not be expected to be aware of statements made at commissions at the University of the North, or of poems written by other members.

Also the two organisations that were allegedly part of the conspiracy had parallel aims, but operated seperately.

The trial resumes on Monday.

Silence brings year in jail

Cape Times 21/2/76

JOHANNESBURG. — Two detainees who refused to testify at the terrorism trial of Bernard Bloom, 21, at the Rand Supreme Court yesterday were jailed for 12 months. The two are Patrick McGluwa, 23, and Raymond Burgers, 23.

Passing sentence, Mr Justice C D J Theron said courts of law could not tolerate obstruction of the law.

The two were co-conspirators with the accused and their attitudes seemed obstructionist, he said.

Mr E Wentzel, for the two witnesses, said they had told him they "felt as Blacks they cannot testify against the accused who is also a Black, in a case concerning the political feelings of Blacks."

The accused, Mr Bloem, has pleaded guilty to having in his possession copies of the unlawful magazine Machaba and to escaping from custody, but not guilty to the main charge under the Terrorism Act.

312 - Pol Trials

Judge to consider Saso defence plea

RDM 24/2/76

3/2 - Pol. Trials

Staff Reporter

MR Justice Boshoff yesterday adjourned the Saso terrorism trial for a month to consider a defence application for the acquittal of five of the nine accused.

The postponement could shorten the remainder of the trial, he said.

The postponement came after more than 11 days of defence and State argument on the discharge application, which if it succeeds, will leave only four of the accused in the dock, facing only two of the present 13 Terrorism Act charges.

Defence counsel made the application before leading evidence when the trial resumed four weeks ago.

The State closed its case against the nine accused — charged with conspiring to bring about revolutionary change in South Africa by violent or unconstitutional means — in December last year after calling 59 witnesses, and with a court record stretching more than 3 000 pages.

The judge said the postponement could "resolve a lot of the obscurities" in the case.

He postponed the trial after defence counsel, Mr David Soggott, had told the court that Saso and BPC had "opted for a legalistic method of effecting change", and that they were operating in competition with many organisations which "use the bullet as a megaphone for effecting change."

Saso and BPC had laid the foundation of a new type of thinking, and that by attempting to bring change legally, they might eventually be despised as the doddering old men of South Africa's liberation, he said.

He submitted that among the Saso and BPC documents selected by the State for the trial there was not one that was of "such agitatory significance" that it could qualify for charges under the Terrorism Act.'

The trial resumes on March 23.

Bloem free of terror charge

By CAROL STEYN

BERNARD Trevor Bloem, acquitted on a charge under the Terrorism Act, was harshly interrogated in Security Police detention, a Rand Supreme Court judge heard yesterday.

Bloem was acquitted on a charge under the Terrorism Act, with an alternative under the Terrorism Act.

A second alternative under the Suppression of Communism Act was dropped by the State.

Mr Justice Theron found Bloem guilty of possessing unlawful Seshaba magazines and a packet of indecent or obscene playing cards.

On each of these counts he was fined R250 or six months' jail. On a charge of escaping from John Vorster Square he was sentenced to six months' jail, suspended for three years.

Mr D. Kuny, for Bloem, told the court Bloem's attempt to escape from custody was a spontaneous act.

After his arrest last February 6, he was interrogated in a harsh manner. On February 10 he was in a poor psychological and physical state. When he saw an open door he was tempted and ran out.

He did not resist when he was rearrested.

Mr Justice Theron found that the State had not proved a conspiracy as far as the charge under the Terrorism Act was concerned.

The State alleged that during the period June, 1974, to February 6, 1975, in South Africa, Botswana and Denmark, Bloem and others conspired to leave the country to make contact with unlawful organisations to obtain military training.

After completion of the training, it was alleged, they would re-enter the Republic to organise or form trade unions, or to politicise the masses, provoke unrest, organise strikes, commit acts of sabotage or, if necessary, fight the internal forces.

Bloem pleaded not guilty to this charge and to possessing obscene playing cards.

He pleaded guilty to escaping and to possessing Seshaba magazines.

Mr James Bloem paid his son's fines. "My son's arrest on the charge under the Terrorism Act came to me as a surprise as he was never involved in politics. His main interest was music," Mr Bloem said after the case.

He said his son went to Denmark to visit his girl friend.

Smiles all round as Mr Bernard Bloem is congratulated by his father, Mr James Bloem, and well wishers after being acquitted on a Terrorism Act charge.

Picture: STEFAN SONDERLING

28/2/76

CAPE TIMES 28/2/76

312 - Pol. Trials

Bloem acquitted of terror charge

JOHANNESBURG. — Bernard Bloem was yesterday sentenced at the Rand Criminal Sessions to six months, suspended for three years, for escaping from custody, and he was fined a total of R500 on two other charges.

He was acquitted on the main charge under the Terrorism Act.

Mr Justice C Theron convicted Bloem, 21, of Nooitgezicht, of possessing copies of the unlawful magazine, "Sekhaba", and to escaping from custory.

He was also convicted of being in possession of obscene playing cards.

Bloem had pleaded guilty to the charges relating to the magazine and to escaping. He pleaded not guilty to the other harges, including the one under the Terrorism Act.

The Judge found that the State had not proved its case against Bloem on the Terrorism Act charge, and the first alternative charge — also under this Act.

PROCURE

The State abandoned the second alternative charge under the Suppression of Communism Act.

The court found that the State had not proved that Bloem and others had conspired to aid or procure the commission of, or to commit any of the following acts:

- To leave the country to make contact with unlawful organizations named in the indictment and/or in order to enable them to obtain military and other training;
- After completion of such training, to enter South Africa and to organize or form trade unions and/or politicize the masses and/or provoke unrest and/or strikes.

Two detainees, called by the State to testify at the trial, refused to give evidence and were jailed by the Judge for 12 months.

The two were Patrick McGluwa, 23, and Raymond Burgers, 23. Bloem had no previous convictions.

Mr D Kuny, for the defence, said that on February 6 last year, Bloem was detained at Jan Smuts Airport and held in solitary confinement.

Mr Kuny said Bloem was interrogated in a harsh manner and that his escape was a spontaneous act.

Bloem was fined R250 (or six month) for being in possession of the unlawful magazines and a further R250 (or six months) for being in possession of the obscene playing cards.

The Judge ordered that the playing cards be destroyed. — Sapa

WHO'LL GIVE U THE BEST SEC

312

S Trib. 29/2/76

Ron Reynolds

FAIR PLAY, loyalty, security. I believe these three factors are absolutely interdependent. Without fair play you cannot have loyalty; without loyalty you cannot have security; and security dominates our thinking. The National Party I do not believe can offer lasting security because:

- Baasskap, apartheid and separate development have estranged us from nations who used to be our proud allies.
- No nation will support us militarily or supply us with sophisticated arms.
- Even trade is conducted in the face of mounting hostility.
- Our once proud motto Out of Unity comes Strength is history. Today we are to be cut up into independent homelands, each with its own inward-looking loyalty. The grand concept of one loyalty for one South Africa is officially dead.
- The Coloured people — once the White man's ardent supporters — have been tumbled from the voters' roll, fobbed off with a "council" which has failed, have no "homeland" and today their bitterness is reflected in their identification with the anti-White MPLA. A fresh change.

Worldwide habit

- In Natal the Nats propose that 4.5 million Zulus — more than all South Africa's Whites — will be or [illegible] South Africa's citizens — will be granted an independent KwaZulu representing only 3 percent of the area of South Africa.

KwaZulu boundaries almost envelop Durban, and enclaves have a worldwide habit of being absorbed into the surrounding state. Will Durban be any different? No wonder Chief Buthelezi says if a "homeland" is forced on the Zulus, they "want he bit which contains Durban". Security or future strife?

The Progressive Reform Party: Idealism lacking in realism. I don't believe the PRP can offer security because:

- It places great reliance on a "Bill of Rights" to protect the rights of individuals. However, one must accept that any such document remains a piece of paper and a glance at recent African history will convince even the most trusting that such "bills" have a habit of being torn up.
- PRP policy envisages the vote being given to all race groups provided persons have "basic literacy". In terms of UN interpretation this means only three years of schooling. I cannot accept such minimum education as being an adequate criterion for the vote. Minority groups, including Indians, Coloureds and Whites, would be swamped at the first election.

The United Party: We accept that:

- True security can only be achieved in a unitary South Africa with one common loyalty.
- An evolving pattern of political participation must be granted. I stress that they must be evolutionary if minority groups are not to be [illegible]

Denis Worrall

I WELCOME this opportunity of presenting my basic political positions, and I thank the editor of the Sunday Tribune for giving us an open forum like this. I wish also at the outset to say that I am going to rely heavily on the traditional open-mindedness of English-speakers, both in our discussions here and in the by-election. Durban North is, after all, an overwhelmingly English-speaking constituency.

In 1946 General Smuts returned from the UN a bitter and angry man. The reason was that, at one of the first meetings of the international body to which he had contributed so greatly, South Africa and its internal policies had been harshly criticised. That was the start of international criticism of this country. By far the loudest and most numerous of our critics have been the Soviet Union and its puppets, and a lot of so-called Third World countries — countries which don't even know the meaning of democracy, never mind practise it.

And the reason for their hostility is that they want to control us because of our strategic position; they want our uranium and our gold; and they want to impose their ideologies on us regardless of our wishes. This would be so whether we had a National, United or Progressive government.

Now the question my UP opponent asks boils down to this: which of the three parties can continue to guarantee South Africa's survival in present times? This is a fair question. We live in challenging times, indeed threatening times, and a heavy responsibility rests on whoever is Prime Minister [illegible]

I have no difficulty in answering this question for myself. Obviously, if I did not believe that the National Party is the only party which can meet the challenges which face us I would not be in politics on the governing party's side. And if I did not know that, as an English-speaker, I can contribute to the solution of our problems in this way, I would not be in the National Party.

I KNOW all this because this has been my experience. But I suggest that you answer the question of the week by putting it to a three-way test.

To stand up to the demands of our time we need three things: (1) A strong party with a wide appeal; (2) Sound policies; (3) Leadership. Now I suggest that you match the three parties against these requirements.

Solidly united

Let's take the first one: The NP is a winning party, solidly united behind its leader, which draws support from Afrikaans-speakers and English-speakers — some 23 percent of English-speakers, according to a recent newspaper poll, now support the NP — and it does not look like being dislodged in the foreseeable future. The UP draws its support from both language groups, has a reasonably solid base in urban English-speaking areas, but is in a constant state of internal warfare over policy. The PRP has very limited appeal to Afrikaans-speakers and its strength in urban areas is uncertain — remember that six of its 13 parliamentary representatives were elected [illegible]

Harr

ANGOLA tau[illegible] cold shock: [illegible] ticular, given [illegible] apartheid, will [illegible]

As long a[illegible] will always be [illegible]

The question [illegible] this apartheid [illegible] the whole of the [illegible] reject us?

There are [illegible] of the world is [illegible] other countries [illegible] they are wrong.

We are the [illegible] whole system [illegible] citizens the right [illegible] as ordinary people.

It is only o[illegible] is only the laws o[illegible] our extinction.

It is Not [illegible] that has excited [illegible] very wealthy com[illegible] not attacked by [illegible]

Do we need [illegible] What we need is [illegible]

We can [illegible] and cut out the [illegible] We can cut dis[illegible] We can cut out [illegible]

The choice [illegible] we live at peace [illegible] live here at all.

The PRP [illegible] Force, that our real [illegible] in South Africa. I[illegible] rights of all our [illegible] prosperously and [illegible]

And so, the [illegible] should be more ri[illegible] our economy, [illegible] teachers, doctors.

And as we [illegible] zens there will [illegible] will exercise the [illegible] And this is as it [illegible]

But while th[illegible] need for pa[illegible] a policy with a [illegible] creates the [illegible] face. In its [illegible] tives will [illegible] cans will [illegible] Whites.

In that way [illegible] conflict which you[illegible] genius to envi[illegible] in that situation [illegible]

325 Tol - Pol Trials

Terror Act: 7 in court

JOHANNESBURG—Six men and a woman, allegedly involved with 46 co-conspirators, appeared in the Rand Supreme Court here yesterday on charges under the Terrorism Act.

The seven accused, Mr Joseph Molokeng, 34, Mr Andrew Moletsane, 23, Miss Pumza Dyantyi, 27, Mr Benjamin Mafenjane, 25, Mr Amos Masondo, 22, Mr Bheki Langa, 23, and Mr David Nhlapo, 27, are facing one count under the Terrorism Act, with two alternatives under the Suppression of Communism Act, and another count under the Terrorism Act with one alternative under the Suppression of Communism Act.

The state alleges that between May 1, 1974, and September 30, 1975, in South Africa and Botswana, the accused took part in terrorist activities in that they conspired to form underground cells and sub-cells for the purpose of studying vital installations. Information was to be used in promoting sabotage and revolution in South Africa.

According to the state, they also conspired to glean information about the role the black worker could play in crippling the South African economy.

Further, the accused allegedly planned to penetrate the mining industry, business interests and industrial complexes with a view to committing sabotage.

On the second count, the State claims the accused conspired to study smuggled literature on subversive ideologies, specifically communism, with the intention of changing the existing government by encouraging insurrection, fostering feelings of hostility between whites and other race groups, and embarrassing the administration of state affairs.

Organisations with which the accused were allegedly involved are: the Transvaal Youth Organisation, the National Youth Organisation, the Natal Youth Organisation, the Azania Liberation Movement, the ANC, Saso and BPC.

All the accused are in detention.

Mr D. Kuny, for the accused, applied for a postponement to June 1 to enable defence lawyers to prepare their case thoroughly.

Mr J. W. van Jaarsveld, for the state, opposed the application.

In his judgment on the application, Mr Irving Steyn said a fortnight's postponement was adequate.—SAPA.

312

Freed terror trial man wants to sue Minister

RDM 11/3/76

312 - Pol. Trials

Staff Reporter

MR PETRUS Tshabalala, acquitted yesterday in the Rand Supreme Court of charges under the Terrorism and Suppression of Communism Act, has instructed his attorney to sue the Minister of Justice for damages arising from alleged assaults by the Security Police while in detention.

The instructing attorney in the case, Mr Shun Chetty, yesterday confirmed Mr Tshabalala had briefed him for action against the Minister.

Mr Tshabalala, 25, Diepkloof, Soweto, was charged under the Terrorism Act and faced an alternative charge under the Suppression of Communism Act.

He was alleged to have influenced or incited Mr Lungisani Madiya and Mr Peter Mahlangu to leave the country with the object of undergoing military training in Zambia for purposes of overthrowing the Government.

The two, both friends of Mr Tshabalala, were State witnesses.

The three were arrested at the Ramatlabama border post between Botswana and South Africa in November. They did not have passports.

After their arrests they were taken to Mafeking, where the alleged assaults took place.

On Tuesday, Captain A. B. Cronwright, of the Security Policy at John Vorster Square, said in evidence Mr Tshabalala and the two witnesses were brought to John Vorster Square on December 12 last year for further investigation.

"They had complaints about assaults, statements were taken and forwarded to the Station Commander, Mafeking," he said.

"Did he (Tshabalala), tell you that he had been at the Klerksdorp Hospital for 12 days?" Mr S. Kentridge SC for the defence asked.

Captain Cronwright replied that he later got this information from the district surgeon.

Asked what he thought the reason for Mr Tshabalala's having been to hospital was, he replied: "I wasn't there. I couldn't determine this."

In argument yesterday, Mr G. Bizos, who appeared with Mr Kentridge, said there was no evidence that Mr Tshabalala had incited his two frends to undergo military training.

What motivated them to want to leave the country was the Radio Zambia broadcast, Mr Bizos said.

Mr Justice Irving Steyn agreed with the defence's submission that there was no strong evidence against Mr Tshabalala.

He said the crux of the matter was whether Mr Tshabalala had encouraged or persuaded Mr Madiya and Mr Mahlangu to undergo military training.

"It is not sufficient for the State to show that they agreed," he said.

312 - Pol Trials

Inside Mail

The five students: Glenn Moss, Charles Nupen, Edward Webster, Cedric de Beer and Karel Tip.

RDM 11/3/76

State vs students — the charges

THE lengthy indictment in the trial of the four student leaders and one lecturer who will appear in the Johannesburg Regional Court on April 1 charged under the Suppression of Communism Act and the Unlawful Organisations Act, covers an 11 months period between October 1973 and August 1974.

The five accused are alleged to have performed 10 acts calculated to further the aims of communism. In furtherance of a conspiracy among themselves to promote the policies of the SACP and the ANC they are alleged to have:

● Agreed to launch a campaign for the release of political prisoners under the auspices of Nusas and/or the SRCs of affiliated universities.

● Organised a student seminar at Elgin Apple Farm hostel "at which the policy and guidelines for the said campaign would be propagated; such policy and guidelines being the result of research done and papers compiled by accused No 2 (Charles Nupen), accused No 3 (Edward Webster), accused No 5 (Karel Tip) and one Geoff Budlender."

● Advocated, advised, defended or encouraged theory, ideology and long-term goals of student-action towards an egalitarian society;

● To have mandated Nusas Head Office to consider the feasibility and practicability of working towards the drawing-up of a blueprint for such a society and to have mandated Mr Glenn Moss (Accused No 1), Mr Webster and Mr Tip to draw up a statement of goals of student action to be used as a basis for discussing educational system, "to fit students for their 'African' future, in that White students would have to adapt their own culture to, and integrate it with, the culture of the Black population."

Their intention, it is alleged, was to infiltrate and reform the educational system of universities by:

Doing research into the administration and its power structure; into the universities' budget allocation and how such funds are used; into governmental "and other" restrictions on universities; "breaking down" and/or analysing of department staff and their qualifications; motivating and guiding students to voice grievances against the system currently followed by universities and by opening files on individuals with decision-making powers who refuse to acknowledge student grievances.

Concerning school education, the accused are alleged to have intended to attack existing "English" institutions, such as private schools, with the aims of the "politicisation" and/or indoctrination of schoolchildren; set up alternative study groups for school pupils to "discuss subjects not covered by school syllabuses, eg hu-

● The full indictment against the students who will appear in court next month as a result of a symposium held at Grabouw, in the Western Cape, in 1973. The accused are Mr Glenn Moss, 23, Mr Charles David Nupen, 25, Mr Edward Charles Webster, 33, Mr Paul Cedric de Beer, 23, and Mr Karel Simon Tip, 30.

National Council take note of the necessity for a clear understanding of long-term goals by all groups whose programmes and projects are directed towards promoting social change in the Republic.

The National Council should recommend to "affiliated centres" that they initiate a series of discussion groups on campuses of universities working towards such clarification and authorise Nusas Head Office to investigate the feasibility of drawing up a comprehensive manifesto relating to these long-term goals.

● It is alleged that Mr Moss compiled a confidential report evaluating the seminar, attaching a paper delivered by Mr Tip on the seminar and a copy of the "charter of the people adopted as a statement of goals" and that the report was distributed "only amongst a selected group, including non-students."

● By means of this report, the accused "incited, advocated, advised, defended or encouraged" the selected group to change from a passive attitude to aggressive action.

● That the accused, during or about the period January to May, 1974, ary 21, March 5 and March 13, 1974 to which "leaders of the various political opposition parties were invited as guest speakers and where the policies of these parties were deliberately denounced and ridiculed by the said accused."

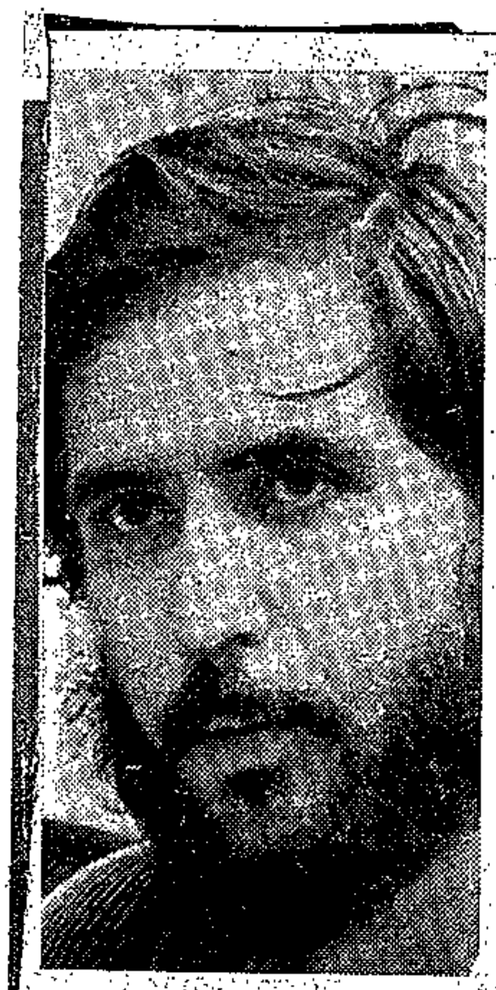
The organisation of a mass meeting and a protest picket on February 25, 1974, and the distribution of pamphlets to commemorate the restriction of eight Nusas leaders in 1973.

The organisation of mass meetings on February 27 and 28 to which Mr Michael Nupen, Mr Rene de Villiers and Dr Alf Stadler were invited as guest speakers and where liberalism was analysed and "radical liberalism" was propagated.

The organisation of a mass meeting on March 14 to which Mr Clemens Kapuuo was invited as guest speaker and where "the idea of Bantu homelands was brought into disrepute".

The organisation of a mass meeting on March 28, addressed by Mr Peter Randall, where the Whites in the Republic were depicted as being violent.

Publishing or causing the publication of a booklet called "Dissent", in March, 1974, in which the paper delivered by Mr Webster on the Seminar was published and the drafting and forwarding



RDM 11/3/76

letters on May 10, 1974 to local and overseas people and organisations requesting support for the campaign.

● Other mass meetings are mentioned as being part of the final phase of the "Release all Political Prisoners campaign":

A meeting on May 27 to which Dr Phatudi was invited as guest speaker "in the expectation that he would call for the release of all 'political' prisoners and the denouncement of the fact that Dr Phatudi did not call for the release of prisoners who were 'declared' communists."

Directly after Dr Phatudi's speech, it is alleged, students were incited to take part in a protest picket in Jan Smuts Avenue.

The accused are charged with publishing, or causing the publishing of the student newspaper, Varsity, on March 27, in which Nelson Mandela was quoted and suspicion was thrown on the administration of justice in South Africa.

They are also charged with distributing pamphlets in Cape Town "in pursuance of a campaign to build up mass opposition to the existing social and political system" and the organisation of a mass meeting on May 28 addressed by the Reverend Stubbs and Mrs Helen Joseph.

Mrs Joseph, it is alleged, attacked Dr Phatudi for not calling for the release of communist prisoners while she and Mr Stubbs called for the release of all "political" prisoners, including communist prisoners.

After Mrs Joseph's speech, Mr Moss is alleged to have addressed the meeting and quoted Nelson Mandela.

On that day and the next, it is alleged that students were incited to take part in a protest march which took place on May 29, despite the refusal of the Chief Magistrate of Johannesburg to give his permission for the march.

A special edition of a student newspaper, Wits Student, it is alleged, was compiled and published

cussion and action.

They are accused of "analysing, advocating, advising, defending and/or encouraging campaigns and achieving the planning of a campaign to release all political prisoners.

"Advocating, advising, defending, encouraging and implementing the possible identification and training of new leaders of the said student action, to provide for an ever increasing number of action-orientated individuals and groups who would perpetuate the execution of the ideas and projects of the said conspirators."

Under the same section, in the field of education they are alleged to have planned action to effect reorientation of the existman relationships".

They are also accused of "advocating, advising, defending or encouraging and planning the catalysation and incitement of Black workers to industrial unrest, by way of spreading pamphlets, isolating 'problem areas' and suggesting avenues of attack for use by the said Black workers; and advocating, advising, defending or encouraging 'Black consciousness' as a means of change towards achieving Black domination in South African society and Government".

● At a Nusas National Council meeting, the indictment continues, the accused, in furtherance of the alleged conspiracy, introduced a motion that the drafted inflammatory pamphlets, placards and stickers to be used and distributed during the "build-up" and "Release all Political Prisoners" campaigns to achieve the build-up of Black mass opposition.

● A number of actions were allegedly committed in a "build-up" campaign in preparation for the climax of the "Release all Political Prisoners" campaign:

"Upon or about February 11, 1974, during 'orientation week' for first year students, the said accused propagated discontent among the first year students as a step towards changing the established university structure."

The organisation of mass meetings on Febru-

RDM 11/3/76

on May 28. In it, listed communists, Abraham Fischer and Govan Mbeki, were quoted; suspicion was thrown on the administration of justice in the Republic and the Government was depicted as brutal and oppressive "towards the non-White section of the population in the Republic."

Students were encouraged and organised to distribute "the above-mentioned inflammatory pamphlets".

A mass meeting was held on May 29 to which Mr Gerson Veii, "a former convicted saboteur," was invited as guest speaker to call for the release of all political prisoners. Another, on May 30, was addressed by Mr Sonny Leon who stated that the Republic was a police state.

A second special edition of Wits Student was published on May 30 in which the "Freedom Charter" was published, suspicion was thrown on the administration of justice in the Republic and Nelson Mandela was again quoted.

Regular Press statements were issued during May 1974 to "certain English-language newspapers" for the purpose of publicising the said campaign.

● The accused are charged with actively working towards the organising and/or the "building up" of Black masses "to take part in mass action for the purposes of bringing about social, political and economic changes envisaged by the programme of the SACP and ANC and the 'Freedom Charter'".

They did this, it is alleged, by demanding the release of all political prisoners, depicting them as the true leaders of the Black population "and as innocent pleaders for 'peaceful' social change in the Republic."

They allegedly presented to the Black population that they were the oppressed and that the Whites were the oppressors and/or built up "worker consciousness" and discontent among Black workers as a step towards initiating and organising Black workers into worker organisations.

A YOUNG police constable detains a suspected pickpocket outside the Rand Supreme Court.

SQUADS ALERT

Move to prevent new trial demo

RAND RIOT ON

19/3/76

The Argus Correspondent

JOHANNESBURG. — Strong police reinforcements were on standby today to prevent a recurrence of last night's near-riot scenes outside the Rand Supreme Court, where the terrorism trial of seven Africans is being held.

Armed Black and White policemen patrolled the corridors of the court, but outside the building there were no signs of police or demonstrators.

Six men and a woman are appearing before Mr Justice Irving Steyn on charges under the Terrorism Act.

Dog squads at Brixton Flying Squad headquarters were placed on standby for riot-control duty today.

One policeman, Constable F. Sadie, was admitted to hospital last night after being struck on the head by a bottle. His condition is satisfactory.

He could not say if police would act to stop the gathering.

The crowd at yesterday's demonstration at one stage became involved in a stone-throwing fight with Whites who overlooked the station from a nearby building.

The Whites gathered on the roof and at windows of the railways building were seen throwing stones and taunting the crowd from above.

Some Blacks became incensed and retaliated with stones, bottles, and even bits of tar ripped from the road.

Trouble began about 3.30 after the terror trial accused left the court building in a van. The crowd gave clenched-fist

312 - Pol. Trials

My Black human shield—by

SHELLED ALMONDS kg R2,99
TEA 125 g 15c
BEEF SAUSAGE kg 99c
PEARS 439 g 13½c
COOKED HAM R1,99

IWTIME
er Garden
he
YOOD
OUNDS
u RAND —

It should be the doctor's choice to terminate a useless life, but that isn't playing God because if a higher power gave me my gifts they were meant to be used.'

3/2 - Pol. Trials

A police officer speaks to a demonstrator outside the Rand Supreme Court.

Crowds pelt police with stones, bottles

CAPE TIMES 19/3/76

Own Correspondent

JOHANNESBURG. — Two angry crowds, each of more than 1 000 Africans, were dispersed by police with dogs at the Johannesburg railway station yesterday after police were pelted with stones, bricks and bottles.

At least one police officer was injured in the incident — sparked off earlier by a large crowd that gathered outside the Rand Supreme Court, scene of the terrorism trial of seven Africans.

An estimated 50 Flying Squad and uniformed policemen were brought in to handle crowds which pelted police after a chase from the Supreme Court in the direction of the station.

Senior police officers said last night that the situation had been brought under control by 8pm after crowds had twice been dispersed with dogs.

Bystanders said the incidents apparently flared up after a policeman outside the courts tried to arrest a man handing out pamphlets advertising a church service commemorating Africans imprisoned for political reasons.

Windows of a railway building were smashed and several cars damaged.

Police dispersed the crowd after calling for reinforcements but about an hour later the crowd swelled with thousands of Africans streaming through the area to get to trains.

Chanting and screaming men and women gave Black Power salutes and called "One man, one vote" as police and other vehicles were stoned.

Brigadier W H Kotze, the Witwatersrand's Divisional Commissioner of Police, was struck on the leg by a stone.

Brigadier Kotze said he could not state how many people were in custody or what charges they would face as investigations were still proceeding.

(1) 312 - Pol. Intel

Warnings on near-riots

CAPE TIMES 20/3/76

Political Correspondent

HOUSE OF ASSEMBLY. — The Minister of Police, Mr Jimmy Kruger, issued a stern warning yesterday that "law and order will be maintained" following the near-riot scenes outside the Rand Supreme Court on Wednesday.

However both the United Party and the Progressive Reform Party warned the Government that it should tackle the causes of the fracas at their roots to ensure the continued loyalty of all Black people to South Africa.

Mr Kruger hinted that "elements" from the banned African National Congress may have been active during the scenes because many were known to attend the terrorist trials.

He could not discount the possibility that these elements were involved in the sudden outbreak of violence, Mr Kruger said during a short interview.

The Opposition leader, Sir De Villiers Graaff, said it would not be surprising if recent events in Africa had led to a feeling among "some of our own people" that meaningful and beneficial change could be achieved by violent means.

The Progressive Reform Party's Houghton MP, Mrs Helen Suzman, said she found the situation "very worrying" because it was precisely this sort of flash-point of violence that had become predictable.

Events like these were symptomatic of something of far deeper significance. As far as the handling of the hostility was concerned, she was convinced that it was urgently necessary for the Government to take action to ameliorate those factors in the every-day lives of Africans which led to deep dissatisfaction.

UNRULY ELEMENTS

Sir De Villiers added that no society could allow unruly elements to take the law into their own hands and to become violent such as appeared to have happened in Johannesburg.

"Nevertheless it would be folly for the Government to remain blind to the underlying causes for such action. These causes must be tackled at their roots in a manner which will ensure the continued loyalty of all our peoples in South Africa."

The time had come for the Government to match deeds with its statements of intent.

"Constructive change must not only take place but must be seen to be taking place and in no field can it be more easily and readily demonstrated than in the removal of discrimination on the grounds of colour alone," he said.

Terror trial: Raid forestalls violence

Own Correspondent

JOHANNESBURG. — Heavy rains and a decision to adjourn the terrorism trial of seven Africans at lunch-time yesterday prevented further violence outside the Rand Supreme Court and the Johannesburg station — scene of Thursday night's clashes between demonstrators and police.

Police patrolled the Supreme Court and neighbouring streets throughout the day yesterday and a large contingent of men were on standby to prevent a recurrence of the previous two days when cowds gathered in De Villiers Street.

By mid-afternoon yesterday — several hours after the court had adjourned and the seven trialists escorted from the building — all was quiet, Brigadier W H Kotze, the Witwatersrand's Divisional Commissioner of Police, said.

Brigadier Kotze disclosed that a total of 10 Africans had been arrested in the four-hour disturbance of Thursday night — four by men of the South African Police and six by the Railway Police.

No charges had yet been laid against the men in custody, he said, as investigations had not yet been completed. When they were, the details would be laid before the Senior Public Prosecutor for his decision as to what charges might follow.

312 - Pol. Trials

Saso trial defence plea fails

24/3/76

NM.

Mercury Correspondent

JOHANNESBURG — The Saso terrorism trial judge, Mr. Justice Boshoff, yesterday refused a defence application for the discharge of five of the nine accused, but granted the application on seven of 13 charges.

The judge, who took a month to reach his judgment on the extensive defence application, filed at the closure of the State case, delivered a 100-page ruling to a packed and excited court.

He found the various accused had no case to answer from evidence led by the State on six of the 13 charges. However, on the remaining seven charges, he found that from evidence led "a reasonable man might conclude that the activities of the accused were capable of endangering maintenance of law and order and of having the results alleged by the prosecution."

Each of the accused still faces at least one charge, besides the main charges against them — including a charge of conspiring to bring about revolutionary change by violent or unconstitutional means.

Before the judge entered the court yesterday the nine accused filed in with their fists raised in Black Power salutes.

312-Pol. Trials

Police forced me to lie —witness

24/3/76
RDM.

By KEITH ABENDROTH

A FORMER Saso executive member claimed in the Old Synagogue Supreme Court in Pretoria yesterday that he had been forced by the Security Police to make statements directly contrary to what he knew to be true.

Mr Jairus Kgokong, testifying before Mr Justice Irving Steyn, then went on to identify two paragraphs on a piece of paper as having been written by a Security Police officer, with the instruction that they, in effect, be copied.

The evidence came after the transfer of the terror trial from Johannesburg to Pretoria because of dangers of political demonstrations in Johannesburg.

Before the start of the trial in Pretoria yesterday fewer than 100 Africans, mainly messengers going about their errands, watched curiously outside the Old Synagogue Supreme Court.

As the trial started, police far outnumbered spectators. Reinforcements with dogs stood outside the courtroom.

In the afternoon the spectators gallery of the courtroom was packed with Africans.

After the adjournment they gathered outside to give the Black Power salute as the accused were driven away in a police van, singing "Unsima Lomthwalo Ufuna Sihlangane" ("This burden is heavy. It needs us to unite").

Appearing before the court on two charges under the Terrorism Act, with two alternatives under the Supression of Communism act, are: Messrs Amos Masondo, 22, Joseph Molokeng, 34, Andrew Moletsane, 23, Benjamin Msenjane, 25, Bheki Langa, 23, David Mhlapo, 27, and Miss Pumza Dyantyi.

Mr Kgokong, 24, told the court that he had only ceased being Johannesburg secretary of Saso a month ago. He said that he left Turfloop University in 1972 in protest against the unjust expulsion of a friend.

He joined Saso and then the Black People's convention in 1972, he said.

Replying to questions by State counsel Mr S. Swanepoel, he said that about 200 people had fled the country for military training and because of fears of police oppression, since 1973.

Certain statements made by him in an official statement he said, were only made "on the insistence of the Security Police."

One of these was that he had been approached to leave the country for military training. This was not true. He had made the statement only after lengthy interrogation and on the insistence of the Security Police.

The people who left the country fled mainly because of police harassment, some of them to Botswana, he said.

"But the police insisted that I had to know what was going on in Botswana. I was told a story by Captain A. B. Cronwright. He had it from another person, and he told me to say the same thing," he said.

Saso and the BPC had operated openly and overtly, working for change by peaceful means. But the police refused to accept this.

Cross examined by Mr Roy Allaway SC for the defence, he said that both organisations were committed to the idea of Black consciousness, working for change by peaceful means.

When he was picked up for interrogation, he was told that "if I continued with this sort of thing I would be heading for trouble. The police clearly held the view that the organisations were a danger to the safety of South Af-

But he said he persisted that this was not true, that the bodies were working for change by peaceful means.

"But he told me if I did not tell the truth they would break me. A row started — at the initial interrogation — and I was slapped and taken to the cells."

Mr Ngokong said: "I invited more questions. But they said we are not going to ask questions, you've just got to talk."

The police intimated that they had certain definite views that the organisations were working for violent change.

He made a statement the following day, but was told he had not written what he had been told to write.

"This went on for 10 days — I never seemed to put things the way Captain Cronwright wanted them."

Shown a piece of paper by Mr Allaway, he identified it as having been handed to him by Captain Cronwright and identified two paragraphs as being in the captain's handwriting. He had been told to express the thoughts relating to Marxism which had been in the paragraphs.

Eventually he was released on November 14.

The hearing continues today.

sued in response to a description of the DP leaders as "Leftists" by the ousted former DP leader, Mr Knowledge Guzana.

get.

STAR 29/3/76

'Secret terror cells'

Pretoria Bureau

A witness told the Supreme Court today that he and Mr Bheki Langa, one of si men and women charged under the Terrorist Act, had discussed the formation of secret cells.

Mr Nicholas Tango, who was warned as an accomplice berore giving evidence, said the cells were formed to recruit Blacks for military training. When these people completed their training, they would come back and fight against the Government of South Africa.

Mr Sheki Langa (23), Mr Joseph Molokeng (34), Mr Andrew Moletsane (23), Miss Pumza Dyanti (27), Mr Benjamin Mafenjane (25) Mr. Amos Masondo (22 and Mr David Nhlapo (27) hav e all pleaded not guilty to two charges under the terrorism Act.

SCHOOL

Mr Tango told the court that he had been at school with Mr Langa. After school they had both joined a local youth organisation in Natal. Discussion at the club meetings, he said, was usually about the oppression of the Blacks and their rights, including wages and the low wages they received.

When the president was not there, Mr Langa address the meeting on these topics, Mr Langa said.

Many members left the organisation because they realised the meetings were a waste of time and they felt the time had come to go for military training, Mr Tango told the court.

Mr Bheki, he said, had travelled "to the Reef" to meet another of the accused, Mr Joseph Molokeng. Later he had told them that people on the Reef were also preparing to send people for military training.

They never discussed where the training would take place but, said Mr Tango, he knew this would be Zambia and Tanzania. ..

(Proceeding)

312 Pol Trials

30/3/76 NM

'NO PLAN TO DRIVE WHITES INTO THE SEA'

PRETORIA—There was no suggestion that the South African Students' Organisation and the Black People's Convention intended to push the Whites into the sea or to oppress or exploit them in "the new society," an expert witness said in the Pretoria Supreme Court yesterday.

Dr. R. A. D. Turner, of the Department of Political Science at the University of Natal, was called as an expert witness when the trial of nine Saso men on charges under the Terrorism Act was resumed in Pretoria yesterday.

The main charge alleges a conspiracy to overthrow the Government by violent or unconstitutional means, and relates to acts which can be "inferred" from various Saso and BPC documents.

Dr. Turner said that after studying documents of the two organisations and articles and speeches by their members, he concluded that they aimed to find, within the limits of the existing regime, scope for change.

The position of the White man in the society proposed by Saso and BPC would be "that of a minority group with individuals having equal rights."

Dr. Turner quoted the constitution of the BPC as specifying its goal to be "to create and maintain an egalitarian society in which justice would be meted out equally to all."

Another BPC document, he added, said South Africa should be "a land where White and Black lived in harmony without group exploitation." It was suggested that Whites should lose their privileges but there was no suggestion that they should lose their rights.

The theme of Christianity was strong in the documents, he said.

The case continues today. — (Sapa.)

312 - Pol. Trials

312 - Pol. Trials

In court

STAR 31/3/76

Terror witness bail plea

A terror trial witness, charged with perjury, denied in the Johannesburg Magistrate's Court yesterday that he would leave the country if released on bail.

Applying for bail before Mr A T Meiring, Mr Jairus Mpotseng Kgokeng (24) said if he wanted to leave South Africa he could have done so long ago.

The State alleges Mr Kgokeng's evidence at a terror trial in Pretoria last week conflicted with a statement made to police in November last year.

Mr Kgokeng also faces further charges of defeating the ends of justice and contravening the Official Secrets Act, alternatively theft.

The hearing was postponed until today.

Aryan theory

Pretoria Bureau

Saso's ideas of Black consciousness might be compared with Adolf Hitler's theory of the superiority of the Aryan race, it was suggested in the Supreme Court yesterday.

This comparison was put by Senior Counsel for the State, Mr C Rees, to a witness giving evidence in the defence of the nine Saso-BPC men appearing on Terrorism Act charges.

In reply Dr Richard Turner, a political scientist from Natal University, said he didn't think this parallel could be drawn.

In Hitler's case, Dr Turner said, it was said that Germans were superior to any other race, yet nowhere did Saso say that Blacks were better than Whites, although they were equal.

(The trial continues)

312 Pol Trials

'SA Whites are rich, greedy and afraid'

Staff Reporter

DR Rick Turner, 35, told the Saso terrorism trial in Pretoria yesterday he felt his description of a White South African as "rich, greedy and frightened of his fellows" in his book "The Eye of a Needle" was a fairly true generalisation.

Dr Turner, a Natal University political scientist who was banned in 1972 under the Suppression of Communism Act, was being cross-examined by Senior State Counsel, Mr Cecil Rees on his book.

He said although "as a South African, I am certainly an involved partisan," he was not involved in a manner which would prevent him from giving impartial evidence.

Dr Turner, the first defence witness, said he had urged radical political change in this country, and there were broad similarities between the beliefs expressed in his book, and those propagated by Saso and BPC, but he was not emotionally involved with the organisations in a way that would prevent him for giving impartial evidence.

He described the theories put forward in his book as "an ideal model of how a state could function to the benefit of all," and said he hoped it would become a textbook from which organisations such as BPC and Saso could formulate their policies.

He had advocated a form of participatory democracy, but the ideas were very different from communism and were not based on Marxist theory, he said.

He denied a suggestion by Mr Rees that he had written the book for the masses as an appeal to the have-nots of this country, by the inclusion of suggestions of redistribution of wealth in South Africa.

He said he had described the capitalist system as being incompatible with Christianity as it had as its main ethic "use your neighbour for your own ends," while Christian morals advocated love and mutual cooperation.

Earlier, during examination by defence counsel, Mr David Soggott, he said that the overwhelming thrust of the Saso and BPC documents he had read was that means other than violence were needed for political change in South Africa.

He felt that the organisation's criticisms of the Government were fundamentally the same as those of Chief Gatsha Buthelezi and the Labour Party.

His cross examination continues today.

STAR 1/4/76

312 Pol Trials

Witness refuses to testify

Pretoria Bureau

A witness today refused to give evidence for the State against six men and a woman charged under the Terrorism Act.

Mr Mosala Mosegani told the Supreme Court in Pretoria: "Before I take the oath I wish to tell the court something."

Mr Justice Irving Steyn granted him permission and Mr Mosegani said: "I wish to tell the court that I do not fish to give my testimony.

"I cannot give evidence against my friend. It militates against my conscience.

"I am not going to be part of the machinery.

Mr Mosegani remained calm while making his statement and while the judge warned him, at the request of the State, that, under Section 212 he could be imprisoned for 12 months.

Before warning him, however, Mr Justice Steyn told the witness: "I am as much a part of the machinery as you."

OVERRULED

When Mr S Swanepoel, for the State, refused to accept Mr Mosegani's reasons as valid, the judge overruled him.

"He will not have his friend suffer as a result of his evidence," he said. "It may not be valid to your case," he told the state, "but it may be valid to me."

Mr Mosegani then stood down as a witness while the State looked for authorities to support their case.

Mr Abel Kgamen, the next witness called, asked the court before he took the oath what would happen to him if he did not repeat whath e had been told to say.

The judge advised him to take the oath and tell the truth.

The State then asked that Mr Kgamen be given time to consider his decision to take the oath.

An earlier witness, Mr Tairus Kgokong, was arrested as he stepped from the witness box last week.

He is now appearing in the Johannesburg Magistrate's Court on a charge of perjury and another under the Official Secrets Act or, alternatively, theft.

312 - Political Trials

TERROR TRIAL WITNESS IS HELD

Natal Mercury 1/4/76

PRETORIA — A witness at the trial of six men and a woman facing two charges under the Terrorism Act and three alternative charges under the Suppression of Communism Act told Mr. Justice Irving Steyn at the Supreme Court here yesterday he was still in detention under the Terrorism Act.

Mr. Vusi "Stanley" Sithole, who said he had been "taken in for questioning" last October 1, was testifying at the trial of Mr. Joseph Mokoleng (34), Mr. Andrew Moletsane (23), Miss Pumza Dyanti (27), Mr. Benjamin Mafenjane (25), Mr. Amos Masondo (22), Mr. Bheki Langa (23) and Mr. David Nhlapo (27) who all pleaded not guilty.

Mr. Sithole earlier told the Court he did not think he was implicating Mr. Moletsane when he told the police he was a leader of a cell that was to go to Botswana for military training.

He said Mr. Moletsane had been arrested long before he made his statement to the police.

Mr. Sithole also denied attending a meeting at Wilgerspruit in 1974 with a banned person. He had learned it was unlawful to preach communism only at the beginning of 1975, said Mr. Sithole.

The trial continues today. — (Sapa.)

312 - Pol Trials

Terror trial witness refuses to testify

Daily Dispatch 2/4/86

PRETORIA — A witness in the Terrorism Act trial here refused to give evidence for the State because he did not want to be "part of the machinery which sent his friends to jail."

Though warned by Mr Justice Irving Steyn that he might be imprisoned for 12 months, he persisted in refusing to give evidence. Mr Mosalo Mosogome also refused to take the oath.

He was called to give evidence against six men and a woman charged under the Terrorism Act in the Pretoria Supreme Court yesterday.

Mr Mosogome said he refused to give evidence because it would "militate against his conscience and principles."

He said if he gave evidence he would be lacking in principles to guide him. he would have no manhood and back-bone and his conscience would be dead.

The court adjourned for about 15 minutes while the State considered what action to take against Mr Mosogome. He was not called again.

The following State witness, Mr Abel Kgame refused to take the oath after he had told the court that the police told him what to say in a statement before court.

The judge advised him that to tell the court the truth and explain the parts in his statements which the police had allegedly made him include.

After changing his mind and saying that he was prepared to take the oath, Mr Kgame was asked to stand down as a witness by the prosecutor.

Miss Mpho Kgathi, 26, a nurse, testified that she was employed at the Baragwanath Hospital with Miss Phumza Dyantyi, one of the accused. Miss Dyantyi invited her to join Saso, but she refused.

Miss Dyantyi, who was a nursing sister left Baragwanath Hospital for Kuruman. She visited Miss Kgathi while she was there.

Mr Kgathi said they went to Mr Mabelle Molokeng's house where there was a meeting. At the meeting they were told to read some books which would tell them what to do when change came to South Africa.

Miss Kgathi said Miss Dyantyi also invited her to undergo military training.

The trial continues. — DDC.

'State witness could be harmed'

Five Nusas men stand trial

By CAROL STEYN

THE TRIAL of the five Nusas leaders started yesterday with the evidence of a former member of the Communist Party, a member of the Security Police, and a film show.

The five men, Mr Glenn Moss, 23, Mr Charles David Nupen, 25, Mr Edward Charles Webster 33, Mr Paul Cedric de Beer, 23, and Mr Karel Simon Tip, 30, face one main count and three alternatives under the Suppression of Communism Act and the Unlawful Organisations Act.

The indictment details 10 acts allegedly committed by them during the period between October 1973 and August 1974. They are accused of associating with and conspiring to promote the policies of the South African Communist Party and/or the African National Congress (ANC), both banned organisations.

They pleaded not guilty.

The prosecutor, Mr P. B. Jacobs, asked the magistrate, Mr G. Steyn, for an order to prohibit the Press publishing the name of a State witness, Mr Bartholomew Moru Hlapane, because, he said, he might be physically harmed.

Mr A. Chaskalson, SC, for the defence, objected. It was the ordinary right of a person to have a public trial. Part of a public trial was the reporting of it in the Press, he said.

Mr Steyn ruled he could not by law order the Press not to identity a witness. He could only ask them to bear in mind what Mr Jacobs had said about the possibility of physical harm to Mr Hlapane when deciding whether to identify him.

At the start of the proceedings, Mr Hlapane told the court he became interested in politics in 1948. He joined the Newclare branch of the ANC and eventually became a member of the Transvaal committee. His duties were to get people to join the ANC. He joined the Communist Party in 1955 as an ordinary cell member in Jabavu.

He remained a member until 1963 and was then detained. In 1964, he was again co-opted to the central committee until the end of 1964.

"I was detained again and that was the end", Mr Hlapane said.

Mr Hlapane said he had to recruit people to go abroad for military training. If they got into trouble they were advised to look to the Defence and Aid Fund for help. The Communist Party and the ANC were banned and could not openly assist anybody.

The Congress of the People was held in 1955 and the Freedom Charter adopted. Delegates from various organisations, including the ANC Congress of Democrats and the Indian Congress attended. The Freedom Charter was 'the short term policy" of the Communist Party and the ANC, Mr Hlapane said.

This short-term policy was to bring about freedom peacefully by strikes etc. Later it was decided that this would not succeed and that they would resort to sabotage. Still later guerilla warfare was decided on to overthrow the Government

Mr Hlapane said he was present when the programme of the Communist Party was drafted towards the end of 1962. He handed in the programme, as well as other documents of the party and the ANC. He also handed in a copy of the magazine "Wits Student" with Freedom Charter on the back page.

Mr Chaskalson, Mr G. Bizos an Mr D. Kuny, all for the defendants, reserved their cross-examination.

Mr Chaskalson said that at the time of some of the events testified to, Mr Moss was three years old.

Warrant Officer J. J. Liebenberg, of the John Vorster Square Security Police told the court about a police raid on the offices of the SRC at the University of the Witwatersrand on January 15, during which a confidential report under Mr Moss' name about a seminar held at Elgin in the Cape was confiscated.

An annexure headed "Whites and the dynamics of change", under the name of Mr Karel Tip and a document signed by Mr Charles Nupen asking for support in a campaign for the release of political prisoners. was also confiscated.

Letters addressed to the president of the National Union of Zambian Students, the president of the National Union of Danish Students, the president of the National Union of Icelandic Students, and Mrs Helen Joseph were later obtained from the Postmaster-General, WO Liebenberg said.

He told the court he had been the investigation officer in a case in which a man was charged with unlawfully taking photographs of prisoners.

He had the film developed and it showed a student march down Jorissen Street, Braamfontein, headed by Mr Moss, the arrest of students by the police, "police action" and demonstrations by students holding placards asking for the release of all political prisoners.

On May 30, 1974, he went with other policemen under Captain A. Cronwright who had warrants to search certain buildings on the campus of the University of the Witwatersrand.

The police were just standing around when Mr De Beer made an announcement through a microphone. Then Mr Sonn Leon made a speech. Afterwards Capt Cronwright confronted Mr De Beer with a warrant.

WO Liebenberg said he confiscated a box filled with pamphlets in English and in an African language demanding the release of all political prisoners. He also attached a May, 1924, copy of "Wits Student" with the Freedom Charter on the back page.

Mr De Beer read his warrant over the microphone and the students approached en masse, WO Liebenberg said.

There was a tug-of-war between the police and the students for the documents at the SRC offices.

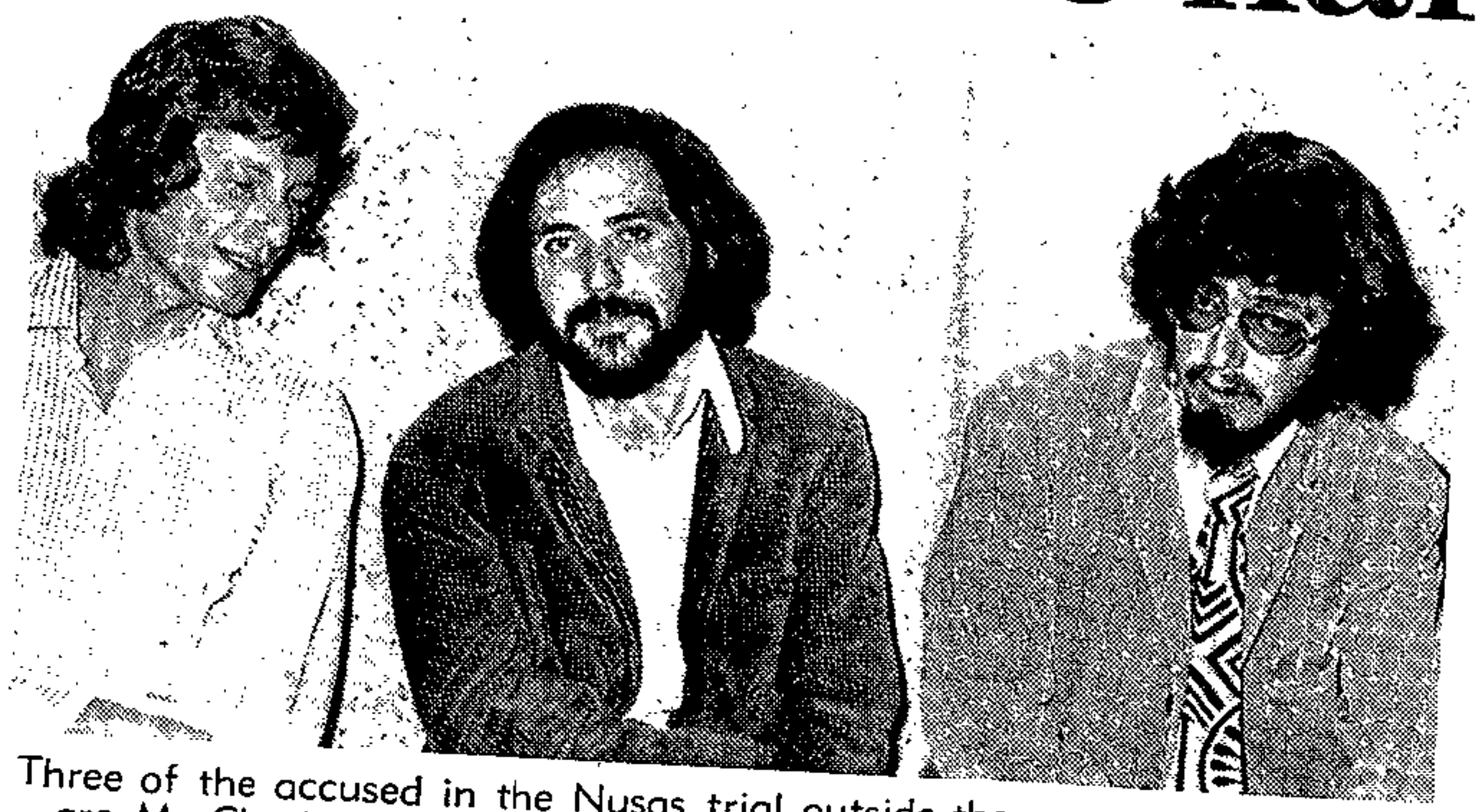
The students refused to let the police in and only after a tussle did they succeed in breaking in. The police were spat on and tripped, and stickers were pasted on them.

The court then adjourned to the court library where the film to which WO Liebenberg had referred was shown.

At the viewing WO Liebenberg was unable to identify Mr Moss.

Cross-examined later by Mr Chaskalson, he said he must have been mistaken. There was a similarity between Mr Moss and the person on the film.

The hearing continues on Monday.



Three of the accused in the Nusas trial outside the court yesterday. They are Mr Charles Nupen, left, Mr Glen Moss and Mr Cedric de Beer.

(312 - Pol Trials)

Court hears of 'free for all'

Star 5/4/76

One of the Nusas men on trial under the Suppression of Communism Act distributed pamphlets to Blacks near the Johannesburg station, a Johannesburg Regional Court magistrate was told today.

The court was also told of a "free for all between police and students.

Constable A C du Preez said he saw Mr Cedric de Beer and another student handing out pamphlets to a crowd of Blacks near the station on May 28 1974.

He was giving evidence at the trial of Mr Glenn Moss (23), Mr Charles Nupen (25), Mr Edward Webster (33), Mr de Beer (23) and Mr Karel Tip (30) on charges of furthering the aims of communism, alternatively of the ANC.

Asked what the reaction of the Blacks to the pamphets was, Constable du Preez said they had laughed.

The State alleges, among other things, the men organised the distribution of inflamatory pamphlets as part of a campaign to release political prisoners.

Earlier Captain M B van Niekerk said he and other officers attended a Wits meeting on May 29, 1974. Mr Gerson Veli, a former convicted saboteur, addressed the students at the meeting which was chaired by Mr Moss.

The following day, when another mass meeting was held at Wits, a free for all broke out when police tried to confiscate pamphlets calling for the release of political prisoners.

Later, when they tried to search student offices the police were kicked, pushed about, and Captain van Niekerk's jacket was ripped. Stickers saying "Release all political prisoners" were stuck on police cars.

(Proceeding)

CAPE TIMES 6/4/76

312 - Pol. Trials

Policeman tells of free-for-all

JOHANNESBURG. — When security police tried to confiscate pamphlets at a Witwatersrand University mass meeting, a "free for all" broke out between police and students, a Regional magistrate heard here yesterday.

Captain M B van Niekerk was giving evidence before Mr G Steyn at the trial of Glen Moss, 23, Charles Nupen, 25, Edward Webster, 33, Cedric de Beer, 23, and Karel Tip, 30, on charges of furthering the aims of communism, alternatively of the ANC.

Captain Van Niekerk said he and other officers attended a Wits mass meeting on May 29, 1974. Mr Gerson Veil, a former convicted saboteur, addressed the students at the meeting, which was chaired by Mr Moss.

Next day, at another mass meeting, a free for all broke out when police tried to confiscate pamphlets calling for the release of political prisoners.

KICKED, PUSHED

Later when they tried to search student offices, police were kicked and pushed about, and Captain Van Niekerk's jacket was ripped, he said. Stickers saying "release all political prisoners" were stuck on police cars.

Constable A C du Preez told the court he saw pamphlets handed out to Blacks near the station on May 28, 1974.

Asked what the reaction of the Blacks was, he said they laughed.

The State alleges, among other things, that the men organized the distribution of inflammatory pamphlets.

WASTED TIME

Mr Karel Kleinboot told the court of his former membership of the Pan Africa Congress and the African National Council, and of his military training in Russia.

He returned to South Africa in 1971 to "organize the people and get weapons for them to attack the Government."

"Then I realized this thing had wasted quite a lot of my time," he said, and in 1972 handed himself over to the police. He had given evidence in the trial of a White student in Durban and that of Mr Kenneth Malunga in Maritzburg.

Lieutanent C R MacDuling of the security police told the court that on December 1 a document entitled "Freedom — the Organ of the central committee of the Communist Party in South Africa" was found in Mr Nupen's room in Durban.

Questioned by Mr G Bizos, for the defence, he could not dispute that the document had been sent by post to a Mr Raymond Suttner, nor that the file containing it also contained women's lib documents.

The trial continues today. — Sapa

ril 6, 1976.

3/2 - Pol Trials

Warrant out for witness

6/4/76 NM.

Mercury Correspondent

PRETORIA—A warrant for the arrest of a State witness in the Terrorism Act trial who wanted to consult a lawyer before he would continue with his evidence was issued in the Pretoria Supreme Court yesterday.

Mr. Justice Irving Steyn issued the warrant against Mr. Lebogang Motlana (20).

Mr. Motlana, a law student at the University of the North, refused to continue his evidence on Friday.

The Judge granted Mr. Motlana permission to see a lawyer and he was warned to appear before Court yesterday.

Mr. Motlana who was not in custody failed to appear.

Appearing on charges under the Terrorism Act were six men and a woman, who were dressed in colourful Afro - shirts.

Warrant Officer I. M. van Niekerk, of the Security Police in Pretoria, said in evidence that since 1963 several Black people in South Africa had left for military training.

He said these included nine women, who were trained in radio - telephone communication, handling of small arms and nursing. Training was undertaken in Tanzania and Odessa, Russia. Training camps in Tanzania were run by the African National Congress and the Pan Africanist Congress.

Another State witness, Mr. Motlatsi Michael Molotsane, said he was recruited to undergo military training in Mozambique while he was a member of the South African Students Organisation. He was arrested by the Security Police last September 30.

When he was recruited he said he was told that deserters would be kidnapped. If the police attempted to arrest them they had to fight and assault the police.

Mr. Jeremiah Nchabele, who wrote his final junior certificate examination in detention at John Vorster Square, said he was also recruited for military training in Mozambique and was arrested before he could leave.

He said his treatment in police detention was "good."

The hearing continues today.

Daily Disp. 7/4/76

Witness says police promised him freedom

PRETORIA — Security Police in Johannesburg promised a Terrorism Act detainee "freedom from detention" if he made an acceptable statement, it was alleged in the Pretoria Supreme Court yesterday.

Mr Abel Kgame, 30, who was warned as an accomplice before he gave evidence, was giving evidence before Mr Justice Irving Steyn at the trial of six men and a woman on charges under the Terrorism Act.

Mr Kgame testified that he had been an active member of the Transvaal Youth Organisation since 1973. Three of the accused, Mr Malebelle Molokeng, 34, Mr Andrew Molotsane, 23 and Mr Benjamin Mfenyane, 25, were also members.

He said the aims of the organisation were to preach black consciousness and black culture.

Mr Kgame told the court he had made a handwritten statement to the Security Police on September 11 last year. He was arrested on September 9.

Mr Kgame said that after he had refused to take the oath last week, he was interrogated for over two days by the police and made another statement.

He was kept alone in a cell, not allowed any physical excercises or reading material and did not have time to wash.

The hearing continues today. — DDC.

312 - Pol Trials

312 - Pol. Trials

Student's words 'shocked' Nusas trial witness

CAPE TIMES 8/4/76

JOHANNESBURG. — A former Stellenbosch student yesterday quoted one of the Nusas men on trial under the Suppression of Communism Act as having said: "The people who would like to support me or my party are not allowed to do so."

Mr J P Gelderblom said he had been shocked by this statement as he thought it was a reference to the Communist Party.

He was giving evidence before Johannesburg's Regional Magistrate, Mr G Steyn, at the trial of Mr Glenn Moss, 23, Mr Charles Nupen, 25, Mr Edward Webster, Mr Cedric de Beer, 23, and Mr Karel Tip, 30, on charges of furthering the aims of communism, alternatively of furthering the aims of the ANC.

VORSTER'S SON

Mr Gelderblom said Mr Moss had used the words quoted during a meeting between the students' representative councils of Stellenbosch and Witwatersrand in April, 1974.

The Stellenbosch delegation had included the Prime Minister's son, Mr Piet Vorster, and the son of the Minister of Economic Affairs, Mr Chris Heunis.

Mr A Chaskalson SC said Mr Moss would deny using those exact words and would say that he had meant support for a non-racial party not allowed by law in South Africa.

Mr Gelderblom admitted that there were people in South Africa who were not allowed to belong to any political party. "They are members of the Communist Party," he said.

Detective Warrant Officer Johan Goosen of Cape Town told the court of meetings he had attended on the campus of the University of Cape Town.

At a meeting on May 24, 1974 pamphlets were distributed and placards announced the meeting as part of the Release of Political Prisoners campaign.

"SLANDERED"

There was an audience of about 200 students and Miss Lorraine Platsky chaired the meeting. WO Goosen said he stood among the students while she read messages of support from Breyten Breytenbach, Nadine Gordimer, Mr Joel Carlson and the Australian Students' Union.

On May 30, he attended another meeting on the campus which was addressed by Professor Barend van Niekerk, who had been very critical of the South African legal system and had slandered the police in his speech, WO Goosen said.

The defence counsel did not cross-examine WO Goosen. His evidence was largely irrelevant, Mr Chaskalson said, but he might ask for his recall at a later stage.

The hearing was postponed to today after Mr P B Jacobs, leader of the prosecuting team, said that a witness who had to come from the border could not get a flight timeously. — Sapa

April 8, 1976.

'PARTY' REFERENCE ALLEGATION

8/4/76 NM

JOHANNESBURG — A former Stellenbosch student yesterday quoted one of the Nusas men on trial under the Suppression of Communism Act as having said: "The people who would like to support me or my party are not allowed to do so."

Mr. J. P. Gelderblom said he had been shocked by this statement as he thought it was a reference to the Communist Party.

He was giving evidence before Johannesburg's Regional Magistrate, Mr. G. Steyn, at the trial of Mr. Glenn Moss (25), Mr. Charles Nupen (28), Mr. Edward Webster, Mr. Cedric de Beer (23) and Mr. Karel Tip (30), on charges of furthering the aims of communism, alternatively of furthering the aims of the ANC.

Mr. Gelderblom said Mr. Moss had used the words quoted during a meeting between the Stellenbosch and Wits SRCs in April, 1974.

Cross-examined by Mr. A. Chaskelson SC, Mr. Gelderblom said the discussion had taken place two years ago.

The Stellenbosch delegation had included the Prime Minister's son, Mr. Piet Vorster, and the son of the Minister of Economic Affairs, Mr. Chris Heunis.

Mr. Moss had said several times that he could not voice his grievances through the existing political parties, which were inadequate.

Asked why he did not form his own party, Mr. Moss had replied: "The people who would like to support me or my party are not allowed to do so."

Mr. Chaskalson said Mr. Moss would deny using those exact words, and would say that he had meant support for a non-racial party not allowed by law in South Africa.

Questioned by Mr. G. Bizos, defending, Mr. Gelderblom agreed that Blacks, Coloureds and Indians had no right to vote for existing political parties, but that he did not think those were the people Mr. Moss had been referring to.

Mr. Bizos: Could it be that the context in which this statement was made was about discrimination in relation to the franchise?—There was talk about discrimination against Black people for which the Government was blamed.

Mr. Gelderblom admitted that there were people in South Africa who were not allowed to belong to any political party. "They are members of the Communist Party," he said.

The hearing was postponed to today after Mr. P. B. Jacobs, the leader of the prosecuting team, said that a witness who had to come from the border could not get a flight timeously. —(Sapa.)

312 Pol Trials

3/2 Pol Trials

Policeman on the campus

STAR 8/4/76

A former security branch officer today told a Johannesburg court how during 1974 he "loafed" around Wits campus posing as a student.

Sergeant G Horak was giving evidence before Mr G Steyn at the trial of Mr Glenn Moss (23), Mr Charles Nupen (25), Mr Edward Webster (33), Mr Cedric de Beer (23) and Mr Karel Tip (30) on charges of furthering the aims of communism or alterntively of the ANC.

Sergeant Horak said he had not registered as a student but had been accepted as one by Wits students.

He got to know all the accused except Mr Webster.

On February 21, 1974 he attended a mass meeting chaired by MR Moss. Mr Gideoff Jacobs was invited to discuss the policy of the United Party.

SHEEP JIBE

While Jacobs was speaking, students paraded behind him carrying a cardboard model of a sheep. Or Jacobs was heckled, hissed at and ridiculed.

The State alleges that the accused launched a campaign to release all political prisoners by, among other things, inviting guest speakers from the opposition parties and deliberately denouncing and ridiculing their policies.

Sergeant Horak said he attended another meeting between February and May 1974 to which speakers such as Mr Rene de Villiers, Dr Alf Stadler, Mr Gordon Waddell and Mr Peter Randall were invited. These speakers had been well received by the students.

MEMORY CODE

Cross-examined by Mr D Kuny, defending, Sergeant Horak said he had posed as a student at Wits from mid-1973 to 1975.

He could not remember whether the period in which members of various opposition parties were invited to speak at Wits was shortly before the General Election on April 22 1974.

He said he had a code which helped him remember who had spoken at a particular meeting. But it would not help him to remember the dates on which the meetings were held.

At one meeting Mr Nupen had called for the release of political prisoners as the true leaders of the country.

Mr Kuny: "Did he not say 'Who are regarded by certain people as the true leaders?'" — I can't say.

Mr Kuny: "Doesn't your code help you remember what the speakers said?" — No.

(Proceeding)

Mr P B Jacobs, Mr H Brandt and Mr T Verschoor are appearing for the State. Mr A Chaskalson SC, Mr D Kuny and Mr G Bizos instructed by Mr Raymond Tucker are appearing for the accused.

(312 - POL (MARD)

Police spy 'loafed on campus' for year

RAND DAILY MAIL 9/4/76

Staff Reporter

A MEMBER of the Security Police told the Johannesburg Regional Court yesterday that he loafed around the campus of the University of the Witwatersrand all day for more than a year, posing as a student.

Sergeant Gerhardus Horak said he was not registered, attended no classes and his sole purpose was to obtain information. He later used a code to assist him in remembering people's names.

Sgt Horak was giving evidence before Mr G. Steyn in the case in which Mr Glenn Moss, 23, Mr Charles David Nupen, 25, Mr Edward Charles Webster, 33, Mr Paul Cedric de Beer, 23, and Mr Karel Simon Tip, 30, appeared on one main count and three alternatives under the Suppression of Communism Act and the Unlawful Organisations Act.

The indictment details 10 acts allegedly committed by them between October 1973 and August 1974. They are accused of associating themselves with and conspiring to promote the policies of the South African Communist Party and the African National Congress — both banned organisations.

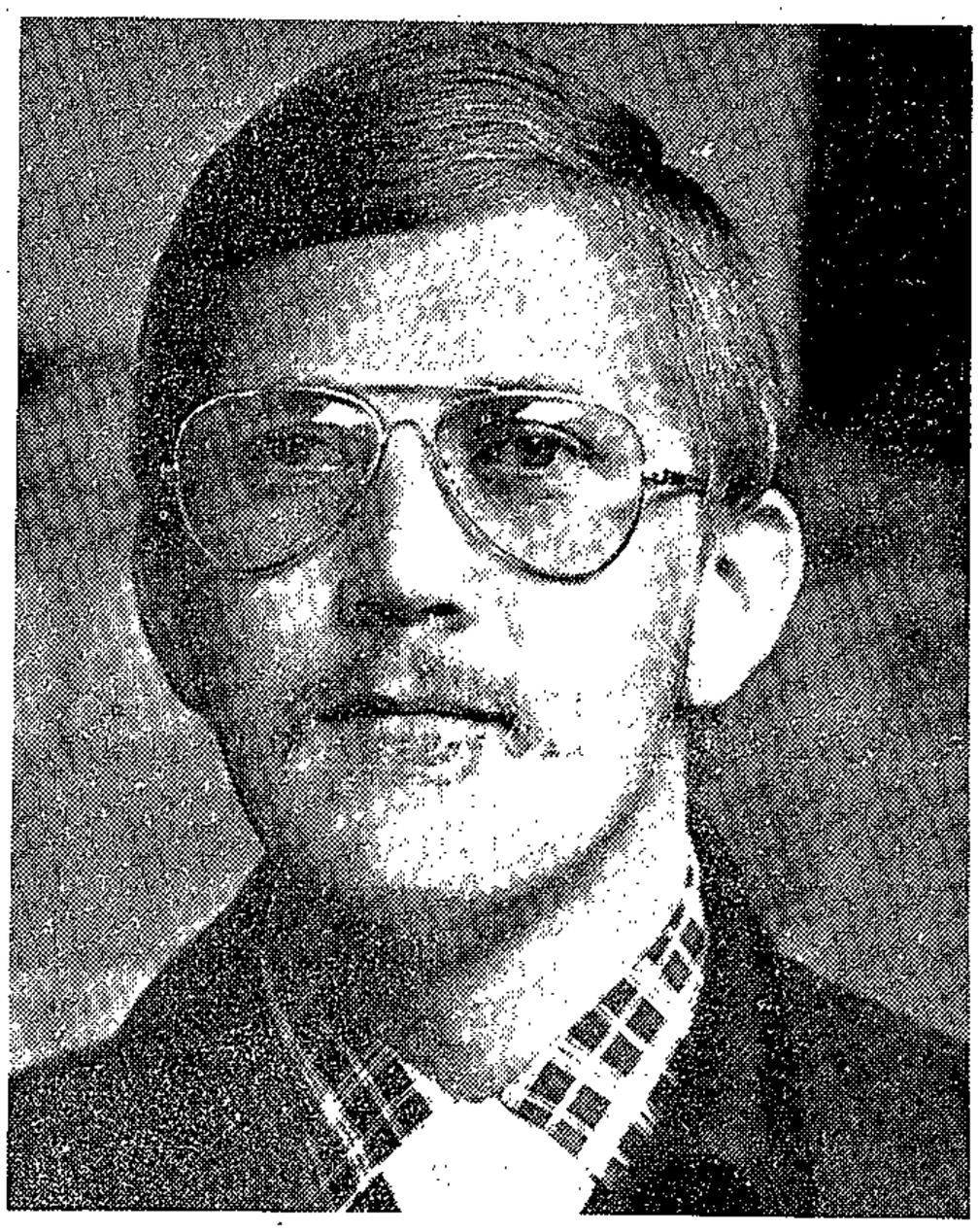
Sgt Horak told the court he had not enrolled as a student at the university but worked for the Security Police, posing as a student. "I loafed around there all day," he said.

He got to know Mr Moss, who was SRC chairman at the time, and Mr De Beer, who was a student. Mr Nupen and Mr Tip came to the university from Cape Town on one occasion, he said.

On January 8, 1974, a document entitled "Some More Ideas for the Campaign 'Release all Political Prisoners'", by Jonathan Block, was handed to him. He became interested in the campaign and tried to get as much information on it as possible.

Sgt Horak then told the court about 11 meetings he attended on the campus between February 21 and May 30, 1974.

The first was addressed by Mr Gideon Jacobs of the UP. While he made his speech a student with a cardboard sheep, which kept nodding its head, paraded on the platform behind him. The students booed and hissed and tried to make Mr Jacobs look ridiculous. They were not impressed by his speech, Sgt Horak said.



Sergeant Gerhardus Horak poses for a picture outside court yesterday.

The next meeting, on Februray 25, was addressed by Mr Jack Curtis and Professor Van Zyl Slabbert. Pamphlets entitled "For Whom the Bell Tolls", signed by Mr Moss and others, were distributed. Afterwards there was a protest demonstration in Jan Smuts Avenue in which Sgt Horak took part, holding a placard saying "Nusas Remains Unaffected".

On February 27, Mr Michael Nupen, a Wits lecturer, addressed a meeting and on February 28 Mr Rene de Villiers spoke about liberalism. Mr Moss was in the audience on both occasions, Sgt Horak said.

These speakers were better treated than Mr Jacobs, but Sgt Horak didn't think they impressed the audience.

On March 5 Mr Gordon Waddell addressed a meeting on behalf of the Progressive Party. Mr Moss was chairman. Pamphlets entitled "Gordon Waddell, a Beacon of Humanity" issued by "The Good Fairies of Braamfontein" and "SRC Comments on Progressive Party Policy" were distributed

On March 13 Mr Theo Gerdener, of the Democratic Party, addressed a meeting and a pamphlet, "SRC Comments on the Democratic Party", containing caricatures of Snoopy of the Peanuts comic strip fame, were distributed. Both these speakers were well received, Sgt Horak said.

On March 14 Mr Clemens Kapuuo, Chief of the Hereros, addressed a meeting. On March 28 Mr Peter Randall spoke about White violence in South Africa and on May 13 Mr Charles Nupen made a speech saying that South Africa was ruled by brute force and calling for the release of "the true leaders".

Sgt Horak said that on May 28 a student who was a police informer gave him two placards on the campus, one announcing a speech by Mr Gerson Veii, a former Robben Island prisoner, and the other announcing a speech by Dr Cedric Phatudi, Chief Minister of Lebowa.

On May 29 Mr Veii talked about conditions on Robben Island and called for the release of political prisoners. Sgt Horak told the court he made a tape recording on a hidden machine.

The chairman of the meeting, Mr De Beer, read letters of support received from Robben Island and announced a protest march. He also read to the meeting the Chief Magistrate's ban on it. He accompanied the students to Jan Smuts Avenue and picketed with them, holding a placard which read "Let Fischer Go".

On May 30 he attended a meeting addressed by Mr Sonny Leon and made a tape recording, Sgt Horak said. After the chairman, Mr De Beer, had read to the audience, a search warrant was served on him.

The students attacked Security Police members who attended the meeting. Because he was posing as a student he could do nothing to help his colleagues, Sgt Horak said.

Sgt Horak said he had never met Mr Nupen or Mr Tip but had met Mr Moss and Mr De Beer once.

He could not remember if there was a general election in South Africa in April 1974. He had never attended a political meeting outside the Wits campus.

Cross-examined on the meetings he had attended on different dates, Sgt Horak asked for a piece of paper to "work out his code". He repeatedly referred to his code in answering questions.

Cross-examined by Mr G. Bizos, he said he had worked out a code like the ones students use to help them in examinations. He used it only to get the speakers in sequence, he said.

The hearing continues today.

312 - Pol. Trials

RAND DAILY MAIL 9/4/76

Prisons setback for Nusas men

By CAROL STEYN

THE defence team in the Johannesburg Regional Court case against the five Nusas leaders received a shock yesterday when they received an urgent message from the Department of Prisons withdrawing permission previously granted for them to interview Robben Island prisoners.

This meant that the State had put evidence before the court and then prevented the defence from getting instructions on it, said Mr A. Chaskalson, SC, the leader of the defence team.

The leader of the prosecuting team in the Suppression of Communism Act trial, Mr P. B. Jacobs, told the presiding magistrate that the news had hit him "like a clap of thunder".

Just before the adjournment yesterday, Mr Chaskalson told the court that during the evidence of Mr B. Hlapane on April 2 the defence team had indicated that they could cross-examine him only after taking instructions from people in jail, and that arrangements would be made to obtain permission to do so.

Written application was made for the defence team to visit Robben Island to interview, among others, Nelson Mandela, Walter Sisulu and Govan Mbeki.

A reply was received.

Mr Chaskalson said that, moments before the court was due to adjourn yesterday, the instructing attorney, Mr Raymond Tucker, received an urgent message that this permission had been withdrawn.

Mr Jacobs told the court that the prosecuting team went out of their way to assist the defence.

Mr Steyn suggested that the matter be postponed to today.

312 - Pol Trials

RAND DAILY MAIL, Saturday, April 10, 1976.

Try again, Nusas prosecution told

By CAROL STEYN

THE MAGISTRATE hearing the case against the five Nusas leaders yesterday asked the prosecution to do all it could to get permission from the Department of Prisons for the defence counsel to interview three Robben Island prisoners.

The department had at first told the defence it could see the three men—Nelson Mandela, Walter Sisulu and Govan Mbeki—to enable it to cross-examine a State witness, Mr B. Hlapane. Permission was later withdrawn.

"It is the first time I have heard of a thing like like this," said the magistrate, Mr G. Steyn. He could not allow the evidence of State witnesses if the defence could not get instructions on which to cross-examine them.

Mr P. B. Jacobs, leader of the prosecuting team, went to Pretoria yesterday morning to ask the Prisons Department why it had reversed its decision.

He told the court it would give no reason. However, it had suggested that copies of Mr Hlapane's evidence should be sent to the prisoners and the defence should provide a list of the questions it wanted to ask.

It should be ascertained if the three men were prepared to give evidence because they had not been prepared to do so in the past.

If they would give evidence it would have to be on a commission basis because they would not be allowed to come to court.

Mr A. Chaskalson, SC, leader of the defence team, said it was an "astonishing proposition" that the State should take statements on behalf of the defence. He had heard nothing like it before and would not readily agree that the State should take statements on behalf of the defence.

Why was it necessary for the State to find out if the prisoners were prepared to testify? The defence could find this out for themselves. Unwilling witnesses could be subpoenaed.

Mr Jacobs said he did not mean that the State should take the statements. The defence could write to the prisoners themselves.

Mr Steyn said he could not interfere with the conduct of the case, but he could not allow the evidence of a witness not properly cross-examined.

Mr Jacobs undertook to do his best to help the defence.

The five accused, Mr Glenn Moss, 23, Mr Charles David Nupen, 25, Mr Edward Charles Webster, 33, Mr Paul Cedric de Beer, 23, and Mr Karel Simon Tip, 30, appear on one main count and three alternatives under the Suppression of Communism Act and the Unlawful Organisations Act.

At the end of the hearing Mr D. Kuny, for the accused, asked that Mr Moss and Mr Webster should be allowed to report to the police twice a week — as in the case of the other three — instead of daily.

The application was refused after Mr T. Verschoor, for the State, said that people on trial in political cases could be so high principled that they might flee the country to propagate their views.

The charge sheet was serious enough for bail to be withdrawn completely.

The hearing was postponed to April 21.

(312 - Pol. Trials)

Terrorism Act 'is contravened'

Natal Mercury 10/4/76

Mercury Correspondent

PRETORIA—A senior advocate said in the Pretoria Supreme Court yesterday that Sub-Section Six of the Terrorism Act was contravened each time a detainee under the Act was brought to Court to give evidence.

Mr. Roy Allaway, SC, told Mr. Justice Irving Steyn that the section stated that no person other than the Minister of Justice or an officer in the service of the Commissioner of the Police shall have access to any detainee or shall be entitled to any official information relating to or pertaining from any detainee.

Mr. Allaway argued that if the strict dictionary meaning of "access" was applied, the law was contravened when a witness gets into the witness box and gives evidence. If the witness was asked to give evidence he was asked to give "official information."

The argument arose when a State counsel and counsel for a State witness argued whether a State witness detained under Section Six of the Terrorism Act was entitled to a legal representative or be detained for refusing to testify for the State.

Earlier this week, a Terrorism Act detainee, Mr. Mphakama Mbethe refused to take the oath and give evidence for the State. Mr. Mbethe who said that he has been in detention for 195 days was represented by Mr. N. A. Braithwaite.

Mr. D. W. Rothwell, SC, for the Attorney-General, argued that Mr. Mbethe was a detainee under Section Six. No person other than the Minister or official in the service of the Commissioner of the Police can have access to him.

Appearing in Court on charges under the Terrorism Act are Mr. Malebelle Molokeng (34), Mr. Andrew Kgtothi Molotsane (23), Miss Phumza Dyantyi (27), Mr. Benjamin Mfenyane (25), Mr. Amos Masondo (22, Mr. Bheki Langa (23) and Mr. David Nhlapo (27).

The hearing will continue on April 26.

(312 - Pol. Trials)

RDM 13/4/76

'White liberals hinder the Black struggle'

By DAVID NIDDRIE

WHITES could play no part in the Black political struggle and their presence would in fact prevent the formation of a unified, effective Black bargaining bloc, an accused man in the Saso terrorism trial told the Pretoria Supreme Court yesterday.

Mr Saths Cooper, 25, a former Black Peoples Convention (BPC) office bearer, banned in 1973, is the first of the nine accused to give evidence since the start of the trial nine months ago. He faces six charges under the Terrorism Act.

In a day-long examination by defence counsel Mr David Soggott, Mr Cooper said he had first become interested in politics at high school, where, "as a Black person, one begins to take heed of this".

He said Black consciousness, as understood by the BPC, was born of "genuine aspirations of the Black masses, and gave positive expression to these aspirations."

The BPC aimed at gaining the support of the majority of Black South Africans in order to be able to bargain with Whites from a position of strength —"the basic rule of politics".

But White liberals could have no part in this Black political struggle and would in fact militate against the formation of a unified bargaining force, he told the court.

The BPC had stressed the concept of Blackness — rather than of ethnic differences — as unity was a vital element in the struggle.

"Unity is strength, if I may borrow the South African motto," he said. "It is a fact that we are oppressed, and our history is riddled with examples of this oppression. The BPC believes that unless we unite, this oppression will continue," he said.

However, at its formation, the BPC had decided not to seek confrontation with the Government. This was a mistake the previous Black movements — such as the African National Congress and the Pan Africanist Congress — had made.

He admitted that the Rev Victor Mayathula — an interim president of BPC — had had "as a pet hobby" the idea of a national "tools down" strike to cripple the White economy, but this was not BPC policy, and most members had taken the idea "with a large bag of salt".

"Rev Mayathula is of the fire and brimstone ilk of preachers," he told the court.

He explained a number of BPC and related documents and said that one of them had as a theme that "Whites have led themselves up the garden path by believing in apartheid", and had based their beliefs on "Swart gevaar" fears.

Mr Cooper said the BPC had taken a resolution opposing the victimisation of Black sportsmen as a result of the substantial isolation of SA in the world sporting community — caused by the policies of the "White racist regime".

He said the organisation felt that Blacks had a right to represent their country.

He believed the resolution, taken by the BPC in 1972, had helped contribute to the "vast changes" which had come about in SA sport since then.

It would have been difficult to believe in 1972 that the White controlling bodies in most sports would recognise the principle of participation by all races, he said.

The BPC had rejected the involvement by foreign investors in the exploitative economic system in SA, and had attempted to

EVIDENCE

Its call to investors in SA had received a "fair response" with most recognising the problems.

Anglo American, for example, had announced its support for the formation of trade unions among its workers he said.

He will continue to give evidence when the trial resumes today.

312 - Pol. Trials

Govt wants any excuse to ban us, Saso trial told

RDM 14/4/76

Own Correspondent

THE South African authorities "are just waiting for any excuse" to ban Saso and BPC, because the two organisations are a source of acute embarrassment to the Government, one of the nine Saso members on trial under the Terrorism Act told the Pretoria Supreme Court yesterday.

Mr Saths Cooper, 25, facing six charges under the Terrorism Act, is the first of the accused to give evidence in the nine-month-old trial.

Giving evidence on the 1974 "Viva Frelimo" rallies organised by BPC and Saso to celebrate Mozambique's independence, Mr Cooper said that at the time — as at present — the two organisations were a source of embarrassment to the Government, and it was awaiting any excuse to ban them.

The idea of holding the rallies, Mr Cooper said, had been mooted "to show solidarity with the people of Mozambique" and to celebrate with them the "cessation of violence in the country".

He strongly denied that they had been planned to advertise the efficacy of violence, as alleged in the State's endictment, or that the rallies were intended to invoke strong emotional reaction or violence.

He told the court that when it was first announced that the Minister of Justice, Mr Jimmy Kruger, was considering banning the rallies, he and officials of the two organisations had felt that they would not be prevented from holding the rallies by threats from the authorities.

However, when it became clear that a ban was being imposed, they had been placed in a dilemma, as they did not wish to continue.

But they did not know how to pull out without losing credibility — or what action to take if people turned up at the Curries Fountain Stadium — venue for the Durban rally.

It was therefore decided, that if a large number of people arrived at the stadium on the day of the rally, Mr Justin Myeza, secretary-general of Saso and one of the nine accused, would address the crowd — with or without permission, as [illegible] fit. He would order them to disperse, at the same time "getting in a political jab" to show the blame for calling off the rally lay squarely at the Government's door.

Mr Cooper said the organisers of the rally felt the Government was using "double talk" in their judgment of Frelimo.

While the Minister of Foreign Affairs, Dr Hilgard Muller, had spoken in Parliament of recognition and acceptance of Frelimo, the Minister of Justice, Mr Kruger, had made indirect remarks against Frelimo concerning the proposed rallies.

Questioned by defence counsel Mr David Soggott on statements he allegedly made in telephone conversations before the rally which were recorded by police, Mr Cooper said he had spoken of the Government as the "enemy" — meaning a political foe, and of "warfare" — meaning a political struggle.

Questioned on evidence given by Mr Harry Singh, a former BPC member and one of the most important State witnesses in the trial, Mr Cooper said Mr Singh had in a number of instances "attempted to impute responsibility to me that has nothing to do with me".

Allegations by Mr Singh of the existence of a "supreme command," which included Mr Cooper, himself and Dr Aubrey Mokoape — another accused — were "absolute nonsense" Mr Cooper said.

The question of a "supreme command" had only arisen when they had been detained after the rallies, when Security Police had insisted on the existence of a controlling body similar to that which controlled the banned African National Congress.

Claims by Mr Singh that Dr Mokoape had said, shortly after Mr Singh had returned from a fund-raising trip to Europe, that "it is now time to take up arms" were "ridiculous."

The trial continues today.

3/2 - Pol Trials

'Police uniform is a symbol of 'oppression'

Rand Daily Mail 15/4/76

By DAVID NIDDRIE

THE South African police uniform was "the symbol of White racist oppression in the country," Mr Saths Cooper, one of the accused in the Saso Terrorism Act trial, told the Pretoria Supreme Court yesterday.

Mr Cooper, 25, the first of the nine accused to take the witness stand, was giving evidence under cross-examination by senior State counsel, Mr Cecil Rees, in a day punctuated by clashes between the two.

A number of times Mr Cooper told the court that Mr Rees had been "consistently interrupting" him and had not given him a chance to answer questions.

Mr Rees, in turn, suggested to Mr Cooper that he would not give "a straight answer," and told him: "I will not be put off by your verbosity."

During one heated exchange, Mr Rees suggested that the BPC had compared Whites to "mad dogs to be destroyed on sight."

"If that was so I would have tried to destroy you when I first saw you," Mr Cooper replied.

Mr Rees: "You wouldn't have the courage."

Mr Cooper: "That's a matter for dispute."

At another stage during the cross-examination Mr Rees asked Mr Cooper if he would be surprised if the State submitted at the end of the trial that he had been evasive.

"Nothing coming from the State would surprise me," Mr Cooper replied. He said the State had put forward "outrageous suggestions" such as that prison food, which he described as "slop", was better than the food some of the accused were used to at home.

On another occasion, the defence counsel, Mr David Soggott, rose to suggest that Mr Rees "stops bickering and allows Mr Cooper to complete his answer."

State cross-examination centred mainly around preparation by BPC and Saso for the Viva Frelimo rally planned in Durban and Mr Cooper's part in it, and a pamphlet written by Mr Cooper during the 1973 Durban strikes by Black workers.

In the pamphlet Mr Cooper said Whites had caused the 1949 Durban riots between Indians and Africans "from behind the scenes".

Asked to elaborate on what he described in the pamphlet as "the divided rule policy" practised by Whites, Mr Cooper said that Coloureds, historically accepted as being "cousins" of Whites, were given more privileges than Indians, who in turn were given more privileges than Africans — "the disprivileged people".

Questioned on the strikes, Mr Cooper told the court that the presence of police at the strikes could intimidate workers to return to work, as police in South Africa were "a particularly vicious manifestation of the system of racist oppression".

"The police uniform is the symbol of this oppression and Blacks in South Africa come into daily contact with this oppression and feel insecure in the face of it.

He denied as "ridiculous" a suggestion by Mr Rees that he had sent Mr co-accused in the trial and Harry Singh, an alleged one of the major State witnesses, to plant a bomb at the home of Durban sociologist, Mrs Fatima Meer.

The trial was postponed to April 26

3/2 - Pol Trials

Natal Mercury 16/4/76

Kruger on withdrawn passport

Mercury Reporter

THE Minister of Justice, Mr. Jimmy Kruger, has assured the Advocates' Society of Natal that the confiscation of Durban advocate Mr. T. L. Skweyiya's passport was not meant as an act of intimidation.

A sub-committee made representations to the Minister after Mr. Skweyiya was told to hand his passport to the police on April 9. No reasons were given.

Mr. Skweyiya is the advocate investigating the circumstances surrounding the death of Mr. Joseph Mdlulí, a former member of the banned African National Congress, who died within 24 hours of being taken from his home by Security Police this month.

"It is clear from the interview with the Minister that he appreciates our concern over the matter," the chairman of the society, Mr. J. J. Broome, SC, said yesterday.

"He also assures us that the passport was not withdrawn as an act of intimidation."

Mr. Broome said the matter would not be taken any further by the society at this stage.

312 - Pol Trials

'No plotting' at Nusas meeting

RDM 23/4/76

Staff Reporter

A SEMINAR held by Nusas at an apple farm near Grabow had been "no secret organisation planning to overthrow the State", a former member of the Nusas national council told the Johannesburg Regional Court yesterday.

Mr Jonathan Taylor, a State witness, said the campaign for the release of all political prisoners decided on at the seminar resulted from a feeling by the students that violence in South Africa should be avoided by negotiation rather than by confrontation.

Nusas was then calling for the same thing as Mr Vorster, who recently urged Rhodesia to negotiate because "the consequences might be too ghastly to contemplate".

Mr Taylor was giving evidence in the case in which Mr Glen Moss, 23, Mr Charles David Nupen, 25, Mr Edward Charles Webster, 33, Mr Paul Cedric de Beer, 23, and Mr Karel Simon Tip, 30, have pleaded not guilty to one main count and three alternatives under the Suppression of Communism and the Unlawful Organisations Acts.

Most of the allegations arise out of the campaign for the release of political prisoners.

Mr Taylor told the court he attended the seminar, held at Elgin Apple Farm in December 1973 as president of the SRC at the Johannesburg College of Education.

The seminar was organised by the Nusas head office. Mr Nupen was chairman. Mr Moss, Mr De Beer and Mr Tip were delegates and Mr Webster was a guest speaker.

A number of papers were read. Then the seminar discussed the possibility of the political prisoners campaign. The delegates were divided into three discussion groups and rough guidelines were laid down for individual centres to follow during 1974.

Cross-examined by Mr A. Chaskalson SC, for the defence, Mr Taylor said that as president of his SRC he was automatically a member of the Nusas national council. Previously he had not been interested in politics but as a student he did not feel it an evil thing to draw attention to injustice. Students should be free to do so and be concerned about the underprivileged.

Delegates at the seminar all had an English egalitarian background and views. A liberal atmosphere prevailed.

If he had taken part in the campaign he would not have considered that he was furthering the aims of the Communist Party or the ANC.

The students felt there was a prospect of violence in South Africa and that something should be done to avoid it by negotiation rather than by confrontation. He agreed with Mr Chaskalson that the Prime Minister had expressed the same opinions recently on Rhodesia.

Similar suggestions had been made openly in the Press. Chief Gatsha Buthelezi and other leaders had called for the release of political prisoners. It was in this context that the Nusas campaign was undertaken, Mr Taylor said.

The magistrate, Mr G.

2 refuse to give terror evidence

STAR 26/4/76

Pretoria Bureau

Two more State witnesses today refused to give evidence at the trial of six men and a woman appearing at the Old Synagogue in Pretoria on charges under the Terrorism Act.

Captain A B Cronwright, the investigation officer, told the court that both Mr Nicolaas Kubheta and Miss Elizabeth Skosana had told him they would refuse to give evidence. Both were being held in detention.

Captain Cronwright handed to the court a letter received by The Star on April 14.

The letter, purporting to be from the Azanian Liberation Movement, insisted that The Star publish the following:

- Four fascist dogs of the Security Police at John Vorster Square will be shot by a contract killer. The four members are Captain Cronwright, Sergeant Smith, Mswazi Mogendal and Cannon Visser.
- They must realise when our bullets rip through their bodies that the Azanians will never forget what they did to our comrades.

Captain Cronwright said he suspected that the letter had been sent by someone attending the case. The seven accused had been involved with the Azanian Liberation Movement.

He said he had been in charge of interrogation of various detainees. A file had been kept on each person questioned. None of the witnesses who had alleged in court that they had been assaulted and threatened had ever complained, he said.

Each detainee had been visited regularly by a magistrate. They had also been examined by a district surgeon who had found no injuries on any of the witnesses who had refused to give evidence.

The case was postponed until Thursday.

312 - Pol Trials

312 - Pol. Trials

Nusas trial evidence discrepancy

STAR. 26/4/76

Evidence he had given at the Dean of Johannesburg's trial might not have been correct, a former ANC and Communist Party member said at the Nusas trial in the Johannesburg Regional Court today.

Mr Bartholomew Hlapane had been recalled for cross-examination by the defence counsel of Mr Glen Moss (23), Mr Charles Nupen (25), Mr Edward Webster (33), Mr Cedric de Beer (23) and Mr Karel Tip (30), who are charged with furthering the aims of communism, alternatively of the ANC.

Questioned by Mr A Chaskalson, SC, defending, Mr Hlapane said he was a State witness in the trial of the Dean of Johannesburg.

Asked why his evidence concerning the Defence and Aid Fund, an organisation providing financial support for political prisoners, differed from that given in the dean's trial, Mr Hlapane said his evidence in the latter case might not have been correct.

He agreed he had said his children were supported by the Defence and Aid Fund while he was detained for six months in 1963.

However, his evidence at another trial in the Cape that his children were not properly looked after while he was in detention, was correct.

He knew people could be held for long periods in solitary confinement if there was information the police required from them and this was a factor which weighed with him. Solitary confinement was a terrible thing and he had suffered a great deal.

(Proceeding)

312 - Pol Trials

CAPE TIMES 27/4/76

Evidence 'may have been wrong'

JOHANNESBURG. — A former ANC and Communist Party member said at the Nusas trial in the Regional Court here yesterday that evidence he had given at the Dean of Johannesburg's trial might not have been correct.

Mr Bartholomew Hlapane had been recalled for cross-examination by the defence counsel of Mr Glen Moss, 23, Mr Charles Nupen, 25, Mr Edward Webster, 33, Mr Cedric de Beer, 23, and Mr Karel Tip, 30, who are charged with furthering the aims of communism and alternatively, of the ANC.

Questioned by Mr A Chaskalson, SC, defending, Mr Hlapane said he was a State witness in the trial of the former Dean of Johannesburg, the Very Rev Gonville French-Beytagh.

Asked why his evidence concerning the Defence and Aid Fund, an organization providing financial support for political prisoners, differed from that given in the Dean's trial, Mr Hlapane said his evidence at the Dean's trial might not have been correct.

He agreed that he had said his children were supported by the fund while he was detained in 1963.

However, his evidence at another trial that his children were not properly looked after was correct.

Mr Hlapane said that although he could not remember the number of trials in which he had given evidence, he did not think it would be correct to say he travelled around the country giving evidence. — Sapa

312 - Pol. Trials

BOSS asked me to spy—Saths Cooper

RDM

27/4/76

Staff Reporter

ONE of the nine Saso terrorism trial accused told the Pretoria Supreme Court yesterday he was approached by a member of the Bureau for State Security (BOSS), after being expelled from university and told he would be reinstaled if he spied for it.

Mr Saths Cooper, 25, giving evidence during his second day of cross-examination by senior state counsel Mr Cecil Rees — a day again punctuated by heated exchanges between them.

Mr Cooper said that although he had been suspended by the university for alleged cheating, the motive was obviously political. Members of the university council told him he had been "too big for his boots."

Immediately after his suspension he was approached by a Mr De Lesseps of BOSS who promised to have him reinstated if he would spy on student organisations.

At the end of the six-month suspension he was told he would be expelled from the university unless he undertook not to become involved in student activities. He refused to give this undertaking.

Asked by Mr Rees if he had been truthful in his statement to Security Police during his detention before the trial, Mr Cooper said: "I told them what they wanted to know.

"I may have told them some things that were not entirely true to prevent further assaults, but when you are brutally assaulted, you can be forced to make statements that aren't true."

The Security Police who questioned him had insisted that the Black Peoples Convention had been plotting "a bloody revolution."

Questioned on the BPC and Black conciousness, Mr Cooper said: "We are out to protect the sovereignty of the South African nation."

The BPC believed there was only one South African nation, made up of all races. It was the apartheid rulers who were trying to break up the country's sovereignty.

Black conciousness was aimed at making Blacks believe in themselves and no longer being "merely the shadow of the master."

The trial continues today.

SUNDAY TRIBUNE, MARCH 28, 1976

312 - Pol Trials

FIVE FACE 'RED' TRIAL

By DEREK TAYLOR

FOUR student leaders and a lecturer — three of them from Durban — will answer to a 10-page indictment on Thursday when they appear in the Johannesburg Regional Court on charges under the Suppression of Communism and Unlawful Organisation Acts.

The State will attempt to prove that 10 acts, alleged to have taken place in 11 months between October 1973 and August 1974, were calculated to further the aims of communism.

Accused are Mr Cedric de Beer (23), NUSAS seminars officer, Mr Glen Moss (23), a former president of Wits University SRC, Mr Charles Nupen (25), a former NUSAS president, Mr Karel Tip (30), also a former NUSAS president, and Mr Edward Webster (33), a former Natal University lecturer, now at Wits University.

Karel Tip ... accused of trying to further the aims of communism

Conspiracy

The State accuses them of a conspiracy among themselves to promote the policies of the South African Communist Party and the African National Congress.

The indictment alleges the five:

- Launched a campaign for the release of political prisoners under the auspices of NUSAS and/or the SRCs of affiliated universities.
- Held a student seminar at Elgin Apple Farm hostel "at which the policy and guidelines for the said campaign would be propagated; such policy and guidelines being the result of research done and papers compiled by accused No. 2 (Charles Nupen), accused No. 3 (Edward Webster) and accused No. 5 (Karel Tip) and one Geoffrey Budlender."
- Advocated, advised defended or encouraged theory, ideology and longterm goals of student action towards an egalitarian society.
- To have given NUSAS head office a mandate to consider the feasibility and practicability of working towards a blueprint for such a society.

Culture

The five are also accused of planning action to effect a reorientation of the existing educational system "to fit students for their 'African' future, in that White students would have to adapt their own culture to, and integrate it with, the culture of the Black population."

Their intention, it is alleged, was to infiltrate and reform the educational system of the universities.

The student leaders are also alleged to have planned campaigns in English-speaking institutions such as private schools.

A major point of the indictment is the allegation that the five planned the incitement of Black workers to industrial unrest.

This was to be done, it is alleged, by:

- Spreading pamphlets, isolating "problem areas" and suggesting avenues of attack for workers.

Denounced

- Advocating, advising, defending or encouraging "Black consciousness" as a means of change towards achieving Black domination in South African society and government.

The accused are charged with organising mass meetings to which "leaders of the various political opposition parties were invited as guest speakers and where the policies of these parties were deliberately denounced and ridiculed . . ."

The accused allegedly presented to the Black population that they were the oppressed and the Whites were the oppressors and /or built up "worker consciousness" and discontent among Black workers to help create Black worker organisations.

Mr Arthur Chaskalson, SC, will lead the defence team, supported by Mr G. Bizos and Mr Denis Kuny.

Mr T. Brandt will lead the prosecution.

The defence has estimated that the trial may take three weeks or more.

312 - Pol Trials

28/4/76
MM.

Saso accused says views similar to PM's

Mercury Correspondent

PRETORIA — The changes which BPC hoped to introduce in South Africa were the same as those that the Prime Minister, Mr. John Vorster had called for in Rhodesia, Mr. Saths Cooper, one of the nine Saso terrorism trial accused told the Pretoria Supreme Court yesterday.

Mr. Cooper, 25, was giving evidence during his third day of cross examination by senior State counsel Mr. Cecil Rees.

Three times during yesterday's cross examination, Mr. Cooper told the Court that he was being "heckled" by the prosecutor's questions.

On another occasion the Judge, Mr. Justice Boshoff told Mr. Cooper not to "make remarks like that," after Mr. Cooper had told the Court that Mr. Rees was being "deliberately ridiculous."

During the cross-examination, Mr. Cooper told the Court that Mr. Vorster's attempts at change in Rhodesia were in line with those aimed for in South Africa by BPC.

He said that Mr. Vorster had shown himself to be "open to change."

BPC hoped to bring about peaceful change in South Africa.

Collective bargaining by a unified bloc had not previously been used as a means of obtaining liberation, he told the Court.

BPC's ultimate goal was the redistribution of wealth and a change of attitudes in South Africa.

"Do you seriously believe that the White owners of private property will just give it up?" Mr. Justice Boshoff asked.

He asked Mr. Cooper if his goal was not "a pipe dream" which couldn't be realised without violent revolution.

Mr. Cooper replied that the "mechanics" of the redistribution had not been worked out at the time of his detention in 1974.

He believed that the prosecution had no case against him "and my eight brothers" and that he was on trial for holding beliefs generally held by Black South Africans.

The trial continues today.

3/2 - Pol. Trials

Cape Times 29/4/76

Paper on 'change'

JOHANNESBURG. — The Regional Magistrate's Court was told here yesterday that although papers handed in at a Nusas seminar had no direct Marxist references, they were based on a Marxist-Leninist economic and social analysis and a Marxist-Leninist method of how change should take place.

This evidence was given before Mr G Steyn by Professor Andrew Murray, formerly of the University of Cape Town, in the trial in which Glen Moss, 23, Charles David Nupen, 25, Edward Charles Webster, 33, Paul Cedric de Beer, 23, and Karel Simon Tip, 30, appear on one main count and three alternatives under the Suppression of Communism and the Unlawful Organizations Act.

VIOLENCE

Professor Murray discussed the connection between the Communist Party and the African National Congress which, he said co-operated closely. Bith supported a policy of violence and both had adopted the "freedom charter" which was their basis at the moment.

The Communist Party co-operated with the ANC "to reach a certain stage," but having achieved this stage it might proceed beyond what the ANC wanted, Professor Murray said.

He then discussed the extent to which the aims of communism and the "freedom charter" were present in the Nusas papers. These documents had clearly defined goals — the liberation of the Blacks from injustice, he said.

He quoted from them as saying, "we pledge ourselves to strive together," and said that the authors had paid considerable attention to internal policies. "This has the flavour of front organization policy," Professor Murray said — Lenins term for the prescription for revolution.

The trial continues today.

312 - Pol Trials

A touch of humour at Nusas trial

RDM 30/4/76

Staff Reporter

THE FIRST glimmer of humour flickered through the Nusas trial yesterday when the hearing was postponed to mid-winter — and defence counsel applied for a north-facing court.

"This court can be quite hot, even in winter", the magistrate, Mr G. Steyn, countered.

The case was postponed to July 12 because defence counsel will not be available next month.

Mr Glen Moss, 23, Mr Charles David Nupen, 25, Mr Edward Charles Webster, 33, Mr Paul Cedric de Beer, 23, and Mr Karel Simon Tip, 30, appear on one main count and three alternatives under the Suppression of Communism Act and the Unlawful Organisations Act.

The only witness called yesterday was Mr M. L. Taylor, director of Bram (Pty), a Durban printing company. He told the court his company had, during 1973, printed 55 000 leaflets called Isisebenzi after orders were placed by the Wages Commission of the SRC of the University of Natal.

Mr Taylor said the pamphlet was in Zulu and had a picture of an African lifting up his fists on the front page. He did not understand it and was "a bit dubious" about printing it. After contacting a lawyer he carried on.

Previously Captain J. C. Fourie of Maritzburg told the court he had seen people distributing the pamphlets near factories.

The defence did not cross-examine either witness.

The five accused are on bail totalling R7 000.

Mr P. W. Jacobs, with him Mr T. Verschoor and Mr H. Brandt appeared for the State.

Mr A. Chaskalson SC, with him Mr G. Bizos and Mr D. Kuny, appeared for Mr Moss, Mr Nupen and Mr De Beer. Mr Bizos appeared for Mr Tip and Mr Kuny for Mr Webster. They were all instructed by Mr Raymond Tucker.

Argus 30/4/76

512 - Pol. Times

Judge asked to free 7 accused

Staff Reporter

AN APPLICATION for the discharge of six men and a woman, charged with conspiring to bring about the overthrow of the Government by terrorism was made by the defence counsel in the Pretoria Supreme Court yesterday.

Mr Roy Allaway SC, applied for the discharge of Mr Malebelle Molokeng, 34, Mr Andrew Kgothi Molotsane, 28, Miss Phumza Dyantyi, 27, Mr Benjamin Mfenyane, 25, Mr Amos Masondo, 22, Mr Bheki Langa, 23 and Mr David Nhlapo, 27.

The accused appearing before Mr Justice Steyn, were also charged with disseminating subversive idealogies and communistic theory aimed at the overthrow of the present Government.

Mr Allaway said that there was no evidence to prove conspiracy by the accused.

The judge said the State had had difficulty because of five witnesses refusing to give evidence for the State.

He said he agreed with Mr Allaway. Even assuming Mr Allaway's argument was wrong, "at worst" only Mr Molokeng, Mr Molotsane and Mr Mfenyane were implicated by the State evidence.

The hearing continues today.

Sharpeville 'like Day of Covenant,' terror trial told

MEMORIAL services held annually for the people killed at Sharpeville in 1960 were the same as the Afrikaners' Day of the Covenant celebrations for the victory of the battle of Blood River, Mr Saths Cooper told the Saso Terrorism Act trial yesterday.

Questioned extensively on the Sharpeville commemoration days by both Mr Cecil Rees, senior State counsel, and the judge, Mr Justice Boshoff, Mr Cooper denied suggestions that the Black People's Convention commemorated the Sharpeville dead for their confrontation with the authorities.

It was "the spirit of the people at the time" which was commemorated, he said.

He was asked by Mr Rees if he believed police at Sharpeville had shot in cold blood or whether they believed they were acting in self defence. Mr Cooper replied that he did not believe the shootings were justified. Many of the dead and wounded had been shot in the back.

He was asked by Mr Justice Boshoff whether the BPC was opposed to Chief Gatsha Buthelezi of KwaZulu because of his "sin of not advocating confrontation". Mr Cooper replied that the BPC opposed the chief for his part in the homelands, as he was working for the disunity of the Blacks. He said the BPC did not advocate confrontation.

Mr Cooper was questioned on his attitude to Nelson Mandela, Robert Sobukwe and other banned or imprisoned leaders of the African National Congress and the Pan African Congress, — described in a Saso document as "the true leaders of the people". Mr Cooper said the BPC recognised them as "true leaders", but not as "our" (BPC's) leaders.

"What will your fellow members of BPC feel about your repudiation of these men?" Mr Rees asked.

Mr Cooper replied that he was not repudiating them and added that "almost daily" there were reports of people — including Bantustan leaders — describing them as "true leaders" and calling for their release.

He said the BPC rejected the mistakes made by the PAC and the ANC by resorting to violence, conducting civil disobedience campaigns and calling for strikes.

Questioned on the Black consciousness philosophy, Mr Cooper described it as "a humanising process" aimed at making Blacks aware that they were human beings.

The philosophy was not intended to "remind" Blacks of their oppressive situation, as "experience is the best teacher", he said. Blacks experienced their situation every day.

"I was born into this situation and at one stage held Whites in awe, regarding them as special beings," he said. He had become aware of the situation through his daily experiences and not from another person.

He told the court, however, that he felt no hostility towards Whites, as he believed that they were "genuinely deluding themselves."

Black consciousness was not part of the BPC's "normal political propaganda."

His cross-examination continues today.

Mr Cecil Rees, SC, assisted by Mr Kevin Atwell, is appearing for the State, and Mr David Soggott, instructed by Mr Shuh Chetty, for the defence.

312 - Pol. Trials

312 - Pol. Trials

'That's racialism' jab at counsel

RDM 1/5/76

Staff Reporter

A SUGGESTION by State counsel in the Saso Terrorism Act trial yesterday was "typical of racial stereotyping" in South Africa, Mr Saths Cooper told the Pretoria Supreme Court.

Mr Cooper, 25, a banned former public relations officer of the Black People's Convention, was giving evidence during the last of six full days of cross-examination by Mr Cecil Rees.

He made his heated retort after Mr Rees suggested that the president of BPC, Mrs Winnie Kgoare, and not he had signed a pamphlet because it was directed at Zulu workers and not Indians.

Mr Justice Boshoff told Mr Cooper that Mr Rees could not make assumptions but was putting a proposition to him. "Then I reject it," Mr Cooper replied. He added that he and the other eight accused were in court only because Mr Rees misunderstood BPC intentions.

Asked if BPC had ever considered sending people abroad for military training, Mr Cooper said it rejected all forms of violence.

MR REES
... cheered

He also denied a suggestion by Mr Rees that BPC's existence could have led to violent confrontation with the authorities and that it would not have cared if Whites were killed.

Mr Rees asked if a speech by a BPC member was not "clearly intended to incite a violent reaction against Whites."

Mr Cooper: It was merely rambling.

Mr Rees: That's the oldest device of you politicians.

Questioned on the Viva Frelimo rally allegedly held by BPC and Saso in Durban in 1974, Mr Cooper said that at about midday on the day it was to be held it was decided at a meeting at the home of Dr Aubrey Mokoape, one of the accused, to call it off.

Mr Harry Singh, one of the main State witnesses in the trial, was the only person present who thought it should be held despite the Government ban.

"But we didn't take him too seriously as he seemed slightly inebriated," Mr Cooper said.

The group had been faced with a problem of calling off the rally without losing face. It was decided that if a crowd gathered at the venue another of the accused would speak, if possible with the permission of the senior police officer present, telling them to disperse.

The speaker would get in "a quick political jab," blaming the authorities for the cancellation.

Questioned about BPC's attitude to foreign investment, Mr Cooper said the organisation wanted to put pressure on the Government wherever it could.

The BPC had not called on foreign investors to withdraw completely because that would be physically impossible. It hoped to persuade investors and their governments to apply pressure on the South African Government. The aim was not to cripple the South African economy.

At the end of yesterday's proceedings Mr Rees told Mr Cooper: "You'll be pleased to know that is all I have to ask you."

Soon afterwards, as Mr Justice Boshoff left the court, the nine accused cheered Mr Rees and asked him why he had let Mr Cooper off "so lightly".

The trial, which started nine months ago and which already covers more than 4 000 pages of court record continues on Monday.

312 - Pol. Trials

Defence asks for discharge of five

NM 5 1/4/76

Mercury Correspondent

PRETORIA — The possibility that five of the accused in the Terrorism Act trial at the Old Synagogue here could be free by Wednesday generated very little excitement in Court yesterday.

Court adjourned just before lunch, after the defence concluded argument for the discharge of the five. The accused smiled and exchanged greetings with the handful of friends.

There was no singing or fist-raising as on previous occasions.

Members of the public were searched by a uniformed policeman before entering the court.

According to some court regulars, this has been going on since Captain A. Cronwright of the Security Police said in court earlier this week the lives of several policemen had been threatened.

At the Saso trial, a few blocks away, there wasn't any excitement except after the adjournment, when accused number nine, Mr. Strini Moodley, stood up and applauded as Mr. Saths Cooper, accused number one, stepped down from the witness box.

The "war of words" between Mr. Cooper and State Prosecutor, Mr. Cecil Rees has been going on for six days. Here too, there were few spectators in court.

312-Pol Trials

CAPE TIMES 5/5/76

Three acquitted in terror trial

Own Correspondent

PRETORIA. — Scenes of jubilation yesterday marked the acquittal and dischange of three of the seven accused in the Supreme Court terror trial here — although at least one of them was immediately redetained.

The discharge of Pumza Dyanti, 27, Bheki Langa, 23, and Benjamin Malenjane, 25, came suddenly after the tea adjournment in the morning. A handful of people were present in court when the acquittal came, but outside the court curious passers-by gathered and watched — some of them giving the clenched thumb salute.

Miss Dyanti was immediately redetained. A police spokesman said she was being taken away "for questioning in connection with another matter".

The judge, Mr Justice Irving Steyn, said he was satisfied that the State had not proved either of the two charges — one under the Terrorism Act and the other under the Suppression of Communism Act — against them.

He found that there was a prima facie case in the matter of the other four accused, Joseph Molokeng, 34, Andrew Moletsane, 23, Amos Masonda, 22, and David Nhlapo, 27. He said he would put them on their defence this morning but only on the Suppression of Communism Act charge. He was satisfied that the main and first charge against them had not been proved.

In argument yesterday at the end of the State case, and in applying for the discharge of all the accused, Mr L Bowman, for the defence, said that there was no evidence of any network of conspiracy involving the accused. Conspiracy was a necessary element of the State case, and this had not been proved.

312 - Pol. Trials

'Police questioned me for 30 hours without a break'

RDM 6/5/76

By KEITH ABENDROTH

ONE of the four people on trial in the Pretoria Supreme Court under the Suppression of Communism Act testified yesterday that security police had interrogated him for 30 hours without a break when he was arrested.

Mr Joseph Molokeng, 34, made the claim during cross examination by the State counsel, Mr J. van Jaarsveldt. He did not elaborate.

He went on to say that he firmly believed that political and social change in South Africa should be brought about by evolution and not revolution.

Mr Molokeng is standing trial with Mr Andrew Moletsane, 23, Mr Amos Masonda, 22, and Mr David Nhlapo.

All were discharged on the main charge, under the Terrorism Act on Tuesday. Three others who appeared originally with them were discharged at the same time on all counts.

Mr Molokeng said he had been an executive member of the Transvaal Youth Movement formed to provide a platform for young people to express themselves politically and socially.

He denied that he had ever spoken about communism at any of the organisation's meetings. Nor had he ever spoken of leaving the country to seek military training overseas with the aim of overthrowing the Government.

He saw Black consciousness as striving for a better deal for the Blacks "through evolution and not revolution."

Referring to a meeting at Wilgespruit, he denied that he had addressed it on communism. He had spoken about sport and moves to multinational soccer.

In August 1974 he was picked up by the security police and forced to make a statement. He did not elaborate on its nature.

The Youth Movement had once been urged by Saso to hold a pro-Frelimo meeting. But the movement respected the Government ban on such meetings and did not hold it.

The movement once had about 100 members, but they dwindled as police harassment increased.

Never had he said anything at any meeting that could be construed as promoting racial hostility. He did not agree that revolution was necessary to bring about social and political change.

He knew of "general talk" in Soweto of possible revolution if evolution failed.

However, an advance had already been made through evolution, such as the move to multinational soccer.

The hearing continues today.

312 - Pol. Trials

ATTORNEY ARRESTED TO GIVE EVIDENCE

6/5/76

STAR

Mercury Reporter

A DURBAN attorney, Mr. Hiacinth Bhengu, was arrested yesterday after failing to appear in the Durban Regional Court to testify at the trial of Mr. Bennie Khoapa, appearing on two counts under the Supression of the Communism Act.

Mr. Bhengu, who is also chairman of the Black Community Programme, later told the Magistrate, Mr. H. A. Steyn, he had arranged to contact the prosecutor if he was delayed.

He had to appear in a divorce matter and had tried to telephone the prosecutor but was unable to get through.

Mr. Khoapa, also a BCP official, allegedly contravened his banning order under the Act by going to the Louis Botha Airport, which is outside the Umlazi district, last November 30.

On the second count, it is alleged that he contravened the terms of his banning order by attending a social gathering at his office on February 13.

Two officials from Anglo American, Mr. P. S. Baddeley and Mr. W. Henwood, and Mr. Bhengu testified that they had met Mr. Khoapa on that day to discuss funds for the BCP.

Mr. Khoapa, in his own defence, said as far as he knew only Mr. Henwood was to see him.

The meeting had been under way only a short while when it was interrupted by the police.

It was within two minutes' walk from where he now knew the Umlazi boundary to be. Previously he had often gone to the airport to buy cigarettes or newspapers.

Judgment was reserved until May 25.

312 - Polit. Trials

Saso, BPC pamphlets 'fair comment'

7/5/76

STAR

Pretoria Bureau

Saso and Black People's Convention documents and pamphlets, which the State alleges are inflamatory and terroristic, were "fair comment," Mr Steve Biko told the Supreme Court, Pretoria, today.

Mr Biko, Saso's first president and leading proponent of the "Black consciousness philosophy," was answering a question in re-examination by Mr David Soggot, defence counsel in the Saso terrorism trial, before Mr Justice Boshoff.

Ending his evidence after four and a half days in the witness box, Mr Biko said speeches and phamphlets about Sharpville commemoration day did not incite.

"If you want to inflame people you describe detail. You would say "children are starving" and for emotional effect would describe their ribs, stomachs, and mouths. I don't think BPC and Saso language was of that kind. It was more factual," he said.

EXPAND

Asked by Mr Soggot to expand on his understanding of the term "Liberation movement" Mr Biko said it was used by Chief Gatsha Buthelezi of kwaZulu church ministers and Mr Sonny Leon of the Coloured Labour Party to describe the process "away from a state of oppression to one of freedom".

Questioned again on the "bargaining" between Blacks and Whites envisaged in BPC documents, Mr Biko said: "The White political leadership and the thinktank of the National Party reject the present situation as a solution."

312 - Pol. Trials

What happens if you don't talk: witness

RDM 8/5/76.

Staff Reporter

AN ACCUSED in the Pretoria Terror Trial claimed before Mr Justice Irving Steyn yesterday that the Security Police had twice used him to describe "in no uncertain terms" what was done to witnesses who were "unwilling to talk".

Mr Andre Moletsane, 23, was the last of the four remaining accused in the trial to give evidence.

The others, still facing charges of subversive activity aimed at overthrowing the Government by force, are Mr Joseph Molokeng, 34, Mr Amos Masonda, 22, and Mr David Nhlapo.

At the end of yesterday's hearing the trial was postponed to next Wednesday for cross-examination and argument. Mr Justice Steyn said he hoped to be able to give judgment by next Friday.

In evidence yesterday Mr Nhlapo said he had been involved in various youth organisations in Soweto, but never in subversive activities.

He never heard any talk at any club meeting about recruits being sought to go out of the country for military training, to return to overthrow the White Government.

He had never threatened, as had been claimed by one witness, to "burn the private parts of any who refused to go."

Mr Moletsane said he became a member of a number of youth organisations, including the Transvaal Youth Congress (Trayo), of which he was president.

At no meeting had there been any talk of communism or the establishment of cells to promote subversion or military training overseas.

He was never asked o leave the country for training, and was against the whole principle of military training because he believed in a peaceful solution for South Africa's problems.

He was interrogated at length and assaulted. Twice he was told by Security Police Captain A. B. Cronwright to tell other detainees what would happen to them if they did not talk up.

"I told them in no uncertain terms how they would be beaten up, and how I had been kept in the cells for a week in August," he said.

(1) ~~107~~
(2) ~~297~~
(3) 312 - Pol Trials

Campaign against me —Buthelezi

STAR 10/5/76

Own Correspondent

ULUNDI — An international campaign of denigration was being waged against him, Chief Buthelezi, chief executive councillor of kwaZulu, claimed here today.

Chief Buthelezi said the stoning of his car on Saturday at the University of Zululand was part of the campaign, and the organisers of the protest at the university were linked with the international campaign.

He did not say who the organisers were but later in the interview he said: "I very much regret that Saso is involved. As an African patriot I don't want to say more, but I know of the existence of the campaign. I have documentary proof."

He said the demonstration had not been in the interests of Black solidarity or of the Black cause.

He said that at "a later stage" he would reveal the full details of the plot, but felt he could not do so at present because of the Saso trial.

312-Pol Trials

CAPE TIMES 11/5/76

SAP men regarded as 'political enemies'

Own Correspondent

PRETORIA. — One of the accused in the SASO/BPC Terrorism Act trial said in the Supreme Court here yesterday that Blacks regarded members of the South African Police as political enemies.

Dr Maitshe Nchaupe Aubrey Mokoape was giving evidence in his defence at the trial of nine members of SASO and BPC appearing before Mr Justice Boshoff, charged under the Terrorism Act.

Dr Mokoape said that members of the police were regarded by Blacks as "political enemies", not as personal enemies. The attitude was adopted because the police enforced "extremely harsh and cruel laws" on Blacks. The police worked for the White superstructure, which was against the interests of organizations like SASO and BPC.

SASO and BPC regarded the White "system" as enemies, Whites as part of their problem and the present Government as an illegal regime.

Under cross-examination by the State prosecutor, Mr Cecil Rees, SC, Dr Mokoape told of the Sharpeville commemoration held by SASO and BPC in honour of the people who died in the struggle for Black liberation.

Dr Mokoape said that the people who died at Sharpeville were regarded as heroes because they died in an attempt to "bring into focus the pernicious laws of the country".

He denied that he was inciting racial hostility when he said at a Sharpeville commemoration that "the White man's hands dripped of blood", as the result of murdering Blacks.

Earlier, Dr Mokoape testified about the organization of the pro-Frelimo rally held at Curries Fountain Stadium, Durban, on September 1974.

The rally was organized by SASO and BPC to celebrate with the Frelimo Government in Mozambique. SASO and BPC celebrated on behalf of the Blacks in South Arica

WIFE BITTEN

Dr Mokoape said that he expressed his indignation about the riot at the rally because his wife was bitten by a police dog and his child got lost during the ensuing riot.

Dr Mokoape's cross-examination continues today.

The accused are Sathasivan Cooper, Justice Edmund Lindane Myeza, Mosioua Patrick Lekota, Dr Mokoape, Nkwenkwe Vincent Nkomo, Phandelani Jeremiah Nefolovhodwe, Gilbert Kaboroane Sedibe, Absolom Zithilele Cindi and Strinivasa Rajoo Moodley.

Mr David Soggott, instructed by Mr Shun Chetty, appeared for all the accused.

The trial continues today.

3/2 - Pol. Trials

State terror case is absurd—Allaway

THE State case against two of the accused in the Terrorism Act trial is "verging on the absurd", Mr Roy Allaway, senior defence counsel, told the Pretoria Supreme Court yesterday.

Mr Allaway was addressing Mr Justice Irving Steyn in the trial of the remaining four accused, Mr Joseph Molokeng, 34, Mr Andrew Moletsane, 23, Mr Amos Masonda, 22, and Mr David Nhlapo, 27, who are charged under the Terrorism Act.

They allegedly took part in activities intended to overthrow law and order by violence.

Mr Allaway said the State had not proved that Mr Joseph Molokeng and Mr Andrew Moletsane incited people to go for military training.

"There is no conceivable basis for rejecting Mr Moletsane's evidence as false and accepting Mr Vuzi Sithole's evidence as true. This is beyond doubt," he said.

Mr Sithole, an accomplice who gave evidence for the State, said Mr Moletsane had incited him to go for military training in Botswana and then return to "kill the Whites."

Mr Allaway said the statutory requirement of sections of the Terrorism Act had not been satisfied.

"The State argument is verging on the absurd", he said.

Mr Swanepoel, for the State, said Mr Moletsane must be found guilty under the Terrorism Act because evidence against him implied that he incited people to do military training, and that he was a revolutionary and a racist.

"The members of the cell formed by Mr Moletsane went off on their own and formed new cells which would overthrow the Government violently," he said.

The case continues today.

3/2 - Pol Trials

RDM 14/5/76

'Kaffir' claim at Saso terror trial

Staff Reporter

ONE of the accused in the Saso-BPC terrorism trial claimed in the Pretoria Supreme Court yesterday he was called a "kaffir" by a White policeman during the tea-break.

Dr Maitshe Nchaupe Aubrey Mokoape, 31, told Mr Justice Boshoff he was called a "kaffir" by the policeman who was accosting someone in the public gallery.

The judge asked the Senior State Prosecutor, Mr Cecil Rees, SC, to investigate the allegation.

Dr Mokoape had earlier said that Saso-BPC statements and resolutions concerning non-cooperation with Whites referred to "White liberals who are on the fringe of White politics".

"Their record in Black politics is lamentable. They obfuscate issues. The White liberals tend to snatch the initiative from Blacks in these movements and perpetuate dependence of the Blacks", Dr Mokoape said.

Dr Mokoape explained that the phrase that Whites were "marauding rapists" was imagery to illustrate that the "system" tended to deprive Black people of their rights.

BPC and Saso criticised homeland leaders and their institutions as complying with the "system" created to denude Blacks of power, he said.

Blacks wanted to speak in one voice, not as Zulus, Coloureds and Indians.

When asked about the "open society" envisaged by Saso and BPC, Dr Mokoape said the society was feasible because there was a natural tendency for people to live together if they were not harassed by law.

Mr Moi Mosiuoa Gerard Patrick Lekota, 28, began evidence in his defence. He said he was a member of the SRC of the University of the North (Turfloop) and Saso. He was expelled from Turfloop after the Tiro incident.

He was later appointed as the permanent organiser of Saso and stationed in Durban, he said. It was "naive" to suggest that Saso went out to teach Blacks to hate Whites. Saso struggled for psychological and physical liberation, he said.

Mr Lekota continues his evidence today.

Mr Rees, with Mr K. Attwell, appeared for the State. Mr David Soggott appeared for all the accused.

312- Pol. Trials

Natal 10 due to face Terror Act trial today

Natal Mercury 14/5/76

Crime Reporter

TEN PEOPLE are expected to appear in the Supreme Court, Pietermaritzburg, this morning on a series of charges under the Terrorism Act.

Their appearance stems from intensive Security Police investigations in Natal since December last year when more than 50 people were arrested.

General Mike Geldenhuys, head of the Security Police in South Africa, yesterday confirmed the appearance of the 10 people.

He said they had all been arrested since December but he declined to give further details. The charges are expected to be read in court today but it is likely that a request will be made for a remand in custody to June or July for trial.

The Minister of Police, Mr. Jimmy Kruger, said three weeks ago that the arrest of "about 50 people under the Terrorism Act had very badly hurt a terrorist organisation operating in South Africa."

He said that even if the organisation — run by the banned African National Congress — had not been smashed then it had been seriously disrupted.

A few days earlier sources in the ANC had also claimed that the South African Police had "smashed an underground network sending out recruits for terrorist training."

They claimed that earlier network was unearthed in Swaziland when three of six men recruited in Durban by Mr. Joseph Mdluli and who were being kept inside a house in Manzini, walked out and reported to the Swaziland police.

Mr. Mdluli, who was arrested by the Security Police in Durban about the same time, died in police custody the day after his arrest. An inquest into his death is pending.

According to the ANC claim, which was published in the Mercury, recruits were sent to Tanzania for terrorist training before being brought back to South Africa. This clandestine operation was apparently carried on for several years.

312 Pol Trials

Trial 9 the 'true leaders'

21/5/76 STAR

Pretoria Bureau

Mr Collins Ramusi, former Lebowa Interior Minister, told the nine Saso and Black People's Convention men facing Terrorism Act charges they were "the true leaders of Blacks," the Supreme Court, Pretoria, heard yesterday.

Mr Pndelani Nefolovhudwe, an accused, told Mr Justice Boshoff that Mr Ramusi once visited the trial and confided in the nine men that they were "right" and the "true leaders of South African Blacks."

He was answering cross-examination by senior state counsel Mr Cecil Rees.

Asked if he regarded himself as more truly representative of Black opinion than Chief Gatsha Buthulezi, Mr Nefolovhudwe said he did, and added: "Chief Buthulezi is a system boy . . . he is being used to further the policies of his bosses."

On frequent references in Saso documents to a day "of reckoning with Whites" he said: "History has a certain logic which will be fulfilled. When that happens, Blacks will go to Parliament. We don't need to set a date — history will do its duty."

Replying to a question by Mr Justice Boshoff on the possibility of violence resulting from his "logical movement" Mr Nefolovhudwe said: "Our logic won't lead to violence. There are other movements which aim to bring about violence in the country, but not us."

"People must come together in this country and solve our own problems," he said.

312 - Pol. Trials

SADNESS AS TWO BEGIN SENTENCES

NM

Mercury Correspondent 22/5/76

PRETORIA — A bitter-sweet atmosphere hung around the Old Synagogue, Pretoria, yesterday after two terrorism trialists had been freed and two others convicted and sentenced to five years' imprisonment each.

David Nhlapo (27) and Amos Masondo (22) were found guilty by Mr. Justice Irving Steyn of inciting two young men to undergo military training in order to overthrow the Government. Leave to appeal was refused.

Although obviously happy at the acquittals, friends and relatives showed no excitement. There were only grim faces around.

The two who were acquitted, Mr. Andrew Kgoti Molotsane (23) and Mr. Malebelle Molokeng (34) were seen outside the court consoling a weeping Mrs. Agnes Nhlapo, mother of David Nhlapo.

His father, Mr. Simon Nhlapo, showed no emotion.

"It does not matter. I know I'll see my boy again one day," he said.

As Mr. Justice Steyn pronounced sentence, Masondo and Nhlapo were impassive. There was a stony hush from the public gallery, except for the muffled sobs of Mrs. Nhlapo.

Mr. Molokeng and Mr. Molotsane later exchanged a few hurried whispers with the convicted two. Earlier, all four had been dressed in colourful Afro shirts.

As they were about to be led away to start their sentence, Masondo and Nhlapo took off their shirts and handed them over to the freed two.

Both had moistened eyes as they exchanged last greetings with friends, relatives and co-accused who were now free.

Also present was Miss Phumza Dyanti, who had been freed earlier in the month, but had been re-arrested [illegible]

312 - Pol Trials

Terror Act—2 men convicted

CAPE TIMES 22/5/76

PRETORIA. — Two men, David Nhlapo, 27, and Amos Masondo, 22, were convicted on a charge under the Terrorism Act and sentenced to five years at the Supreme Court here yesterday.

Another two men, Mr Andrew Olotsane, 23, and Mr Joseph Molokeng, 34, also accused under the Act, were found not guilty and discharged.

Nhlapo and Masondo were found guilty by Mr Justice Irving Steyn of inciting two young men to undergo military training to overthrow the Government. Leave to appeal was refused.

Mr Justice Steyn said that he had not been impressed by Nhlapo's demeanour when he gave evidence, nor had Masondo's attitude impressed him. He had decided to reject their evidence and accept the evidence of Mr Frank Nakumba and Mr James Majola that the two accused had encouraged them to go for military training.

In evidence, he said, Mr Majola had said that Mr Masondo had frequently told the members of the Ekukhenyani Youth Club they "should" undergo military training.

The judge said that he had reached his decision after deciding that the words "should go" amounted to advice and encouragement and therefore fell within both the Act and the indictment with which the accused were charged. — Sapa

Small: Saso has my support

312 - Pol. Trials

2/6/76 STAR

Pretoria Bureau

Philosopher and poet Mr Adam Small told the Supreme Court, Pretoria, today he was a supporter of Saso.

Mr Justice Boshoff is presiding at the trial of the nine Saso and Black Peoples Convention men under the Terrorism Act.

Mr Small told him he found his spiritual home in Saso's Black consciousness philosophy.

Senior State Counsel, Mr Cecil Rees, again objected to the admissibility of some of Mr Small's evidence.

Mr Small was describing what he called "the existential depression" of the socalled "Coloureds" in the Eastern Cape and his experience as a young "Coloured" in Robertson and later Cape Town.

Mr Rees argued it was irrelevant to the charges of conspiracy, subversive activities and terrorism against the nine men.

NECESSARY

Mr David Soggot, defence counsel, said a description of the Coloured racial situation was necessary as a basis for testing the effect of Saso and BPC statements.

"Mr Small is a man of eminence, sensitivity and objectivity and he can give evidence of the utmost relevance to the charges," Mr Soggot said.

(White) seats must remain vacant."

"I don't think there's anything more I need to say about the suffering of my community. There are many happenings like this — great and small — in my so-called Coloured community," Mr Small said.

He saw the purpose of Saso as "The advancement of the positive personality of the Black man."

(Proceeding)

"On the bus journey home she cannot sit as the only free seats are reserved for Whites only," the poem reads.

"We stand for our whole life because the eight

312 - Pol Trials

5 Blacks in Terror Act case

ARGUS 3/6/76

The Argus Representative

GRAHAMSTOWN. — Five young Africans appeared before Mr Acting Justice Stewart today at a summary trial on four counts under the Terrorism Act alleging they had attempted to leave South Africa last year to undergo military training.

The accused are Mr Sotomela Ndukwana, 19, Mr Vuyo Mtumelelo Jack, 20, Mr Mhumelele Stanford Sizani, 22, Mr Ngcola Sebastian Hempe, 19, and Mr Goodwin Fezebile Mda, 19.

It is alleged they participated in terroristic activities in contravention of Act 83 of 1967 in the period March to October last year.

All five were pupils at the Healdtown High School, Fort Beaufort, at the time.

Mr Ndukwana and Mr Jack are alleged to have been on their way to Durban having consented or taken steps to leave South Africa to undergo military training which could be of use to a person intending to endanger the maintenance of law and order.

In similar terms Mr Mda is alleged to have been en route to Kimberley with a similar purpose.

ASSISTANCE

Mr Sizani, Mr Hempe and Mr Mda are alleged to have travelled to Mdantsane in East London several times and visited a Mr Abraham Marawu whose assistance was requested to enable them to leave South Africa to undergo military training abroad.

It is alleged that during March and April a branch of the South African Students' Organisation (Saso) was started at Healdtown and the accused, or some of them, made speeches at a meeting of the executive, of which Mr Ndukwana was the president.

The members present were urged to leave South Africa to receive military training abroad.

All five pleaded not milit...

Appearing for the State is the Deputy Attorney General, Mr S. A. Engelbrecht, SC, with him Mr G. J. Muller.

For the defence is Mr B. M. Kies of Cape Town, assisted by Mr T. L. Skweyiya from Durban.

(Proceeding)

312 - Pol. Trials

SA could be headed for disaster-Small

RDM 4/6/76

Staff Reporter

A MAN without a political voice in his own country was not a citizen of that country, the poet Adam Small told the Pretoria Supreme Court yesterday.

It was his last day as a defence witness in the case in which nine members of Saso and BPC are appearing before Mr Justice Boshoff charged under the Terrorism Act.

In reply to questions by the judge, Mr Small said Blacks in South Africa had absolutely no channels to give vent to their political feelings.

He said institutions such as the Coloured Representative Council were useless because no notice was taken of decisions made at such councils.

Asked by the judge whether he thought the country was headed for disaster, Mr Small said he thought the possibility existed.

"I always ask myself, how much time do we have left in South Africa," he said.

He believed Blacks, although discriminated against, still had enough love to live together with Whites in an open society.

Towards the end of his evidence, Mr Small, his voice emotionally charged, told the court all he aspired to was to be a citizen of South Africa.

He asked the court to permit him to read a line from a book by Black American writer James Baldwin, in which Baldwin said: "I love the United States of America like any other country in the world, and exactly for that reason I insist on the right to criticise her perpetually."

Earlier, Mr Small, in reply to a question by Mr Cecil Rees, SC, for the State, said he had once been an informal adviser to Saso on the organisation's free university scheme.

Mr Rees asked whether he was receiving any payment from the defence for giving evidence. Mr Small jokingly replied: "I hope they give me something."

He said that when the defence approached him to testify, they told him they did not even have money to pay for his hotel bills.

Mr Rees asked: "Would you have regarded yourself as a sellout if you had refused to give evidence?"

Mr Small replied he was not giving evidence in favour of Saso, but had only come to tell the truth.

Mr David Soggot, SC, for the defence, asked Mr Small whether Saso played a role in the disturbances at the University of the Western Cape in 1973 when Mr Small was a lecturer there.

"Even without Saso, this was bound to happen at one time or another because the whole Black community lives under injustices and the younger generation feel more strongly about this than the old generation," Mr Small replied.

The trial continues today.

(1) 138

(2) 150

(3) 312 - Pol Trials

Daily Dispatch 8/6/76

Charges against trade unionists dropped

DURBAN — Charges that three Durban trade unionists incited a strike were withdrawn when they appeared in a magistrate's court here yesterday.

Similar charges against the secretary of the National Union of Textile Workers, Mrs June Nala, were withdrawn in her absence. She is in security police custody under Section 6 of the Terrorism Act.

Mrs Nala, Mr Christopher Albert, organiser for the Textile Workers' Industrial Union, Mr Thiz Khumalo, organiser for the NUTW and Mr John Copely, secretary of the TWIU were alleged to have incited a strike at Natal Cotton and Woollen Mills last October.

All four were alleged to have incited black employees to take part in a continuous strike. It was alleged that the purpose was to induce Natal Cotton and Woollen Mills to agree or comply with their demands for a proposal concerning terms or conditions of employment made by them.

The alleged strike involved about 400 workers who stayed out of the factory for about ten days.

After the charges were withdrawn, Mr C. Nicholson, counsel for the four unionists, said he was "unhappy" that the charges had been withdrawn before they were asked to plead.

He said the accused had waited a considerable period of time for the trial and had experienced a lot of anguish. — SAPA

325
- Pol. Trials

'Co-operation' Saso's aim

STAR 9/6/76.

Pretoria Bureau

Saso's aim was the creation of co-operative attitudes between Black and White, Mr Muntu Myeza, the organisation's former secretary-general, told the Supreme Court in Pretoria, today.

An accused in the terrorism trial of nine Saso and Black People's Convention men before Mr Justice Boshoff, Mr Myeza explained: "Saso has not adopted a programme of anti-Whiteism. Our stance of having only Blacks in our organisation should not be seen as such. We believe that, for a good and proper society to come about, Blacks don't have to be assimilated into this society they find repugnant.

"We want to live together — not be assimilated into racist norms . . . it's not a question of substituting Black values for White ones, instead it is of creating structures in which all people of this country can contribute.

"Our aim is to get co-operative attitudes between Blacks and Whites," Mr Myzea added.

Asked by senior State Counsel, Mr Cecil Rees, why Saso then referred to Whites as "pigs" and "racists," Mr Myeza rejected the charge.

Saso referred to the police as "pigs" on certain occasions. There was a long history to the evaluation of that word's usage, he said.

Whites were racists in their support of the South African system which made them "political enemies" of Blacks. It was an important qualification.

(Proceeding)

State witnesses sent to prison

9/6/76 NM.

Mercury Correspondent

PORT ELIZABETH — Two State witnesses in Grahamstown were yesterday gaoled for a month after refusing to testify in the terrorism trial of five former pupils of the Healdtown High School.

One of the witnesses was gaoled for a further 10 days for contempt of Court after he made a Black Power salute.

The five before Mr. Acting Justice Stewart are Mr. Solemela Ndukwana (19), Mr. Vuyo Baleni (20), Mr. Phumelelo Sizani (22), Mr. Ngcoa Hempe (19) and Mr. Goodwin Mda (19), all charged with trying to receive military training outside South Africa. All pleaded not guilty.

Dr. A. J. L. Pentz, medical superintendent of Fort England Hospital, told the Court he had examined a State witness admitted for observation on Monday after complaining of attacks of raving while in detention.

He said Mr. Vuyo Baleni appeared to be in a disturbed state but it was difficult in a short interview to diagnose if it was hysteria or if Mr. Baleni was malingering.

Mr. Justice Stewart ordered Mr. Baleni to stand down and refused a request from Mr. B. M. Kies for the defence to adjourn the trial until Mr. Baleni's position could be clarified.

The third State witness, Mr. Tembani Pantsi, refused to give evidence.

He, like Mr. Baleni and another witness, Mr. Andile Ngaki, is still under detention under Section 6 of the Terrorism Act.

When Mr. Pantsi refused to give evidence, the Judge warned him he could be gaoled for up to a year.

Mr. Pantsi said: "I refuse to give evidence against these men. God said Blessed are those who thirst after righteousness, and these are people who are thirsty for righteousness."

Mr. Justice Stewart sentenced him to one month's gaol. As Mr. Pantsi gave a Black Power salute, the Judge gaoled him for an extra 10 days for contempt of Court.

The next State witness, Mr. Don Qupe, who said he was also detained under Section 6 of the Terrorist Act, also refused to give evidence.

He said: "I don't know why I was not charged and they (the accused) were charged. I don't want to give evidence against them. My desire is to be charged."

He was also gaoled for a month.

The trial continues today.

312 – Pol Trials

'Pig' means police — Saso trialist

RDM 10/6/76

Staff Reporter

THE Saso-BPC trial in the Pretoria Supreme Court was marked by heated exchanges between the State prosecutor, Mr Cecil Rees SC, and one of the accused, Mr Muntu Myeza.

Under cross-examination by Mr Rees, Mr Myeza, a former Saso president, rejected the suggestion that homeland leaders regarded Saso with scorn and contempt.

He referred to a reply sent to Saso by Chief Gatsha Buthelezi in response to a Saso resolution to the effect that Saso was against the policy of uprooting and resettling Blacks.

In Chief Buthelezi's reply, he had said Saso's opposition to the resettlement policy was justified.

Given leave by Mr Justice Boshoff to clarify a point, Mr Myeza told the court the word "pig" was used with reference to the police and not to Whites in general.

It was a coloquial term, he said. When Saso referred to Whites as murderers and fascist Nazis, it was with reference to specific incidents and the system governing Blacks.

The trial continues today.

312 Pol Trials

Govt frantic and confused, says Saso man

By NAT DISEKO

INSTEAD of righting the wrongs suffered by Blacks, the Government was passing repressive legislation and increasing defence spending the Pretoria Supreme Court heard yesterday.

This was said by Mr Muntu Myeza, one of the nine accused in the Saso-BPC trial before Mr Justice Boshoff.

Mr Myeza, cross-examined by Mr Cecil Rees, SC, for the State, was replying to questions on a document he had prepared for publication by the newspapers before the proposed Viva Frelimo rally at Curries Fountain, Durban.

In the Press release, Mr Myeza had said the passing of repressive legislation and the stepped up defence budget showed the Government was "frantic, desperate and confused."

Those actions were designed to give the White electorate a false sense of security, he said.

The people of Mozambique had, "through strain and stress," managed to free themselves from colonialism, and this should be a lesson to South Africa, the release said.

Mention was made of "atrocities and filth perpetrated against the Black people," and Mr Rees asked Mr Myeza what he meant by "atrocities."

"A reprehensive official act," like banning the rally, he said.

Mr Myeza rejected a suggestion by Mr Rees that his aim was to incite Blacks to resort to violence as Frelimo had done.

Reference was made to a telephone conversation between Mr Myeza and a Rand Daily Mail reporter, in which the baton-charging of students at Turfloop on September 25 by the police was discussed.

Mr Myeza had said this was a "Black victory", and Mr Rees asked how he saw it as a victory.

Because the students had stood for their rights in demanding from the police that they go on with their gathering, and had succeeded in getting the police to move off the campus, he said.

Earlier, Mr Myeza had told the court the White controlled Press had been forced to "eat humble pie" when President Samora Machel of Mozambique had come into office.

As a leader of Frelimo he had always been referred to as a "terrorist", and now the newspapers had to recognise him as the head of an independent country.

Terrorism was but one aspect of guerilla fighting, but the Press had always chosen to emphasise this one aspect.

The hearing continues today.

312 - Pol Trials

STAR 14/6/76

Posters 'amused students'

Pretoria Bureau

Students at the University of the North, Turfloop, were "chuckling, giggling and generally amused at posters advertising the "Viva Frelimo" rally on September 25 1974, at the campus, the Supreme Court heard today.

Giving defence evidence in the trial of nine Saso and Black Peoples Convention men before Mr Justice G Boshoff, Mr Gesler Nkondo, chairman of the University's Black Academic Staff Association, said the rally posters did not create an ugly atmosphere on the campus.

Instead they were happy in tone, celebrating Frelimo's accession to power in Mozambique. Only one poster saying "White pigs" was distasteful and was the work of an "irresponsible student," Mr Nkondo said.

The attitude of White lecturers to the posters seemed to be that they were "student pranks," he said.

In earlier evidence, the court heard that the Turfloop pro-Frelimo rally was considered illegal by police after the Minister of Justice,s banning of Saso and BPC rallies, but that University of the North organisers thought the rally was legal, maintaining it was WRC organised.

325 - Pol Trials

Expletives deleted in Saso trial

NM 15/6/76

PRETORIA — There were several "expletives deleted" in the Saso terrorism trial before Mr. Justice W. G. Boshoff in the Supreme Court here yesterday.

Reading a poem "Black Nana, avenge. Arise," — which the State alleges incites race hatred and revolution — Mr. David Soggot, defence counsel, felt compelled to read:

"Arise, arise if you can, Spit them with Black venom / Rape them, (expletive) them, spoil them if you will / Black Nana arise, arise Black Nana."

One of the State's exhibits, the poem was put to Mr. Gesler Nkondo for interpretation. He is a senior lecturer in English literature and chairman of the Black Academic Staff Association at the University of the North, Turfloop.

Mr. Nkondo was introduced as an expert defence witness on creative writing, which features in the indictment against the nine Saso and Black People's Convention men facing trial.

Mr. Nkondo said the poem was "unimaginative and confused" and not the work of an accomplished poet. It contained several more expletives which were deleted in the interests of the Court's dignity.

He said that at the University of the North's "Viva Frelimo" rally in Spetember 1974, posters celebrating Frelimo's accession to power in Mozambique did not suggest violence should be used for Black liberation in South Africa.

The posters portrayed President Samora Machel as a symbolic leader towards liberation but this did not imply approval of his methods, he said.

Referred to a rally banner which proclaimed "Azania (South Africa) shall be free no matter how many tanks Vorster has," Mr. Nkondo said it "expressed a general confidence that Blacks in South Africa will be free no matter what opposition they face."

The hearing continues tomorrow. — (Sapa.)

325
Pol Trials

Students 'agitated'

NM 16/6/76

PRETORIA — Mercury Correspondent — The indiscriminate arrest of Black students by police at the University of the North, Turfloop, agitated the students and created a potentially threatening atmosphere, a defence witness told Mr. Justice Boshoff at the Saso-BPC terrorist trial in Pretoria yesterday.

Mr. G. M. Nkondo, a senior lecturer in English literature at Turfloop, told the Court that he stopped students when they became agitated after the police used dogs and arrested some of the students on the campus.

Replying to questions by Mr. C. Rees, for the State, Mr. Nkondo said he had never advocated that White staff members should be ousted from Turfloop, but he felt that Blacks had the right to determine who should teach at their own university and that they in fact should have dominance at Turfloop.

Whites at the university were associated by the student body with the White superstructure in the Republic, he said. The same applied as far as the police, Black as well as White, were concerned.

The trial continues today.

325 - Pol. Trials

BLACKS ARE 'RUNNING OUT OF PATIENCE'

NM 17/6/76

Mercury Correspondent

PRETORIA — The Black man is in danger of losing patience with the White man, a defence witness said at the trial of nine Blacks in Pretoria yesterday.

Mr. G. M. Nkondo, a senior lecturer in English literature at Turfloop, said when he concluded his evidence at the SASO/BPC terrorism trial before Mr. Justice Boshoff that a fundemental change among Whites was necessary.

He confirmed under cross - examination by Mr. C. Rees, SC, for the State, that he told the Snyman Commission that change had to take place within the system, otherwise the result would be revolution.

But, he said, the choice of whether the change was going to be peaceful or violent was the White man's. The White man has the machinery to bring about change and if that did not happen the Black man would lose patience with and confidence in the Whites and could resort to violence.

The witness was being cross - examined on Black poetry and specifically on a phase which read "Knowing words don't kill but a gun does, that is suffering."

Mr. Nkondo said he had difficulty in interpreting the words and said in reply to a question by the State that he had difficulty in comprehending exactly what was meant by the term "Black poetry."

The trial continues.

325 - Pol Trials

Recruiting of Breyten Breytenbach

Mercury Correspondent NH 26/2/86

PARIS — The weekly magazine Le Point, in a special feature on international terrorism, has described how Afrikaans writer Breyten Breytenbach was recruited as a political militant and named the man who supplied him with a false passport, cash and instructions.

None of these details came out at his trial, when he was given a nine-year prison sentence.

The magazine said that two years ago Breytenbach attended a conference on the Third World and was recruited by a man he came to know as "Raymond" and "Julien."

This man headed a network called "Solidarity" and was well supplied with money and false passports.

This man recruited militants for 20 terror organisations, including the Palestinians, the Carlos network, the Japanese Red Army — and the ANC.

He organised, for hand-picked recruits, five-day courses on "how to survive as a terrorist." These courses were attended by only four or six people at a time.

The magazine identified him as Henri Curiel, an Egyptian Jew in his sixties who was a founder-member of the Egyptian Communist Party.

312 - Pol Trials

Terror trial told of escape route

Daily Dispatch 24/6/76

GRAHAMSTOWN — Letters giving details about a "safe route" to Botswana were read out in the Supreme Court here yesterday.

The letters were from a former pupil of the Healdtown High School, Mr Stanley Gqajela, to a former school-friend in East London, Mr Monwabisi Yako, 21.

The letters were produced by the prosecutor, Mr J. C. Muller, in the trial of five former Healdtown pupils. They are Mr Sotomela Ndukwana, 19; Mr Vuyo Jack, 20; Mr Phumelele Sizani, 22; Mr Ngcola Hempe, 19; and Mr Goodwin Mda, 19.

All have pleaded not guilty before Mr Acting Justice Stewart to charges of participating in terrorist activity as well as attempts and or plans to leave the country for military training.

The letters, written from Lobadi in Botswana, were found in Mr Yako's possession when he was arrested under the Terrorist Act on December 30 last year.

The first letter, in English, was written on November 21, 1975. It urges Mr Yako to visit Mr Gqajela for discussions before December 20.

The next letter was written in Xhosa. In it Mr Gqajela addresses Mr Yako as "comrade" and says "things must be told in such a way as to keep the enemy blind."

He expresses concern that Kupa and Makoko turned back on their journey with him. One person was discovered to be a "sell-out" and was in jail.

Mr Gqajela wrote: "Everything is ready. Only we are still here simply waiting for the number to be full, that is 50, because the aeroplane cannot take one or two persons every day.

He then gives information about the safe route from Mafeking: "You go to Mafeking and board a bus from there to Pitsane-Molopo. When you get there you see the fence which divides the location. You must be very careful. Do not just ask anybody where the fence is if you have not yet seen it.

"If you carry money, you may bribe a youngster, but make sure you do not arouse suspicion.

"When you jump over the fence, go straight to the Botswana police or inquire where the immigration office is and tell them you seek political asylum."

The letter adds: "Your duty is to organise guys, not less than five per trip, and a motor car which will take them to Mafeking.

"Let me tell you a secret — where we are going is to Uganda, Egypt, Lebanon and finally Peking or Russia."

During cross-examination, Mr T. L. Skweyiya, for the Defence, read the contents of another letter which Mr Yako said was also addressed to him, but which he had not received. The police showed it to him after his arrest.

This letter was also from Mr Gqajela in Botswana.

"We have stopped smoking dagga and drunkenness. I have no time of talking about girls and thinking about them. Freedom is ours if we are determined.

"The best time for jumping the fence is between 5 pm and 5 am.

"There is no time for Bantu education. Tell Nero and the others. The nation shall not be liberated with books and a string of degrees." — DDC.

312 Pol Trials

Rand Daily Mail 25/6/76

The Nats will bargain first, Saso trial told

Staff Reporter

THE National Party would be ready to bargain with Blacks in this country when confronted with Black Power even before the Progressive Reform Party would be prepared to do so, an accused in the Saso-BPC terrorism trial said at the Pretoria Criminal Sessions yesterday.

Mr Strini Moodley said under cross-examination that the aspirations of the Black organisations were to have a united voice and to negotiate with the Government from a position of power.

It would then be normal to assume that the Government, realising the validity of the Black voice in such a case, would of its own accord be willing to talk.

Blacks would certainly be willing to talk if the positions were reversed, he said.

Instead of listening to Blacks at this stage, the Government suppressed those who were speaking on behalf of the Black masses, he said.

He had the feeling that only when there was no alternative the Government would grudgingly be prepared to talk to Blacks in the Republic.

Race relations in South Africa were at the point where the attitude of Whites had to be considerably shaken up. There was a gulf between Black and White that dated back almost 300 years.

Political polarisation had served to define this, to draw the lines along which polarisation existed, he told Mr Justice Boshoff.

The Blacks had for long sought acceptance from Whites but repeated rebuffs had forced them to conclude that they had to look to themselves for salvation, Mr Moodley said.

Many Black leaders recognised that South Africa had the answer to a lot of the problems facing the world. Too many South Africans had the ostrich mentality, however, and preferred to pretend that race problems simply did not exist, he said.

About life on Black campuses he said he knew of two students who had their room bugged.

They were not members of Saso but had at one point been barred from student life before they were allowed to resume studies.

The trial continues today.

312 Pol Trials

RDM 25/6/76

'Suicide bid' after 9 months in solitary

Staff Reporter

A MAN charged with having made conflicting statements to the Rand Supreme Court and the Security Police yesterday told a Johannesburg magistrate about his state of mind and health after spending almost nine months in solitary confinement.

Mr Vincent Vuyisile Selanto, 24, of Rockville, Soweto, attempted suicide, it was claimed.

"It is the loneliness that gets one," his counsel, Mr G. Leveson, argued.

Mr Selanto pleaded not guilty before Mr J. L. Marais to a charge of perjury.

He was alleged to have said in a statement to Captain A. M. Heystek of the Security Police on March 20 last year that in 1973 he was approached by Mr Eric Molobi about the formation of an underground revolutionary movement.

Mr Molobi, according to the statement visualised blowing up bridges, post offices, Ellis Park Stadium and the Blue Train. The saboteurs could be trained in Botswana, and Mr Selanto said he and others went.

According to the charge sheet, Mr Selanto made a different statement at Mr Molobi's trial eight months later.

Captain Heystek said that when Mr Selanto made the statement he was held in solitary confinement and was eager to co-operate.

Yesterday Mr Selanto said he was arrested at 3 am on March 15 last year.

That day Security Policemen at John Vorster Square had called him "Frelimo" and, when he denied it, slapped and punched him until he admitted he "was Frelimo", Mr Selanto said.

While he made a statement his arm was twisted and he was hit. Two policemen took him to a toilet where he was told to wash his face and hands. While doing this they pushed his face into the water. As he was about to lose consciousness he screamed that he would "speak the truth."

He was told if he failed to make a satisfactory statement he would be kept in solitary confinement.

He was kept in solitary confinement for nearly nine months.

He experienced dizzy spells and vomited blood. Then he was taken to the Randfontein police station where his health deteriorated further.

Eventually he took an over dose of sleeping tablets.

When he gave evidence a the Supreme Court he spoke the truth. "But as a result of the long solitary confinement I was not in a good state of mind," he said.

The hearing was postponed to July 9.

Mr Leveson was instructed by Mr Raymond Tucker. Mr G. Calitz appeared for the State.

312 - Pol Trials

Detention causing tension trial told

Daily Dispatch 25/6/76

GRAHAMSTOWN — A state witness in the terror trial told yesterday how the tension he experienced since his arrest had been affecting him. He was suffering from headaches and was confused about questions during cross examination.

Mr David Faas is the tenth witness in the trial of five former Healdtown pupils charged under the Terrorism Act. They pleaded not guilty to charges of participation in terroristic activities as well as attempts and or plans to leave the country for military training.

Mr Faas, who was in Std 9 with the five last year, said he had been in detention since January 5 under the Terrorism Act.

Cross examined by Mr B. Kies for the five accused, Mr Faas said he was confused about the questions.

"The tension has had an effect on me and my mind does not work properly. I forget very soon. It started in May.

"Since the beginning of my detention, I get regular headaches. A doctor has seen me about it."

He said one of the accused, Mr Ngcola Hempe, 19, said at a meeting of the South African Students' Movement (SASM), that they were looking for people to go abroad for military and educational training.

The next witness, Mr Tosamile Billie, 19, said while he and another accused, Mr Stanford Sizani, were doing homework on the lawns at Healdtown last year, Mr Sizani asked him his view on Angola.

"I said they were divided into three groups and should unite to form one government. In South Africa too we have several governments instead of unity."

Mr Sizani said there were people that were prepared to help us to get our freedom, people like Mandela.

"I said if you are thinking of communists, you better give it up. After they free us, they will just leave us alone and take our country."

Mr Sizani said it was not like that. The communists only wanted the freedom of the people.

At the invitation of Mr Sizani, he went to a SASM meeting on the school rugby field. They were greeted by shouts of "power" and when Mr Sizani opened with a prayer, everyone stood with their clenched right fist raised. They prayed to Qamata, the God of the Xhosa.

A speaker urged them to make sacrifices for SASM, to serve it and be prepared to suffer.

Then Mr Hempe told of the three phases of SASM. The first was mental freedom, making people proud of their colour and to let them become aware of the treatment they get from whites and homeland chiefs.

Phase two is where violence is used. People go to Angola, Mozambique or Zimbabwe to receive military training.

In phase three, they return and join with other trained men to train others locally for the fight against the government.

The trail continues today. — DDC.

312 - 101 Trials

Court told of roadblock to trap banned man

Daily Dispatch 25/6/76

EAST LONDON — Two Special Branch detectives told a Regional Court magistrate here yesterday how they set up a roadblock at Berlin where they arrested an Mdantsane man who had contravened his banning orders.

Det-Sgt F. M. Els and Det-Sgt L. Nel, were giving evidence when Mr Mzimkulu Gwentshe, 30, appeared on a charge of absenting himself from the area comprising the magisterial district of Mdantsane without obtaining written permission from the magistrate of Mdantsane.

Appearing before Mr J. H. Jordaan, Mr Gwentshe pleaded not guilty.

The chief magistrate of Mdantsane, Mr E. L. Gregory, told the court he did not give Mr Gwentshe any written permission to leave Mdantsane on April 24 this year.

Det-Sgt Els said after he received a tip-off he went to Berlin with Det-Sgt Nel where they set up a road block.

They stopped a vehicle in which Mr Gwentshe was a passenger.

"I walked around it to where Mr Gwentshe was seated. I asked him to furnish me with a copy of a letter authorising him to leave the magisterial district of Mdantsane.

"He was unable to do so. I asked where he was going and he said to Mcotsho Location. I then asked if he was aware that he was under banning orders and that he had no right to leave the Mdantsane magisterial district.

Det-Sgt Nel said he spoke to driver of the vehicle, Mr Stiles Kolisang, who told him they were on their way to Fort Hare in Alice for the graduation ceremony. He said Mcotsho fell in the magisterial district of Mdantsane.

Mr Kolisang said he met Mr Gwentshe at a bus stop in Mdantsane. Mr Gwentshe had asked him for a lift, but did not say anything about going to Mcotsho.

"I was on my way to the graduation ceremony at Fort Hare and Mr Gwentshe was going with me," Mr Kolisang said.

Under cross-examination by Mr L. Ciliza (for Mr Gwentshe), Mr Kolisang admitted the police had mentioned he was aiding and abetting a crime by taking Mr Gwentshe with him.

Mr Gwentshe said after he had returned from the Mdantsane Police Station, where he had gone to report in terms of his banning order, he met Mr Kolisang.

"I asked him to take me to Mcotsho Location because I wanted to see Chief Makwinana.

"I had to speak to Chief Makwinana because I was doing a research on seduction and paternity for my law studies.

"When we got to the Mcotsho turn-off just before reaching Berlin, I asked Mr Kolisang to drop me there and that he should pick me up on his return.

"He told me he just wanted to buy some eats," Mr Gwentshe said.

He admitted telling the police he had no authority to leave Mdantsane and that he also told them he did not need a permit as Mcotsho fell under the jurisdiction of Mdantsane.

Mr Gwentshe admitted he had been served with a banning order in 1969 and again for a second time in 1974.

Judgment was reserved to July 5. — DDR

Pol. Trials
325 -

Six for trial in SWA under Terrorism Act

RDM 26/6/76

WINDHOEK. — Six Africans were remanded in the Windhoek Magistrate's Court yesterday for summary trial in the Keetmanshoop Supreme Court on August 30 in terms of the Terrorism Act.

No evidence was led and they were not asked to plead.

They are: Mr Sakaria Nashandi, Mr Risto Nakanyala, Mr Marius Melchior, Mr Karel Nampala, Mr Salomon Mbango and Mr Gabriel Willem.

Charges were withdrawn against two men and a woman, Mr Albanus Heinrich, Mr Johannes Amutenya and Miss Ragel Shifotoka.

Another man, Mr Fillemon Nangolo, is still in hospital with a bullet wound and will also appear at the summary trial. He did not appear in court yesterday.

The hearing was a sequel to a number of incidents and alleged murders at Grootfontein, Okahandja and in the Katutura Township near Windhoek. — Sapa.

312 - Passports

SA acts against Sanroc

RDM 29/6/76

Own Correspondent

LONDON. — The South African Government has taken away the passport of Mr Sam Ramsammy, chairman of the South African Non-Racial Open Committee (Sanroc). The Secretary or the Interior has refused to give any reason.

Mr Ramsammy who is from Durban, received the news in an official letter from Pretoria at the weekend just six days before his departure for the Montreal Olympic Games where he will lead a team of six Sanroc representatives.

Mr Ramsammy, who has lived in London since 1971 said: "I will obtain British travel documents."

He was confident that the congresses of several major Olympic sports in Montreal, particularly soccer, would cast White-controlled South African sport into further world isolation and that New Zealand would pay a "heavy price" for going ahead with the All Blacks rugby tour of South Africa.

3/2 - Pol Trials

Alleged kidnap and torture

CAPE TIMES 3/7/76

Own Correspondent

MARITZBURG. — Allegations by two Terrorism Act detainees that they were kidnapped from Swaziland and tortured by South African Security Police, denied in an opposing affidavit, were made in an application in the Supreme Court here yesterday.

Mr Joseph Ntuliswe Nduli, 36, and Mr Cleopas Fana Ndlovu, 41, sought a *rule nisi* before Mr Justice Van Heerden whereby the Ministers of Police, Justice and Prisons, of the Interior and of Foreign Affairs would be ordered to return or allow the two Africans to return to Swaziland, and withdraw the criminal case against them.

Mr Nduli, Mr Ndlovu and eight other Africans are awaiting-trial prisoners in the Maritzburg jail on charges under the Terrorism Act or alternatively under the Suppression of Communism Act. They are due to appear in the Supreme Court here on July 12.

Two affidavits from Colonel Johannes Gerhardus Dreyer and Major Jacobus Johannes de Swardt denying that Mr Nduli and Mr Ndlovu were kidnapped from Swaziland and that they were tortured, are among several opposing affidavits filed by the police.

Mr Justice Van Heerden adjourned the hearing to Wednesday to allow counsel for Mr Nduli and Mr Ndlovu to prepare affidavits in reply to those submitted by the police.

312 - Passports

Passport problems plague Mrs. Meer

10/7/76

NM

By NAGOOR BISSETTY

A LEADING Durban sociologist, Mrs. Fatima Meer, who has been awarded an internationally recognised fellowship by the London School of Economics, may be prevented from leaving for Britain because of passport difficulties.

MRS. FATIMA MEER

On receiving the Ginsberg Fellowship, she is now making a new application for a passport.

She said yesterday that after her visit to America as a guest of the United States Government in 1972, her passport had not been renewed.

In 1970 she obtained a passport after many appeals to the Minister and visited India twice at the invitation of the University of Delhi. She is a senior lecturer in sociology at the University of Natal.

She received news of the award of the internationally recognised Ginsberg Fellowship in sociology by the world-famous school of economics in a letter from Professor Ralf Dahrendorf, of the LSE's academic staff.

She has also been invited as a fellow for the term which begins on October 4, but unless she receives a passport, she could not leave for London.

Community leaders regard the award of the fellowship as a honour for Mrs. Meer as well as for the community and have urged the Government to grant a passport.

Mrs. Meer's fellowship award accompanies a cash grant of R3 000.

The Ginsberg Fellowship had been awarded to her shortly after the University of London invited her to lecture at British universities under the auspices of the British Council.

Mrs. Meer, on receipt of her first invitation, had applied for a passport, but this was rejected by the Minister without giving reasons.

312 - Pol Trials

Red Act trial

12/7/76 STAR.

—ex-police informer talks

The Suppression of Communism Act trial of five Nusas men resumed in the Johannesburg Regional Court today after a 10-week postponement.

Appearing before Mr G Steyn are Mr Glenn Moss (23), Mr Charles Nupen (25), Mr Edward Webster (33), Mr Cedric de Beer (23) and Mr Karel Tip (30).

The State alleges the men committed 10 acts in furtherance of the aims of communism between October 1973 and August 1974.

Under three alternative charges, the men are alleged to have performed the acts in furthance of the aims of the banned African National Congress, or to have advocated the aims of communism and the ANC.

In evidence today, Mr J H Reyneke said he had been a full-time student at the University of Natal, Maritzburg, in 1974.

AIMED

He was a member of the Wages Commission, a student organisation which fell under Nusas and which aimed to better the wages of both Whites and Blacks.

The commission carried out surveys among employers and workers on matters such as wages and working conditions. It printed and distributed a leaflet entitled "Isisebenzi" to Black workers.

Mr Reyneke said he was a police informer at the time. After each meeting of the Wages Commission he made a report to Captain Fourie of the Maritzburg Security Police.

At one of these meetings the secretary of the commission, Miss Marjorie Yeates, had said the organisation had to show the Black workers how he was exploited and what to do about it.

If he could not solve his grievances in a peaceful way, he should resort to other means, such as sit-down strikes.

That year there were two strikes in Maritzburg, Mr Reyneke said.

The case was postponed to Thursday when the defence team will begin its cross-examination of the State witnesses.

325 - Pol. Trials

Informer gives evidence at Nusas trial

Cape Times 13/7/76

JOHANNESBURG. — The Suppression of Communism Act trial of five Nusas men resumed in the regional court here yesterday after a 10-week postponement.

Appearing before Mr G Steyn are Mr Glenn Moss, 23, Mr Charles Nupen, 25, Mr Edward Webster, 33, Mr Cedric de Beer, 23, and Mr Karel Tip, 30.

The State alleges that the men committed 10 acts in furtherance of the aims of communism between October 1973 and August 1974.

Under three alternative charges, the men are alleged to have performed the acts in furtherance of the aims of the banned African National Congress, to have advocated the aims of communism and the ANC.

In evidence yesterday, Mr J H Reyneke said that he had been a fulltime student at the University of Natal, Maritzburg, in 1974.

He was a member of the wages commission, a student organization which fell under Nusas and which aimed to better the wages of both Whites and Blacks.

The commission carried out surveys among employers and workers on matters such as wages and working conditions.

It printed and distributed a leaflet entitled "Isisebenzi" to Black workers.

Mr Reyneke said that he was a police informer at the time. After each meeting of the wages commission, he reported to Captain Fourie of the Maritzburg security police.

At one of the meetings, the secretary of the commission Miss Marjorie Yeates, had said that the organization had to show the Black worker how he was exploited and what to do about it.

If he could not solve his grievances in a peaceful way, he should resort to other means, such as sit-down strikes.

That year there had been two strikes in Maritzburg, Mr Reyneke said.

The hearing was postponed to Thursday when the defence team will begin its cross-examination of the State witnesses.

Mr P B Jacobs, Mr T Verschoor and Mr H Brandt appeared for the State. Mr A Chaskalson SC, Mr G Bizos and Mr D Kuny, instructed by Mr Raymond Tucker appeared for the accused. — Sapa

325 - Pol Trials

Ten in court on Terror Act charges

MARITZBURG. — Ten men, all alleged to be members of the banned African National Congress, went on trial here yesterday on charges of participating in terroristic activities and contravening the Suppression of Communism Act. Eight of the accused pleaded not guilty.

The ten, who have been in custody since their arrest in terms of the Terrorism Act, sang as they filed into the court building for the start of the case and after the lunchtime adjournment.

The State alleges that they incited, instigated, commanded, aided, advised, encouraged and/or procured others to undergo military or political training outside the borders of the Republic in order thereafter to return and assist in the overthrow of the Government by violence and forcible means.

"Abducted"

The 10 accused are, Themba Harry Gwala, 55, William Fano Khanyile, 40, Anton Ndoda Xaba, 42, John Vusimusi Nene, 32, Vusimusi Truman Magubane, 32, Mathews Mokholeka Meyiwa, 51, Azaria Ndebele, 40, Zamhele Elphas Mdlalose, 51, Joseph Ntuliswe Nduli, 35, and Cleopas Melayibone Ndhlovu, 42.

Mr Nduli and Mr Ndhlovu, who claim they were illegally abducted from Swaziland by the South African Police, lodged an indictory plea for their release and return to Swaziland where they allege they have been granted political asylum.

"Training"

Mr Nduli is alleged to have undergone training at Dar es Salaam, Kongwa in Tanzania, and in Odessa, Russia, in communism, methods of bringing about a revolution, subversive propaganda, guerilla warfare, the preparation, manufacture and use of different firearms, and radio communication.

According to the 18-page indictment, Mr Nduli also allegedly entered Rhodesia illegally from Zambia, bearing arms, in order to participate in fighting against the Rhodesian security forces with the intention of making his way through Rhodesia to the Republic.

"Guerilla warfare"

The State alleges that Mr Ndhlovu underwent training in guerilla warfare, explosives, methods of bringing about a revolution, communism and subversive propaganda in Durban during 1964.

Counsel for the two men, Mr George Muller QC, told Mr Justice Howard that the application for their release was a plea against the jurisdiction of the court to try Mr Nduli and Mr Ndhlovu on the charges in the indictment.

He submitted that the two men had been kidnapped on Swaziland soil by the South African Police and that the Swaziland Government had demanded their return because their being taken violated Swazi sovereignty and the Swazi Government "has not waived its rights in respect of the two applicants".

"Unlawful"

Mr Muller said that the applicants were "unlawfully" before the court because they had not been returned to South Africa in accordance with extradition procedures laid down in South African law.

Mr Justice Howard adjourned the hearing till today.

Mr George Muller QC and Mr Chris Nicholson, instructed by N Pillay and Company, appeared for the 10 men. — Sapa

312 - Pol Trials

'Terror' accused sing as they go to trial

Mercury Reporter

PIETERMARITZBURG—Eight of the 10 Africans who yesterday appeared in the Supreme Court charged under the Terrorism and Suppression of Communism Acts pleaded not guilty while the other two pleaded against the Court's jurisdiction.

The men sang as they filed into court to appear before Mr. Justice Howard.

The accused are Messrs. Themba Harry Gwala (55), William Fano Khanyile (40), Anton Ndoda Xaba (42), John Vusimusi Nene (32), Vusimusi Truman Magubane (32), Matthews Mokholeka Mayiwa (51), Asaria Ndebele (40), Zakhele Elphas Mdlalose (51), Joseph Ntuliswe Nduli (35) and Cleopas Melayibone Ndhlovu (42).

Mr. Nduli is alleged to have been trained in Tanzania and Russia, in communism, methods of bringing about a revolution, subversive propaganda, terrorist warfare, the preparation, manufacture and use of different firearms and radio communication.

According to the 18-page indictment, Mr. Nduli also allegedly entered Rhodesia illegally from Zambia, bearing arms, to fight against the Rhodesian security forces with the intention of making his way to the Republic.

The State alleges that Mr. Ndhlovu underwent training in terrorism, explosives, methods of bringing about a revolution, communism and subversive propaganda in Durban during 1964.

Both lodged an interdictory plea saying they were kidnapped on Swaziland soil by the South African Police and that the Swaziland Government had demanded their return because their being taken was a violation of Swazi sovereignty and that the Government had not waived its rights in their respect.

The Supreme Court had earlier turned down an application by the two men to be allowed to return to Swaziland.

Mr. George Muller QC said yesterday that the onus was on the State to prove initially that the Court had jurisdiction to try the two men.

In the present case, he said, a South African Court should apply customary international law and hold that the applicants' arrest in Swaziland was unlawful. It should also go further and hold that the international wrong has not been cured by their now being held and should refuse to exercise jurisdiction.

Mr. Muller submitted that the two accused were also unlawfully in court because they were not returned to South Africa in accordance with the extradition procedures laid down in South African law.

"A man who has been kidnapped must of necessity be freed, particularly if his kidnapping is a continuation of a violation of international law."

The Deputy Attorney-General, Mr. D. J. Rossouw, said it was the Court's duty to inquire into the guilt or innocence of the two men as put to them in the indictment, and it was irrevelant to the Court how they were arrested.

"Arrest is only one of the ways by which an accused is brought before Court. Once he is before Court, the way in which he arrived is immaterial."

He submitted that the accused were legally before the Court and that what happened before that "is of no concern of this Court."

To substantiate his submission he quoted from the Terrorism Act and from the Internal Security Amendment Act.

Mr. Muller said it would have to be proved that the Swaziland Government was demanding the return of Mr. Nduli and Mr. Ndhlovu and that it had not waived its rights under international law.

For this purpose the Minister of Foreign Affairs would have to be subpoenaed to give evidence as to the communications received from the Swaziland Government and if the Minister availed himself of the provisions of the General Law Amendment Act an application would have to be made to the Court for a commission to hear evidence from the Swaziland Minister of Foreign Affairs or such other Swaziland authority as may be necessary.

The trial continues today.

325 - Pol. Trials

CAPE TIMES 14/7/76

Kidnap claim in terror trial

MARITZBURG. — The ANC terrorism trial in the Supreme Court here was yesterday postponed to August 2 to allow the defence counsel time to present its case. Two of the 10 men appearing before Mr Justice Howard have pleaded against the jurisdiction of the court to try them.

They are Joseph Nduliswe Nduli, 35, and Cleopas Melayibone Ndhlovu, 42, who claim they were kidnapped on Swaziland soil by the South African Police.

Counsel for the two men, Mr George Muller QC, has submitted that the onus was on the State to prove that the court had jurisdiction to try the two men.

"A man who has been kidnapped must of necessity be freed, particularly if his kidnapping is a continuation of a violation of international law," Mr Muller said.

Eight of the 10 accused, Themba Harry Gwala, 55, William Fano Khanyile, 40, Anton Ndodo Xaba, 42, John Vusimusi Nene, 32, Vusimusi Truman Magubane, 32, Matthews Mokholeka Mqyiwqv, 51, Asaria Ndebele, 40, and Zakhele Elphas Mdlalose, 51, all pleaded not guilty to charges under the Terrorism and Suppression of Communism Acts.

Mr Nduli and Mr Ndhlovu pleaded against the court's jurisdiction.

Mr D J Rossouw SC, for the State, submitted that the two men were legally before the court.

"It is submitted that on the question of the jurisdiction of a state to punish persons arrested in violation of public international law there is international accord that such jurisdiction exists, or at the least there is no international accord to the contrary," said Mr Rossouw.

"It can therefore not be said that the proposition contended for by the accused has achieved general international recognition and thereby became incorporated into South African law. If anything, the contrary seems to appear.

"The crimes which the accused are charged with constitute in part crimes against humanity and Swaziland can only demand their reconduction if it declares an intention to put them on trial," he said. — Sapa

312 - Pol Trials

Student became informer as 'patriotic deed'

Cape Times 17/7/76

312 - Pol Trials

JOHANNESBURG.— A former Maritzburg law student yesterday told the Johannesburg Regional Court he had agreed to become a police informer because it was "a very patriotic deed".

Mr. J H Reyneke was being cross-examined by counsel for the five Nusas men appearing on charges of furthering the aims of communism, alternatively of the ANC.

They are Mr Glenn Moss, 23, Mr. Charles Nupen, 25, Mr Edward Webster, 33, Mr Cedric de Beer, 23, and Mr. Karel Tip, 30.

Questioned by Mr. D Kuny, defending, Mr. Reyneke said he was a student at the University of Natal, Maritzburg, during 1974 and 1975.

He was asked by the Security Police to try to infiltrate the wages commission, an organization falling under Nusas.

Written reports

He attended meetings of the commission and afterwards made written reports in which everything of importance was noted.

At one of the meetings a member had said: "We must teach them (Black workers) and lead them to act as a unity and if we don't get any reaction from the press then a sit-in is the only solution."

He had taken this to mean a sit-down strike, he said.

"As far as I know there was no direct encouragement to strike but after the commission had made a survey of the Railway workshop there was a strike by Black workers there."

Asked why this was not mentioned in his report, Mr Reyneke said the Security Police typed out his reports and sometimes altered them.

Mr Kuny put it to him that the strike he mentioned took place in February, before the start of the university term.

Labourers were asked to work overtime, some of the workers asked what the overtime rates would be and were fired for this. The remaining workers demanded that they be reinstated and refused to work till this was done.

Mr. Reyneke agreed that this was the strike to which he had referred.

The hearing continues on Monday. — Sapa.

312 Pol Trials

Patriotic to inform says law student

n/7/76

nm

JOHANNESBURG—A former Pietermaritzburg law student yesterday told the Johannesburg Regional Court he had agreed to become a police informer because it was "a very patriotic deed."

Mr. J. H. Reyneke was being cross examined by counsel for the five Nusas men appearing on charges of furthering the aims of communism, alternatively of the ANC.

They are Mr. Glenn Moss (23), Mr. Charles Nupen (25), Mr. Edward Webster (33), Mr. Cedric de Beer (23) and Mr. Karel Tip (30).

Questioned by Mr. D. Kuny, defending, Mr. Reyneke said he was a student at the University of Natal, Pietermaritzburg, during 1974 and 1975.

He was asked by the Security Police to try to infiltrate the Wages Commission, an organisation falling under Nusas.

He attended meetings of the commission and afterwards made written reports in which everything of importance was noted.

At one of the meetings a member had said: "We must teach them (Black workers) and lead them to act as a unit, and if we don't get any reaction from the Press then a sit-in is the only solution."

He had taken this to mean a sit-down strike, he said.

"As far as I know there was no direct encouragement to strike, but after the commission had made a survey of the railway workshop there was a strike by Black workers there."

Asked why this was not mentioned in his report, Mr. Reyneke said the Security Police typed out his reports and sometimes altered them.

The case continues on Monday.—(Sapa.)

3/2 Pol. Trials

Professor gives evidence at Nusas trial

Cape Times 21/7/76

JOHANNESBURG. — A State witness at the Nusas trial, Professor Andrew Murray, said yesterday that he was among those who believed the Westminister form of government could not work in Africa.

He was being cross-examined at the trial of Mr Glenn Moss, 23, Mr Charles Nupen, 26, Mr Edward Webster, 33, Mr Cedric de Beer, 23, and Mr Karel Tip, 30, on charges of furthering the aims of communism, alternatively of the ANC.

Professor Murray, former head of the political philosophy department at the University of Cape Town, said at a previous hearing certain Nusas documents advocated a form of government which need not necessarily be the Westminster form.

Questioned by Mr A Chaskalson SC (defending), Professor Murray agreed that South Africa did not have a Westminster type government because not all citizens had the vote.

Mr Chaskalson then read out a passage drawing attention to the failure of the West to provide Africa with suitable models of government.

Professor Murray: "Well, I agree very largely with that."

Mr Chaskalson: "You should, you wrote it."

Professor Murray agreed that he was among the leaders of the people who said Africa should move away from the Westminster model because it did not and could not work there. It was possible, he said, to have a democratic form of government other than the Westminster form.

Comparison

He agreed he had now drawn attention to the fact that criticism of the Westminster model was not uncommon or that it did not mean the critic was a communist.

Professor Murray had said a comparison of certain Nusas documents and the freedom charter, which he claimed expressed the common policy of the communist party and the ANC, revealed similarities.

One was that the documents referred to the "facade of peaceful, democratic South Africa" while the charter spoke of "a form of government founded on injustice and inequality".

Questioned by Mr Chaskalson, he said there were conflicts in South Africa and to pretend otherwise would be "suicidal". To that extent, therefore, a campaign to expose the "peaceful facade" was justifiable.

Another point made previously by Professor Murray was the document's mention of the "incredibly exploitive nature of capitalism".

The professor agreed that his own criticism of a capitalist system — hard capitalism where exploitation appeared — was more trenchant in an article he had written than in the documents before court.

Mr Chaskalson: I take it you are not a communist? — I am my own political party.

The hearing continues today. — Sapa

312 - POL. TRIALS

State expert a 'critic' of capitalism

21/7/76 STAR.

Professor Andrew Murray, a State witness in the Nusas trial, said yesterday he himself had criticised capitalism far more forcefully than any Nusas documents.

Professor Murray, former head of the political philosophy department of Cape Town University, was being cross-examined at the trial of four former Nusas leaders and a university lecturer on charges of furthering the aims of communism, alternatively of the ANC.

Appearing before a Johannesburg Regional Court magistrate, Mr G Steyn, were Mr Glenn Moss (23), Mr Charles Nupen (26), Mr Edward Webster (30), Mr Cedric de Beer (23) and Mr Karel Tip (30).

SEMINAR

At a previous hearing, Professor Murray said five documents relating to a 1973 Nusas seminar were critical of capitalism.

Questioned by Mr A Chaskalson SC (defending), Professor Murray agreed there were various stages of capitalism. There was a "hard" form and a more "gentle" form which avoided exploitation.

The system in South Africa was usually regarded as similar to the "hard" form because it had not yet rid itself of exploitation.

This stage of capitalism in particular had been criticised by many non-communist writers, Professor Murray said.

He agreed that a paper written by him and read to the court by Mr Chaskalson, was far more trenchant in its criticism of capitalism than any of the Nusas documents.

The hearing continues today.

3/2 Polit. Trials

Nusas trial: Murray examined

JOHANNESBURG. — South Africa's laws promoted the economic dominance of Whites over Blacks, a State witness, Professor Andrew Murray, conceded at the Nusas trial in the regional court here yesterday.

The former head of the political philosophy department at the University of Cape Town was being cross-examined at the Suppression of Communism Act trial of Mr Glenn Moss, 23, Mr Charles Nupen, 26, Mr Edward Webster, 33, Mr Cedric de Beer, 23, and Mr Karel Tip, 30.

At an earlier hearing, Professor Murray referred to a paper delivered by Mr Tip at a 1973 Nusas seminar in which he wrote: "The State and judiciary must function to ensure personal freedom within a context of equality and not, as at present, to preserve economic dominance of one group over another."

Restricted

This, said Prefessor Murray, built up a picture of the courts being against the Black people.

Questioned by Mr A Chaskalson SC (defending), Professor Murray agreed that the pass, labour and job laws restricted the freedom of Blacks.

If Parliament passed a law discriminating between Black and White the courts were obliged to uphold it.

Thus the courts could not function to preserve the freedom of all individuals within a context of equality, because the laws in effect prevented them from doing so.

Dominance

This, Professor Murray conceded, had the effect of promoting the economic dominance of Whites over Blacks.

He agreed he could not therefore criticize Mr Tip's statement.

Professor Murray conceded that Mr Tip's paper and others by Mr Nupen, Mr Moss and Mr Webster, which he had said expressed id as similar to those of the Freedom Charter, were in fact very different from the Charter.

The hearing continues on July 26. — Sapa

312 - Pol. Trials

Wits campaign to 'politicize' students — police evidence

Cape Times 29/7/76

Own Correspondent

JOHANNESBURG. — part of a campaign to "politicize" University of the Witwatersrand (Wits) students was to attack guest speakers from opposition political parties in the hope of exposing their policies as hollow, a Security Branch officer said at the Nusas trial here yesterday.

Lieutenant Derek Brune was giving evidence in the Johannesburg Regional Court at the trial of Mr Glenn Moss, 23, Mr Charles Nupen, 26, Mr Edward Webster, 33, Mr Cedric de Beer, 23, and Mr Karel Tip, 30.

The men are alleged to have worked through Nusas and the SRCs of affiliated universities to promote the aims of communism, alternatively of the African National Congress (ANC).

Earlier Lieutenant Brune, a political science graduate, told the court he was vice-president of the Wits SRC in 1974. Mr Moss was president and Mr De Beer treasurer.

Lieutenant Brune said Mr Moss and Mr De Beer had planned a campaign aimed at Wits students during 1974. Its theme was the effectiveness of White political opposition as well as White violence in the South African situation.

The plan was to recruit students into Nusas projects.

Cross-examined by Mr A Chaskalson, SC, for the Defence, Lieutenant Brune admitted that he worked for the police before he went to university in 1968. He also worked for them till he finished his studies in 1972.

Lieutenant Brunc said he felt obliged to involve himself in student activities.

While he was at university he believed that the radicals were unwilling to take part in a democratic election.

Mr Chaskalson put it to him that his inference was ridiculous and that it proved animosity towards radicals. The Lieutenant denied this.

Lieutenant Brune told the court that he was elected unopposed when he served on the SRC during 1972-74.

Mr Chaskalson put it to the lieutenant that he had deceived the SRC by not telling them that he was a policeman and that it was he who had infiltrated the SRC.

The hearing continues today. — Sapa

312 - Pol. Trials

Wits dominated Nusas — witness

31/7/76

JOHANNESBURG — A Security Branch officer, Lt D. Brune, explained in the regional court here yesterday that when he said Wits students dominated Nusas, he meant they were more persuasive than others.

Lt Brune was being cross-examined at the trial of Mr Glenn Moss, 23, Mr Charles Nupen, 26, Mr Edward Webster, 33, Mr Cedric de Beer, 23, and Mr Karel Tip, 30.

The State alleges that, working through Nusas and the SRCs of affiliated universities, the accused conspired to promote the aims of communism and of the ANC.

In his evidence Lt Brune, former vice-president of the Wits SRC, said the SRC had been dominated by a radical clique led by Mr Moss and that Wits had dominated Nusas.

Mr A. Chaskalson, SC, defending, put it to Lt Brune that the minutes of the 1973 Nusas congress showed the Wits delegation had only 16 out of a total of 72 votes. Moreover, none of its delegates were on the executive.

"Isn't that a curious form of domination?" he asked.

Lt Brune said he had meant that Wits was in a position to influence the congress by means other than votes.

Mr Chaskalson: You mean by being persuasive? — Yes.

Lt Brune admitted that while he had been at Wits, the SRC under Mr Moss had been one of the most efficient.

The hearing continues on Monday. — SAPA.

325 - Pol. Trials

President declined BPC date

3/8/76 NM

Mercury Correspondent

PRETORIA—The State's allegation that BPC co-operated and maintained communication with foreign-based organisations and persons hostile to South Africa fell "flat," a witness said in the Supreme Court here yesterday.

Mr. Absolom Zithulele Cindi (26) testified that BPC had made contacts with countries friendly to South Africa, like Senegal. BPC invited the President of Senegal, Mr. Leopold Senghor, as guest speaker in 1973.

Mr. Cindi, former secretary-general of the BPC, was giving evidence before Mr. Justice Boshoff at the trial of nine SASO / BPC members appearing under the Terrorism Act.

A letter from President Senghor to BPC, handed in as an exhibit, said he declined BPC's invitation.

The defence also handed in letters written by BPC to Swapo and Chief Clemens Kapuo.

Mr. Cindi explained that Swapo would not be classed as hostile to South Africa. Swapo was an indegenous people's organisation opposed to the occupation of South West Africa by South Africa.

"The State's allegations that we had contacts with hostile countries to South Africa fall flat," Mr. Cindi said.

Mr. Cindi denied that BPC wanted South Africa to be isolated from international sports or to undermine the country's economy.

BPC, which was operating legally, did not want to take part in Government-created political systems.

The hearing continues today.

325 Pol Trials

State closes its case in Nusas trial

Cape Times 3/8/76

JOHANNESBURG. — The State yesterday closed its case against the four former Nusas leaders and a university lecturer appearing in the Regional Court here under the Suppression of Communist Act.

The five men are alleged to have worked through Nusas and the SRCS of affiliated universities as part of a conspiracy to promote the aims of communism and/or of the ANC.

Mr A Chaskalson SC (defending), asked that the hearing be adjourned for a week.

He said it was possible the defence would apply for a discharge of the five but as yet nothing had been decided.

The case was postponed to August 9 and bail was extended.

Glen Moss, 23, and Cedric de Beer, 23, are out on bail of R2 000 each. Charles Nupen, 26, Edward Webster, 33, and Karel Tip, 30, are out on bail of R1 000 each. — Sapa

325 - Pol. Trials

Cape Times 4/8/76

'Blood' speech meant 'figuratively'

PRETORIA. — A Black Peoples Convention document saying the death of assassinated former Black student leader Mr Abraham Tiro should be "redeemed by the blood of 30-million Blacks" should be figuratively interpreted, it was said in the Supreme Court here yesterday.

Absalom Cindi, former Black Peoples Convention secretary-general, told Mr Justice W G Boshoff in the Saso terror trial that the call should also be appreciated in the light of Black cultural tradition.

Mr Cindi is one of the nine accused men in the trial.

Mr Tiro, a former University of the North Student Representative Council president, who was expelled following an anti-Bantu Education speech at a university graduation ceremony, died in Botswana after opening a parcel bomb in 1974.

Mr Cindi, author of the document read at Mr Tiro's funeral in Botswana, said that in Black tradition the followers of a great Black leader or king were frequently killed and buried with him.

The image he was trying to create was that of Mr Tiro as a leader of the Black liberation struggle whose death should be redeemed with the blood of his followers. It was figurative usage, Mr Cindi said.

Questioned by Mr Justice Boshoff on the phrase "30 million Blacks" Mr Cindi said it was general Black belief that census figures underestimated the number of South African Blacks.

He cited "the confusion even in official circles over the number of people in Soweto" as an example of his contention.

Later Mr Cindi quoted an extract from a Black Peoples Convention document, that if the Whites could openly celebrate Black defeat at the battle of Blood River, the Blacks had every right to recall White brutality at Sharpeville.

He said that upon receiving this document they had arranged a commemorative service with a priest.

Asked to comment on a letter which he had drafted, Mr Cindi said that the African National Congress and the Pan African Congress were, historically speaking, inextricable parts of the Black struggle in South Africa.

His intention in writing the BPC circular had not been to eulogize the two movements. He was merely putting them into their historical perspective.

The trial continues today. — Sapa

325 - Pol. Trials

Detained 6 soon to be charged

4/8/76 STAR

Pretoria Bureau

Some of the six Terrorism Act detainees netted in security police swoops in Cape Town and Johannesburg last week will be charged "as soon as possible," General Mike Geldenhuys, Security Police chief, said today.

He said he should know within about 10 days who would be charged and under what legislation, but the date of their appearance in court would depend on the decision of the attorney-general.

The detainees are: Dr David Rabkin, a sub-editor on the Argus, Cape Town; his wife Mrs Susan Rabkin; Mr Anthony Holiday, a Cape Times journalist; Mr Patrick Weech, a Rand Daily Mail sub-editor; Mr Harry Mashabela, a reporter who has been with The Star for 12 years; and Mr Jeremy Cronin, a political science lecturer at Cape Town University.

General Geldenhuys denied an earlier report that it was "90 percent certain that the trials of those charged would be held in Cape Town." It was possible they would be tried in the Cape, he said, but they could be tried in any division of the Supreme Court.

General Geldenhuys confirmed that two officials of the British Embassy, saw Mrs Rabkin yesterday at security police headquarters for about 45 minutes.

NO REPLY

The Embassy had not said today that Mrs Rabkin had not made any complaints about "material conditions of her detention."

The embassy had not yet received any reply to its request for access to Mr Weech, about whose citizenship there is some confusion. The spokesman said Mr Weech was definitely a British citizen but, if he had dual South African nationality, the Embassy would not have right of consular access.

The detention yesterday of Mr Ben Palmer Louw, a former vice-president of the Black South African Students' Organisation, was confirmed today by General Geldenhuys.

He is being held under the Terrorism Act.

General Geldenhuys said it was a fair inference that there was no connection between his detention and those of the other six people.

325 - Pol. Trials

Cape Times 4/8/76

★ Th

Court hears excerpts from banned leaflets

Own Correspondent

MARITZBURG. — Excerpts from banned African National Congress literature were read to the Supreme Court here yesterday in the terrorism trial in which 10 Blacks are being tried under the Terrorism Act and the Suppression of Communism Act.

The 10 men have all pleaded not guilty to various charges contained in an 18-page indictment.

The accused, Themba Gwala, 55, William Khanyile, 40, Anton Xaba, 42, John Nene, 32, Vusimusi Magubane, 32, Matthews Meyiwa, 51, Azari Ndebele, 40, Zakhele Mdlalose, 51, Joseph Nduli, 35 and Cleopa Ndhlovu, 42, are all alleged to be members or active supporters of the African National Congress.

Subversive

Major H D Stadler of the Security Police, told the court that thousands of subversive pamphlets had been distributed throughout South Africa by means of "bucket bombs" and the post.

He had made an extensive study of the literature circulated by the South African Communist Party and the ANC. He handed several leaflets, booklets and pamphlets to the court.

He described methods allegedly used by the ANC to distribute the leaflets, such as bucket bombs which exploded in busy streets at peak periods, scattering the leaflets.

Pamphlets and leaflets were also showered on busy city streets from tall buildings and were picked up by commuters.

Tape recorders playing ANC propaganda messages were left unattended in crowded places.

Pamphlets were entitled "We Are At War", "Freedom In Our Lifetime", Cause To Revolution", "Fifty Fighting Days", "ANC Calls On OAU To Increase Our Striking Power", "Fascism Has To Be Destroyed", "Defeat Vorster And His Collaborators", and "The Road To South African Freedom".

They called for the overthrow of the Government and equal education for all races.

The pamphlets which appeared in various places throughout South Africa, published by the ANC, also called for South African patriots to mobilize and for the people to study guerilla warfare which they named "The Strength of the Oppressed".

"Time to fight"

They claimed that: "Today the fight in Rhodesia, tomorrow in South Africa."

The pamphlets also claimed that: "Our land was taken away by bloodshed and we will regain it by bloodshed. The time to fight has come."

Mr George Muller QC and Mr Chris Nicholson, instructed by Mr N Pillay appeared for the defence. The State was represented by Mr D J Rossouw, the Deputy Attorney-General and Mr Gert Engelbrecht.

The trial continues today.

325 - Pol. Trials

Court told of BPC purpose

7/8/76 nm

Mercury Correspondent

PRETORIA — The Black People's Convention aimed at creating an equitable economic system based on Black communalism, said one of the nine accused at the Terrorism Act trial in the Supreme Court here yesterday.

The former general secretary of BPC, Mr. Absolom Zithulele Cindi (26), explained that Black communalism was an indigenous socio-economic system, aligned neither to communist East nor capitalist West.

He denied that BPC's policy was that South Africa belonged to Blacks alone, and Whites "would live or leave on terms laid down by Blacks." BPC said South Africa also belonged to Blacks.

The economic system envisaged by BPC was based on equitable redistribution of wealth based on Black communalism.

Mr. Cindi denied that the Sharpeville commemoration services were held by BPC and Saso to recall "White brutality." They were meant to call on the people to "re-dedicate themselves against oppression."

He described Black consciousness as intended to unite Blacks in their common oppression."

Mr. Mandla Tshabalala (30), a research assistant from Durban, was called.

Mr. Tshabalala said he was a Saso member while a student at the University of Zululand where he obtained a social science honours degree.

He said he was at Currie's Fountain when the crowd were attacked by police with dogs.

Mr. Tshabalala said the crowd before the attack was not hostile or aggressive. The crowd was singing and there was "general jollification."

"I was on the street when I saw a police dog. Immediately police and dogs charged on the people. There was a lot of confusion," he said.

The hearing continues on Monday.

325 - Pol. Trials

Visit to prisoner allowed

10/8/76
CT

PRETORIA. — Prison officials yesterday refused the defence team in the Saso Terrorism trial access to the ailing former Black Peoples' Convention Publications director, Mr Saths Cooper.

Mr Cooper, the former public relations officer of the BPC, is appearing with other members of BPC and Saso on charges under the Terrorism Act before Mr Justice Boshoff.

The incident occurred when the trial adjourned yesterday morning at the Supreme Court here after Mr Harry Pitman, defence counsel, asked Mr Justice W G Boshoff to allow the defence to consult Mr Cooper who was sick in his jail cell with septicaemia following a minor operation.

Later, prison authorities allowed a meeting with Mr Cooper.

After the visit Mr Pitman applied for the trial to be postponed until Wednesday.

Mr Pitman said the defence would only be able to call an expert witness on Wednesday. The application was granted. — Sapa

325 - Pol Trials

Discharge call in Nusas trial

CT 10/8/76

JOHANNESBURG. — An application for the discharge of a Witwatersrand University lecturer has been made in the Johannesburg Regional Court where he is appearing with four former student leaders on a charge under the Suppression of Communism Act.

Mr A Chaskalson, SC, (defending) yesterday applied for the discharge of Edward Webster, 33, who is alleged to have conspired with Glen Moss, 23, Charles Nupen, 26, Cedric de Beer, 23, and Karel Tip, 30, to further the aims of communism, alternatively of the ANC.

Mr Chaskalson said it had been decided not to make an application for the discharge of the four other accused. They had all been directly involved in the affairs of Nusas and it was their wish that evidence be given indicating what Nusas's motivation was.

Mr Webster, however, had had no connection with Nusas and the case against him was very flimsy, Mr Chaskalson said.

Seminar

Mr Chaskalson submitted there was absolutely no evidence to show Mr Webster had taken part in any of the acts listed in the indictment, other than attending a 1973 Nusas seminar at Elgin, Cape, as a guest speaker.

Mr P B Jacobs, prosecuting, opposed the application and said the five men all strove for a common goal and Mr Webster's case should be isolated.

The hearing continues today. — Sapa

325 - Pol Trial

12/8/76 STIMES. ★ Th

Application for discharge refused

JOHANNESBURG. — An application for the discharge of a sociology lecturer of the University of the Witwatersrand Mr Edward Webster, charged under the Suppression of Communism Act, was refused by a Johannesburg Regional Magistrate yesterday.

Mr Webster, 33, is appearing with four former Nusas leaders — Mr Glenn Moss, 23, Mr Charles Nupen, 26, Mr Cedric de Beer, 23, and Mr Karel Tip, 30.

The State alleges that the men, working through Nusas and the students representative councils of affiliated universities, conspired to promote the aims of communism and/or of the African National Congress.

Mr A Chaskalson SC, had argued in his application that there was no evidence connecting Mr Webster with an alleged conspiracy and that in fact there was no evidence of a conspiracy.

The State opposed the application.

The magistrate, Mr G Steyn, said that in Mr Webster's case the court would have to decide whether a conspiracy existed. As the alleged conspiracy formed the basis of the case against all the accused a discharge could, before final judgment, amount to a piecemeal process of adjudication.

In spite of the personal dif- [illegible] of Mr Webster, he had decided against a discharge, Mr Steyn said.

The defence then called its first witness, Miss Laurine Platzky, a former SRC president of the University of Cape Town and Nusas executive member.

Questioned by Mr G Bizos (defending), Miss Platzky said the idea of a campaign for the release of political prisoners had been initiated by her SRC.

One of the allegations against the men is that, in furtherance of the alleged conspiracy, they launched a campaign to release all political prisoners.

Many Black people regarded these prisoners as their real leaders and in Soweto, for example, research had shown Nelson Mandela was named as one of the leaders of the people.

The hearing continues today. — Sapa

336

3255

Swift justice for students at gathering

13/8/76

C ARGUS

The Argus Correspondent

JOHANNESBURG.—One hundred and thirty-seven Black students were sentenced yesterday just over eight hours after they were arrested in Daveyton, Benoni, for taking part in an illegal gathering.

In a lightning crackdown on the offenders a special court sat after hours until 7.45 pm.

In the Benoni courtroom, which was packed by the accused and by police, the atmosphere was calm.

All 137 pleaded guilty to a charge of gathering illegally and the magistrate, Mr J. J. van Eeden, scaled the punishment according to age.

Nine men over 21 years were fined R70 (or 35 days) and one was fined R100 (or 50 days).

Seven aged between 16 and 21, who were singled out as ringleaders were sentenced to seven cuts each.

Those under 16 were sentenced to four cuts each and the rest five cuts each.

Sentence was postponed for three years for the 19 young women involved.

Lieutenant M. van Eyk told the court he had been confronted by a crowd of students in Esselen Street at about 11.20 am yesterday.

They had been singing and many had their right hands aloft with two fingers raised.

They were following two youths carrying a placard which read: 'We are not fighting. Peace.'

The police officer told them their gathering was illegal and they were surrounded by police and arrested.

MEANT NO HARM

Before passing sentence, Mr van Eeden said it would appear from the placard that the students meant no harm.

'But what you meant in innocence others would have broadened and abused.'

He said the unrest in South Africa had harmed the economy and lives had been lost. The court therefore had to react strongly and punish the students not only in a way to deter them but to deter others as well.

325 - Pol. Trials

Pregnant Mrs. Rabkin is released on R20 000 bail

MRS. SUSAN RABKIN (centre), who was released yesterday on R20 000 bail, with her mother-in-law, Mrs. Joan Rabkin (left) and her mother, Mrs. Netta Morris.

14/8/76
nm

Mercury Correspondent

CAPE TOWN — Mrs. Susan Rabkin, the seven-month pregnant mother who was detained 16 days ago under the Terrorism Act, was yesterday released on bail of R20 000.

Shortly before her release, Mrs. Rabkin had appeared in the Cape Town Magistrate's Court with her husband, Dr. David Rabkin and University of Cape Town political science lecturer, Mr. Jeremy Cronin.

Mr. Tilman Louw, who appeared for the State, said the Attorney-General would not grant bail to Dr. Rabkin, a sub-editor on the Cape Argus, and Mr. Cronin.

No charges were put to the three.

Requesting the magistrate to postpone the case to August 27, Mr. Louw said the Attorney-General would do his best to have an indictment ready by that date when he hoped the case would be referred to the Supreme Court for trial. He could not give definite assurances on this, however.

Bail was granted to Mrs. Rabkin on condition that: R20 000 be paid in cash; she report twice daily to the Sea Point Police Station; should she be unable to report to the police, a medical certificate from a district surgeon be handed to the police; she remain in the magisterial district of the Cape; she surrenders her passport or passports to the investigating police officer.

And from London Sapa reports that the British Government last night welcomed the news of Mrs. Rabkin's release.

But informed Government sources here said the fact that neither Mrs. Rabkin nor her husband David had yet been charged, was "clearly most unsatisfactory."

325 - Pol. Trials

Press to use own judgment

16/8/76 STAR.

Own Correspondent

MARITZBURG — Newspaper editors must use their own "judgment and good sense" to decide whether or not to publish the names of witnesses in the ANC terrorism trial, Mr Justice Howard said in the Supreme Court here today.

Mr Justice Howard, presiding at the trial of 10 men on charges under the Terrorism Act and Suppression of Communism Act, was replying to a request by the Deputy Attorney General of Natal, Mr D J Rossouw, SC, for the Press to be asked not to publish the names of witnesses who might be in danger.

Mr Rossouw asked that no names or other details which might identify certain witnesses be published in the interests of their safety.

ASSIST

Defence counsel, Mr George Muller, QC, replied that very often witnesses came forward to assist in a case after reading about it in the Press.

Mr Rossouw also said he would rather not give a list of witnesses names to defence counsel because of the security aspects of the case.

Mr Muller replied that the defence case would be hampered if he had no idea of who would be called to the witness stand next.

Mr Justice Howard said the request had been made to avoid reprisals against witnesses after they gave evidence.

"It is not suggested the trial should be held in camera and it seems to me that if there is any substance in the claim, the names and addresses will be found out by any persons wishing to carry out reprisals as the witnesses give their evidence in court.

"I doubt whether any such request (to the Press) will have the desired effect. On the other hand publication of the evidence may result in witnesses coming forward.

"I am informed I have no power to order the Press not to publish these details. I merely leave the matter to the good sense and judgment of the editors concerned," Mr Justice Howard said.

325 - Pol. Trials

Lawyers clash in Saso trial

Pretoria Bureau

A fierce clash erupted in the Saso terror trial today when State counsel Mr Cecil Rees, SC, alleged that Mr Harry Pitman, defence counsel, had threatened to assault him.

The clash happened when Mr Rees objected to a defence application to interpose a former Durban newspaper reporter to give evidence on the Curries Fountain "Viva Frelimo" rally in September 1974.

Mr Rees told Mr Justice Boshoff in the Supreme Court, Pretoria, that Mr Pitman had been "discourteous" in not notifying him of defence intentions.

"I am not being discourteous," replied Mr Pitman. "The State interposed witnesses during its case and, when we asked who they were, we were told 'Buck Jones' by Mr Rees."

HEATED

After another heated and inaudible exchange, Mr Rees said: "My learned friend is threatening to assault me."

"No," said Mr Pitman. "My learned friend is calling me a liar."

Mr Justice Boshoff then intervened: "Let's get on with the case."

Mr Vasantrai Soni was then allowed to give evidence.

Describing events at the Curries Fountain rally, Mr Soni said he had gone to cover it for the Durban-based Post newspaper.

The mood of the crowd of about 1 000 was "happy." Two police officers addressed the crowd and he understood their message to be "disperse."

DOGS

After police dogs on leads emerged from the Curries Fountain gates, the crowd scattered in all directions, he said.

Before the police-dog charge, he had not noticed any crowd movement towards the Curries Fountain gates.

The nationwide "Viva Frelimo" rallies form part of the State indictment against the nine accused who face several counts under the Terrorism Act.

326 Pol. Trials

Angry exchanges at Saso-BPC trial

18/8/76 C7

Own Correspondent

PRETORIA. — At the Saso-BPC trial yesterday there were exchanges between prosecuting counsel and the defence.

The trial had up to the beginning of yesterday's hearing used up some 1 026 tapes of recorded evidence. Typed evidence runs to more than 8 000 pages.

Sparks began to fly at the start of yesterday's hearing when Mr J Pittman asked the court for leave to interpose a witness while the accused were scheduled to give evidence.

The request prompted the chief prosecuting counsel, Mr G Rees, SC, to say that Mr Pitman should have had the decency to advise him beforehand of his intention.

Mr Pittman replied that he has had no co-operation from the State at all in trying to find out who their next witnesses were going to be. He said Mr Rees's standard reply was that Buck Jones would be his next witness.

At one stage, after a private altercation between Mr Pittman and Mr Rees, Mr Rees said to Mr Justice Boshoff: "My Lord, counsel is threatening to assault me".

Although Mr Justice Boshoff allowed Mr Pittman to call his witness for the defence, there was strain between the two counsels. When Mr Pittman asked the court to give his witness the opportunity to explain an answer to a question, Mr Rees insisted that the question required only a "yes or no" answer.

Mr Pittman appealed to the judge saying that his witness must be allowed to give an explanation of his answer. The judge told Mr Pittman that time did not allow for such answers.

During questions by defence counsel one of the accused Nkwenkwe Nkomo, told the Supreme Court: "Blacks must be in a position to decide for themselves what education they want for themselves and their children."

The last of the nine accused men to give defence evidence, and a former Black Peoples' Convention official before his arrest following the 1974 "Viva Frelimo" rallies, Mr Nkomo said it was BPC's wish that all children regardless of race should receive the same education.

Dealing with BPC sports policy, he said it was not BPC intention to isolate South African sports bodies as the State alleged in the trial. Instead, BPC wanted the isolation of racially exclusive South African sports organizations.

325 Pol Trials

Denial by Nusas man

18/8/76 CT

JOHANNESBURG. — Cedric de Beer, one of five men charged under the Suppression of Communism Act, said in the Regional Court here yesterday he did not support the Communist Party or the African National Congress (ANC).

Mr De Beer, 23, Glen Moss, 23, Charles Nupen, 26, Edward Webster, 33, and Karel Tip, 30, are alleged to have conspired to commit acts calculated to further the achievement of the objects of communism and to have supported and promoted the Communist Party and the ANC.

Mr De Beer said yesterday he had graduated from the University of Witwatersrand with a BA degree in 1973. His major subject had been English literature and his other subjects political science and international relations.

He had held offices with Nusas and the Students' Representative Council. He had identified with Nusas because he had felt concerned about the unjust society in South Africa.

He neither supported, nor was a member of either the Communist Party nor the ANC, both of which he knew to be unlawful organizations committed to policies of violence, to which he was opposed, he said.

"Violence is nothing but an extreme form of coercion," he told Mr A Chaskalson, for the defence, who had asked his attitude to violence.

Open, peaceful

Mr De Beer said he believed in an open and peaceful society.

It was not true that he and the other four accused had conspired to promote the Communist Party and the ANC, he said.

He had not joined Nusas for any ulterior motive and had not used Nusas as a front to further private aims.

Mr De Beer, the first of the accused to give evidence, said it would be naive to say Nusas had control over the destiny of South Africa. It could, however, contribute to the country's future, he said.

The case continues today. — Sapa

325 Pol. Trials

Rabkins and Cronin in court

19/8/76

CT

DR AND MRS D RABKIN and Mr Jeremy Cronin, the three Cape Town people detained by Security Police under Section 6 of the Terrorism Act three weeks ago, appeared briefly in the Cape Town Magistrate's Court yesterday so that magisterial permission could be granted for the transfer of Dr Rabkin and Mr Cronin to Pollsmor Prison. Mrs Rabkin is on R20 000 bail.

The magistrate, Mr A S McCarthy, amended the conditions of Mrs Rabkin's bail.

She may now enter the district of Wynberg.

Mrs Rabkin's lawyer was given permission to accompany her on visits to Pollsmor Prison for consultation with Dr Rabkin and Mr Cronin during authorized visiting hours.

On request of the Attorney-General, bail was refused on Friday to Dr Rabkin and Mr Cronin.

No charges have been laid against the detainees in court. They are due to appear again on August 27.

Mr P D Theron appeared for the State and Mr E Osrin, instructed by Sonnenberg, Hoffmann and Galombik, for the detainees.

325 - Pol. Trials

Homeland leaders 'traitors', court told

CT 21/8/76

Own Correspondent

PRETORIA. — South Africa's Black homeland leaders were labelled as "traitors" to the Black cause by one of the accused in the Saso trial in Pretoria's Palace of Justice yesterday.

Mkwenkwe Vincent Nkomo, one of the nine men accused under the Terrorism Act with plotting revolution, told Mr Justice Boshoff that the leaders were in fact part of a "puppet structure" which was manupulated by the Government.

Under cross examination from Mr Cecil Rees, SC, for the State, Mr Nkomo said that the BPC, of which he was an executive member, had as its aim the elimination of the "evil bonds of racism".

By racism he meant discrimination and apartheid, as practised by the Government.

Majority

The BPC, in its strivings, had the backing of by far the majority of South Africans. Every Black person was opposed to racism, as were many Whites.

In his writings on the subject, he had referred to "confrontation" — not in the sense of fighting but in the sense of coming face to face with the White man, following negotiations, to right the situation.

Referring to the imprisoned Nelson Mandela as "the Black Prince of Azania' Mr Nkomo said that Mandela's body, the African National Congress, had aimed at confrontation from a position of strength.

His description of Mr Mandela was put "in the historic sense" and he had not aimed at eulogizing the man in his writings.

'Manipulated'

The Black leaders of the homelands he described as traitors manipulated by the White government.

"They don't really do anything for the Blacks. They are simply manipulated by the Whites, with men like the Transkei leader, Kaiser Matanzima, saying one thing one moment and something else the next.

"They are all bound by the Government", said Mr Nkomo.

The hearing continues on Monday.

325 Pol. Trials

Defence closed in Saso trial

CT 24/8/76

PRETORIA. — The defence closed its case here yesterday in the Saso terror trial, now into its second year, following an exchange between Judge and witness on justice and land distribution.

The judge, Mr Justice Boshoff, was questioning the Rev Tshenuwani Simon Farisani, 28, on his evidence in the Supreme Court, Pretoria.

Mr Farisani was elected president of the Black People's Convention in December 1973.

Mr Justice Boshoff: "Do you, as a parson, know so little about human nature that you really think owners will dish out their land?"

Mr Farisani: "Not dish it out. The Whites must be educated to see that sharing is their best form of security. I think White people are frightened of being in an ocean of Blacks. They know that the Blacks are not getting their fair share."

Asked by Mr Cecil Rees SC, for the State, to provide specific examples of discrimination by Whites against Blacks, Mr Farisani said that when he first worked for a White priest he had been told to say "baas".

On another occasion, when passing the Nylstroom zoo, a White priest had pointed out a baboon as "your brother".

The hearing was adjourned until October 12, to enable State and defence advocates to prepare the argument. — Sapa

325 - Pol. 7

'Black unions STAR a strike curb' 1/9/76

Black trade unions which resolved workers' grievances in industry could prevent a mass strike, a sociology professor said in the Johannesburg Regional Court today.

Professor Lawrence Schlemmer, director of the centre for Applied Social Sciences at the University of Natal, Durban, was giving defence evidence at the trial of Mr Glen Moss (23), Mr Charles David Nupen (25), Mr Edward Charles Webster (33), Mr Paul Cedric de Beer (23) and Mr Karel Simon Tip (30).

They are charged with furthering the aims of communism and have pleaded not guilty.

Professor Schlemmer said organisations such as law courts, parliament and trade unions "institutionalised" conflict and took the heat out of it.

White trade unions had led to a decrease of industrial intensity in South Africa after the Rand unrest in 1922 in which many people were killed.

He agreed with prominent sociologists who felt that if organised channels for expressing conflict did not exist, people felt oppressed. Nobody knew what was really happening at lower levels.

His own and other research with Black people in South Africa suggested that they felt a great deal of frustration, bitterness and repression.

One of the problems in South Africa was that White officials and businessmen did not realise the amount of discontent among the Black population.

(Proceeding)

Mr P Jacobs, Mr T Brandt and Mr T Verschoor are appearing for the State; Mr A Chaskalson SC, Mr D Kuny and Mr G Bizos, instructed by Mr R Tucker, for the defence.

325 - Pol Trials

White Reds 'betrayed' the Blacks

MM 1/9/76

Mercury Reporter

PIETERMARITZBURG—White communists betrayed Nelson Mandela and used money from overseas for their own selfish ends, a witness told the Supreme Court here yesterday in the ANC terrorism trial.

Mr. Bartholemew Moru Hlapane told the Court during his second day of cross-examination by Mr. George Muller QC for the defence that he was prepared to betray White communists because they had betrayed Black communists such as Mr. Nelson Mandela.

He maintained that the White communists used for their own end money sent from abroad to care for the families of detained Communist Party members and to pay for defence costs when they were brought to trial.

"If I came across a communist now I would run to the nearest police station," he said.

"I still stand for the ANC as it was working for peaceful change. Always I have felt very deeply for the right of the Black people in South Africa. Although I was loyal to my comrades in the Communist Party I stated at the Bram Fischer trial in 1966 that I had severed all ties with the party," he said.

"The party received money from sympathisers overseas but claimed a larger share because they said that they had a higher standard of living. They also left all the dirty jobs to the Blacks," Mr. Hlapane told Mr. Justice Howard, sitting with two assessors.

Mr. Hlapane recalled Bram Fischer telling a meeting of the party that isolated acts of sabotage were not enough to "wake the Government up" and that setting fire to the mealie fields would "get the farmers thinking."

The next witness Mr. Bruno Mtolo, told the Court of "freedom day" on June 26, 1963, when the principle of freedom was to be observed in countries throughout the world.

A pamphlet issued in preparation for this day called for the establishment of a blood bank to cater for all those

The 10 accused are Mr. Themba Harry Gwala (55), Mr. William Fano Khanyile (40), Mr. Anton Nododa Xaba (42), Mr. John Vusimusi Nene (32), Mr. Vusimusi Truman Magubane (32), Mr. Matthews Mokholeka Meyiwa (51), Mr. Azaria Ndebele (40), Mr. Zakhele Elphas Mdlalose (51), Mr. Joseph Ntuliswe Nduli (35) and Mr. Cleopas Melayibone Ndhlovu (42), all charged with being active members of the banned ANC and are being tried under the Terrorism and Suppression of Communism Acts.

Mr. Muller and Mr. Chris Nicholson, instructed by Mr. N. Pillay, appeared for the defence. The State was represented by Mr. D. J. Rossouw, Deputy Attorney General, and Mr. Gert Engelbrecht.

The trial continues tomorrow.

MASSAGE/SAUNA
Genuine Swedish Massage
Phone 312721
320 t/c
293 t/c

325 - Pol. Trials

'Upheaval if land is split fairly'

3/9/76 STAR

If separate development brought about a full and fair partition of land in South Africa, it would be a major and radical upheaval, Mr Edward Charles Webster told the Nusas trial today.

The 33-year-old sociology lecturer was giving evidence at the trial at which he and four other student leaders — Glenn Moss (33), Charles David Nupen (25), Paul Cedric de Beer (23) and Karel Simon Tip (30) — are charged with furthering the aims of communsim.

All have pleaded not guilty before Johannesburg regional magistrate, Mr G Steyn.

Mr Webster said it was generally accpeted that there was a sharply unequal division of land between Blacks and Whites.

Fair partition would be a radical solution, which Mr Webster defined as one which would get to the root of the problem. But Nationalists who believed in this seemed to be in the minority.

He said he had made a serious and sincere attempt to study Nationalist policy carefully, but had concluded it was inadequate.

Traditional liberalism also seemed an inadequate policy for South Africa. "Laissez faire" liberals seemed to be totally out of touch with contemporary political reality.

"DIFFERENT"

Mr Webster said Black Consciousness was similar to Black Power, but both were quite different from Black violence.

"If there had been adequate institutions to express the interests of the people in Soweto presumably there would have been no violence there."

Mr Webster said he was quite convinced Black Power rejected "any kind of Black racism" or Black domination.

The case was postponed to Tuesday.

Mr P Jacobs, Mr T Verschoor and Mr T Brandt are appearing for the State. Mr A Chaskalson SC, Mr D Kuny and Mr D Bizos, instructed by Mr R Tucker, are for the defence.

325 – Pol. Trial

Students' concern is backed

It was healthy and right for students to concern themselves with the problems of society, Sir Richard Luyt, principal and vice chancellor of the University of Cape Town, told the Johannesburg Regional Court today.

Sir Richard, who is also honorary president of Nusas, was giving evidence for the defence at the trial of four former Nusas leaders and a university lecturer.

Appearing on charges under the Supression of Communism Act are Mr Glenn Moss (24), Mr Charles Nupen (26), Mr Edward Webster (33), Mr Cedric de Beer (23) and Mr Karel Tip (30).

Asked to describe the atmosphere at the University of Cape Town, Sir Richard said it was a university in the liberal tradition.

"It involves of all members of the university to say, to publish as they see fit, to criticise, and to do

Sir Richard Luyt outside court today.

these things unaffected by the consequences as to popularity."

Asked whether the role of students should be confined to the university, Sir Richard said they had a responsibility to their formal studies, but the fullness of university life existed only if students also had active extra-mural interests. One of these was the well-being of society.

Students concerned about society and its injustices had long been part of the university tradition.

"It is healthy that they should turn their minds to the big problems in society."

Questioned about criticism of the university structure, Sir Richard conceded students their full right to criticise and make representations for change.

(Proceeding)

325 - Pol. Trials

Terror trial told of lectures

DD 16/9/76

GRAHAMSTOWN — The defence closed its case in the marathon terrorism trial in the Supreme Court here yesterday and counsel for the State will begin argument before Mr Justice Theal Stewart here this morning.

Five former Healdtown pupils, Mr Sotomela Ndukwana, 19, Mr Vuyo Jack, 20, Mr Stanford Sizani, 22, Mr Ngcola Hempe, 19, and Mr Goodwin Mda are charged with attempts and or plans to leave the country for military training abroad.

It is also alleged they incited other Healdtown students to join them.

The last accused, Mr Mda, was cross-examined at length yesterday about his attempts to leave South Africa.

He said Bantu Education was inferior and he planned to complete his schooling in England. He thought his parents, who are both teachers, would not be able to afford the expense so he investigated leaving the country.

Other Healdtown pupils who were leaders of the South African Students' Movement introduced him to an Mdantsane man, Mr Abraham Marawu, who gave them lectures. Some of the group who were keen to leave the country for education hoped Mr Marawu could organise the trip.

Mr Mda said he wanted to leave the country legally. He admitted under cross-examination that he did not apply for a passport.

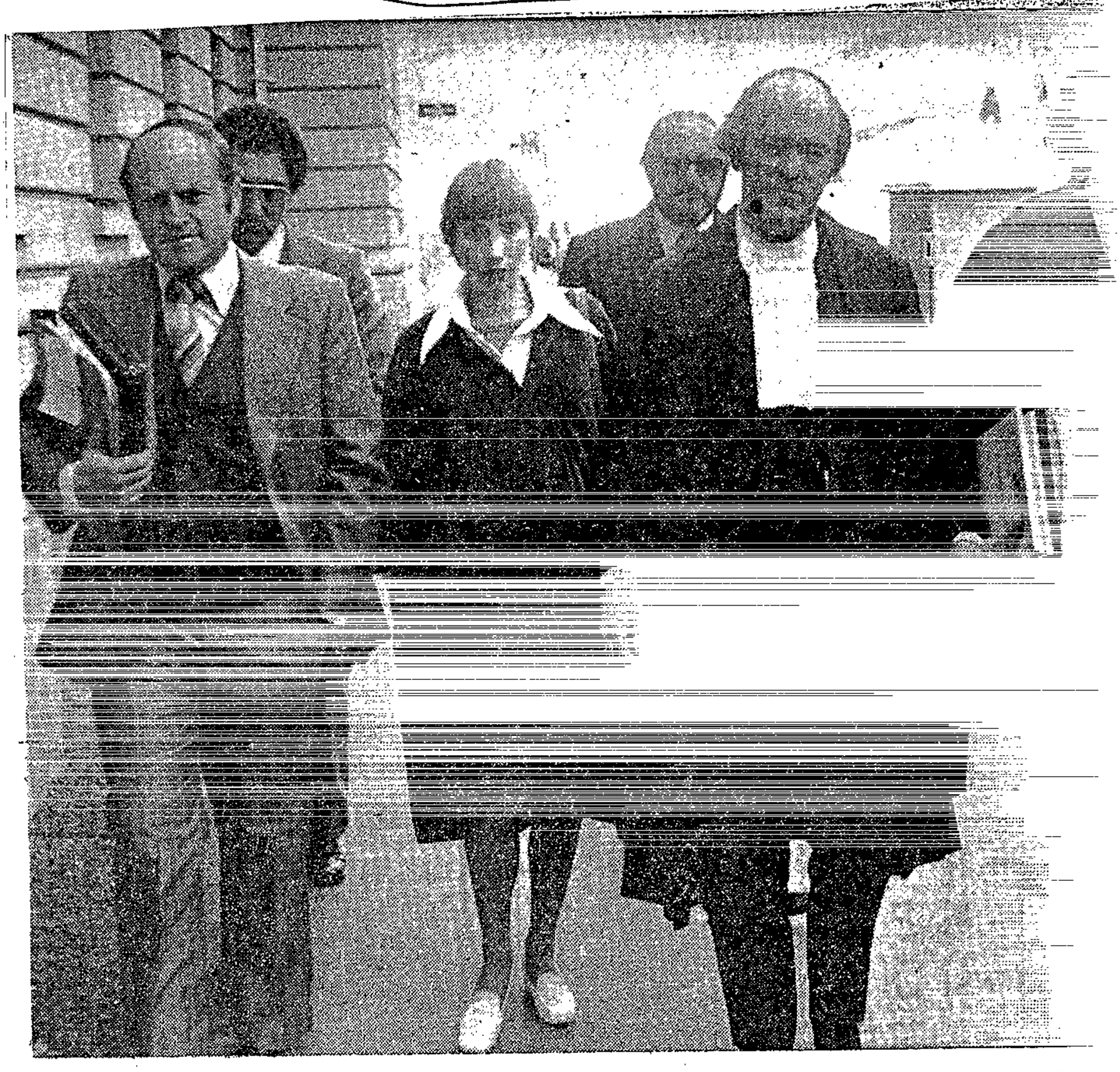
Later Mr Stanley Gqajela, also of Healdtown, said he had a sister in Botswana. She was influential and could help them get schooling abroad. Three students including Mr Mda decided to leave the country with Mr Gqajela.

Executive members of SASM at Healdtown and King William's Town tried repeatedly to persuade them against leaving the country because it was against SASM policy to leave for any reason.

Mr Mda said that while on the train near Bloemfontein, Mr Gqajela stopped talking of his sister and of education and told them of plans to undergo military training.

He was not in favour of that and he and Mr Don Qupe turned back at Bloemfontein.

Mr Justice Stewart granted an adjournment until this morning to allow counsel time to prepare its argument. — DDR.



MRS SUSAN RABKIN, flanked by her lawyers, walks towards the Supreme Court building in Cape ... left are attorney Mr E. Osrin, Mrs Rabkin, and advocates Dr W. E. Cooper, SC, and Mr F ...

Trial of Rabkins postponed

ARGUS 21/9/76

(325 - Pol. Trials)

THE Judge President of the Cape, Mr Justice van Zijl, has reconstituted a court to hear the trial of Dr David Rabkin, his pregnant wife Susan and Mr Jeremy Cronin because the judge due to preside inadvertently saw certain documents.

Dr Rabkin, a journalist on The Argus, his wife and Mr Cronin, a University of Cape Town lecturer, appeared briefly before the Judge President in the Supreme Court, Cape Town, today. The hearing was postponed to tomorrow.

Stringent security measures were in force at the court buildings. The front doors of the court building were locked before and during the brief hearing and the public was barred from the gallery.

According to the charge sheet the three are charged under the Terrorism Act and the Internal Security Act. They allegedly conspired with various banned organisations and, in furtherance of the aims of these organisations, printed and distributed 15 pamphlets.

The Judge President told Dr Rabkin, Mrs Rabkin and Mr Cronin the case, originally due to be heard by Mr Justice Watermeyer, would not proceed today.

He said it had been agreed between the State and the defence that certain documents relevant to the trial would be placed before Mr Justice Watermeyer so that the judge could read them before the trial began and thus expedite the proceedings.

Inadvertently documents which he should not have seen were placed before Mr Justice Watermeyer. Although the defence had intimated it had no objection, when Mr Justice Watermeyer became aware of the situation, he consulted with the Judge President.

It had been decided the trial would be heard from tomorrow by Mr Justice Diemont who has not seen any of these documents.

BOXES

Boxes containing pamphlets, reams of blank paper, typewriters and copying machines were in the courtroom today.

The Judge President sat with two assessors, Mr H. van Huyssteen and Mr G. R. de M. Hofmeyr.

The Attorney General of the Cape, Mr E. O. K. Harwood, SC, assisted by Mr T. Louw, appeared for the State.

Dr W. E. Cooper, SC, assisted by Mr E. L. King and instructed by Sonnenberg, Hoffmann and Galombik, appeared for Dr Rabkin, Mrs Rabkin and Mr Cronin.

325 - Pol. Trials

Five jailed in East Cape terror trial

DD 22/9/76

GRAHAMSTOWN — Mr Justice Stewart yesterday sentenced five former Healdtown pupils to periods of imprisonment ranging from five to ten years for convictions under the Terrorism Act.

About 20 policemen were in and about the courtroom. After judgment began all entrances to the courtroom were sealed.

Mr Justice Stewart found all five men guilty of inciting one another and others to undergo training of use to a person intending to endanger the security of the State.

The five accused were Mr Sotomela Ndukwana, 19, Mr Vuyo Jack, 20, Mr Stanford Sizani, 22, Mr Ngcola Hempe, 19, and Mr Goodwin Mda, 19.

They were each sentenced to five years jail on this count, the minimum sentence prescribed in law for convictions under the Terrorism Act.

In respect of the second count, Mr Ndukwana and Mr jack were sentenced to five years jail for attempting to go to Durban in order to leave the Republic to undergo military training abroad. The sentences of Mr jack will run concurrently.

In the case of Mr Ndukwana, Mr Justice Stewart said he took a leading role in bringing the South African Students' Movement to Healdtown last year.

The judge said: "While I fully appreciate that I am sending you to jail for 10 years, you directed much of your time at Healdtown to the fomenting of discord in the form of an organisation dedicated to the aims of terrorism.

"You used your influence to persuade other young men to follow your ideals. Were it not for you, the four young men with you would not be in the dock today."

Mr Justice Stewart said he was not prepared to let the five-year sentence on the second count run concurrently for Mr Ndukwana.

Mr Mda was also sentenced to a further five years for leaving Healdtown and travelling to Kimberley to leave the country for military training. This sentence will run concurrently with his other sentence.

All the accused were acquitted on a fourth count which included travelling to Mdantsane to visit a Mr Abraham Marawu to obtain assistance in leaving the country.

The judge ordered that Mr marawu should be immune from prosecution arising out of his disclosures to the court.

Delivering judgment, Mr Justice Stewart said an extreme degree of caution was needed in accepting the evidence of some of the State witnesses.

However, most of them did not give a parrot-like repetition of fact as one would expect if a bogus tale was put into their mouths by the police. They admitted mistakes in evidence and were spontaneous in descriptions.

It was difficult for many of them to give evidence agaisnt their friends in an atmosphere that was politically heavy.

Mr Justice Stewart said he had not difficulty in rejecting the evidence of the five men that they planned to leave the country to further their education abroad, even though he accepted their dissatisfaction with Bantu education.

He described Mr Ndukwana as a "facile liar," Mr Jack as "unconvincing," Mr Sizani as "a poor witness," Mr Hempe as "one of the poorest witnesses in the box" but said Mr mda could not be faulted to the same extent. — DDC.

(325) -trials

New judge in Rabkin trial

CT 22/9/76.

Supreme Court Reporter

THE TRIAL of a Cape Town journalist, David Rabkin, his wife Susan, and university lecturer Jeremy Cronin was postponed for a day yesterday because the judge who was to have heard it saw documents that he should not have seen.

The nature of these documents was not revealed when the Judge President of the Cape, Mr Justice Van Zijl, formally postponed the hearing, but he said that documents relating to the trial had been given to Mr Justice Watermeyer to read.

Among them were some he should not have seen. He informed the Judge President and, in spite of the fact that the defence did not object, he (the Judge President) decided that the right procedure would be to reconstitute the court.

Having explained the reason for the postponement, the Judge President said that the trial would now be heard by Mr Justice Diemont.

Dr Rabkin, a journalist employed by The Argus, his pregnant wife, Susan and Mr Cronin, a lecturer at the University of Cape Town, are charged with contravening the Terrorism Act and the Internal Security Act.

Dr Rabkin looked tense as he sat in the dock with his wife and Mr Cronin after coming up from the cells.

His wife and Mr Cronin chatted while he glanced at people in the court.

All but one of the public entrances to the court were closed as court orderlies

Continued on page 2

Mrs Susan Rabkin outside the Supreme Court, Cape Town,. She is accompanied by Mr Sam Lewis, who is assisting Mr E L King, a defence counsel.

Trial is postponed

From page 1

tried to limit the number of spectators.

Among them were members of both families, their friends and a number of university students.

In the well of the court were portable typewriters, folding tables and boxes containing duplicating paper which will be handed in as exhibits during the course of the trial.

The charge the three face under the Terrorism Act relates to the alleged preparation, duplication and distribution of pamphlets and leaflets with the intention to endanger the maintenance of law and order in the Republic.

The assessors who sat with Mr Justice Van Zyl were Mr H van Huysteen and Mr G R de M Hofmeyr.

The Attorney General of the Cape, Mr E O K Harwood SC and Mr T N Louw appeared for the State.

Dr W E Cooper SC, assisted by Mr E L King, and instructed by Sonnenberg, Hoffmann and Galombik, appeared for Dr Rabkin, Mrs Rabkin and Mr Cronin.

325 - Pol. Trials

RABKINS, CRONIN TRIAL

Witness tells of ANC recruiting

ARGUS 23/9/76

325 Pol. Trials

A BLACK detective constable, described as X, testified in the Supreme Court, Cape Town today that he had been recruited by the now banned African National Congress.

He was giving evidence at the trial of Dr David Rabkin, Mrs Susan Rabkin and Mr Jeremy Cronin.

Dr David Rabkin, a journalist on The Argus, and Mr Jeremy Cronin, a University of Cape Town lecturer, pleaded guilty to charges under the Terrorism Act and the Internal Security Act.

Eight-months pregnant Mrs Rabkin pleaded not guilty to charges under the the Terrorism Act, but guilty to distributing pamphlets and inciting people to further the aims of unlawful organisations in contravention of the Internal Security Act.

X told the court he was recruited into the ANC in 1959.

'I continued as a member until the organisation was banned,' he added.

'I left South Africa clandestinely to do "military training."'

'The leaders of the ANC told me I was to undergo training to come back and help to overthrow the Government by force.'

'The ANC leaders told us the object was to overthrow the present Government and replace it with a social democratic form of government.'

FRANCISTOWN

'As a result of their activities, I became a member of the branch known as Umkhonto We Sizwe,' he said.

'He went to a refugee camp in Francistown. About July 1964 he went to Dar es Salaam, Tanzania. 'We were instructed in the procedure adopted by the ANC.'

'We were given preliminary training in communism while we were in Dar es Salaam.

'We were told the object of the training was to prepare us for further advanced training to be given overseas.'

NAMES CHANGED

'All our names were changed.'

'In September 1964, the group of about 75 left Dar es Salaam.

'We left Dar es Salaam by aircraft to the Soviet Union to a place called Odessa.'

They flew in a Russian aircraft.

He said he was in Odessa until September 1965.

The witness said he had worn a Russian uniform during his training at Odessa and had been trained in company with Russian soldiers.

X said: 'We were prohibited from associating with the Russian soldiers at all levels.

Selected Russian officers trained us. They were using the Russian language, but an interpreter used to translate into English for us.

TAUGHT FIGHTING

He said he had been taught fighting, topography and how to operate artillery.

He had also learnt the elements of motor mechanics and firing with small arms.

'We got further instructions on politics.'

(325 - Pol. Trials)

Terrorism trial — 4 in court

DD. 23/9/76

GRAHAMSTOWN — Evidence of a meeting in a house in Veeplaas on November 1 last year at which four young men allegedly decided to leave for Port Elizabeth and travel to Botswana via Johannesburg and Mafeking to undergo military training was given at a second terrorism trial which opened before Mr Justice Smalberger in the Supreme Court here yesterday.

Appearing on two counts under the Terrorism Act are Mr Christopher Faku, 20, and Mr Mthetheleli Gaba, 20.

They are charged with attempting to undergo training which could be of use to a person intending to endanger the maintenance of law and order and with inciting others also to undergo military training.

Mr Phumelele Faku, 18, who was warned as an alleged accomplice, said he, the two accused and an uncle, Mr Mayford Faku, together with a fifth man, Mr Sipiwo Elias Makapela, travelled by train to Johannesburg. Mr Mayford Faku was the organiser of the trip.

There they called on his sister, Miss Joyce Faku, a teacher in Soweto.

When she was told of the true nature of their mission she was upset and persuaded them to return to Port Elizabeth for which she gave them money. She sent them to a house where they could sleep.

The next morning they told her they were going back as they did not want to hurt her feelings.

They bought three tickets to Port Elizabeth which were used by himself and the accused, while Mr Mayford Faku and Mr Sipiwo Makapela continued to Mafeking.

Mrs Sindiswa Makapela, who told the court she was the mother of Mr Sipiwo Makapela, said when she returned home from work on November 3 her son was not there.

She found a bank saving book with a balance of R110 and a note for him. The note read: "You should not look for me. I am not lost, I am alive and will come back again."

In the bank book there was also R25 in cash which her son had told her he wanted to use to pay an account. She had not seen him again.

Mr Sydney Macotha said that between September and October last year Mr Christopher Faku had repeatedly asked him and a close friend Mr Similo Botile to join an organisation called the Freedom Fighters.

They refused the invitation and he told Mr Faku that he would rather play soccer for his club.

At one stage Mr Faku told him that he needed a firing squad. He did not know what he meant and ignored him.

The hearing was adjourned to today. — DDC.

(325 - Pol. Trial)

Rabkin trial told of explosive prescription

CAPE TOWN — Security Police found equipment used to manufacture an explosive, aluminium tubing and a watch wired as a timing device — used in the manufacture of "bucket bombs" — in a garage rented by Dr David Rabkin.

This was the evidence in the Supreme Court here yesterday when Dr Rabkin, his wife, Susan, and Mr Jeremy Cronin appeared on charges of contravening the Terrorism Act and the Internal Security Act.

The court was told that "bucket bombs," otherwise known as "ideological bombs," were used to distribute leaflets and pamphlets. Three exploded in one day in Johannesburg this year.

Dr Rabkin, a journalist employed by The Argus, and Mr Cronin, a lecturer at the University of Cape Town, pleaded guilty to both charges. Seven months pregnant Mrs Rabkin pleaded not guilty to contravening the Terrorism Act, but guilty to contravening the Internal Security Act.

In terms of the charge sheet, this means she pleaded guilty to posting certain pamphlets and to inciting people to commit acts to promote the aims of certain unlawful organisations.

Mr Cronin qualified his plea by stating he had had nothing to do with five of the 15 pamphlets with which the case is concerned.

All three are alleged to have prepared and posted leaflets and pamphlets of the African National Council and the South African Communist Party and to have incited others to commit acts to promote the aims of banned organisations.

The State alleges the offences were committed from January 1973 until the time of their arrest in July this year.

In his opening address, the Attorney-General of the Cape, Mr E. Harwood, SC, prosecuting, said he accepted the pleas tendered.

He said admissions had been made by the defence in connection with equipment bought by Dr Rabkin, a garage hired by him and banking accounts in his name.

"The sum total of the evidence plus the admissions will, in my submission, indicate the accused not only conspired with others to produce the SA Communist Party and ANC propaganda contained in the various documents, but did in fact combine to produce these documents and to distribute them," Mr Harwood said.

He said evidence would be on equipment found in Dr Rabkin's garage which included a prescription for an explosive substance and substances from which "bucket bombs" could be made.

Among the evidence was also the ANC pamphlets sent to nine Cabinet Ministers: Mr J. T. Kruger, Sen O. Horwood, Dr C. Mulder, Mr S. Steyn, Dr A. Treurnicht, Dr P. Koornhof, Mr T. Janson, Dr H. Muller and Mr A. Smit.

A member of the Security Police, Lt-Col J. C. Broodryk, told how he and other security policemen had gone to Mrs Rabkin's flat. Dr Rabkin had been told he was believed to be responsible for spreading communist literature.

They later accompanied Dr Rabkin to his garage where the exhibits were found.

Among the articles were tubes of roneo ink, a bucket containing piping, six pockets of fire crackers, two 4,5 batteries, a watch wired as a timing device wrapped in cotton wool and copies of pamphlets entitled The Africa Communist.

Other pamphlets found had included Inkululeko — freedom, a Message to the workers from the SA Communist Party.

Col Broodryk said he had gone to Mr Cronin's Wynberg flat.

Mr Cronin denied distributing communist literature. Pamphlets entitled The Road to South African Freedom and The South African Communist had been found in his garage.

Col Broodryk said it was clear to him that the aim of the pamphlets could be regarded as intending to overrun the present regime, using armed violence.

Det-W/O J. van Wyk of the Security Branch said Mr Cronin had taken him to his flat. A key had been found stuck to a pipe on a fire escape. This key fitted the lock of the garage where printing and other equipment had been found.

Maj H. Stadler, of the Security Branch at Durban, said the pamphlets found in Mr Cronin's garage resembled pamphlets used as exhibits in other trials.

The case continues today. — DDC-SAPA.

CAPE TIMES 24/9/76 (325- Pol. Trials)

Rabkin trial: Accused give no evidence

Supreme Court Reporter

JEREMY CRONIN and David and Susan Rabkin yesterday declined to give evidence at their trial on charges of contravening the Terrorism and Internal Security Acts.

Their defending counsel, Dr W E Cooper SC, told Mr Justice Diemont that he would be calling no witnesses. Immediately after that the Attorney-General of the Cape, Mr E O K Harwood SC, commenced his argument on the merits of the case.

He said that the pleas by the Rabkins and Mr Cronin indicated that they were all guilty of various offences mentioned in the indictment.

Mrs Rabkin's plea meant that she was not involved in the preparation of the leaflets and pamphlets but she had posted them. In addition, she had incited and aided other people to commit acts which both Dr Rabkin and Mr Cronin had keys.

Envelopes for the posting of this one document and a recording had been typed on two of the typewriters and it was clear that all the documents mentioned in the indictment originated in the garage.

He quoted at length from some of them, including one which was posted to members of the Cabinet in March this year.

'Little document'

This referred to South African forces in Angola and Mr Harwood described it as an "interesting little [illegible]"

Mr Harwood read other documents, including one which referred to the deaths of 174 Blacks in the June unrest.

One advocated the use of slogans such as "Free Mandela," "Hang Vorster" and "The ANC lives".

Another referred to guerilla wars in various parts of the world and said that "our people" must know, master and use the skills of guerilla warfare. It ended with the words: "Long live the South African Revolution."

Mr Harwood said the fact that implements found in the garage could be used for the making of "bucket bombs"

Mrs Susan Rabkin chats to a friend in the sunshine during an adjournment yesterday. Behind her with her arms folded is Mrs Anne-Marie Cronin, wife of Jeremy Cronin.

Siminov semi-automatic carbine, a sniper's rifle, a light machine gun and a pistol.

"Shortly after we completed our instruction Mr Oliver Tambo, an acting president of

Mr Slovo told them to organize cells with a maximum of three member [illegible]

Each had a Lesotho passport and a forged reference book. [illegible] Switzerland [illegible] met

South Africa, Mr Harwood said.

All the documents referred to in the indictment with the exception of one entitled "Message to the workers from the South African Communist Party" had been typed on the typewriters found in the garage in Green Point to

CAPE TIMES 24/9/76

Mr S G Nofemela, who interpreted the evidence of Mr X into English.

his Western allies had been caught attempting to recolonize Africa. It warned: "Africa will smash you, Vorster."

Another document prepared in the garage urged that the "national sense of grievance" in South Africa be harnessed as it was the most "potent revolutionary force."

Johannesburg, meant that an organization there was working parallel to the "cell" to which the three accused belonged.

This and the similarity between documents found in the garage and others found elsewhere in the Republic were clear evidence of a conspiracy, he said.

Former terrorist

Earlier yesterday a former terrorist who was trained in Russia but who is now a detective constable in the Security Police gave evidence for the State.

He was sworn in as Mr X and said that he had been recruited into the ANC in 1959. Five years later he left the Republic "unlawfully and clandestinely."

"We were told we were recruited for military training by the leaders of the ANC. The object thereof was to come back and overthrow the Government by force of arms," Mr X said.

A socialist democratic form of government was to be instituted under the ANC banner.

Refugee camp

He first went to a refugee camp near Francistown, Botswana, and then to Dar es Salaam, where he and others were prepared for further advanced training overseas.

Each was given a new name and in September 1964, 75 of them were flown to the Soviet Union in a Russian aircraft.

They were taught fighting tactics, topography, and a little about artillery. They were also given instruction in politics and firing light arms and an elementary training in motor mechanics.

Among the weapons they were taught to use were the AK 47 sub-machine gun, the

They wore Russian uniforms and were trained by selected Russian officers. Russian troops also trained in the camp, but "we were prohibited from associating with them," Mr X said.

They also received instruction on Marxism and Leninism, the history of the Russian Communist Party and other communist parties and the differences between them. Films were shown which praised the communist system.

Other South Africans, including a White, Mr Ronnie Kasrels, were at the camp.

Mr X and 21 others were sent to Moscow where they spent three months. "We went to the Kremlin on excursions on a number of occasions and had lecutres there."

Chemicals

They were instructed in intelligence, security and the art of secret communication — writing in such a way that messages would not be legible till treated with chemicals.

From Moscow he was sent back to Tanzania and then to Lusaka, from where he was to infiltrate the Republic.

In July 1967, while he and 30 others were on their way to South Africa through Rhodesia, they were spotted by Rhodesian Security Forces in the Wankie Game Reserve.

Same training

"Many of my group were killed and we scattered in small groups to Botswana." They remained there for two years and in 1969 they were sent back to the Soviet Union for "a refresher course".

In Moscow Mr X received the same training as on his previous visit but guerilla tactics, underground work and organizational work were added.

He informed them that they would next be trained at Baku, a naval base on the Caspian Sea.

"There we were taught about a ship and rowing both rubber and timber boats. The

Mr Joe Slovo, who allegedly gave instructions to Mr X and other terrorists during their training in the Soviet Union.

tactics of how to land on dry ground, training in swimming and hand-to-hand combat.

"We were trained in explosives. We were taught how to lay land mines, how to fuse and defuse detonators and how to cross obstacles by using ropes or rafts."

Joe Slovo

Mr X explained that the training with detonators was aimed at the sabotage of Government installations or railway lines.

At another camp Mr Joe Slovo, a former Johannesburg advocate and listed communist, who is a member of the revolutionary council of the ANC, told them that they should not mix with close relatives or friends when they returned to South Africa.

from London.

In South Africa they were to exploit grievances such as low wages and complaints about the educational system and the general political situation.

No discontent

If there was no discontent they had to generate it themselves "and even organize the people into strikes," Mr X said.

Progress had to be reported to London and Mr Slovo instructed them to investigate the activities of the South African Police.

"We were told to assassinate informers, including former comrades in the organization who gave evidence in court."

They were not to reveal the nature of the ANC to cell members. London would say when this was to be done and "when the time was ready for a bloody revolution".

Mr Slovo also told them to make "safe caches" where arms smuggled into the Republic could be hidden. These arms were to be used by cell members and infiltrators.

Landing attempts

In 1972 Mr X and his group made two attempts from Somalia to land on the coast between Port St Johns and Durban. Both failed.

Before they left each was given a bag with a false bottom intended to contain two grenades, a pistol, 200 grams of TNT, stationery to be used for secret writing and R500 in South African currency.

Other bags contained detonators and AK 47 sub-machine guns and ammunition.

Eventually they were flown from Somalia to Nairobi and Johannesburg, from where they were flown to Swaziland.

victed terrorist who is currently serving 12 years. "I was arrested while I was in communication with Moumbaris," Mr X said.

Questioned about the aims of the ANC, Mr X said that it ostensibly aimed at the liberation of downtrodden people but in essence this was not so. "It is an organization used by communists for their own interests."

Under cross-examination by Dr Cooper, he said that he had become disillusioned with the ANC.

He was arrested a month after his return to South Africa. He had no equipment or money and had just been "roaming around".

An objection

When Mr X was questioned about his background Mr Harwood objected as details elicited might serve to identify him. Mr Justice Diemont ruled that evidence on this point be heard in camera but when the court reconvened Mr Harwood informed him that he had discussed the matter with Dr Cooper and the court was reopened to the public.

When the trial continues today Mr Harwood will continue his address to the court.

The assessors are Mr H van Huyssteen and Mr G R de M Hofmeyr.

Mr Harwood was assisted by Mr T N Louw. Dr Cooper was assisted by Mr E L King and instructed by Sonnenberg, Hoffmann and Galombik.

325 - 10 Trials

Rabkins decline to give evidence

DP. 24/9/76

CAPE TOWN — The State closed its case yesterday and Dr David Rabkin, Mrs Susan Rabkin and Mr Jeremy Cronin declined to give evidence.

The Defence announced it would not call witnesses and also closed its case.

Dr Rabkin, a journalist, and Mr Cronin, a university lecturer, had pleaded guilty to charges under the Terrorism Act and Internal Security Act.

Mrs Rabkin pleaded not guilty to charges under the Terrorism Act, but guilty to distributing pamphlets and inciting people to further the aims of unlawful organisations in contravention of the Internal Security Act.

The Attorney-General of the Cape, Mr E. Harwood SC, later argued on the merits of the case.

He said the pleas by the Rabkins and Mr Cronin indicated they were all guilty of various offences mentioned in the indictment.

Mrs Rabkin's plea meant she was not involved in the preparation of the leaflets and pamphlets, but she had posted them. In addition, she had incited and aided other people to commit acts promoting the aims of organisations unlawful in South Africa, Mr Harwood said.

All the documents referred to in the indictment with the exception of one had been typed on the typewriters found in the garages of Dr Rabkin and Mr Cronin.

He quoted at length from some of the pamphlets including one which was posted to members of the Cabinet.

This referred to South African forces in Angola and Mr Harwood described it as an "interesting little document."

It said Mr Vorster and his Western allies had been caught out trying to recolonise Africa. It warned: "Africa will smash you, Vorster."

Mr Harwood said there was clear evidence of a conspiracy.

Earlier a Transkei-born black constable identified as X told how he joined the ANC, trained in Russia for eight years and returned to operate in the Northern Transkei.

He told of the different types of training in politics, armed combat, explosives and how to land boats along the coast between Port St Johns and Durban.

He also told of a meeting with the high command of the ANC including the leader, Mr Oliver Tambo and Mr Joe Slovo.

Under cross-examination, Const X said he had joined the ANC because he had been promised a better type of living — "a type of living which I envied."

Dr W. Cooper, SC, for the defence, asked Const X where in the Transkei he had been born.

Mr Harwood objected on the grounds that this might reveal the identity of the witness.

Mr Justice Diemont said the court would be cleared if the same type of questioning was to be pursued.

Dr Cooper said he would not pursue the matter.

After a further objection by the Attorney-General that the Constable's identity was in danger of being revealed, Mr Diemont ruled that the court adjourn and that the hearing proceed in camera.

After the adjournment, Mr Harwood told the court he had met defence counsel who had agreed to refrain from asking questions which might lead to the identity of the witness being disclosed.

Mr Diemont ruled the trial would continue in open court.

Const X said he joined the Security Police in 1974, after being released from detention in June of the previous year. He said he had testified for the State in more than one trial of a political nature.

He knew there was a relationship between the ANC and the Communist Party by observation of the office-bearers of the organisations.

The hearing continues today. — DDC.

Black constable 'trained by Reds'

24/9/76 nm

CAPE TOWN — A Black detective-constable, known as "X," testified in the Supreme Court here yesterday that he had been recruited by the now-banned African National Congress and had later trained in Russian uniform in Russia.

He was giving evidence at the trial of Dr. David Rabkin, Mrs. Susan Rabkin and Mr. Jeremy Cronin.

He said he had been recruited in 1959. "I continued as a member until the organisation was banned.

"I left South Africa clandestinely to do military training.

"The leaders of the ANC told me I was to undergo training to come back and overthrow the Government by force.

"The ANC leaders told us the object was to overthrow the present Government and replace it with a social democratic form of government.

"As a result of their activities, I became a member of the branch known as Umkhonto We Sizwe."

He had gone to a refugee camp in Francistown. About July, 1964, he had gone to Dar-es-Salaam. "We were instructed in the procedures adopted by the ANC.

"We were told the object of the training was to prepare us for further advanced training to be given overseas. All our names were changed."

In September, 1964, a group of about 75 had "left Dar-es-Salaam by aircraft for the Soviet Union to a place called Odessa. It was a Russian aircraft."

He had been in Odessa until September, 1965. He had worn a Russian uniform and trained alongside Russian soldiers.

"Selected Russian officers trained us. They were using Russian but an interpreter used to interpret into English for us."

He had been taught fighting, photography and how to "work" artillery. He had also learnt the elementaries of motor m

MRS. SUSAN RABKIN (right foreground), who is eight months pregnant, is seen outside court yesterday. Mrs. Ann-Marie Cronin (left background), wife of one of the accused, is chatting to a friend.

"We were taught now to fight in the streets of towns. We learnt to use the AK47 sub-machine-gun, a semi-automatic carbine, the sniper rifle, the light machine-gun and the TT pistol.

"There were people from South Africa, who had completed their training at Odessa, who were due to be taken to Tanzania. We conversed with them for some time. I saw only one White man in the group. He was Mr. Ronnie Kassels.

After three months' training, I was sent to Tanzania. All 22 of us went.

"We were taken to a camp. I stayed there for a short time and I was then taken to Moragora on my way to Lusaka in Zambia.

"We were sent to Lusaka with the object of being infiltrated into the Republic. We stayed in Lusaka from 1966 to 1967. There the ANC made an alliance with Zapu and they tried to infiltrate us into South Africa through Rhodesia. This happened during July, 1967.

"We got as far as Wankie Game Reserve where we were spotted by the Security Police of Rhodesia.

"A fight between our group and the Rhodesian Security Forces followed and we scattered in small groups towards Botswana.

"We were driven out of Rhodesia. Many of our group were killed. I got out and went to Botswana. I stayed there about two years. At the end of 1969 we were sent back to the Soviet Union for a refresher course."

He had been taken to Moscow and stayed at a camp for six months.

325 - Pol. Trials

"We had to get a secret operating place in South Africa, on our arrival, by means of a post card we should write to an address in London giving details about our arrival.

"I was to find two other people to make up a three-man cell.

"After the formation of several cells, we were instructed to exploit the grievances of the people.

"When discontent was created, we were to report this to the address in London. We had to explain the nature of the discontent and inform them about the possible dangers of the cells being exposed to the police."

He had been arrested a month after he had returned to South Africa in 1972. He was still an active member of the ANC.

Constable X said he joined the Security Police in February, 1974, after being released from detention in June of the previous year.

He had testified for the State in more than one trial of a political nature.

The State closed its case and the defence announced it would call no witnesses and also closed its case.

Dr. Rabkin and Mr. Cronin had pleaded guilty to charges under the Terrorism Act and the Internal Security Act.

Mrs. Rabkin pleaded not guilty to charges under the Terrorism Act but guilty to distributing pamphlets and inciting people in contravention of the Internal Security Act. — (Sapa.)

Rabkins, Cronin trial

ARGUS 24/9/76

Riots could be taken into account — judge

(325 - Pol. Trials)

MR JUSTICE DIEMONT said in the Supreme Court, Cape Town, today, that the court could take into account the recent riots when passing judgment on Dr David Rabkin, his eight-months pregnant wife Susan and Mr Jeremy Cronin.

The Attorney General, Mr E. O. K. Harwood, SC, was continuing his argument in the trial of Dr David Rabkin, Mrs Susan Rabkin and Mr Jeremy Cronin on charges under the Terrorism Act and Internal Security Act.

The judge asked the Attorney General whether the court should take cognisance of the current unrest in South Africa.

Quoting from the Terrorism Act the Attorney General said that the activities referred to in the relevant clauses of the Act were inherent in what was urged in the pamphlets disseminated by the accused.

'It would be flirting with stupidity for your Lordship not to take judicial cognisance of what is happening around us — of the riots and the fact that these riots have been implementing the very things which are advocated in these pamphlets,' the Attorney General replied.

Earlier the Attorney General quoted from an ANC document which, he said, dedicated itself to the capture of power in South Africa by force.

Quoting from the Terrorism Act the Attorney General said the activities referred to in the relevant clauses of the Act were inherent in what was urged in the pamphlets disseminated by the accused.

The document advocates the building up of the 'people's army — Umkhonto We Sizwe' to defeat the 'enemy's armed forces.'

The Attorney General called on the court to give this document special consideration.

'This is a document with implications of a most unwholesome kind for the population of South Africa,' the Attorney General said.

GUILTY PLEAS

Dr David Rabkin and Mr Jeremy Cronin, who both pleaded guilty to charges under the Terrorism Act and the Internal Security Act, declined to give evidence in their own defence.

Similarly, Dr Rabkin's eight-months pregnant wife, Mrs Susan Rabkin, who pleaded not guilty to the Terrorism Act charge, but guilty to distributing pamphlets and inciting people to promote the aims of unlawful organisations, did not give evidence.

At the end of the two-day long State case, the defence closed its case without calling any witnesses.

CONSPIRING

Dr Rabkin and Mr Cronin pleaded guilty to conspiring with one another and with members or active supporters of the Communist Party of South Africa, the South African Communist Party, the African National Congress, Umkhonto We

(Continued on Page 3, col 4)

RABKINS, CRONIN TRIAL

ARGUS 24/9/76 (325-Pol. Trials)

(Continued from Page 1)

Sizwe (Spear of the Nation) and the Pan Africanist Congress.

In furtherance of the aims of these organisations, they compiled and distributed pamphlets which were posted from Cape Town and Port Elizabeth between July 1973 and July 1976, according to the charge sheet.

HIGHLIGHTS

Mr Harwood said he was reading to the court extracts of the various documents which he considered 'highlights.'

One document states that there will be no compromise with White supremacy. Military force could not defeat a just struggle.

This had been proved by what had happened in the Portuguese Colonies, Vietnam and Guinea-Bissau.

The document further urges the rejection of 'dummy institutions' and calls for the release of Robben Island prisoners.

It criticises Chief Gatsha Buthelezi for his statement that the SA Communist Party was headed by a 'far-leftist' White group. The Chief should know, it says, that since the 1920s the SACP had been mainly composed of Blacks.

The document states that it is crucial that 'our liberation front intensifies its action in every department of endeavour.'

It calls for the stimulation of organisation of resistance among workers, peasants and youth. The liberation movement must be seen to be active and alive at all times and must sustain the armed confrontation.

An extract from the pamphlet Vukani—Awake, which was posted on April 3 this year, read that with 'Vorster's troops out of Angola, with their tails between their legs,' White invincibility had been 'shattered for ever' and that this had opened up new fronts in the 'anti-imperialist struggle.'

Quoting from a document dated May 1976, the Attorney General again read long excerpts from the document to the court.

The document states that the liberation movement has proved its growing strength and organisation and calls for full power to the people over every inch of South Africa. Changes would not come about in South Africa without an organised armed struggle.

The pamphlet entitled 'Death to the murderous oppressors! Our brothers and sisters will be revenged!' which was posted on June 21 this year, was read to the court by the Attorney General.

The document refers to the unrest in Soweto a few days earlier, and says events in Soweto had thrown the Government into crisis.

It states that the Government 'tried to show a smiling face to the world.' That 'smile' had been shown as the grinning skull of the murderer and torturer.'

The pamphlet urges ANC solidarity with the 'fighting youth of Soweto,' advocates the organisation of protest meetings and slogan-painting and concludes: 'Free Mandela, hang Vorster.'

BLACK WORKERS

The document states that in South Africa the struggle of the Black workers cannot be separated from the struggle against oppression.

The aim of the struggle was the complete destruction of White supremacy and the establishment of a Black government on the road to socialism.

'That is why we need a strong communist party and trade union movement.

The Attorney General said the inflammatory effect of these documents on nascent minds — minds in the process of formulating ideas — could not be underestimated.

The court was asked to remember the evidence of Constable X, whose evidence was not challenged, and who had told of his experiences and training as a member of the ANC.

W CAPE RIOTS

The substances found in the garage for the making of 'bucket bombs' were easily obtainable by the public and could, if large enough quantities were used, cause a fairly big explosion.

The Attorney General told the court it was impossible to avoid the belief that the propaganda disseminated by the accused had contributed to the recent rioting in the Western Cape.

And, after the rioting, as everyone of commonsense knew — there had been large-scale looting.

None of these types of activities was mentioned in the documents, the Attorney General said.

A packed court heard Mr Harwood submit, that, in the absence of any evidence from them, that Dr Rabkin and Mr Cronin must be convicted as they pleaded.

MRS RABKIN

The Attorney General then spoke of Mrs Rabkin, referring to her as a British citizen who, possibly, did not owe the allegiance to South Africa which her husband and Mr Cronin did.

The Attorney General said that Mrs Rabkin knew about the garage and must have known about the activities going on in the garage.

Mr Harwood handed a housewife's diary to the judge in which the entry 'garage' was made on April 22, May 19, June 8 and 17, July 8 and August 31 1976.

'Her position was that of a star of a very minor magnitude in what was going on,' the Attorney General concluded.

THE DEFENCE

Arguing for the defence, Dr W. E. Cooper, SC, said the reference by the Attorney General to pamphlets in the Suttner case and the distribution of pamphlets in the Transvaal were not within the scope of the charges to which the accused had pleaded guilty.

The Attorney General had relied on the presumption clauses in the Terrorism Act and the Internal Security Act for this submission, Dr Cooper said.

Those presumption clauses cannot be used to widen the ambit of the offence or the charge to which Dr Rabkin and Mr Cronin pleaded guilty, he added.

AMBIT OF CHARGES

Dr Cooper called on the court not to take cognisance of certain propositions made by the Attorney General which were outside the ambit of the charge sheet.

If it had been alleged the accused knew of Suttner's activities or what was happening in Johannesburg this would have been contested.

The Attorney General had made many statements which he was not entitled in law, to make.

One of these statements was that the propaganda, as he had stigmatised the pamphlets, were the cause of the rioting.

Mr Justice Diemont, presiding, said the court could take judicial notice of notorious facts.

IN CAPE TOWN

The 'rioting' in the streets of Cape Town in recent times — rioting which had been regarded as civil disturbance coupled with violence — was notorious, the judge said.

Dr Cooper asked the court not to take into account the atmosphere present and that reference by the Attorney General to specific acts of arson and rioting were irrelevant.

Mr Justice Diemont said that whether the recent unrest was connected to the actions by the accused was irrelevant at this stage of the trial.

The judge said the court could take a limited cognisance of recent civil unrest in deciding on its verdict.

Dr Cooper asked the court to reject the argument of the Attorney General that Mrs Rabkin had any knowledge of the acts which led to the charges to which she pleaded not guilty.

The hearing was postponed until Tuesday when judgment will be given.

Mr Justice Diemont is sitting with two assessors, Mr H. van Huyssteen and Mr G. R. de M. Hofmeyr.

The Attorney General is assisted by Mr T. Louw.

Dr W. E. Cooper SC is assisted by Mr E. L. K[illegible] and instructed by Sonnenberg, Hoffman and Galombik. [illegible] is appearing for [illegible] and Mrs Rabkin and [illegible] Cronin.

325 - Pol. Trials

Mnr. X oor komplot teen SA

MOORDPLAN ONTHUL

26/9/76 RAPPORT.

Van Ons Kaapse Kantoor

„SEUNS en dogters van die aarde, die African National Congress bring julle die volgende boodskap: Vukani — word wakker. Vermoor die blanke verdrukkers, hang Vorster op. Ons vermoorde broers en susters sal gewreek word."

Dit is wat regter Marius Diemont, Marlene Lehnberg se regter, vandeesweek in die hooggeregshof in Kaapstad moes aanhoor.

Voor hom in die beskuldigdebank was 'n Kaapse joernalis, dr. David Rabkin, 27, sy swanger vrou, Susan Rabkin, 26, 'n Brit, en Jeremy Cronin, 26, lektor aan die Universiteit van Kaapstad.

Die staat beweer dat die drie tussen Januarie 1973 en Julie 1976 die Regering probeer omverwerp het deur met die ANC en die verbode Suid-Afrikaanse Kommunistiese Party saam te werk.

Daar word beweer dat terwyl alle swart en bruin woonbuurte regoor die land saans gegloei het van die dag se brandstigting en onluste, die drie beskuldigdes se ondergrondse pers gekletter het soos leerstellings van die Kommunistiese Party en die ANC gedruk is.

Volgens die staat wou die drie beskuldigdes wanorde, dood en verwoesting en onmin tussen blank en swart bewerkstellig met verbode literatuur wat hulle in 'n motorhuis in Groenpunt gedruk het.

Sedert die verhore van Bram Fischer van Rivonia, Moumbaris, Nelson Mandela en Robert Sobukwe, was daar skaars 'n verhoor van dié aard wat die publiek se aandag só aangegryp het.

'n Gewese lid van die ANC, ene mnr. X, wat tans vir die veiligheidspolisie werk, het getuig hoe hy in Rusland, Tanzanië en elders opgelei is om mense te vermoor, onmin te saai, en selle vir die kommuniste te stig. (Ná sy getuienis het hy die hof deur die regteruitgang verlaat om publisiteit te vermy.)

Mnr. X. is 'n Xhosa. Gekleed in 'n netjiese ligte pak en bypassende hemp en das, het hy getuig dat hy 'n uitgeweke advokaat van Johannesburg, Joe Slovo, in Moskou gesien het. „Ek het ook 'n ander Suid-Afrikaner, Ronnie Kassels, in een van die opleidingskampe gesien."

MEV. SUSAN RABKIN en haar skoonpa kom by die hof aan vir die verhoor vandeesweek. Mev. Rabkin is swanger.

Mnr. X. het vir die staat getuig om die hof 'n beeld te gee van die bedrywighede van die ANC en die Suid-Afrikaanse Kommunistiese Party.

Hy het gesê hy is op elke gebied goed opgelei. In die gebruik van die AK 47-geweer tot plofstof. „Met onderdele van 'n masjiengeweer versteek in verskillende sakke van my uitrusting, het ons Suid-Afrika probeer binnekom," het hy getuig. Hulle sou tussen Port St. Johns en Durban land.

Onder sy toerusting was twee handgranate en 200 gram dinamiet. „Ons moes dit gebruik om strategiese plekke op te blaas," het hy vertel. Hy moes ook „klikbekke" vermoor wat teen terroriste getuig.

Van die geskrifte wat die drie beskuldigdes na bewering versprei het, is aan verskeie lede van die Kabinet gepos.

Onder die mense wat van die pamflette gekry het, was min. Jimmy Kruger, dr. Piet Koornhof, dr. Andries Treurnicht, mnr. Punt Janson, min. Hennie Smit, min. Hilgard Muller, mnr. Joep Steyn en sen. Owen Horwood.

Die drie beskuldigdes is in hegtenis geneem nadat die polisie „jare lank" na hulle gesoek het, is getuig.

Bewysstukke voor die hof was vier tikmasjiene, twee afrolmasjiene en nege dose skryf- en afdrukmateriaal.

Mnr. X. het o.m. getuig dat hulle ook geleer is hoe om geheime skrif met chemikalieë te behandel om die skrif sigbaar te laat word.

Twee paar rubberhandskoene met suurmerke is by die hof ingelewer. Die staat beweer dat dit vir die „onsyfering" van geheime skrif gebruik is.

'n „Ideologiese bom" wat bedoel is om pamflette van Kommunistiese aard te versprei, is in die motorhuis in Groenpunt gevind. Dit bestaan uit buskruit, hout, staalpype en 'n tydmeganisme om dit te laat ontplof.

'n Plofstofkundige van Pretoria het getuig dat so 'n bom met meer plofstof mense kan doodmaak as dit vir dié doel ontwerp is. Hy het getuig dat die formule wat in die motorhuis gevind is, bedoel is vir die verspreiding van pamflette.

Rabkin en Cronin beken skuld op aanklagte dat hulle die Wet op Terrorisme en die Wet op Binnelandse Veiligheid oortree het. Susan Rabkin ontken dat sy die Wet op Terrorisme oortree het, maar beken skuld op die ander aanklag.

Adv. E. O. K. Harwood, Prokureur-generaal van die Kaap, is die aanklaer. Dr. W. E. Cooper, SC, verdedig die drie beskuldigdes.

Die uitspraak sal Dinsdag gelewer word.

Mnr. X, 'n groot swartman, het gesê dat hy in die laat vyftigerjare die land verlaat het. Ná 'n tydperk in Afrika is hy per vliegtuig na Rusland. „Daar is ek intensief opgelei om te moor," het hy getuig.

Hy was al met die Rhodesiese veiligheidsmagte slaags. Hy het daarna laat spaander en is weer na Odessa in Rusland vir verdere opleiding. Saam met Moumbaris, wat later as terroris veroordeel is, is hy in die Transkei aangekeer. Hy het vir die staat teen Moumbaris getuig, en het hom daarna by die Veiligheidspolisie aangesluit.

325 - Pol. Trials

State closes Nusas case

DD 28/9/76

JOHANNESBURG — The State yesterday asked that four former student leaders and a university lecturer appearing in the Johannesburg Regional Court be found guilty under the Suppression of Communism Act.

In a 133-page written argument in Afrikaans handed into court, the State said it was clear the five men had aimed at political, social and economic change in South Africa as prohibited by the Act.

Appearing before Mr G. Steyn were Mr Glen Moss, 24, Mr Charles Nupen, 26, Mr Edward Webster, 33, Mr Cedric de Beer, 23, and Mr Karel Tip, 31.

They have pleaded not guilty to conspiring, through Nusas and the SRCs of affiliated universities, to promote the aims of communism and or the ANC.

The State argued that if the aim and policy of the men was compared with that of South African Communism Party and the ANC, it was clear all three were 100 per cent identical.

The only difference was that the SACP wanted to establish a socialist state.

The chief aim of the accused, the State argued, was to establish a "so-called egalitarian society" based on the system of one man one vote.

They realised, however, that neither they nor Nusas were in a position to bring out the changes needed for such a society.

Their ideal could only be realised by organising the blacks and by using black consciousness as a means of change.

They therefore undertook the task of organising black workers. Their claim that this had been done to avoid bloodshed was unacceptable, the State said.

The hearing was adjourned until today when the defence will reply with its argument. — SAPA.

325 Pol. Trials

Homelands a fraud terror trial told

DD 28/9/76

PIETERMARITZBURG — The Government was backward in its approach to trade unions while the policy of Bantustans was "a political fraud," a State witness in the ANC terrorism trial told the Supreme Court here yesterday.

Mr Harold Nxasana earlier said he had sent a telegram to Chief Gatsha Buthelezi criticising him for his dispute with Mr Barney Dladla, the one time Minister of Community Affairs in KwaZulu. It read: "The eyes of the enemy are watching. Refrain from entertaining them."

He added that the "enemies" were those who opposed the trade union movement while the KwaZulu Government was hoping to dismiss Mr Dladla because "he was in touch with the unions."

"I was attempting to achieve a reconciliation between the two," he said. There was talk at the time that Mr Dladla was "lowering his standards by participating in union meetings and affairs."

Mr Nxasana told the court during his third day of cross-examination by Adv G. Muller, QC, for the ten accused, that he still supported the aims of the freedom charter and the "mass movements."

He described the Mandela plan of the ANC which was aimed at avoiding police harassment.

The structure was capped by a national executive with regional executives directly under it. The regional executive would have an ad hoc committee whose secretary was in direct contact with the secretary of the national executive. The national executive members were not to know the members of the regional executive.

Below the regional executives would fall the branch executives, the secretaries of which were to be in contact with those of the regional commands. Similarly, members of the regional executive were not to know those of the branches.

The secretary of each branch was to organise his township into zones with zone leaders. Zone members were not to know the branch members.

Zone leaders had to divide their zones into streets, each with a street leader. The street leader would be in contact with the zone leader while he was to divide his street into cells. The plan was also aimed at "keeping the ANC alive," Mr Nxasana said.

The trial continues. — DDC.

Mrs Rabkin not guilty of Terror Act charge

Rabkin and Cronin guilty on both counts

325 - Pol Trials

ARGUS 28/9/76

DAVID RABKIN and Jeremy Cronin were convicted in the Supreme Court, Cape Town, today, of participating in terrorist activities in terms of the Terrorism Act and the Internal Security Act. Rabkin's eight-months pregnant wife, Susan, was convicted of contravening the Internal Security Act.

Rabkin, who has a doctorate in literature, and Cronin, a University of Cape Town lecturer, both pleaded guilty to charges under the Terrorism Act and the Internal Security Act.

Rabkin's wife, Susan pleaded guilty to contravening the Internal Security Act by posting pamphlets and inciting people to promote the aims of banned organisations.

CHARGE SHEET

In terms of the charge sheet, Rabkin and Cronin conspired with each other and members or active supporters of the Communist Party of South Africa, the South African Communist Party, the African National Congress, Umkhonto We Siswe (Spear of the Nation) and the Pan Africanist Congress between January 1973 and July 1973.

In furtherance of the aims of these organisations, they compiled and distributed pamphlets which were posted at Cape Town and at Port Elizabeth.

The State accepted the pleas of Rabkin, his wife and Cronin.

Giving judgment, Mr Justice Diemont said the Terrorism Act contained a formidable list of activities which could be regarded as terroristic.

The judge read out the list of these activities and said he had done so because it was not enough merely to refer to terroristic activities, as set out in the charge sheet.

The judge said that although the Supreme Court could pass judgment without hearing evidence when guilty pleas had been entered by the accused the court had decided to hear evidence for two reasons.

DETAILS

Firstly, because the judge and his assessors had no knowledge of the details of the case as it was a summary trial. Secondly, because the Terrorism Act provided for the same penalties as treason — namely the death penalty.

It was not the practice to pass sentence for a capital offence without hearing evidence.

It was necessary to have a 'proper appreciaton' of the Terrorism Act.

The state had to prove, firstly, that the acts which were alleged were committed, or that Rabkin, his wife and Cronin conspired

(Continued on Page 4)

325 Pol. Trials

Rabkin, Cronin guilty

(Continued from Page 1)

to commit those acts, and secondly, that the acts were committed with the intention of disrupting civil order.

The Act provides for the assumption that, unless disproved, the acts alleged are presumed to endanger law and order.'

ONUS ON STATE

The judge said the onus was on the State to show that these acts had or were likely to have had the consequences listed in the Terrorism Act.

THE judge said in terms of the Terrorism Act, Rabkin and Cronin committed acts likely to have had any of the results set out in Section 2 of the Act.

This formidable list of results includes the following:

- The causing or promoting of general dislocation, disturbance or disorder;
- The crippling of industry and the production and distribution of foodstuff or commodities;
- The causing or encouragement of insurrection or forcible resistance to the Government;

BY VIOLENCE

- The furtherance or encouragement of the achievement of political aims or the bringing about of social or economic change by violence or forcible means;
- The causing of bodily injury or endangering the safety of persons or the causing or substantial financial loss to any person or the State;
- The causing or encouraging of feelings of hostility between the White and other inhabitants of the Republic;
- The damage or destruction of light, power, fuel, water, fire extinguishing services, postal services and radio installations;
- The obstruction or endangering of the free movement of traffic and the embarrassment of the administration of the affairs of State.

WIDE AMBIT

The judge went on: 'I have referred to this count in some detail because it is important there should be a full and clear understanding of the nature and wide ambit of the crime charged. It is not enough to refer to it merely as participation in terrorist activities.'

The State had correctly devoted a great deal of its argument to the subversive literature produced by the accused. These documents and pamphlets formed the whole basis of the State's case.

The police also found substances which could be used to make 'bucket bombs.'

There was no suggestion that Rabkin denied knowledge of the garage. When Cronin was detained he handed over another key to the garage.

This evidence, especially since there was nothing to refute it, showing Rabkin and Cronin were in control of the garage and further, because of what was found in the garage, that pamphlets were being produced on a large scale.

PROVISIONS

Emphasising that it was necessary to have a proper appreciation of the relevant provisions of the Terrorism Act, Mr Justice Diemont said any person 'who commits any act or even attempts to commit any act with intent to endanger the maintenance of law and order in the Republic is guilty of the offence of participating in terrorist activities.

'It is not always easy to prove with what intent an act is committed, but in the case of this Act the task of the prosecution is made easier because the section goes on to state it will be presumed that the accused had the intent to endanger the maintenance of law and order if the act was likely to have had any of the results . . . I have referred to above.'

A LINK

The judge said the two questions to be considered were whether the evidence established any link between Rabkin and Cronin and the pamphlets and if so whether it had been shown the contents of the documents would probably bring about any one or more of the results catalogued in Section 2 of the Act.

The evidence showed that the garage was being used as a 'pamphlet factory' and that this operation was being carried on in secret, the judge said.

This inference was supported by the fact that not one, but four, typewriters were found in the garage and that the garage was not situated near to either Cronin's or Rabkins' homes.

The judge said an innocent citizen did not use a bomb to disseminate literature.

Mr Justice Diemont

Mr E. O. K. Harwood SC

Dr W. E. Cooper SC

The nature and contents of the pamphlets had to be examined.

Nine of the 15 pamphlets claimed to be official organs of the Communist Party and were entitled In Kululeko — Freedom.

Most of the other documents claimed to be issued by the ANC.

Both the South African Communist Party and the African National Communist Party were unlawful organisations. Their activities and the activities of the militant wing of the ANC were dramatically described in the evidence of Constable X.

The contents of the pamphlets were connected to violent political events of the times and these events were used, as the Attorney General had said, to incite readers.

Anyone writing these pamphlets had to be alive to the dangers of their words, the judge said.

QUOTATIONS

The judge quoted from several pamphlets disseminated by the accused.

One pamphlet ends with the warning that 'the police are vigilant.'

The documents made unpleasant reading, and violence which would lead to insurrection was advocated again and again, the judge said, quoting from the pamphlets.

Such phrases as 'armed struggle' and 'mass resistance' appeared frequently throughout the pamphlets.

A pattern emerged in the pamphlets which became progressively more violent.

Every reader was urged to become 'a freedom fighter.'

The final pamphlet to which the judge referred was 'crude' in its insistence on violence. 'I need only read the first and the last sentences. The first is: "Death to the murderous oppressors"; the last says "Free Mandela, Hang Vorster", the judge said.

'This is strong meat. It is stuff which could have far-reaching consequences. It amounts to an act of terrorism which could endanger law and order in the Republic.

'There is no doubt that Rabkin and Cronin conspired together in these acts.'

The evidence proved beyond reasonable doubt that all the accused were guilty as they had pleaded.

INTERLOCKED

Dealing with the charge under the Internal Security Act, the judge said the two offences were closely interlocked; they covered the same ground and the same evidence was relevant.

Most of the pamphlets appeared to have been issued for and on behalf of the central committee of the Communist Party of South Africa, the others, with two exceptions, on behalf of the ANC.

By taking an active part in the spread of this subversive literature, Rabkin, his wife and Cronin either incited, instigated, procured or aided the commission of acts which would promote and encourage the objects of these unlawful organisations.

The judge acquitted Mrs Rabkin of the charges under the Terrorism Act, but Rabkin and Cronin were convicted on charges under both the Terrorism and Internal Security Acts.

MITIGATION

Dr John Sonnenberg, a medical practitioner from Sea Point and city councillor, was the first witness called by the defence to give evidence in mitigation of sentence.

He said he had known the Rabkin family since 1953 and was at present attending Mrs Rabkin during her pregnancy.

He knew the family very well and had always regarded them as persons of integrity and leaders in the community.

They were a decent middle-class South African family who had a sense of responsibility to the community and to those less privileged than they were.

'I knew David Rabkin as a small boy until the family went to England,' Dr Sonnenberg said.

'He was a schoolboy, a very bright, intelligent, intellectual, leadership type concerned about people and situations more so, perhaps, thinking back on it, than other children of his age.'

On his return to South Africa about 12 years later he was married to an English girl, Susan. The couple had since had one child, a son aged three.

Dr Sonnenberg said he had always regarded the Rabkin family as closely knit — 'in no way different from the many other couples who are my patients.'

Rabkin was a good father, and his wife a good mother.

When he saw Mrs Rabkin the day before her detention she was well. After she was released on bail, she was tense, and her detention had had 'a bad effect' on her.

Dr Sonnenberg said the arrest of Rabkin and his wife and their subsequent separation had had an adverse effect on their three-year-old child.

IMPRISONMENT

Asked what the effect of imprisonment would be on Mrs Rabkin, Dr Sonnenberg said he felt it would have 'a bad effect.' The same could be said of the effect it would have on her children.

For a new-born child to be separated from its mother would have an adverse affect on the child.

The judge said the prison authorities did not take a baby away from its mother immediately.

Under cross-examination, Dr Sonnenberg agreed a mother should consider her children before embarking upon criminal activities.

Dr Sonnenberg said his relationship with Rabkin and his wife was a professional relationship although he had had social contacts with Rabkin's parents.

The next witness to be called was Mr John Colman, senior assistant editor of The Argus.

A JOB

Mr Colman said Rabkin applied for a job about July 1974. After an interview, Rabkin was employed as a reporter at a salary of R350 a month.

Rabkin was 'very promising' as a reporter who had adapted well and whose qualifications and academic background helped him in his career.

'Later he moved into the sub-editor's department where he also adapted very well. A sub-editor has the same status as a reporter on the newspaper.

INCREMENTS

'His progress was rewarded with increments made at six-monthly intervals.'

Under cross-examination, Mr Colman was handed a copy of a report headlined 'Support of ANC was moral' and referring to the trial of Raymond Suttner, a University of Natal lecturer.

PAEDIATRICIAN

Dr Jerome Rabkin was the next witness to be called in mitigation of sentence. Dr Rabkin told the court he had practised as a paediatrician for 26 years and was a senior lecturer at the University of Cape Town.

He said he was a cousin of Rabkin's father and had known Rabkin since he was three years old.

Dr Rabkin said David Rabkin was a very clever boy. He had met Mrs Rabkin when they came to South Africa in 1972.

He knew the Rabkins son Job, and described him as a very pleasant boy who was like a grandson to him.

He said Job had become very aggressive towards him when the Rabkins had been detained.

REGRESSION

Dr Rabkin said that further separation from his mother could result in regression, insomnia and bed-wetting.

This could be followed by a stage of despair and then be followed by a period of defence by trying to forget his parents.

This could in turn result in anti-social behaviour and delinquency.

The arrival of a second child in adverse circumstances could aggravate the effect on Job.

Dr Rabkin said that for a new-born child to be removed from its mother would have disastrous effects on the later relationship between mother and child.

Dr Rabkin said separation from his father for at least five years would aggravate the adverse affect on Job.

BIRTH IN JAIL

The Attorney General told the court that facilities were available in all jails for the birth of babies and the regulations were that the baby could remain with the mother as long as it was dependent on her for food. This could be up to two years.

Dr Rabkin was asked, bearing this in mind, whether the baby and its mother could suffer hardship.

He replied that the baby could probably not suffer but the mother would suffer by being separated from her family at the birth of the child and later.

THE FATHER

Mr Gerald Rabkin, David Rabkin's father, told the court his son was born in 1948 in Cape Town.

Until 1962, David went to Rondebosch Junior and Senior schools. At school, he was top of his class, and active in school affairs and sport, playing rugby and cricket.

The family left South Africa in 1962, when David was 14.

Mr Rabkin said his son continued his studies at the Willrain Ellis School in England where he qualified with distinctions.

Mr Rabkin said that his son was due to graduate at Leeds with a PhD degree next week.

SCHOLARSHIP

In January 1973, David Rabkin had been awarded a Jagger Memorial scholarship and decided to come to South Africa, both because of his strong attachment to the country and because it would have facilitated his studies.

Referring to Susan Rabkin, Mr Rabkin said his daughter-in-law was a BA Hons graduate in education from York University.

Mr Rabkin said that while at Leeds University his son supplemented his university grant by working as a hospital porter. When he came to live in South Africa he was financially independent.

UNDERPRIVILEGED

In a quavering voice Mr Rabkin said his son felt 'great concern' for the underprivileged and he hoped to see a society evolve which was without discrimination.

Dr W. E. Cooper for the defence said he had three affidavits made by people in England and dealing with Rabkin.

The Attorney General said he had no objection to the affidavits being submitted, but reminded the court he could not cross-examine the deponents.

The affidavit handed to the court was by Mr Arthur Ravenscroft a senior lecturer in English at Leeds University.

RESEARCH

Read to the court by Mr Rabkin, Mr Ravenscroft said in the affidavit he had first met David Rabkin in 1969, when he was consulted on a suitable topic for post graduate research.

It was decided the topic should be Drum magazine and the leading writers who worked for the magazine between 1951 and 1961.

He said he had grown to admire Rabkin's keen mind and felt it a privilege and pleasure to be working with such a man.

He had developed a warm friendship with Rabkin and his wife Susan.

A second affidavit was handed to the court by Sir Graham Ball, a Fellow of the Royal College of Physicians and a professor of medicine.

As a youth, Rabkin impressed Sir Graham, and

(Continued on Page 5)

Rabkin statement from dock

28/9/76

(Continued from Page 4)

as a student he was 'admirable' and he had come to respect his compassionate attitudes.

A supporting affidavit by Sir Graham's wife, Dr Megan Ball, a psychiatrist and governor of a British prison, was read to the court.

Dr Ball said she endorsed her husband's high opinion of Rabkin.

Mr Rabkin told the court that he and his family had been unable to come to a decision as to what would happen to his grandson if his daughter-in-law went to prison.

He said that such a decision would depend on the decision of the court.

LENIENCY

'I realise my son must go to prison, but I ask you to exercise such leniency as you are able and I urge you, on behalf of both families, to show compassion to Susan,' Mr Rabkin said in an emotional voice.

Mr Rabkin said under cross-examination that he disagreed with his son's views and he found them very difficult to reconcile with the son he knew.

Mr Rabkin said it was 'an agonising time 'and had he known his son was an active communist, he 'would have moved heaven and earth' to get him to stop or to leave the country.

CITIZENSHIP

Asked why, if Rabkin had such a deep attachment to South Africa, he had renounced his citizenship, Mr Rabkin said it was his son's intention to be a reporter specialising in African affairs, and for that reason a British passport was more useful.

Mr Rabkin said his first reaction to the pamphlets was one of surprise and distress.

He had noticed no such tendencies in his son while he was living in England and had not had the opportunity to discuss the matter with him since his detention in July this year.

DAR ES SALAAM

The Attorney General asked Mr Rabkin whether he knew that, on April 26 1975, Rabkin was in Dar es Salaam, according to his passport.

Mr Rabkin replied he was aware his son was in Tanzania to visit a friend whose wife had died.

Rabkin and his friend knew each other while they were still both in England.

Mr Rabkin said he could not say whether or not his son was a communist.

In a reply to a question by one of the judge's assessors Mr Rabkin said the first time he had become aware of his son's deep compassion for the underprivileged was when he had written a parable on apartheid at the age of nine.

RABKIN'S STATEMENT

In an unsworn statement from the dock, Rabkin said he wanted to explain his actions and what had led up to his committing these acts.

He also wanted to address the court and his wife, his son and his child-to-be.

Rabkin said he was awarded a study bursary at the University of Cape Town in 1973.

He said he had grown up in a family of enlightened views and had been taught to view the plight of the underpriveleged with compassion.

At an early age he came to see that his world was composed of those who 'had' — mainly White — and those who did not.

The 'peaceful' march from Langa had had a considerable effect on him as a boy of 14.

David Rabkin

Jeremy Cronin

He began to feel peaceful protest had been 'shot dead' in the ensuing events, Rabkin said.

He said that when his family emigrated to Britain in 1962 he was greatly relieved to be absolved of the responsibilities of living in South African society. He had tried to become an Englishman but could not break his ties with South Africa.

At Leeds University his views had changed and in discussions with Africans he became convinced that the socialist mode of government could bring about real equality in South Africa.

ANC

In South Africa he realised only the ANC and its affiliated organs — including the Communist Party — held the only hope for the channelling of the energies, talents and aspirations 'of all our people,' Rabkin said.

He said he had not undertaken the 'work' of the past three years lightly.

He did not regret his political actions, and his opinions had not been altered by subsequent events.

Rabkin said he had very great regrets about involving his family in his acts although his views had not changed.

'For the sake of my family I ask you to show leniency to my wife Susan.'

CRONIN

The defence then called Commodore Richard-Dryden-Dymond to give evidence in mitigation of Cronin's sentence.

The Commodore said he had spent five years as Lisbon Naval Attache for the South African Navy.

He said he had known Cronin's father as an officer under his command in the last three years of World War 2.

During the war, Cronin's father had married and Jeremy was born in September 1949. The Dryden-Dymonds and the Cronins had been close for many years.

Cronin's father died in 1959, when Cronin was 10 years old. In 1965, when the Dryden-Dymonds returned to South Africa from Lisbon, Jeremy struck the commodore as being 'a more grown-up than usual' boy.

Cronin's relationship with his mother was 'very good,' and his mother was extremely proud of his academic achievements.

Commodore Dryden-Dymond said he had last seen Cronin about three to six months before his arrest when he had met his wife for the first time.

He said he had not seen Cronin since his arrest but had received a letter from him thanking him for what he had done for his mother.

Mrs Freda Cronin, Cronin's mother, was the following witness.

She said Jeremy was her elder son, the difference in age between the boys being five years.

She had not remarried after her husband died.

The family 'struggled along' because she felt young boys should have a mother at home and so did not go out to work.

'Jeremy was wonderful. He took the place of a father in the home,' Mrs Cronin said.

Mrs Cronin said her son was brilliant at school. A report by his headmaster testifying Cronin's integrity and honesty was read to the court.

IN THE NAVY

After his schooling he had served in the SA Navy for a year. He then acquired his BA Hons degree with distinction in ethics and philosophy at the University of Cape Town.

She said he had been awarded a scholarship to study French at the University of the Sorbonne in Paris, which he had attended for a year.

Cronin's wife lectures in French at the University of Cape Town.

'Jeremy was a gold medallist in every year in every subject while he was at university,' she said, adding that her son was also active in sport.

Cronin 'felt very deeply' about the poorer people of this country and was opposed to apartheid.

After his detention he apologised to his mother — 'I don't know what for, but he did' — and explained he had tried to do something for the country, Mrs Cronin said.

Mr Justice Diemont is sitting with two assessors, Mr H. van Huyssteen and Mr G. R. de M. Hofmeyr.

The Attorney General of the Cape, Mr E. O. K. Harwood, SC, assisted by Mr T. Louw, is appearing for the State.

Dr W. E. Cooper, SC, assisted by Mr. E. L. King and instructed by Sonnenberg, Hoffman and Galombik, is appearing for Rabkin, his wife and Cronin.

(Proceeding).

ARGUS 29/9/76 (275 Pol. Trials)

DAVID RABKIN and Jeremy Cronin were sentenced in the Supreme Court, Cape Town, today, to 10 years' and seven years' imprisonment respectively for what the judge called their 'reprehensible' crime under the Terrorism and Internal Security Acts.

Rabkin's eight-months pregnant wife, Susan, was sentenced to 12 months' imprisonment of which 11 months were conditionally suspended.

Mr Justice Diemont said he would ask the prison authorities to make provision for Mrs Rabkin to be admitted to a maternity home if it appeared her child would be born before she was released.

After the sentences were passed Rabkin and Cronin gave clenched fist salutes.

Rabkin, 28, a journalist who has a PhD in literature, and Cronin, 27, were both convicted of charges under the Terrorism and Internal Security Acts.

Rabkin's eight-months pregnant wife, Susan, 27, was found guilty of distributing pamphlets and inciting people to encourage the aims of banned organisations in contravention of the Internal Security Act.

All three pleaded guilty to the charges of which they were convicted.

Finding

Mr Justice Diemont found that, between 1973 and July this year, Rabkin and Cronin conspired with each other and with members or active supporters of the Communist Party of South Africa, the South African Communist Party, the African National Congress, Umkhonto We Sizwe (Spear of the Nation) and the Pan Africanist Congress.

In furtherance of the aims of these banned organisations, they compiled and distributed pamphlets. In the distribution, they were assisted by Mrs Rabkin, the judge found.

Statements

After they were convicted, both Rabkin and Cronin read unsworn statements to the court in which they explained their actions.

They said they remained convinced the ANC offered the only means of upliftment for the opressed Black majority, and that they had been motivated by a patriotic desire for an undivided and peaceful South Africa.

Passing sentence, Mr Justice Diemont said he

(Continued on Page 3, col 5)

ARGUS 29/9/76

Rabkins, Cronin

325 Pol. Trials

(Continued from Page 1)

had intimated to counsel that the facts of the case were so interwoven that he would consider both counts as one for the purpose of sentences.

The judge said that he had given the case deep and anxious thought before deciding on the sentences which he would impose.

Decision

Mr Justice Diemont said he was saying this because he had been cautioned by the counsel for the defence not to make a decision in anger and haste. The judge said that he had made the decision in regret.

No one could fail to be moved by hearing Mr Rabkin (the father) and Mrs Cronin (the mother) giving evidence yesterday.

'But the sentences I impose must discourage others from committing these crimes,' the judge said.

Reprehensible

The judge described the conduct of the accused as reprehensible. He said that the action of the accused were irreconcilable with the deep concern which they had expressed in their unsworn statements.

The judge said he was not impressed that their strong beliefs mitigated their conduct.

What they had done was regarded as a crime in this country, in every Western country and would also have received 'scant regard' in a communist country.

Careers

The brilliant academic records and promising professional careers which all three might have had did not mitigate their offences. On the contrary, having had the advantage of education, they should have been able to think and to see where their acts would lead them.

It had been emphasised that they were not seeking to gain anything for themselves and had placed their careers in jeopardy because of the strength of their convictions.

'That may be so, I do not know. They have not had the courage to say so under oath and to face up to cross-examination. Nor have they been prepared to come forward and express any remorse for their conduct, conduct that I can only look upon as reprehensible,' Mr Justice Diemont said.

Concern

'They may be concerned for the under-privileged people of this country . . . they may be concerned to bring about political and social reforms as they both claimed in the statements they made in the court.

'Such concern does not justify inciting people to violence and bloodshed, acting with intent to endanger law and order — and this is what they pleaded guilty to — this will not solve the problems of the under-privileged.'

It had been argued that the State had not produced evidence as to how many people received the pamphlets and what effect they produced on those who had received them. It was not necessary for the State to produce such evidence.

Risks

'And let me add, I do not suppose the accused would have taken the great risks which they took in turning out this propaganda if they did not hope and anticipate they would have some success with their campaign of violence,' the judge said.

Referring to Mrs Rabkin, the judge said the minimum sentence for the crime of which she had been convicted was 12 months' imprisonment.

He said he thought it likely she was as deeply implicated 'in this affair' as was her husband.

However, she had only been convicted of contravening the Internal Security Act.

Reasons

There were good reasons for suspending 11 months of the 12 months' sentence which was imposed on Mrs Rabkin.

These were that her husband received a long prison sentence which would disrupt her family life; that she may have acted under her husband's influence; and that she was to give birth to a child in November.

'The Attorney General has said this calls for a heavy prison sentence. I agree with him. You will go to prison for 10 years.'

Referring to Cronin the judge said: 'I get the impression from the political statement you made from the dock yesterday that you are quite unrepentent. I do not suppose that the prison sentence I am going to give you is going to reform you.

'But it will, I hope, serve as a deterrent to others. Your involvement is less than Rabkin's.

'You had no part in the production of the first five pamphlets. That means you were not involved in the first two years, and so you must be given a lesser sentence. You will go to prison for seven years,' Mr Justice Diemont said.

As the judge left the court after passing sentence a woman in the packed public gallery called out: 'He should hang.' Rabkin and Cronin were led down to the cells with clenched fists above their heads.

At the end of the hearing Susan Rabkin accompanied her husband and Cronin to the cells below the court.

Mr Justice Diemont sat with two assessors, Mr H. van Huyssteen and Mr G. R. de M. Hofmeyr.

The Attorney General of the Cape, Mr E. O. K. Harwood, SC, assisted by Mr T. Louw, appeared for the State.

Dr W. E. Cooper, SC, assisted by Mr E. L. King and instructed by Sonnenberg, Hoffmann and Galombik, appeared for Rabkin, his wife and Cronin.

The judge told Mrs Rabkin: 'You are an unwelcome visitor in this country.' Eleven months of the 12 months' term of imprisonment was conditionally suspended for three years.

Marxism

Turning to Rabkin, the judge said: 'I can find no good reason to deal leniently with you. If I understood your statement from the dock correctly you embraced marxism as a student at Leeds University.

'That seems to have set you on a political career that has brought you into this dock. Your crime is aggravated by the fact that you carried on your subversive activities for a period of over three years.

Rabkin, Cronin give their political views

29/9/76 C.T.

Mrs F Cronin — Jeremy Cronin's widowed mother. She told the court of her son's brilliant school career.

From page 1

on Cape Town and the sudden presence of armed soldiers in the city.

"On an impressionable 12-year-old, the effect was considerable. I believed that people exercising the legitimate right to protest had been shot dead and that this had been done to protect the wealth and privileges which I enjoyed.

"I began to identify in the romantic way of a child with the sufferings of the African people. That feeling was strengthened by the turbulent events in the Africa of 1960-1962.

"So when in 1962 our family emigrated to Britain, I was profoundly relieved. I felt the move, which I saw as a kind of sacrifice, would absolve me from the responsibilities incurred as White person in South Africa.

Roots in SA

"From 1962 to 1968, when I went up to Leeds, I tried hard to become an Englishman, but with little success. Though I admired British culture and institutions, I learnt that my roots were firmly fixed in South Africa . . .

"I went up to Leeds in 1968 and found myself in an atmosphere where progressive ideas were the norm and where the best minds among my contemporaries were absorbed in Marxist ideas of several varieties.

"I had the usual complement of anti-communist and anti-Soviet views but over the years, in many long and intense discussions with students and lecturers from many parts of the world, my ideas changed.

"My conversations with African students led me to believe that only the socialist mode of development with a planned economy and the massive mobilization of the working people could lift the continent out of the poverty and under-development in which it seemed trapped.

Offered hope

And in South Africa, I came to believe, only the course of action laid out by the African National Congress, and its sister organizations, including the South African Communist Party, offered the hope of releasing for the benefit of all South Africans the energies, talents and aspirations of all our people.

"From the liberation of the African people, the most oppressed section of our population, would flow a just and democratic society, a South Africa that belonged to all who lived in it — Black and White.

"I believed this to be the only truly patriotic view of South Africa. For I think I can honestly say, my lord, that, from the time my views on South Africa became rationally held, I have not felt any hatred or prejudice against any race or language group in our country.

View still held

"This was the view I came to hold, and this is the view I still hold. I have no desire for martyrdom but I would not want the court to think that I undertook the political work of the past three years lightly or out of any other than sincere or deeply held principles.

"But, my lord, I do have regrets — very deep ones. They concern my family. When I first met my wife, she had little idea of the South African problems that concerned me. As an Englishwoman, she bore no responsibility for conditions in this country, and had we not fallen in love and married, there would not have been the slightest chance of her coming to South Africa or much less finding herself in the dock today.

"Only her love and loyalty towards me led to the minor and peripheral activities of which she has been convicted.

Unborn child

"Today that family life faces severe and prolonged disruption with inevitable and serious consequences for the welfare and happiness of my son and, perhaps even more so, for the child that will be born next month.

"For the sake of my family, my lord, I earnestly beg your lordship to show leniency to my wife."

Cronin also sketched his academic career which culminated in his completing an MA degree at the Sorbonne, Paris.

He said he was born in Durban in 1949 and that his father — a lieutenant-commander in the South African Navy — died when he was 10.

After completing his MA degree he returned to the Republic in 1974 and last year became a lecturer in the Department of Political Science at UCT.

"I think that I can honestly say that I did not in any way attempt to use my position to manipulate the political views of the students . . .

"In addition to my lecturing responsibilities, I was, at the time of detention, working on a doctoral thesis on the ideology of Africaner nationalism.

"My political involvement derives from principles that are moral and intellectual as well as being political in character. At the heart of these is a three-fold commitment — to work for the end of all class exploitation; to work for a democratic South Africa; and to work under the leadership of the ANC for the national liberation of the African people and other oppressed national groups in South Africa."

These three commitments were closely interconnected, he said. At present the liberation of the African people was the way to a South Africa that would belong to all irrespective of colour.

Dynamic force

"A democratic South Africa will only be feasible with the realization of the legitimate aspirations of the African people for full political, social and economic rights in this, the country of their birth.

"These national aspirations, I believe, constitute the most dynamic force for progressive change in society at present.

"Moreover, because they are the great majority in our land, this national liberation of the African people will not be meaningful if Black faces simply replace White faces in the role of the oppressor.

"The national liberation of the African people and of the Coloured and Indian peoples who are also made to suffer various national diabilities will only be compelted if the structure of our society is itself transformed, only if our society progressively ceases to be based on the exploitation of man by man.

"These, my principles, were not developed all at once, nor did their development always come easily. My political views were at first typical of many English-speaking White South Africans. I imagined that the inequalities and discriminations that were in evidence about me were all the results of the attitudes of White Afrikaans-speaking South Africans.

"This was a mistaken but convenient view. While I enjoyed all the privileges of being a White in South Africa, I also absolved myself from any responsibility.

"I came in time to realize the prejudiced nature of this view. I came to see that it was in fact the social and economic system, supported by most White South Africans, that was responsible for the existence and perpetuation of grave racial inequality and class exploitation.

"Moreover, with regard to myself, I came to realize that my political inactivity . . . amounted . . . to tacit support for a system I deplored in theory . . .

"I came to realize that while I was able to spend several years at university, others in South Africa were compelled to go out and seek work before they had finished, or even started, school.

"That, while I was free to come and go as I pleased, others had to carry passes.

"That, while I was able to live in relative comfort close to the university, others were torn from their wives and families by migrant labour, or displaced far from their places of work by group areas removals and other legislation.

"Above all I came to realize that all of my privileges were not unrelated to the sufferings of others, that my privileges were made possible by the wealth produced by the sweated labour of others. The privileges that I have enjoyed have placed obligations upon me to my country and its people . . .

"I would like to stress that what I have done has been done not against South Africa, but rather for a more integrated and more peaceful South Africa, for a South Africa not splintered up territorially, for a South Africa not weakened by racial divisions and class exploitation.

"What I have done has been directed not against my fellow White countrymen but against a social system that many Whites support but which is, I believe, not in the long-term interests of most of South Africa or its people.

"Finally what I have done has been done not just on behalf of others but with the deep conviction that a people that oppresses another can never itself be free.

Sacrifices

"In conclusion, my lord, I would like to mention certain regrets that I do have with regard to my mother and my wife.

"After my father's death, my mother devoted herself to her sons and made many sacrifices to ensure that I was able to pursue my studies. I realize that her happiness is closely bound up with the expectations that she has come to place in me.

"My wife and I were married while she was also still working on a post-graduate degree. For this reason, we delayed starting a family although we both very much would like to experience the happiness of this responsibility. Further postponement of these plans will, I realize, be a considerable sacrifice for my wife.

"I am sincerely sorry that, although my mother and my wife do not share my belief, much of the suffering . . . will be borne by them," Cronin said.

Later during the day's proceedings Mr Justice Diemont described Cronin's statement as a "political harangue".

In his judgment delivered to a packed court at the start of proceedings yesterday, he referred to a garage hired by Cronin as a "pamphlet factory".

He said: "Not only does it seem that documents were being produced on a large scale but it also seems that the operation was a clandestine one, or at least that the circumstances were suspicious. I say this because first of all the garage was hired under an assumed name and secondly because it was being used not for a motor vehicle but as an office — there was a folding table and two chairs in the garage.

"Moreover, it was not even situated conveniently near either Rabkin's flat or Cronin's flat. It was some 4,4 km from the Rabkin flat and 16 km from the Cronin flat.

False name?

"It is also a ground for suspicion that the duplicators, one of the addressographs and at least one of the typewriters were bought under a false name. It will be noted that each typewriter was a different make.

"Another significant fact is that among the papers in the garage was found a list containing more than 2 000 names and addresses — the accused appear to have had a wide circle of pen friends, the majority of whom had Indian and African surnames."

Similarity

Mr Justice Diemont said it was more than a coincidence that the pamphlets wich were scattered by explosions in Johannesburg on March 18 were similar to pamphlets posted in Cape Town a week earlier.

For the pamphlets prepared in the garage he said that they emanated either directly or indirectly from the ANC or the South African Communist Party.

Those bearing the imprimata of the SACP were rather more subtle than the ANC pamphlets in that they were linked to contemporary political events.

As Mr Harwood had pointed out, violent political events in other parts of the world including Mozambique and Angola were used as an incitement or spur to action to the reader of the pamphlet.

Vorster meeting

Anyone who read them carefully would note that the people responsible for their production and dissemination must have been fully aware of their dangerous character.

One which referred to rioting on the Rand and the Kissinger-Vorster meeting in the German Federal Republic gave half a page of advice.

"Each of us can play a role in distributing and making propaganda. You can help distribute by showing the revolutionary pamphlets you receive to your trusted friends. You can also leave these pamphlets in public places where others will find and read them."

Gloves advised

Collaborators were warned to wear gloves and not to leave fingerprints about, Judge Diemont said.

He quoted again from the pamphlet: "Make sure you are not seen. Do not leave any traces of your work at home. Every successful revolutionary action is another step forward on our march to liberation. Kruger the minister of police is alarmed at the growth of our underground movement."

The pamphlets made unpleasant reading, the judge said. The concept of violence, violence which would explode into disorder and insurrection, was referred to again and again.

One pamphlet said: "Our people must know the skills of guerilla warfare, use them, master them, and be victorious through them."

The last pamphlet he referred to was "even cruder in its encouragement of violence." It said "Death to the murderous oppressors" and "Free Mandela, Hang Vorster."

"This is strong meat," Mr Justice Diemont said. "It is stuff which in the hands of unthinking people could lead to bloodshed and rioting."

Mitigation

A City Councillor, Dr J T Sonnenberg, the senior assistant editor of the Argus, Mr John Colman, Dr Jerome Rabkin, a paediatrician and relative of the Rabkins, and Rabkin's father, Mr Gerald Rabkin, gave evidence in mitigation for Rabkin and his wife.

Commodore Richard Dryden Dymond and Cronin's mother, Mrs F Cronin, gave evidence in mitigation for him.

Addressing the court on the question of sentence, Mr Harwood said there was no justification for suspending the sentence to be imposed on Mrs Rabkin.

Part suspension

Dr W E Cooper SC, who appeared for all three accused, said the court could suspend part of the sentence it intended to impose on Mrs Rabkin.

Society did not require that a pregnant woman be imprisoned, he said.

He had been instructed to give an undertaking that Mrs Rabkin, a British citizen, would leave South Africa immediately if she were not jailed, Dr Cooper said.

Referring to her husband and Cronin, Dr Cooper said that five years — the minimum sentence laid down by the law — was a severe sentence.

Not "monsters"

There was no evidence that their pamphlets contributed to the social unrest and riots that had occurred in the Republic.

He urged the court not to treat them as monsters. There was no evidence to show that they were leading lights in the Communist Party and they were not professional terrorists or saboteurs, Dr Cooper said.

He submitted that harm to society had not been such that severe sentences should be imposed.

Mr Justice Diemont sat with two assessors — Mr G R de M Hofmeyr and Mr H van Huyssteen.

The Attorney General was assisted by Mr Tielman Louw. Dr Cooper was assisted by Mr E L King and instructed by Sonnenberg, Hoffmann and Galombik.

Susan Rabkin and her father-in-law, Mr Gerald Rabkin, who gave evidence in mitigation of sentence yesterday.

325 - Pol Trials

Journalists to face Terror Act charges

29/9/76 CT

Own Correspondent

PRETORIA. — Security Police have completed their investigations arising from detention of three journalists in July and Terrorism Act charges will follow within the next two weeks.

This was disclosed here yesterday by Major-General M Geldenhuys, Chief of the Security Police, who said that the police docket was now in the hands of the Attorney-General of the Transvaal.

The detained journalists are Mr Anthony Holiday, a senior reporter of the Cape Times, Mr Patrick Weech, a sub-editor on the Rand Daily Mail and Mr Harry Mashabela, a reporter of the Star.

All three were detained during a two-day series of security police swoops in Cape Town and Johannesburg at the end of July.

General Geldenhuys said yesterday that Terrorism Act charges would be brought against the detained journalists within the next week or two. He could not say whether all three would face charges or whether any of them might be brought as witnesses.

"The matter is now in the hands of the Attorney-General for his decision," he explained.

325- Pol. Trials

30/9/76 nm

TOP ANC WOMAN IS STATE WITNESS

Mercury Reporter

PIETERMARITZBURG—The former chairman of the ANC Women's Association for Durban Central, Mrs. Merica Mthunywa, appeared in the Supreme Court here yesterday as a State witness in the ANC terrorism trial.

Mrs. Mthunywa was warned as an accomplice in the case of the 10 accused before her evidence.

Mr. Justice Howard told her that if she answered all lawful questions put to her she would be entitled to an indemnity from prosecution for the offences mentioned in the 18-page indictment.

She told how Mr. Joseph Ndull, one of the accused, had come to her in 1974 asking for the ANC Women's Association. "I told him that the Government had banned it."

The previous witness, Mr. Raymond Nkosi, who was also warned as an accomplice, said Mr. Nduli had told a group of men: "The time for speaking has passed. Before this the ANC did not spill blood but now it is the time to fight.

"He told us to work underground and look for people to enrol, for they would later return to Swaziland with him to become soldiers of Umkonto we Sizwe.

"He also told us that when these people returned to South Africa we would have to find rooms for them. They would return and fight while he said he would

Earlier in the trial another witness, Mrs. Johanna Gumede, said a tin and iron shack had been built in the yard of her Clermont home "for storing umkontos."

Umkonto we Sizwe (The Spear of the Nation) was earlier described as the military wing of the banned ANC.

Mr. Nduli wanted Mr. Nkosi to sell his small car and buy a kombi to "carry weapons from the border."

"I refused to change my car, for it was fine for my family, but I told him that the organisation should buy one if they wanted one."

Mr. Nduli, who was introduced to Mr. Nkosi as "Nxumalo," gave him a Manzini address to send letters if he had found "people."

"He told me I should say it was raining if I found people, while if I did not I should write that it was not raining.

"When he came to us later asking for the people we told him we had not got any. He said we were wasting his time by not carrying out orders. He also said he was travelling dangerously and was being sought by the police."

Under cross-examination by Mr. George Muller, for the accused, Mr. Nkosi said he had been kept in solitary confinement since being detained on April 9.

The trial, in which 10 men have pleaded not guilty to charges under the Terrorism and Suppression of Communism Acts, will continue today when Mrs. Mthunywa will continue her testimony.

Mr. Muller appears with Mr. Chris Nicholson for the accused while the Deputy Attorney-General of Natal, Mr. Neil Rossouw, appears with Mr. Gert Engelbrecht for the State.

325 - Pol. Trials

State witness claims police torture

Mercury Reporter

PIETERMARITZBURG SECURITY Police allegedly tortured a Pietermaritzburg man and threatened to continue if he did not agree he had been recruited for military training, the Supreme Court heard yesterday in the ANC terrorism trial.

State witness Mr. Michael Gumede told Mr. Justice Howard that two White and a Black policemen arrested him at his Sobantu home.

He said White policemen hit and slapped him and on a later occasion put stones in his shoes and made him stand on tip-toe.

Mr. Justice Howard told Mr. Neil Rossouw, the Deputy Attorney General and State prosecutor: "Please see that these allegations of assault are thoroughly investigated and the necessary steps towards justice taken."

Mr. Gumede said Mr. Anton Xaba, one of the 10 accused, had approached him to undergo military training. Initially he agreed but later refused.

Under cross - examination by Mr. George Muller, QC, defending, Mr. Gumede said he was detained on November 30 and taken to Loop Street police station where he found Mr. Xaba.

Mr. Muller: "Mr. Xaba claims he heard you crying out and asking for mercy and to be forgiven."

Mr. Gumede: "Yes. They were hitting me."

The witness said he was then taken to Howick police cells and was told that Mr. Truman Magubane was also there. One day he called out for Mr. Magubane, another accused, who replied from the adjoining cell.

"I told Truman I had denied being recruited by Xaba. They then slapped and hit me. They assaulted me. They later filled the toes of my shoes with gravel and I had to stand on tip-toe."

"On one occasion they tied a brick to my testicles with string and I cried out. What I told Truman was the truth," he said.

Mr. Gumede was released from detention but they told him to "stick to the statement I made otherwise I would be arrested."

The next witness was a 16 - year - old epileptic who said that Mr. John Nene, one of the accused, told him while they were drinking beer at a shebeen in Edendale that he wanted him to go with others to "learn to be soldiers."

"I said I was still small and could not do anything like it."

Under cross - examination he admitted he had heard a rumour that the Government would be sending unemployed Africans for military training. He said Mr. Nene told him he had found him a job on, "the other side of Durban."

He was arrested "late at night" and taken to the Loop Street police station by a Black and two White policemen.

"I spent the night there and then they let me go."

He had been shown his written statement "a few days ago" at Loop Street. "I cried when they took me from my house. I was frightened by the police taking me away."

The 10 are charged with being active members of the banned ANC and are being tried under the Terrorism and Suppression of Communism Acts. They have all pleaded not guilty to the charges.

Mr. Neil Rossouw appears with Mr. Gert Engelbrecht for the State while Mr. Chris Nicholson appears with Mr. Muller in defence.

The trial continues today.

325 - Pol. Trials

Saso trio seek urgent order

6/10/76 DD

PRETORIA — Two Saso terror trial accused have sworn they were detained in a small dark cell which was "filthy and infested by lice and bugs" while awaiting trial here.

In an urgent application before Mr Acting Justice Kruger in the Supreme Court here, three of the accused in the year-long trial, Mr Saths Cooper, Mr Gilbert Sidebe and Mr Strini Moodley, asked for an order against the Minister and Commissioner of Prisons and the commander of Pretoria local prison that they return defence documents taken from the accused, comply with Prisons Act regulations and pay costs of the action.

The case was postponed sine die after Mr Ernie Wentzel, for the three men, told the court they had received "various assurances" from the Prisons Department.

Mr Moodley, former Saso newsletter editor who has been an awaiting trial prisoner for 720 days, said the commander of the prison had him detained in the "donker sel" after reading his "personal diary" relating his prison experiences.

He spent seven days in the cell and was only allowed to leave it to shower, see visitors or work on his defence with his co-accused.

He had suffered trouble with his eyes, continuous headaches and an inability to concentrate since the experience, he said.

Mr Sidebe described the cell, where he spent three days, as "eight-by-four feet, constantly in a state of complete darkness, filthy and infected with lice and bugs, furnished with a 2 cm thick mat and blankets, unwashed and encrusted with dirt."

Both Mr Moodley and Mr Sidebe said they had not been given a trial before being detained in the "donker sel."

Mr Cooper, former Black Peoples' Convention publications officer, said the nine accused men's cells had been ransacked by warders and documents, necessary for defence preparation, had not been returned.

All three men said they had not been allowed to exercise in the open air since July 28.

"Unless the respondents are restrained by an interdict, they will continue in their unlawful conduct," Mr Cooper said.

Both Mr Moodley and Mr Sidebe said they had also been given punishment called "drie maaltye" (three meals), which meant being deprived of food for a day.

Since leaving the "donker sel," Mr Moodley said he had been confined to the "isolation cell" at the prison. When he returned one day, a notice saying "180 days" was on the door.

He had been shouted and sworn at by the prison commander, Mr Moodley said. When visited by the commander on his first night in the "donker sel," Mr Moodley had told him "everything was not all right." In reply to his question, and had the "door slammed in my face." — SAPA.

325 - Pol. Trials

YOUTH ON OFFER OF MILITARY TRAINING

7/10/76 MM

Mercury Reporter

PIETERMARITZBURG — A Black youth told the Supreme Court here yesterday he believed everything the Special Branch Police said "as they are the Special Branch."

The 17 - year - old youth was giving evidence in the ANC terrorism trial in which 10 alleged members of the banned ANC have pleaded not guilty to charges under the Terrorism and Suppression of Communism Acts.

They are being represented by Mr. George Muller QC and Mr. Chris Nicholson.

Under cross - examination by Mr. Muller, the youth said he was very frightened at being taken from his home to the Loop Street Police Station by two White and a Black policeman. He said he believed all the Special Branch men said "as they are the Special Branch."

He said he had seen his statement many times before appearing as a State witness in the trial.

Mr. Hansford Madlala told the Court that Mr. Truman Magubane, one of the accused, had approached him to go to Mozambique for military training.

Mr. Magubane told him that 15 youths had already left for Mozambique for military training while a group of five others "was about to leave."

"He wanted me to be number six. He said we could come back and free the Blacks by fighting. I refused to go."

The boys were to reach Mozambique through Swaziland. The two met while both were employed at Edendale Hospital.

Mr. Mandla Phungula, a former Zigamu bottle store delivery man, pointed out Mr. John Nene, one of the accused, as one of the men who had approached him to go to Mozambique for military training last year.

"I said someone else had approached me for the same thing and I had told him I did not want

"I asked him why he did not go himself, but he said he was getting the boys. I said I would not go because there were children at home and I was supporting them."

The Court was forced to adjourn yesterday morning as a power failure plunged the building into darkness.

The Deputy Attorney - General, Mr. Neil Rossouw, appeared with Mr. Gert Englebrecht for the State.

The trial continues today.

Journalist in court today

C.T. 8/10/76 (325. Pol. Trials)

Own Correspondent

JOHANNESBURG. — Mr Anthony Holiday, 35, a senior reporter of the Cape Times who was detained in a Security Police swoop in July, is to face charges under the Terrorism Act in the Johannesburg Regional Court today.

This was disclosed in Johannesburg yesterday by Colonel P J Coetzee, head of the Security Police at John Vorster Square, who said that Mr Holiday would appear in court during the afternoon.

Mr Holiday was arrested in Cape Town on July 28 together with Jeremy Cronin, David Rabkin and Susan Rabkin.

Less than 24 hours later, Security Police detained two more Johannesburg journalists, Mr Patrick Weech, a sub-editor on the Rand Daily Mail and Mr Harry Mashabela, a reporter on the Star.

Cronin and Rabkin were convicted in the Cape Town Supreme Court last month on charges under the Terrorism Act and Mrs Rabkin was found guilty in terms of the Internal Security Act.

Colonel Coetzee did not disclose yesterday whether charges would be brought against Mr Weech and Mr Mashabela.

"At this stage only Mr Holiday is to be charged," he added.

Mr Weech and Mr Mashabela are still in detention.

(325 - Pol. Trials)

ANC Court told taxi driver paid R300

8/10/76 MM.

Mercury Reporter

PIETERMARITZBURG—A Pietermaritzburg taxi driver was paid R300 by two accused in the ANC terrorism trial to take three groups of Black youths to places near the Swaziland border, the Supreme Court heard here yesterday.

Mr. Elson Nzana told Mr. Justice Howard that he had been asked by Mr. Harry Gwala, one of the accused, to take a group of boys to the Nyanane River near the border.

He travelled with five boys through Durban and Empangeni to a spot on the river past Pongola. He was paid R100 for this trip to the river but when he got to the river the boys argued among themselves whether it was the right spot. They then asked to be taken further.

The party reached the border post but returned the same day to Pietermaritzburg.

Before leaving on the trip Mr. Nzana asked Mr. Gwala: "What is the position with these boys?"

"I thought they might be crooks or be carrying dagga or something and get me into trouble," he said.

Mr. Gwala again asked him to take the group to the spot on the river showing him the exact place on a map. For this trip he was paid R120. On the way to the river he asked one of the youths where they were going and why.

He was told that they were on their way to look for work.

Mr. Nzana said that six boys were taken on the second trip and dropped at "a big house" at Mahamba.

He then told the Court that Mr. John Nene, another accused, asked him to take some boys to Pongola. He took two boys on this trip and was paid R80 by Mr Nene. Soon after his return from this trip Mr. Nzana was arrested.

The trips were made in the latter half of last year. Mr. Nzana told the Court that on each occasion his passengers had no luggage with them.

Mr. George Muller, who appears with Mr. Chris Nicholson for the defence, told Mr. Nzana: "I am not going to contest the evidence as it is in the main correct."

The trial continues today.

Behave yourself witness told

DD. 9/10/76

PIETERMARITZBURG — Mr Justice Howard told a State witness in the ANC terrorism trial at the Supreme Court here yesterday to "behave" himself after the witness had complained of being "locked up since last year."

Mr Philimon Mokoena, who was warned as an accomplice at the start of his evidence, asked: "How long have I been locked up? Just now I will be locked up again. I will be sick just now."

Mr George Muller, QC, for the 10 accused, asked Mr Mokoena whether being locked up distressed him.

"I am kept alone, it makes me sick and I can't sleep. Then sometimes I can't wake up. It is affecting my brain. I do nothing all the time, just sleep," he said.

During his evidence, he told the court that Mr Anton Xaba, one of the accused, asked him if he wanted "to go to Swaziland or further to become a soldier."

Mr Xaba told him he would return and "fix up this place of ours and then we would all stay the same and there would be no oppression."

"I said I would be glad to go and he said if there were people going he would tell me," he said.

Mr Mokoena later told how he and four other "boys" travelled by taxi from Pietermaritzburg to the Swaziland border. The party later returned to Pietermaritzburg without meeting their contact.

He said he had been detained in December 1, last year and later taken to police cells where he was put in a cell adjoining Mr Truman Magubane, another accused.

Mr Muller: "Did you tell Mr Mugubane that the police had assaulted you?"

"Yes, an Indian hit me," Mr Mokoena said.

The 10 men have pleaded not guilty to the charges under the Terrorism and Suppression of Communism Acts.

The case continues on Tuesday. — DDC.

325

Court told accused preached revolution

STAR 13/10/76

PRETORIA — Black consciousness was the ideological instrument used to motivate and prepare blacks for armed revolution, State counsel, Mr C. Rees, told the year-long Saso terror trial here yesterday.

Opening the State's argument after a six-week adjournment, for the conviction of the nine men accused under the Terrorism Act, Mr Rees said they had, among others, tried to tell blacks they were oppressed and unhappy, that whites should be the target of black anger and hatred and that black communalism would provide the "utopia" after the removal of the yoke of white oppression.

The accused are Mr Saths Cooper, Mr Muntu Myeza, Mr Mosioua Lekota, Dr Aubrey Mokoape, Mr Nkwenkwe Nkomo, Mr Gilbert Sidebe, Mr Zitulele Cindi, Mr Pandelane Nefolovhodwe and Mr Strini Moodley.

All are past members or officials of Saso or the Black Peoples' Convention.

The men have been awaiting-trial prisoners since October 1974 following the "Viva Frelimo rallies" in Durban and at the University of the North, Turfloop. All face a charge of conspiring to bring about revolution unconstitutionally by violent means or threats of violence, with the exception of Mr Sidebe who need only answer the Turfloop rally count.

Mr Cooper faces a further four counts relating to BPC pamphlets and a Sharpeville commemoration meeting on March 21, 1973.

Junior State counsel Mr M. Ackermann alleged several weaknesses in the earlier evidence of defence expert witnesses.

He said the testimony of American political scientist and State Department consultant, Prof T. Gurr, was given against an uninformed background knowledge of South African politics.

State argument is expected to end tomorrow. The defence may then ask the court for a further postponement for preparation of its argument. — SAPA.

RDM 13/10/76 (325 Pol Trials)

'Revolution the aim'

Staff Reporter

THE NINE accused in the Saso-BPC trial planned to prepare Blacks for a struggle against the Government, which was to culminate in violent revolution, the State said at the Pretoria Criminal Sessions yesterday when legal argument in the marathon case began.

The State argued that preparations for that purpose were of a comprehensive nature.

First of all Blacks had to be made to feel discontented.

Then they had to be convinced that the source of their misery was the White man, and after that they had to be taught that it was futile to expect any good from Whites.

A member of the State team, Mr Kevin Atwell, told Mr Justice Boshoff that Saso's aim was working for the liberation of the Blacks from the so-called oppression of minority rule and it adopted the principle of Black consciousness to that purpose.

He said BPC's aim was running projects on literacy, leadership training, youth camps, the method known as conscientisation, legal aid and trade unions.

Taken all together, Mr Atwell said, it was clear from Saso and BPC literature, that the two bodies, on which the nine accused were members, had as their ideal the control of the lives of Blacks from the cradle to the grave.

They taught the Black student the motto: "I am a Black before I am a student."

The hearing continues today.

325 - Pol. Trials

Court told of struggle at Swazi border

Cape Times 15/10/76

Own Correspondent

MARITZBURG. — Defence counsel in the ANC Terrorism Act trial submitted to the Supreme Court here yesterday that two of the accused had been captured and bound then forced over the Swaziland border fence by two groups of special branch policemen who combined to ambush the pair.

Mr George Muller, QC, for the 10 accused, put to Mr Samson Lukele that he had shouted to the police in a panel van on the South African side of the border fence after meeting the two accused on the pretence of handing over boys allegedly recruited for "training in weapons" by Mr Joseph Mdluli.

Assisted

"Those from the panel van started climbing through the fence to Swaziland and were assisted by men who came from behind the accused on the Swaziland side of the fence.

"The two groups combined to grab these men. They struggled but were overpowered and had their hands tied with rope, one having a rope tied around his neck. Both men were forced over the fence to the South African side of the border," Mr Muller alleged.

Mr Lukele denied the allegations. "Everything happened so fast," he said.

From the border the party drove to a police camp near the sea.

Captured

The two accused, Mr Cleopas Ndhlovu and Mr Joseph Nduli, were captured at the point where, on two previous occasions, Mr Lukele had met a Mr Zuma with boys from Durban who had allegedly been recruited for "training in weapons" by Mr Mdluli, who died in March while in Special Branch custody.

Mr Lukele was arrested on his return from the second trip and asked to direct the police to the rendevous point.

Mr Muller continued: "They made these two men stand there in the yard did they not?"

Mr Lukele: "I did not see because I was sleeping."

Mr Muller: "Did you see Lieutenant Taylor hit Nduli in the diaphram and did you see they made Nduli stand blindfolded in the camp?"

Mr Lukele: "No. I said I was sleeping."

Mr Muller: "Why did you not try to run away from the police when they were capturing the two men?"

Mr Lukele: "It had not occurred to me. It was natural for me to want to arrest these men because of the way things had turned out. I was helping to arrest them."

325 - Pol. Trials

State ends Saso trial argument

Cape Times 16/10/76

PRETORIA. — A week of State argument for the conviction of the nine accused in the Saso Terror Act trial, which has dominated criminal sessions in the Supreme Court here for close on two years, ended yesterday.

Congratulating the State team on a "very thorough" 370 page argument, Mr Justice W G Boshoff allowed a two week postponement for the defence counsel, Mr David Soggott and Mr Harry Pitman, to prepare their reply.

State counsel, Mr Cecil Rees, SC, who was earlier in the year prevented from taking up his appointment as South West Africa's Attorney General because of the trial, asked to be excused to take up his new post as Natal Attorney General, to which he has subsequently been promoted.

Recall

Mr Justice Boshoff said he might recall Mr Rees if the defence raised new technicalities in the interpretation of the Terrorism Act.

Concluding the State argument, Mr Rees answered Mr Justice Boshoff's earlier request that he show how the actions of former Black Peoples' Convention public relations officer, Mr Saths Cooper, were "capable of endangering law and order".

Referring to pamphlets allegedly put out by Mr Cooper, Mr Rees said the "right of members of the public to criticize the Government, even in scathing terms, is one of the cornerstones of democracy". But, he said, Mr Cooper's pamphlets "interfered with the will or capability of people to generally accept and obey the law".

This made the job of those charged with the maintenance of law and order more difficult.

In terms of Mr Justice Boshoff's ruling, that an act of terrorism must be directed at either the "constituted authority or general body of law abiding reasonable men" Mr Cooper's pamphlets were a danger to law and order and thus terrorism, argued Mr Rees. — Sapa

325 Pol. Trials

Court told of dawn escape bid

NM 19/10/76

Mercury Reporter

PIETERMARITZBURG — Three Lamontville youths made a daybreak escape from a Manzini house after they learned they were being sent to Tanzania "to learn to fight with guns," the Supreme Court heard yesterday.

State witness in the ANC terrorism trial, Mr. Jabulani Mdluli (19), told how in March this year his relative, Mr. Joseph Mdluli, who died in detention in Durban in March, offered him a job in Swaziland paying R250 a month.

Mr. Joseph Mdluli later took him and a group of other boys to Durban, where they met four others. "He told us to keep our money and not spend it on White women."

The group of seven youths then left for the border by taxi. The driver told them to climb the fence and sit in the grass while he spoke to the two men on the Swaziland side.

"He spoke to those men who came to meet us. That one is one of the men," he said, pointing to Mr. J. Nduli, one of the accused.

"We walked a long way to a Land-Rover where I saw Nduli unwrap a revolver. At midnight we got to a house at Manzini where we met Albert Dhlomo.

One of the youths, Duke Mapanza, asked what work they would be doing and was told there was no work for them in Swaziland and that Mr. Mdluli must have been "playing the fool."

"They said we would go to Tanzania to train to fight, then come back and free the Black people in South Africa. We refused to go and demanded to go home.

"We decided to escape and run away when we realised they would take us to that place by force."

The three youths fled the house at daybreak that Monday and went to the police and "told them what had happened to us."

The 10 charged under the Terrorism and Suppression of Communism Acts have pleaded not guilty.

The trial continues.

LAWYER DECLINES TO GIVE EVIDENCE

Mercury Reporter

PIETERMARITZBURG. THE STATE yesterday closed its case against the ten men charged under the Terrorism and Suppression of Communism Acts appearing before Mr. Justice Howard in the ANC terrorism trial at the Supreme Court here.

Earlier in the day the Deputy Attorney-General, Mr. Neil Rossouw, called Durban attorney Mr. Griffiths Mxenge to appear as a State witness.

Mr. Mxenge declined to give evidence and in his address to the Court before he was asked to take the oath he said he found his being called to give evidence "highly undesirable."

"I am an attorney by profession. I have spoken to Mr. Rossouw on the phone and he asked me to give evidence in this matter. I will not for the simple reason that this matter is privilege.

"Mr. G. J. Zuma sought legal advice on a matter from me and this is strictly confidential. I have acted for all those men before the Court. I have had serious consultations with their wives.

"Lots of confidences have been shared and I find this highly undesirable as an attorney to first act for a man and then act against him. This would be a disgrace to the profession as it is a highly ethical matter," Mr. Mxenge said.

"I am not going to ask any questions about consultations or communications," Mr. Rossouw told the Court.

Mr. Richard Feetham SC, who appeared for Mr. Mxenge, said that the matter of a cheque was itself a consultation.

Mr. Rossouw said on November 11 last year Mr. G. J. Zuma, who is cited as a co-conspirator in the case, gave Mr. Mxenge a cheque for R300 in exchange for a cheque of R200 made out by Mr. Mxenge and R100 cash.

"I want to know whether the cheque and counterfoil are still in the possession of Mr. Mxenge as they have not been found. The inference is that Mr. Mxenge knew this money would be used for purposes other than legal purposes. It reflects on Mr. Zuma's actions."

Mr. Rossouw handed in the judgment of the appeal made by Dr. Beyers Naude against his conviction for refusing to give evidence before the Schlebusch-Le Grange commission.

Mr. Justice Howard asked Mr. George Muller, QC defending, whether he was prepared to admit these facts. "Yes, my Lord."

Mr. Justice Howard ruled that he did not require Mr. Mxenge to give evidence in the light of the admissions of the defence.

Before closing the State case Mr. Rossouw said some State witnesses were still being detained and named one couple who were being detained under the Internal Security Act.

"They have made it clear they will not return to South Africa again if they are released and allowed to return to Swaziland. They have complained about being detained. I wonder what the Court feels about their being released?"

Mr. Muller asked the Court to order the release of all those detained who have not been called as witnesses.

Mr. Justice Howard said he had no power to do this.

The ten accused have pleaded not guilty to the charges.

The trial continues today.

325 Pol. Trials

3 on Terror Act charge

C.T. 20/10/86

Staff Reporter

THREE YOUTHS, John Hoffman, 23, Jiawoodien Parker, 21, and Ishmail Jackson, 22, appeared briefly in the Cape Town Magistrate's Court yesterday charged under Section 2 of the Terrorism Act.

The case was postponed to November 2.

Mr A S McCarthy was on the bench and Mr P D Theron prosecuted.

325

Communism Act trial: bail refused

DD 21/10/76.

UMTATA — Five men charged in the Supreme Court under the Suppression of Communism Act were refused bail after the State alleged they had planned an escape route to Botswana.

The five — Mr Dumisa Ntsebeza, 27, a school teacher at Jongilizwe School for Chiefs at Tsolo; his brother, Mr Lungisile Ntsebeza, 22, unemployed at the time of his arrest; Mr Meluxolo Silinga, 22, an Umtata clerk; Mr Matthew Goniwe, 30, an Umtata sales representative and Mr Michael Mgobozi, 22, an Umtata clerk — did not plead and were remanded in custody by the Transkeian Chief Justice, Mr Justice Munnik, for summary trial in Umtata on November 8.

The Attorney-General of the Transkei, Mr G. Titterton, SC, told the court the five were facing charges on two counts of the Suppression of Communism Act.

The first count alleges they performed acts calculated to further the achievement of any of the objects of communism.

The State alleges the five men professed to be adherents of the doctrine of Marxian Socialism or a related form of the doctrine which aimed at the establishment of a despotic form of government based on the dictatorship of the proletariat. Under such a government only one political organisation was recognised and all other political organisations suppressed or eliminated, the indictment said.

From January, 1974 to June, 1976 the five set up secret cell or groups of persons to spread and establish the doctrine of Marxian Socialism in the districts of Umtata, Mqanduli, Xalanga, Idutywa and Tsolo, according to the indictment.

They received and used financial aid to fulfill the objects of communism, the State alleges.

Further, they are accused of starting a poultry farm near Cala to raise funds for their objectives.

On the second count the five are accused of inciting 16 people to undergo training in political instruction or indoctrination in communist ideology by studying or reading communist literature.

All five accused applied for bail.

Capt C. Dreyer of the Security Branch, who gave evidence for the State in opposition to the bail request, said the five men had made preparations and contacts on an escape route to Botswana.

The police had since received information that five other people who were to be charged with the five had disappeared immediately after the arrest of the five on June 19. They had also received information that the other five had arrived in Botswana and were connected with the group appearing in court.

He also said one of the witnesses who was to give evidence had disappeared on September 11. The police believed he had been abducted from the school he was staying at in Tsolo.

Mr Justice Munnik said he was satisfied with the evidence of Capt Dreyer that the accused might not stand trial if granted bail.

"In recent months there have been numerous references in the press to people leaving the country to avoid trial," he said. This had happened not only in criminal cases but also in commercial cases.

People could not be allowed to escape "the tentacles of justice," the judge said. The application for bail was therefore refused. — DDR.

Cape Times 21/10/76

5 Transkei detainees in court

UMTATA. — Five men detained under the Transkei emergency regulations appeared briefly in the High Court here yesterday on charges under the Suppression of Communism Act.

Bail was refused after the Attorney-General of the Transkei, Mr G Titterton, said there was probability that they would leave the country as escape routes to Botswana had already been prepared.

The men were remanded for summary trial in the High Court on November 8.

They are Dumisa Ntsebeza, Lungisile Ntsebeza, Meluxolo Silinga, Matthew Goniwe and Michael Mgobozi.

According to the charge sheet, they are "professed adherents of the doctrine of Marxian socialism or a related form of that doctrine, which aims at the establishment of a despotic government based on the dictatorship of the proletariat, that they established secret cells to spread the Marxian doctrine and received financial aid from a poultry farm established for this purpose in the Cala district of western Transkei".

A second charge alleges that they incited 16 people to undergo indoctrination in communist ideology with the purpose of furthering the objects of communism.

They were not asked to plead when they appeared before the Chief Justice of the Transkei, Mr Justice G Munnik.

Applications for bail were opposed by the attorney-General on the grounds that five other men wanted by the police for their alleged involvement in the same case had escaped to Botswana.

A state witness had also disappeared — believed abducted by persons unknown — and there was a real fear that other state witnesses would be interfered with should they be released on bail. — Sapa

325 - Pol. Trials

325 Pol Trials

Cape Times 22/10/76

Court told of 'end of Boer' remarks

KIMBERLEY. — It was a good thing that "shanty towns" were erected because when the Blacks took over, the Whites could be driven into them, the Regional Court here heard yesterday.

The national chairman of the Labour Party, Mr Norman Middleton, is appearing on a charge of incitement to racial hostility following remarks he is alleged to have made at a public meeting in the De Aar Coloured community centre earlier this year.

Mr Middleton had told the meeting repeatedly that "the end of the 'Boer' is around the corner," a witness said.

She had heard the name Samora Machel mentioned, she said.

A report about the meeting appearing in a De Aar regional newspaper a few days afterwards had quoted Mr Middleton as saying Samora Machel would not rest until all the Black peoples of Africa were freed, she said under cross examination.

He had ended his speech with the words: "You that are here tonight — go tomorrow and tell your bosses their end is here," Mrs Margaret Edem told the court.

Mr Middleton

Mrs Edem said in the course of a four-hour cross examination by Mr I Mahommed, who appeared for the accused, that she was a Federal Party supporter and had gone to the meeting "just to listen".

She had been upset by the meeting, she said.

The allegation of the State is that Mr Middleton uttered words with intent to cause racial hostility by saying that he (Middleton) was in a position to identify the traitors (referring to "non-Whites" co-operating with the White group), and when the Black power took over (meaning majority rule by "non-Whites") they would be wiped out with the Whites.

It was a good thing that "shanty towns" were erected, because when the Blacks took over, the Whites could be driven into them.

Time was running out for the Whites of South Africa, and that should he (Middleton) rise tomorrow and discover that his skin was White, he would hang himself.

He was alleged to have said that freedom was not far off, and also the end of the "Boer", and that the Brown man should regard the White man as his enemy and the Black man as his friend.

The trial continues today. — Sapa

325

Mrs Rabkin, baby, free soon

Cape Times 23/10/76

By PIERRE CLAASSEN

THERE is a strong possibility that Mrs Susan Rabkin may not return to prison after leaving the Cape Town nursing home where here daughter Franny was born on Sunday. She may be discharged directly to freedom and a swift passage out of South Africa.

"But it all depends on doctor's orders," Susan's mother, Mrs Netta Morris said yesterday. "Whatever happens, we'll be on our way back to England as quickly as possible."

The 3,2 kg Franny was only expected by November 3, but was born within the normal fortnight leeway allowed. She is definitely not premature and quite healthy, according to the proud grandmother. There is also a very strong likelihood that the infant will meet her father, Dr David Rabkin in Pretoria where he is serving his 10-year prison sentence for crimes under the Internal Security Act. Rabkin will, however, not be seeing his three-year-old son, Job, who will be leaving for England with his mother, sister and grandmother.

Permission to photograph Mrs Rabkin and her daughter in the Cape Town nursing home where she is being guarded by eight woman warders, was refused from Pretoria yesterday.

"We know that she is almost a free woman," a spokesman said, "but the rules are quite clear and she is still technically a serving prisoner. You may publish any photograph taken prior to her imprisonment."

Technically, newly-born Franny is also a prisoner but there is a strong possibility that she will not spend any time inside prison walls. The date of her mother's release has so far not been finalized, "but it will be sometimes next week," Mrs Morris said. Doctors instructions may well keep her and Franny in the nursing-home until she is discharged from custody.

328

Cape Times
27/10/76

5-page indictment served on Holiday

Own Correspondent

JOHANNESBURG. — A five-page indictment with a pile of schedules attached was served on Mr Anthony Holiday, a Cape Times journalist, in the Johannesburg Magistrate's Court yesterday when he was remanded to the Supreme Court, Pretoria, for summary trial.

The case will be heard on November 15.

Both the prosecutor, Mr P B Jacobs, and the defence attorney, Mr Raymond Tucker, agreed that the indictment should not be published at this stage. Judges have criticized such premature publication in the past, they said.

The indictment was not before the court and did not form part of the documents before the magistrate, Mr I J J Luther.

Mr Tucker told the court the trial date had been arranged by consent.

Mr Holiday, 35, will be kept in custody.

325

11

Pupil linked with Mashinini—police

28/10/76

STAR

Staff Reporter

RUSTENBURG — A 16-year-old youth held by Rustenburg police on an arson charge was suspected of having links with Tsietsi Mashinini, the Soweto student leader who has fled South Africa.

This was told to the Cillie Commission of Inquiry into the riots by Lieutenant-Colonel George Gouws, Commandant of the Rustenberg Police District, today.

Colonel Gouws said that the youth and two others were being held in Johannesburg because of possible links with Soweto arson cases.

They were arrested after a fire was started in an office of the Madikwe Secondary School at Waaikraal in the Marikana police district, on August 9.

Colonel Gouws said it was also thought the youth was linked with the burning of two police houses in Soweto.

The colonel told of 21 incidents, all inside Bophutatswana, between July 5 and September 19.

Most were arson attacks at schools. Police confronted pupils four times and twice used teargas, but no firearms were used and no-one died.

Unrest in the homeland came within a few days of the Soweto upsurges.

DEMAND

He said that on August 16 two detectives investigating an arson case at a high school in Bethania had to release a suspect and avoid violence when about 500 students demanded the youth be freed.

A police vehicle and the school were later stoned, and the school head was hit in the chest by a stone, but the pupils eventually dispersed.

On another occasion police disregarded appeals for seven students to be released. This was on August 13 when 400 pupils demonstrated at the Moroleng High School in the Pilanesberg district.

The students sang on their knees: "Please release the students, we pray to you." Eventually they dispersed and six of the seven detained pupils were later acquitted on arson charges.

Teargas was used against 700 pupils at the Bafokeng High School near Rustenburg after two women teachers and an inspector had been injured. The pupils had grievances against their teachers.

SECURITY MEN

At another school in the Rustenburg area teargas was used 11 days later when students stoned the school after a visit by two White security branch policemen.

The men were investigating a slogan on a blackboard which declared "rioting will begin today really."

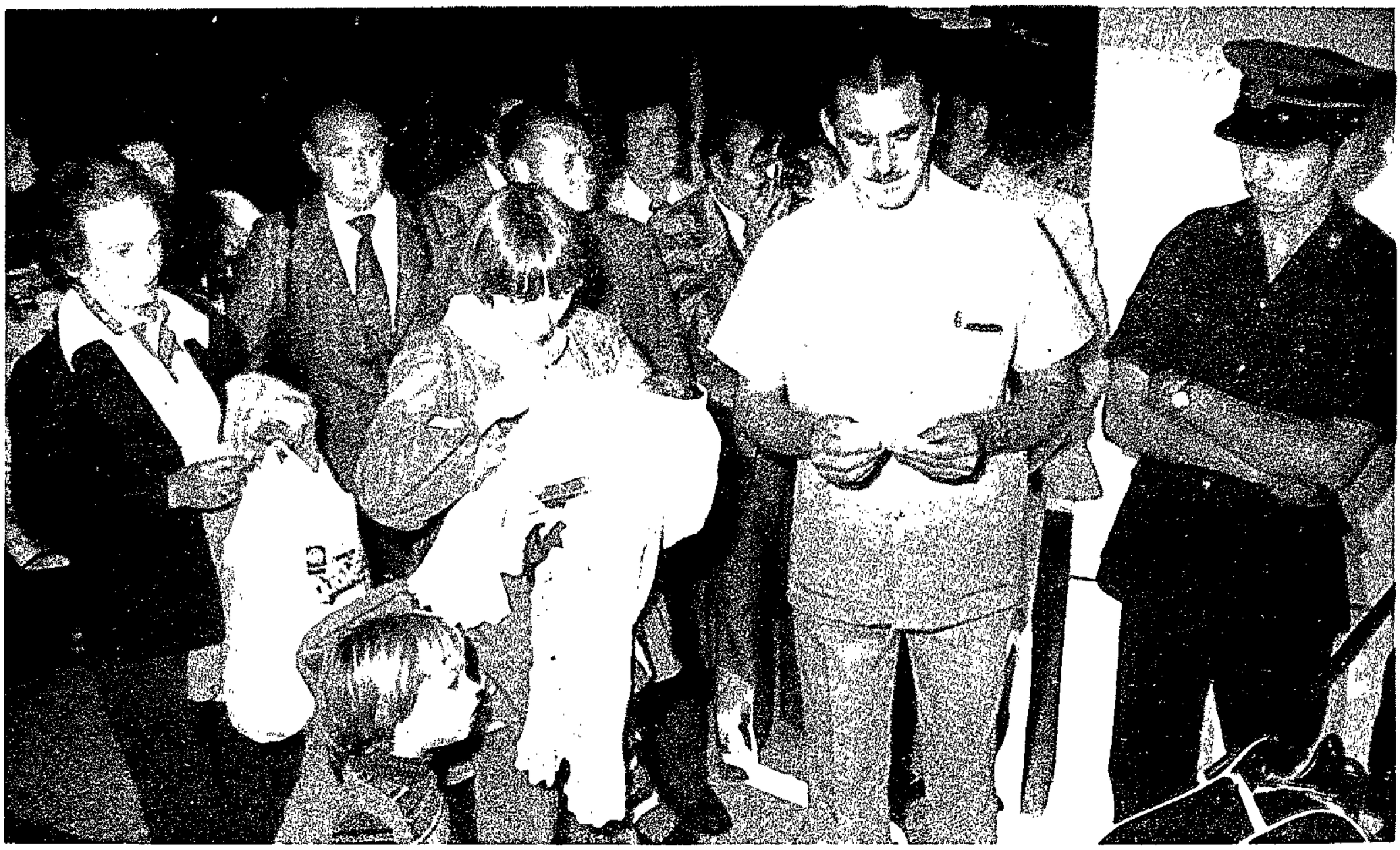
Colonel Gouws said that in the most serious school arson incident in his area teachers living close to the burning school had showed no interest in helping the police. He could not understand this, he told the Commission.

Damage totalled R14 000.

(Proceeding)

325

Susan Rabkin flies to new life



Mrs Susan Rabkin with her baby daughter Franny and son Job next to Sergeant "Spyker" van Wyk moments before Mrs Rabkin left for Johannesburg en route to England. Mrs Rabkin's aunt, Mrs R Rabkin, is on the extreme left.

Left: Susan Rabkin with her baby daughter Franny, shown to the world for the first time shortly after her arrival at D F Malan Airport yesterday.

Cape Times 29/10/76

. . . and David meets his baby for the first time

By DAVID WILLERS

"I DON'T KNOW whether I'll be allowed to return to South Africa to visit David — I hope so," newly-released Mrs Susan Rabkin said yesterday at D F Malan Airport shortly before leaving for Britain to start a new life.

She hugged her 12-day-old daughter Franny, born in custody, and said: "Whether I'll be seeing David today to say goodbye before we leave South Africa depends on the authorities."

But a Prisons Department spokesman confirmed last night that Mrs Rabkin, with her two children, visited her husband at Pretoria Central Prison, our Johannesburg correspondent reports.

"The visit lasted about 90 minutes. The couple had enough time to discuss their personal affairs and Dr Rabkin was shown his children," the spokesman said.

Twenty-six-year-old Susan Rabkin was sentenced to 12 months in jail, 11 of which were suspended, after being found guilty by Mr Justice Diemont of contravening the Internal Security Act.

Her husband David was sent to jail for ten years for contravening the Terrorism and Internal Security Acts.

The judge accepted an assurance that Mrs Rabkin would leave South Africa when she was released.

She had very little to say to newsmen, who had been waiting for her since dawn.

Small and slight, she was dwarfed by her wardress and Sergeant "Spyker" van Wyk who flanked her. After Sergeant Van Wyk handed her British passport to her, she relaxed and smiled for the first time. Somebody bought her a newspaper.

"Thank God," she said. "The first newspaper I've seen in a month." It was the Cape Times.

A reporter asked: "Are you glad to be leaving South Africa?"

"No comment," she said.

"Have you any regrets?"

Again that enigmatic smile.

"What will you do in London?"

"I don't know — please don't ask me any more questions."

Her mother, Mrs Netta Morris, arrived. The two women hugged one another and

Continued on page 2

Mrs Rabkin flies to new life

Continued from page 1

Mrs Rabkin picked up her three-year-old son Job.

"I'll be travelling with Susan and Job to London," Mrs Morris said.

Little Job tugged at his mother's sleeve. "Will David come with?"

"We may see him — I don't know . . ."

"When?"

"Soon."

She took a boarding pass from Sergeant Van Wyk, said goodbye and walked to the waiting aircraft with her mother.

When she arrived at Jan Smuts Airport in Johannesburg she was met by three plainclothes security policemen on the tarmac, our correspondent reports.

She and her children were escorted to a waiting car and whisked away to Pretoria to see her husband.

Her husband had not yet seen their baby.

This was probably the only time he will see his daughter until his release in 1986.

A young man who met the women at the airport and identified himself only as a cousin, said Mrs Rabkin and Mrs Morris would be going directly into transit to await their London flight as soon as Mrs Rabkin returned from Pretoria.

325

27

Naude free after one night in prison

STAR 29/10/76

Pretoria Bureau

Dr Beyers Naude, director of the Christian Institute, was released from prison today after one night behind bars.

He chose yesterday to go to jail rather than pay a R50 fine for refusing to testify before the Schlebusch Commission.

His fine was paid by Dr Jan van Rooyen, the Nederduitse Gereformeerde church minister for Parkhurst, Dr Naude's own congregation.

Dr van Rooyen drove over to Pretoria today, paid the fine, waited for Dr Naude to be released, and then drove back to Johannesburg.

Dr Naude, in an interview, said he felt he was in a dream world.

He would have preferred the fine not to have been paid, but he did appreciate Dr van Rooyen's attitude and concern. Dr van Rooyen had told him he simply could not accept the fact of his being in prison.

He wanted to serve the full sentence, "but not because I want to be some kind of martyr figure, I want to make this very clear."

His purpose was to bear witness of the principles for which he went to jail in the first place.

WIFE GLAD

Mrs Isle Naude only learnt about her husband's release after he was free. Their attorney told her when she telephoned him about visiting arrangements.

"I am glad for his part," she said, "but if he had served longer it could have contributed in one way or another to bringing White and Black closer together. But one doesn't know."

The fine was paid about 9.30, it was confirmed by Colonel H J Botha, Chief Liaison Officer of the Prisons Department. He said it was no concern of the department who paid it.

Dr Naude said he was treated well.

(325) (27).

Dr Naude

Cape Times 29/10/76

Naude chooses a month in jail

PRETORIA. — The director of the Christian Institute, Dr Beyers Naude, yesterday went to jail for a month after refusing to pay a R50 fine for declining to give evidence to the Schlebusch Commission.

Dr Naude, accompanied by his wife Ilse, gave himself up at the Magistrate's Court here yesterday morning after deciding not to appeal further against his sentence by a Regional Court magistrate on November 16, 1973.

This followed his appeal on October 8, in the Supreme Court here, in which he claimed he had provided sufficient cause for not giving evidence.

Dr Naude said outside the court yesterday: "This is the only way to express my protest on principle.

"On the other hand I do not want to create the impression of disobeying an order of the court and, therefore, submit myself to the sentence."

Dr Naude said he wanted to make it very clear he had at all times expressed his willingness to testify in front of a judicial commission of inquiry, where normal legal procedures were used. "I never had any objections to an investigation of the Christian Institute," he added.

Kotze, Randall

He said he thought charges pending against Mr Theo Kotze, the Cape director of the Christian Institute, and Mr Peter Randall, former director of Sprocas, would now be brought before court following his unsuccessful appeal.

Mrs Naude said that if Christians were not prepared to suffer for their beliefs they did not mean much.

Dr Naude initially successfully appealed against the fine of R50 (or one month), with a further three months, conditionally suspended for three years, in the Supreme Court here.

But the State subsequently won the case on appeal to the Appelate Division in Bloemfontein. — Sapa

325

27

Dominee's R50 got Naude out of prison

Cape Times 30/10/76

Own Correspondent

JOHANNESBURG. — The dominee of the parish where Christian Institute director Dr Beyers Naude and his wife Ilse have worshipped for 12 years, paid the R50 fine for Dr Naude's release from prison yesterday.

Although grateful for the "concern" shown, Dr Naude would have preferred to spend the full 30 days in jail to prove his sincere conviction that an investigation such as the Schlebusch Commission should not be allowed in a country claiming to be democratic and Christian.

For refusing to testify before the Schlebusch Commission, Dr Naude had to decide this week whether to pay the R50 fine, appeal or to go to jail. He chose prison.

"I'd hoped to bring in some measure of message of solidarity with those of our Black community who have been detained without any charge laid against them and have to remain in jail for a much longer period," he said.

Yesterday morning Dr Jan van Rooyen, Minister of the Parkhurst Ned Geref Kerk, arrived at the prison and paid the R50 before driving Dr Naude back to Johannesburg.

Dr Van Rooyen said he paid the fine because by now most South Africans would have forgotten about the Schlebusch Commission and would just have thought Dr Naude had gone to jail.

"Not without reason" he feared that Dr Naude's imprisonment could spur the unrest and tension in the country. It would also give overseas countries a chance to "throw more stones" at South Africa.

27
(325)

Cape Times 29/10/76

Paton 'envious' of Naude's stand

Own Correspondent

JOHANNESBURG. — Dr Alan Paton, well-known South African author and founder member of the Liberal Party before it was outlawed in 1968, said yesterday that he felt "quite envious" of Dr C F Beyers Naude, who gave himself up for imprisonment yesterday.

"I've never had the luck to be sent to jail for my convictions," said Dr Paton, referring to the Christian Institute director's stand.

"I think it's very encouraging that people are prepared to go to jail. The fact that they stand up for their convictions in spite of the penalties is very important.

"In our present political climate it is very important that there should be White people prepared to take this stand. I hope it will do some good to lessen what I might call Black suspicion of White liberals," Dr Paton said.

The Most Reverend Denis Hurley, Roman Catholic Archbishop of Durban, said Dr Naude had made "a brave choice".

"We all know that his life is one continued witness to justice and to the incompatibility of apartheid with the Christian gospel. His acceptance of imprisonment adds new vigour and lustre to his witness," Archbishop Hurley said.

The Rev Peter Storey, superintendent of the Johannesburg central circuit of the Methodist Church, said: "While in law Dr Naude may be guilty, freedom-loving men can never accept the type of tribunal which he refused to give evidence to.

"It's a sad day when man's right to freedom and open inquiry are placed in conflict with the law."

325

Court reserves judgment in Woods appeal

Cape Times 30/10/76

GRAHAMSTOWN. — Judgment was reserved in the Supreme Court here yesterday on the appeal by the editor of the Daily Dispatch, Mr Donald Woods, against a six months' prison sentence imposed in December in the East London Magistrate's Court.

He had been sentenced in terms of section 83 of the Criminal Procedure Act for refusing to reveal the identity of an informant relating to an alleged criminal break-in by an officer of the security branch at the premises of the Black Community Programme in King William's Town last year.

Mr H W Levy SC who appeared for Mr Woods argued that the sentence be set aside because the subpoena served on Mr Woods had been irregularly issued. He based his argument on certain amendments to the Criminal Procedure Act which indicated that Mr Woods should have appeared before the same magistrate who had issued the subpoena. This had not been the case, he said.

Amendments

These amendments had been made to strengthen the liberty of the individual, and therefore they should be strictly adhered to, he said.

Mr Woods told the court that he had reported certain complaints by Blacks against a security policeman named Hattingh to the head of the Bureau for State Security, General H J van den Bergh, and the Minister of Justice, Mr J T Kruger.

His informant had declined to give evidence for fear of victimization.

Mr Woods had therefore reported the matter unofficially.

Windscreen

He had given further details, including an account about how Mr Hattingh had allegedly smashed the windscreen of a car belonging to Dr Alan Paton.

Mr Woods told the court that although the witness to the Paton case, an East London city councillor, Mr D J Card, was prepared to testify, the authorities had apparently decided to act on the other case involving the alleged burglary and had subpoenaed him to disclose the name of the witness concerned. — Sapa

325

nm 30/10/76.

'Unethical' to disclose his source

GRAHAMSTOWN—The editor of the Daily Dispatch, Mr. Donald Woods, appealed in the Supreme Court here yesterday against the sentence of six months' imprisonment imposed on him last December.

police and asked for more details of the complaint against Mr. Hattingh.

SMASHED

He had given further details, including an account by another witness who later agreed to reveal his identity, about how Mr. Hattingh had allegedly smashed the windscreen of a car belonging to Dr. Alan Paton.

Mr. Woods told the Court that although this witness, to the Paton case, an East London city councillor, Mr. D. J. Card, had come forward and was prepared to testify, the authorities had apparently decided to act on the other case involving the alleged burglary and had subpoeanaed him to disclose the name of the witness concerned.

ETHICS

Mr. Woods said he could not do so because the journalistic code of ethics required an informant to be protected and the confidence and trust of a source to be honoured.

He also told the Court that there were special circumstances which rendered his informant particularly vulnerable to possible consequences of the disclosure of his identity.

The appeal is being heard by Mr. Justice D. D. V. Kannemeyer and Mr. Justice M. T. Stewart.

Judgment was reserved. — (Sapa.)

Mr. Woods, who was granted R50 bail pending the appeal, was sentenced in the Magistrates Court, East London, in terms of Section 83 of the Criminal Procedure Act for refusing to reveal the identity of an informant who revealed an alleged break-in by a Security Branch member at the premises of the Black Community Programme in King William's Town last year.

Among those present at yesterday's hearing was the author Dr. Alan Paton.

Mr. Woods told the Court that he had reported certain complaints by Blacks against a security policeman named Hattingh to the head of the Bureau for State Security, General H. J. van den Bergh, and the Minister of Justice, Mr. J. T. Kruger.

BURGLED

An informant had claimed to have seen Mr. Hattingh near the premises of the Black Community Programme which had been burgled.

The informant had declined to give evidence for fear of victimisation. Because no formal charge could therefore be laid against Mr. Hattingh, Mr. Woods said, he had reported the matter unofficially in the hope that Mr. Hattingh's superiors would take note of the complaint and caution him.

On his return from Pretoria, Mr. Woods said

~~328~~ 325

Cape Times 30/10/76

Mrs Rabkin says she's communist

Own Correspondent

LONDON. — Mrs Susan Rabkin confirmed yesterday that she was a communist. She made the statement soon after she arrived back in Britain from jail in Cape Town.

Mrs Rabkin looked drawn and tired and told journalists: "Yes, I suppose I am a communist."

She made the statement as she climbed into the rear seat of her father's Mercedes Benz to be driven to opulent Hampstead, where she is staying with her sister-in-law, Miss Hilary Rabkin.

Asked if her husband, Dr David Rabkin, was a communist Mrs Rabkin said: "I think one gathers that from his speech in the dock of the Cape Town court."

She said that her husband had looked fit and well and almost cheerful when she met him briefly in Pretoria Central Prison before flying to London on a deportation order.

Further degrees

She added that he would soon start studying for further degrees. Dr Rabkin holds a doctorate in philosophy.

Mrs Rabkin is apparently determined to initiate moves to have her husband freed from jail.

Members of the Rabkin family circle made it clear that moves to try to get the British Government to put pressure on South Africa to have Dr David Rabkin freed and sent back to England would be initiated.

A spokesman for the British Foreign Office said: "It might well be possible for Mrs Rabkin to bring pressure on us through the House of Commons to ask for his release. We would certainly not request the deportation of a British citizen from any country, but it is clear that he could only be released on condition that he leave."

A drawn Mrs Rabkin is helped off the airport bus by her mother, Mrs Netta Morris, after arriving in London with her children Job, 3, and newly-born Franny.

325

Wife visits Breytenbach in prison

Cape Times 1/11/76

Own Correspondent

JOHANNESBURG. — Yolande Breytenbach, the Vietnamese-born wife of jailed Afrikaans writer Breyten Breytenbach, is in South Africa to visit her husband in Pretoria Central Prison.

This was confirmed yesterday by the author's brother, Mr Cloete Breytenbach of Johannesburg, who said his sister-in-law had arrived in the country from Europe three weeks ago.

"Yolande has already seen Breyten although I can't say whether any more visits are scheduled to take place," he said.

He added that he had promised to keep Mrs Breytenbach's whereabouts secret.

325

SP man among students

2/11/76 nm

Mercury Correspondent

JOHANNESBURG — A 20 - year - old Security Police constable visited the University of the Witwatersrand regularly last year to buy a student newspaper and mingle with students.

Constable Charles Deegan was giving evidence in the Johannesburg Magistrate's Court yesterday against a former editor of Wits Student, Mr. Sean Moroney.

Mr. Moroney (24) of Judith Road, Emmarentia, pleaded not guilty to two charges of producing an undesirable publication and not guilty to a charge of publishing an unregistered newspaper.

The first two charges relate to issues of Wits Student published on August 4 and 11 last year. The two editions are declared undesirable under the obscenity clause of the Publications Act on September 12 last year.

Constable Deegan said he visited the university every Monday last year to buy Wits Student from a stand outside the main library. He told the Court he deliberately mingled with students.

Cross - examined, he said he had "dressed casually" but denied he had been masquerading as a student.

Mr. Basil Darlington, formerly head of the SRC's printing department, told the Court that about 2 000 copies of Wits Student were printed for each edition. There were 10 000 students at Wits University and the newspaper was not sold outside the university.

Mr. Ernie Wentzel, appearing for Mr. Moroney, said the two editions of Wits Student published in August had been declared undesirable a month later by a publication committee. Mr. Moroney had not been called to give evidence and had no right of appeal.

It was "preposterous" to imagine that the law gave the committee the power to create an offence that did not exist at the time of publication.

The hearing was adjourned to November 22.

328

SASO and BPC tame says counsel for defence

2/11/76 nm

Mercury Correspondent

PRETORIA — Saso and BPC were even "more tame" than the Coloured Labour Party, Mr. David Soggott, defence counsel in the Saso terrorism trial told the Court yesterday.

Mr. Soggott was addressing the Court on the first day of the defence's lengthy final argument.

Sir Dingle Foot, QC, a Privy Councillor and brother of the deputy leader of the British Labour Party, Mr. Michael Foot, is attending the hearing as a representative of the International Commission of Jurists.

Mr. Soggott said: "The accused may not like it, but they didn't get as far as calling for Black trade union work boycotts, which the Labour Party has done."

Although BPC and Saso did not positively say that their "freedom struggle" be carried out legally, this did not imply illegality.

Much of Mr. Soggott's argument yesterday was directed at the inadmissibility of evidence by State witness and alleged co-conspirator of the accused, Mr. Harry Singh.

He told the Court: "Singh is rebutted, if not destroyed, by a whole constellation of witnesses including the accused which are supported by the documents."

His evidence on the organisations themes of sending members out of the country for military training, planning a general strike, and the existence of a "supreme command" in BPC, were "an outgrowth of the trial" and could not be relied upon by the State to prove their case.

Mr. Singh's evidence on certain meetings was contradicted by minutes of those meetings and Press reports.

Mr. Soggott said what was important in Mr. Singh's evidence was what he didn't say rather than what he did.

"He didn't claim that the organisations forsaw violence, or a breakdown of their activities, nor that they intended to create a power bloc to be unleashed against the State, nor that their attacks on foreign investment and the Government's sports policy would weaken the State."

The hearing continues today.

325

Cape Times 8/11/76

Saso 'tamer' than Labour—defence

Own Correspondent

PRETORIA. — Saso and BPC were even "more tame" than the Coloured Labour Party, Mr David Soggott, defence counsel in the Saso terrorism trial told the court yesterday.

Mr Soggott was addressing the court on the first day of the defence's final argument – the penultimate phase of the legal marathon, which began with the arrest of the nine accused at the end of 1974.

Mr Soggott told the court that the two organizations "didn't even go as far — as the Coloured Labour Party" in their statements.

"The accused may not like it, but they didn't get as far as calling for Black trade union work boycotts, which the Labour Party has done," he said.

He added that although BPC and Saso did not positively say that their "freedom struggle" should be carried out legally, this did not imply illegality.

Evidence

Much of Mr Soggott's argument was directed at the inadmissibility of evidence by State witness and alleged co-conspirator of the accused, Mr Harry Singh.

Mr Singh's evidence contained "elements of embroidery and fiction", he said.

"Singh is rebutted if not destroyed by a whole constellation of witnesses including the accused, who are supported by the documents," Mr Soggott said.

His evidence on the organizations' schemes for sending members out of the country for military training, planning a general strike, and the existence of a "supreme command" in BPC, were "an outgrowth of the trial" and could not be relied upon by the State to prove their case.

Contradicted

Mr Singh's evidence on certain meetings was contradicted by minutes of those meetings and press reports, Mr Soggott said.

He said that the inspiration in Mr Singh's evidence was the stress of solitary confinement, and the resultant anxiety and sleeplessness.

What was important in his evidence was what he didn't say rather than what he did, Mr Soggott argued.

"He didn't claim that the organizations foresaw violence, or a breakdown of their activities, that they intended to create a power bloc to be unleashed against the State, nor that their attacks on foreign investment and the Government's sports policy would weaken the State."

Confetti

He said that the State had lumped "all sorts of documents together" and that the resultant "confetti wind" of facts could be misleading and confusing.

"When examining what these organizations are up to, one has to bear in mind the importance of individual documents," he said.

The constitution and policy statements were more important than quasi-official documents such as presidential addresses, which in turn carried more weight than official documents from independent individual branches.

Those appearing are: Sathasivan Cooper, Justice Edmund Lindane Myeza, Mosioua Patrick Lekota, Dr Mokoape, Nkwenkwe Vincent Nkomo, Phandelani Jeremiah Nefolovhodwe, Gilbert Kaboroane Sedibe, Absolom Zithilele Cindi and Strinivasa Rajoo Moodley.

325

Terror Act charges

Cape Times 3/11/76

THREE young men, John Hoffman, 23, Jiawoodien Parker, 21, and Ishmail Jackson, 22, appeared briefly in the Cape Town Magistrate's Court yesterday under Section 2 of the Terrorism Act.

The youths were remanded to December 1.

Mr A S McCarthy was on the bench and Mr P D Theron prosecuted.

325

Editor wins appeal on publication of letter

Argus 4/1/76

GRAHAMSTOWN. — The Supreme Court here has upheld the appeal by the Daily Dispatch and its Editor, Mr D. J. Woods, against conviction and sentence for publishing a letter written by a banned person.

In judgment, Mr Justice D. S. de Wet, with Mr Justice J. W. Smalberger found that Mr Woods did not intend to break the law, nor did he have knowledge of the letter written by Mr Pumzile Majeke nor that Mr Majeke was banned.

The conviction of the Daily Dispatch could not stand as it was charged with a contravention through the person of its Editor.

PERMISSION

On October 24 the Dispatch published a letter written by Mr Majeke and, according to the charge sheet, the newspaper did not have the permission of the Minister of Justice to publish the letter written by a banned person.

Mr Woods and the Dispatch were convicted by an East London magistrate. They pleaded not guilty. The Dispatch was fined R200 and Mr Woods was cautioned and discharged. On August 20 the Dispatch and Mr Woods took the matter on appeal in the Supreme Court here.

During September to October 1975 the Dispatch carried a series of articles on the role of Blacks in homeland politics. Many members of the public reacted in letters to the Editor and on October 8 or 9 one such letter was received from Mr Pumzile Majeke.

The letter was long and because of a lack of space it was filed away by Mr Roger Omond, a senior editorial executive, until space permitted him to use it. Mr Omond was responsible for planning and preparing the leader page and only on October 24 did he use a shortened version of the letter on this page.

On October 16 a banning order was served on Mr Majeke and he was restricted to the Qumbu district. On October 18 the Dispatch carried a news report about the restriction order.

Mr Justice de Wet said it was common cause between the appellants and the state that to the date of publication neither Mr Woods nor Mr Omond had any knowledge of the banning order nor had they read the report on the order in the Dispatch.

GAZETTE

Only on November 28 did the official notice of the order appear in the Government Gazette.

It was humanly impossible for Mr Woods to read each of the 30 000 to 40 000 words of the Dispatch each day.

The Dispatch was charged with a contravention through Mr Woods acting in the executive execution of his powers, and the state failed in its case against Mr Woods. Thus if the servant was acquitted the company charged through the acts of that servant must also be acquitted, Mr Justice de Wet said. — Sapa.

(325)

Thursday, November 4, 1976

DAILY DIS

Dispatch wins appeal over banned letter

GRAHAMSTOWN — The Supreme Court yesterday upheld the appeal by the Daily Dispatch and its Editor, Mr D. J. Woods, against conviction and sentence for publishing a letter written by a banned person.

This was one of two recent appeals involving Mr Woods, and judgment is still pending in the other concerning a six-month prison sentence for refusing to disclose the name of an informant in connection with allegations against an officer of the Security Police.

In yesterday's judgment on the publication of a letter by a banned person, Mr Justice De Wet, with Mr Justice Smalberger concurring, found that Mr Woods did not intend to break the law, nor did he have knowledge of the letter written by Mr Pumzile Majeke, nor that Mr Majeke was banned. The conviction of the Daily Dispatch could not stand as it was charged with a contravention through the person of its editor.

On October 24 the Dispatch published a letter written by Mr Majeke and according to the charge sheet the newspaper did not have the permission of the Minister of Justice to publish the letter written by a banned person.

Mr Woods and the Dispatch were convicted by an East London magistrate despite their plea of not guilty. The Dispatch was fined R200 and Mr Woods cautioned and discharged.

On August 20 the Dispatch and Mr Woods took the matter on appeal in the Supreme Court here.

During September to October 1975 the Dispatch had run a series of articles on the role of blacks in homeland politics. Many members of the public reacted in letters to the editor and on October 8 and 9 one such letter was received from Mr Pumzile Majeke.

The letter was long and because of a lack of space it was filed away by Mr Roger Omond, a senior editorial executive, until space permitted him to use it. Mr Omond was responsible for planning and preparing the leader page and only on October 24 did he use a shortened version of the letter on this page.

On October 16 a banning order was served on Mr Majeke and he was restricted to the Qumbu district. On October 18 the Dispatch carried a news report about the restriction order.

Mr Justice de Wet said it was common cause between the appellants and the State that to the date of publication neither Mr Woods nor Mr Omond had any knowledge of the banning order, nor had they read the report on the order in the Dispatch.

Only on November 28 did the official notice of the order appear in the Government Gazette. It seemed, said Mr Justice de Wet, that the legislature deliberately couched the provision of the Act in such a manner that the innocent publisher of a forbidden article before the existence of a prohibition order has been made known in the Government Gazette will be absolved from blame if he can satisfy the court that he published unwittingly.

In taking the precautions he did against such offences Mr Woods did not act negligently and it was difficult to envisage what further steps he could have taken.

It was humanly impossible for him to read each of the 30 000 to 40 000 words of the Dispatch each day.

The Dispatch was charged with a contravention through Mr Woods acting in the execution of his powers and the State failed in its case against Mr Woods. Thus if the servant is acquitted the company charged through the acts of that servant must also be acquitted, Mr Justice de Wet said.

Advocate Frank Kroon, instructed by The Bax Partnership of East London and Wheeldon, Rushmere and Cole of Grahamstown, appeared for Mr Woods and the Dispatch. Mr Chris Jansen appeared for the State. — DDC.

Totalitarianism 325

Transkei - 103

Red Act: Transkei five are remanded

DD 9/11/76

UMTATA — Five men charged under the Suppression of Communism Act appeared briefly in the Supreme Court here before Mr Justice Wienand yesterday.

The five — Mr Dumisa Ntsebeza, 27, a Tsolo teacher, Mr Lungisile Ntsebeza, 22, Mr Meluxolo Silinga, 22, an Umtata clerk, Mr Matthew Goniwe, 30, an Umtata sales representative and Mr Michael Mgobozi, an Umtata clerk — did not plead and were remanded in custody until November 15.

They are facing charges on two counts under the Suppression of Communism Act.

The first count alleges they performed acts calculated to further any achievement of any of the aims of communism.

The State alleged that from January 1974 to June 1976, the five set up secret cells or groups of persons to spread and establish the doctrine of Marxian socialism in the districts of Umtata, Mqanduli, Xalanga, Idutywa and Tsolo.

They received and used financial aid to fulfill the objects of communism, it is alleged.

Further they are accused of starting a poultry farm near Cala to raise funds for their objectives.

On the second count the five are accused of inciting 16 people to undergo training in political instruction and indoctrination in communist ideology by studying and reading communist literature.

When the five first appeared in court on October 20, they all applied for bail but this was refused by the Chief Justice, Mr Justice Munnik. — DDR.

(325)

9/11/76 nm

POLICE ARE BLAMED FOR SASO RIOTS

Mercury Correspondent

PRETORIA—If police had not taken action against crowds in Durban and at the University of the North during the Viva Frelimo rallies in 1974 there would have been no trouble, defence counsel Mr. Harry Pitman told the Saso terrorism trial yesterday.

Arguing on the second count against the nine accused, concerning the organising of the Viva Frelimo rallies, Mr. Pitman submitted that demonstrations by Witwatersrand University students during the disturbances in Soweto in June were, under the circumstances, far more dangerous than what the accused had intended.

"Even if the accused had intended to continue with the rallies in defiance of a Government ban, it was not terrorism per se," he said.

"A number of White rugby players did something similar in Port Elizabeth recently by playing for a Black club. That is not terrorism, and was in fact beneficial to race relations."

He said police evidence concerning the gatherings was "poor" and could not be relied on. A number of police witnesses had contradicted themselves and each other, particularly when confronted with defence photographs of the crowd outside Currie's Fountain, Durban, where the rally was to have been held.

Testimony changed

"Eventually the State brought in Major H. Stadler to try to save the situation when dishonesty was exposed," he added.

A number of police witnesses had changed their versions of the gathering when confronted with the defence photographs, he said.

State evidence of the rallies gave "overwhelming support" for the accused and supported the defence contention that their attitude was one of non-defiance rather than of confrontation.

Even Mr. Harry Singh, a major State witness and alleged accomplice of the accused, who was "obviously trying to blacken the accused," had been forced under cross-examination to retract some of his allegations, and to support the defence, Mr. Pitman told the Court.

Mr. Justice Boshoff then asked why Mr. Singh, "if he's a man who is cheek by jowl with the State," would give evidence to support the accused.

Mr. Pitman replied that Mr. Singh could not cast his net too wide and had to pick on little incidents not mentioned in the documents to try and damage the defence case.

The judge replied that Mr. Singh "obviously doesn't like Number One (accused) and makes very damaging allegations against him," but asked why if he really wanted to damage the accused "would he do it in such a casual way?"

Mr. Pitman told the Court that Mr. Singh had admitted under cross examination that on the only previous occasion he had addressed a court he had lied.

He submitted that police telephone-tap tape recordings made shortly before the planned rallies "afford no clear picture."

The tapes were not very helpful as they concerned a time when the accused had heard the Government intended to ban the rallies, but had not in fact done so.

However, he then learned that the rallies were banned officially, and a decision was taken to call the Durban rally off, he said.

Actions and conversations prior to this decision were irrelevant to the case, as the accused were entitled to proceed until the rally was actually banned.

325/332

926 pupils punished

JOHANNESBURG — Black pupils have received punishments ranging from eight cuts to five years in jail for taking part in disturbances since June.

Figures released yesterday by the South African Institute of Race Relations show that of the 926 juveniles tried up to October 31, 528 have been given corporal punishment, 397 suspended sentences or fines, and one has been jailed. —

325

Saso trial told of investment stand

DD 10/12/76

PRETORIA — The most revealing piece of evidence in the Saso terrorism trial was that of a State witness who told the court that before leaving for Europe he had been instructed not to contact members of the ANC and PAC, Mr D. Soggott, defending, told the Supreme Court yesterday.

Arguing on State allegations of Saso and BPC's attitudes to foreign investment and their contact with external organisations, Mr Soggott said there was no evidence of sinister motives behind their communications with any organisations.

He said the most revealing single piece of evidence was by Harry Singh, who had told the court that he had been instructed not to contact either the ANC or PAC while in Europe on a fund-raising tour.

These instructions were "only consistant with the thinking of an overt protest movement, not a revolutionary group," Mr Soggott said.

The majority of addresses taken by Mr Singh were those of Christian movements and universities.

Arguing on Saso and BPC's attacks on foreign investments alleged by the State to have been intended to bring the South African economy to its knees, and thus to weaken the state — Mr Soggott said the emphasis in the attack was on the exploitation of blacks in the economic system.

There had been no attempt by the organisations to foster or encourage a trade or arms boycott of South Africa.

"It is interesting that the State has not produced one witness to testify that the intention was to weaken the economy," he said.

Saso had rejected a resolution to discourage investment and had written to a number of firms saying that a positive response from the firms — such as the establishment by IBM of a chair of computer science at one of the black universities — would go a long way towards stamping out the "naked racism and exploitation" in South Africa.

The organisations also objected to the siphoning off of profits from South Africa to maintain higher living standards elsewhere.

The hearing continues today. — DDC.

Saso trial ends

11/11/76 DD

325

PRETORIA — The mammoth 15-month legal battle that has gone to make up the Saso terrorism trial — the longest in South African legal history — is over.

Mr Justice Boshoff said in the Palace of Justice here yesterday he would give judgment on December 15 after wading through a court record of 9 000 pages.

The court heard yesterday that the evidence of Mr Harry Singh, a former Black Peoples Convention official who testified against his old associates, was "completely unacceptable, incoherent and deeply contradictory."

Arguing for the acquittal of the nine accused men on charges under the Terrorism Act, Mr David Soggot, severely criticised the evidence of Mr Singh on the Viva Frelimo rally at Currie's Fountain, Durban, which the State alleges the men organised despite its banning by the Minister of Justice, Mr Kruger.

Mr Singh told the court that at a meeting on the morning of the planned rally, the majority, including three of the accused, Mr Saths Cooper, Mr Muntu Myeza and Mr Aubrey Mokoape, wanted to defy the banning order.

"Is it likely," asked Mr Soggot, "that the accused, who were members of an open, public organisation and had been consistently concerned with acting legally. Should suddenly change their minds and decide on a confrontation with the police."

Earlier, defence evidence by the accused was that only Mr Singh wanted the rally to go on.

"The pious role Mr Singh casts for himself has not got a truthful ring," Mr Soggot said.

Referring to Mr Singh's evidence alleging that Dr Mokoape wanted a violent confrontation with police at Currie's Fountain, Mr Soggot asked: "Is it likely that Dr Mokoape would then allow his wife and young child to attend the rally?" — SAPA.

328

15-month legal battle in Saso' trial ends

3

T 11/11/76

Own Correspondent

PRETORIA. — The 15-month legal battle that has made up the Saso terrorism trial is over.

After hearing State counsel's reply to the final defence argument yesterday, Mr Justice W G Boshoff told the packed court that he would probably give judgment on the nine men in the dock on December 15.

He told the court that he would try to complete his judgment by December, but if he failed, he would hand down his decision late in January.

Either way, the next month will be a time of great tension, not only for the accused — who face a minimum of five years in terms of the Terrorism Act if found guilty — but also for their families and friends, who have spent the two years since the nine were arrested waiting for the judge's decision.

9 000 pages

The trial has been long — with over 9 000 pages of court record, 1 000 pages of documentary evidence, and over 800 of final argument, it is one of the longest in South African judicial history.

It has also been complicated and intricate, with both counsels spending literally days debating the relevance of individual documents or photographs.

The main charge against the nine accused alleges their involvement — and that of Saso and BPC — in a conspiracy to bring about revolutionary change in South Africa by violent means or the threat of such means.

They are also charged with organizing or arranging Viva Frelimo rallies in September 1974, and with writing, producing or distributing a number of documents.

Origins

The trial has its origins in the Viva Frelimo rallies planned by Saso and BPC to celebrate Mozambique's independence on Sseptember 25, 1974.

The Saso and BPC rallies were banned under the Riotous Assemblies Act, but a rally was held at the University of the North, Turfloop, although organized — according to defence submission — by the university's SRC, the police broke up a crowd at the venue of the Durban rally.

The rallies triggered massive police swoops throughout the country, with the figures of detained members and supporters of the organizations eventually running into hundreds.

The present trial began in mid-1975.

The nine accused are: Mr Saths Cooper, 25, Mr Muztu Myeza, 25, Mr Mosiuoa Lekota, 28, Dr Aubrey Nchaupe Mokoape, 31, Mr Nkwenkwe Nkomo, 23, Mr Phandelani Nefolovhodwe, 29, Mr Kaboroane Sedibe, 25, Mr Zithulele Cindi, 26, and Mr Strini Moodley, 29.

81/325

Teenage girl charged with public violence

Staff Reporter

A TEENAGE GIRL appeared in the Wynberg Magistrate's Court yesterday on a charge of public violence.

With her in the dock were seven youths who faced the same charge.

The girl, aged 16, is alleged to have hurled a stone at a group of riot police in Hanover Park at the beginning of September.

Constable Jaques Tredoux told the court that unrest had broken out among pupils at the Hanover Park High School No 4 on September 2.

50 spectators

He said a crowd of about 50 "spectators" had gathered across the road. When the police arrived, the spectators began shouting at them, he said.

Constable Tredoux said the teenage girl had caught his eye when she threw a stone "at us".

"She was the first spectator to throw a stone. I watched her and then gave chase. She ran away but I caught her and arrested her," he said.

The girl did not give evidence yesterday. The youths appearing with her are all pupils of Hanover Park High School No 4. Four of them have so far given evidence.

The hearing is postponed to next Thursday.

325

SIX ON TRIAL SUE FOR R40 000

12/11/76 N Merc

Mercury Reporter

PIETERMARITZBURG SUMMONS was filed yesterday against the Minister of Police in a R40 000 action brought by six of the accused in the ANC terrorism trial on the grounds that they were tortured by Security Police.

Mr. Joseph Nduli and Mr. Cleopas Ndhlovu are each claiming R10 000. Mr. Anthony Xaba, Mr. William Khanyile, Mr. John Nene and Mr. Truman Magubane are claiming R5 000 each.

The men, who are appearing with four others in the Supreme Court here on charges under the Terrorism and Suppression of Communism Acts, allege that they were tortured while being held under Section 6 of the Terrorism Act.

Mr. Nduli alleges he was blindfolded, dipped in the sea, punched, kicked and subjected to electric shocks.

Mr. Ndhlovu said he was given a lie detector test after being kept blindfolded for 13 days, forced to remain standing for two days and nights under interrogation while being assaulted, and subjected to electric shocks.

Among the allegations made by the four others are that they were assaulted, subject to foul language, and made to stand with sharp stones in their shoes.

The terrorism trial resumes on Monday.

12/11/76 N M

Mining death

JOHANNESBURG — A Tswana mineworker was killed and five other African miners injured at Western Areas Gold Mine yesterday when an ore-laden skip crashed into a shaft.

325

Apartheid signs: women guilty

PORT ELIZABETH — A young white woman told a magistrate here yesterday she spray-painted apartheid signboards near The Willows because she was opposed to a discriminatory policy of separate facilities.

"If I were a person of colour I would find those signs, particularly in these times, extremely humiliating, said Mrs A. James, 26, of Port Elizabeth.

Mrs James, described in the charge sheet as a librarian, and Miss J. James, 23, also of Port Elizabeth, were both convicted of malicious damage to property.

The magistrate, Mr E. De Beer, found that on October 9 the two women disfigured 19 sign boards in Marine Drive by attempting to obliterate the wording on the boards with spray paint.

According to a State witness, Mr L. Van der Miller, a municipal electrician, the boards carried legends like "Europeans only" and "Chinese only."

The Chief Traffic Officer of the Port Elizabeth divisional council, Mr J. Brunette, said the signs were informative with wording which was intended to assist people to bathing and picnic areas allocated to them. These areas were not "camped off."

Mr Brunette said the total cost to restore the signs amounted to R285.

Mr Van der Miller said he saw Mrs James get out of a car on a few occasions along Marine Drive and spray signs. After taking the registration number of the car he reported the matter to the police.

In an unsworn statement Mrs James said her motive in spraying the signs was not with malicious or destructive intent but because she opposed a policy of separate facilities.

Miss James said she wished to say nothing except to endorse what Mrs James had said.

The case was postponed to December 7 for record and sentence. — SAPA.

325

ANC trial resumes

PIETERMARITZBURG — The ANC terrorism trial in which ten people are being tried under the Terrorism and Suppression of Communism Acts resumes at the Supreme Court here on Monday when the defence will start presenting its case.

The men have pleaded not guilty to the charges that they were actively involved in recruiting young blacks to undergo military training outside South Africa to "return and fight the oppressors."

The accused are Mr Joseph Nduli, 35, Mr Cleopas Ndhlovu, 42, Mr Themba Gwala, 55, Mr Fano Khanyile, 40, Mr Anton Xaba, 42, Mr John Nene, 32, Mr Truman Magubane, 32, Mr Matthews Meyiwa, 51, Mr Azaria Ndebele, 40, and Mr Zakele Mdlalose, 51. — DDC.

No bail for man on Red Act charge

Star 15/11/86

Bail was today refused to a 20-year-old youth charged under the Suppression of Communism Act.

A Johannesburg magistrate, Mr J L de Villiers, gave judgment on a bail application by Mr Kevin Martin of Mansfield on November 5.

The State opposed bail on the grounds that Mr Martin might avoid trial by fleeing the country.

Lieutenant Andries Struwig of the Security Police told the court Mr Martin was arrested at the Mafeking border post on April 15. He alleged Mr Martin was acting as courier for his brother by carrying letters and banned literature.

In an unsworn statement from the dock, Mr Martin denied he had been acting in the interests of communism and that he had tried to bribe a policeman with R20.

Mr de Villiers said he was refusing bail because there was a strong possibility that Mr Martin would leave the country. His brother and sister had left hte country in 1975 before facing political trials.

Mr de Villiers ordered Mr Martin to be held in custody until his trial on January 12, when he will face a charge of possessing books and letters calculated to further the aims of communism, and a second charge of having unlawfully imported goods in his possession.

He is alleged to have had letters addressed to "Mr A Pop," 'Nadia" and "Comrade," and six books by Karl Marx, Engels, Cabral and Bezlyakof.

15/11/76 Star

(325)

Red Act trialist Holiday 'assaulted'

MR HOLIDAY

Pretoria Bureau

Political journalist Mr Anthony Holiday, charged under the Terrorism Act, was assaulted during two days of interrogation after his arrest at his Wynberg, Cape Town, home on July 27, his defence counsel, Mr George Bizos, alleged today.

Mr Bizos told Mr Justice Davidson in the Old Synagogue, Pretoria, the defence would lead evidence that Mr Holiday had received "visible injuries" during his interrogation and that senior security police officers had apologised to Mr Holiday for the assaults saying they were "against their orders."

Cross examining Captain Petrus Fourie of the Cape Town Security Police, Mr Bizos alleged Mr Holiday was assaulted in the presence of the captain and a detective-sergeant, Tommie Kotze, also of the security police.

Captain Fourie denied the charge. Instead, he said, he and Detective Sergeant Kotze had brought Mr Holiday food from their homes "for his comfort."

Mr Holiday had a swollen eye when he was detained, the security policeman said.

Captain Fourie said, apart from "sacks under Mr Holiday's eyes, he could discern no injury sustained during his interrogation.

"Blue sacks?" asked Mr Zizos. "No," said Captain Fourie.

Earlier another State witness, Mr Patrick Weech, said Mr Holiday had given him "instructions in counter-surveillance" to prevent their detection as the source of alleged banned African National Congress and Communist Party pamphlets.

Mr Holiday faces two counts under the Terrorism Act and an alternative charge under the Internal Security Act for allegedly producing pamphlets of the two organisations, recruiting Mr Weech and Miss Rosemary Arnold, a librarian, and Mr Harry Mashabela, a reporter on The Star, for membership of the organisations, using their funds and undergoing training in furtherance of their aims.

Mr Weech said these pamphlets were allegedly measures included:

- To keep conversation at their office in London House, Loveday Street, Johannesburg, at which the paphlets were allegedly printed, to a minimum.

TAPPED

- To ensure he was not followed there.
- To assume his telephone was tapped and to detect microphones in his home by means of a transistor radio.
- To turn on water taps and his radio whenever talking in his flat.
- To hold envelopes, allegedly containing the banned pamphlets on the edges, to prevent fingerprint detection.

After Mr Holiday had accepted his offer to help in the production of the pamphlets, Mr Weech said he had helped print two issues of "Revolt — News Sheet for Radicals," entitled "The Dialogue Bluff" and "Government by Terror" and one issue of "Inkululeke" (freedom) at the London House office.

COMMONSENSE

In cross-examination by Mr Bizos on his earlier statement that most of the people to whom the pamphlets were addressed had been students, Mr Weech said when shown the list in court it was apparent that less than 20 percent of the addresses were those of students.

Of the alleged security measures Mr Holiday had instructed him in, Mr Weech said they were "commonsense for the most part."

(Proceeding)

Holiday assaulted, defence alleges

Argus 15/11/76

The Argus Correspondent

PRETORIA. — Political journalist Mr Anthony Holiday, charged under the Terrorism Act, was assaulted during two days of interrogation following his arrest at his Wynberg, Cape Town, home on July 27, this year, his defence counsel alleged today.

Mr George Bizos told Mr Justice Davidson in the Old Synagogue, Pretoria, the defence would lead evidence that Mr Holiday received 'visible injuries' during his interrogation and that senior security police officers had apologised to Mr Holiday for the assaults saying they were 'against their orders.'

Cross-examining Captain Petrus Fourie of the Cape Town Security Police, Mr Bizos alleged Mr Holiday was assaulted when he and a Detective Sergeant Tommie Kotze, also of the Security Police, were present.

Captain Fourie denied the charge. Instead, he said, he and Detective Sergeant Kotze had brought Mr Holiday food from their homes 'for his comfort.'

CHARGES

Mr Holiday pleaded not guilty to two counts under the Terrorism Act and one alternative count under the Internal Security Act when his summary trial opened before Mr Justice Davidson in the Old Synagogue, Pretoria.

Mr Holiday is accused of having furthered the aims of the banned ANC and Communist Party by 'recruiting Mr Harry Mashabela, a reporter on the Star, Mr Patrick Weech, a Johannesburg journalist, and Miss Rosemary Arnold, a librarian at South Africa Associated Newspapers, for an underground ANC or Communist Party cell.

- Obtaining a portable typewriter, a duplicating machine, stationery and using an office in London House, Loveday Street, Johannesburg, to prepare and distribute 12 pamphlets of the two organisations between 1970 and November 1972.
- Receiving and using finances of the ANC and Commu[illegible]
- Undergoing training in subversive activities in England from September to December 1969.
- Training Mr Mashabela, Mr Weech and Miss Arnold in security measures to prevent detection and in procedure should it become necessary for them to flee the country.
- Possessing material for secret communication with the ANC and Communist Party;
- Obtaining information and dispatching it to the ANC and Communist Party on the military, social, political, economic and labour situations in South Africa, and;

(Proceeding)

325

Students no longer charged

16/11/76 N M

PIETERSBURG — Charges of public violence were withdrawn against 163 of the 166 University of the North students who appeared before Mr. B. Maritz in the Regional Court here yesterday.

No conditions were attached to their discharge.

The charges against the remaining three were changed to malicious damage to property.

Their appearance arises from student unrest at the university between July and September during which damage was caused to a number of buildings on the campus.

No evidence was led and the hearing was postponed to December 17.—(Sapa.)

336/325

Charges withdrawn

PIETERSBURG — Charges of public violence were withdrawn against 163 of the 166 University of the North students who appeared in the regional court here yesterday.

No conditions were attached to their discharge.

The charges against the remaining three were changed to malicious damage to property. They are Joseph Mukendwa, 19, Mr Ebenson Sikakane, 21, and Mr Victor Zwane, 30.

Their appearance arises from student unrest at the university between July and September during which a number of buildings on the campus were damaged.

No evidence was led and the case was postponed to December 17. — SAPA.

103/325

Red Act: bid to postpone trial

UMTATA — An application to have the trial of five men charged under the Suppression of Communism Act here postponed until the next session of the Supreme Court was turned down by the Transkeian Chief Justice, Mr Justice Munnik, yesterday.

The five — Mr Dumisa Ntaebeza, 27, a Tsolo teacher; Mr Lungisile Ntsebeza, 22; Mr Meluxolo Silinga, 22, an Umtata clerk; Mr Matthew Goniwe, 30, an Umtata sales representative; and Mr Michael Mgobozi — did not plead and were remanded in custody until November 22.

Applying for the postponement, Mr J. Poswa said as the case was a summary trial he was totally unprepared and it was in the interest of justice that the defence be given more time to prepare their case. He said they would need at least four weeks.

Mr Justice Munnik said if the defence needed time to find witnesses they could apply for a postponement after the State had presented its case.

Earlier, the Attorney-General, Mr G. Titterton, said nine of the State witnesses had disappeared and the rest were being kept in custody for their own protection.

Mr Titterton said he did not know whether the witnesses who had disappeared had been abducted.

On the first count the five are alleged to have performed acts calculated to further the aims of communism.

The State alleges that from January 1974 to June 1976, the five set up secret cells or groups of persons to spread and establish the doctrine of Marxian socialism in the districts of Umtata, Mqanduli, Xalanga, Idutywa and Tsolo.

They are also accused of starting a poultry farm near Cala to raise funds for their objectives.

On the second count the five are accused of inciting 16 people to undergo training in political instruction and indoctrination in communist ideology by studying and reading communist literature.

When the five first appeared in court on October 20, they all applied for bail, but this was refused by Mr Justice Munnik. — DDR.

Star reporter allowed legal advice

16/11/76 Star

Pretoria Bureau

Mr Harry Mashabela, a reporter of The Star, called as a State witness in the trial of Mr Anthony Holiday, was allowed to see his legal representative before giving evidence today.

When Mr Mashabela was called by State Counsel, Mr P Jacobs, shortly before the lunch adjournment, Mr Bernard Ancer, instructed by Mr Shan Chetty on Mr Mashabela's behalf, rose and asked for a postponement to allow consultation with his client.

Mr Ancer said Mr Mashabela had had no access to counsel since his detention under Section 6 of the Terrorism Act in July this year.

In terms of the Criminal Procedure Act, he should have this right, he said.

Mr Jacobs argued, before Mr Justice Davidson in the Old Synagogue, Pretoria, that he had already advised Mr Mashabela of his rights as an alleged accomplice of Mr Holiday in furthering the aims of the banned African National Congress and communist party.

Granting the request, Mr Justice Davidson, said Mr Jacobs did not "see the matter in the same light as an independent counsel."

Mr Holiday is alleged to have recruited Mr Mashabela and two other people for an underground cell of either the ANC or communist party.

Earlier, the judge allowed the identity of the State's "mystery witness" to be published. He is Mr Karel Kleinbooi.

Mr Kleinbooi told the court he had joined the Pan Africanist Congress in 1961 and later joined the African National Congress. During terrorist training he received in Tanzania, Odessa (Russia) and Zambia, he learnt the methods used in coded messages of the organisations.

Charges against Holiday

Pretoria Bureau

Mr Holiday yesterday pleaded not guilty to one count and an alternative charge under the Terrorism Act and another count under the Internal Security Act.

The charges relate mainly to his alleged production of 12 pamphlets furthering the aims of the banned African National Congress and Communist Party between November 1970 and November 1972 and his alleged recruitment of an underground cell of a Rand Daily Mail sub-editor and earlier State witness, Mr Patrick Weech, a reporter on The Star, Mr Harry Mashabela, and a South African Associated Newspapers librarian, Miss Rosemary Arnold.

TRAINING

Other alleged offences include the receipt and use of funds of the two banned organisations, consenting to undergo training in subversive activities in England in 1969, attempting to train those recruited in counter-surveillance against detention, and obtaining de- typewriter, duplicating machine and stationery and hiring an office in London House, Loveday Street, Johannesburg, for the production of the pamphlets.

The State alleges these activities would have endangered the maintenance of law and order and thus had the likely results of acts of terrorism, listed in section 2 of the Terrorism Act.

Shown paper seized from Mr Holiday's flat in Cape Town when he was arrested on July 27, Mr Kleinbooi said he recognised letters on the paper as a part of a code.

The defence counsel, Mr Bizos, submitted to Mr Justice Davidson that Mr Kleinbooi's interpretation of FM as standing for the Financial Mail and "INK" as standing for the publication, Inkululeko, were both not soundly based.

Mr Holiday is charged with producing three copies of Inkululeko during the period November 1970 to November 1972 in furtherance of the aims of the two banned organisations.

(Proceeding)

325

Journalist 'assaulted by police'

Natal Mercury 16/11/76

PRETORIA — Political journalist Anthony Holiday was assaulted during two days of police interrogation, his defence counsel alleged yesterday. Mr. Holiday, who is charged under the Terrorism Act, was arrested in his Wynberg home on July 27.

Mr. George Bizos told Mr. Justice A. D. Davidson in the Old Synagogue here that the defence would lead evidence that Mr. Holiday received visible injuries and that senior Security Police officers had apologised to him for the assaults, saying they were against orders.

Cross-examining Captain Petrus Fourie, of Cape Town Security Police, Mr. Bizos alleged that Mr. Holiday was assaulted when he and a Detective Sergeant Tommy Koze were present.

Captain Fourie denied the accusation. He said he and Sergeant Kotze had brought Mr. Holiday food from their homes "for his comfort."

Mr. Holiday had a swollen eye when he was detained, the policeman said. Apart from sacks under Mr. Holiday's eyes he could discern no injury sustained during interrogation.

"Blue sacks?" asked Mr. Bizos.

"No," said Captain Fourie.

Earlier another State witness, Mr. Patrick Weech, said Mr. Holiday had given him instructions in counter-surveillance to prevent their detection as the source of alleged banned African National Congress and Communist Party pamphlets.

Mr. Holiday faces two counts under the Terrorism Act and an alternative charge under the Internal Security Act for allegedly producing pamphlets of the two organisations, recruiting Mr. Weech and two other people for membership of the organisations, using

Radicals

Mr. Weech said these security measures included keeping conversation at their office in London House, Loveday Street, Johannesburg, where the pamphlets were allegedly printed, to a minimum; ensuring he was not followed there; assuming that his telephone was tapped and detecting microphones in his home using a transistor radio.

After Mr. Holiday had accepted his offer to help produce the pamphlets, Mr. Weech said he helped print two issues of Revolt — a News Sheet for Radicals, entitled The Dialogue Bluff and Government by Terror, and one issue of Unkululeko (Freedom).

The hearing continues. — (Sapa.)

325

Alleged invisible ink article read in court

16/11/78

PRETORIA — An article allegedly written with an invisible ink process by Mr Anthony Holiday was read to Mr Justice Davidson by a police forensic expert in the Old Synagogue here yesterday.

Mr Holiday, a former Rand Daily Mail political reporter, pleaded not guilty yesterday to one charge under the Terrorism Act, one under the Internal Security Act and an alternative charge under the Terrorism Act.

The charges relate to his alleged production of 12 pamphlets and articles furthering the aims of the banned African National Congress and South African Communist Party and the alleged formation of an underground cell with Mr Patrick Weech, a Rand Daily Mail sub-editor, Mr Harry Mashabela, a reporter on The Star, and Miss Rosemary Arnold, a librarian at South African Associated Newspapers.

The article read to the court attacked the South African Government, white political parties, business interests and detente as part of the "imperialist onslaught" on the South African people.

Mr Weech, the first witness, told of discussions at Mr Holiday's flat in 1968. Mr Holiday had appeared to be under some stress, and had indicated the pressures on him did not relate to newspaper work, but to "somewhat risky" work relating to radical politics.

Mr Weech was warned by Mr Justice Davidson that he was an alleged accomplice of Mr Holiday, but that if he gave satisfactory evidence, he would be granted an indemnity against prosecution.

Mr Weech said he had offered to help with this work, and Mr Holiday had later accepted.

A few days afterwards, Mr Holiday gave him a mailing list, a box of envelopes and a typewriter. Mr Weech addressed the envelopes from the names on the mailing list.

Mr Holiday had also instructed him about security and counter surveillance measures to follow and had mentioned a safe place — an office in London House in Johannesburg.

Mr Weech, a former Progressive Party organiser, said he had been warned by Mr Holiday that when going to this office, he should ensure he was not followed or observed.

He had been warned by Mr Holiday to minimise social contact with himself and Miss Arnold, as she was also involved.

Mr Holiday had warned him that if he was talking about the pamphlets under the title "Revolt," at home, he should turn on the radio loudly and talk in the bathroom with all the taps turned full on.

He had played a similar part in the production of another edition of Revolt in 1971. He had asked Mr Holiday whether the pamphlets, which bore the footnote "This is part of a movement for the liberation of our country, please pass it on to your friends," were in fact from the ANC.

Mr Holiday had confirmed this, he said.

The defence counsel alleged that Mr Holiday was assaulted during two days of interrogation after his arrest.

Mr G. Bizos said he would lead evidence that Mr Holiday received "visible injuries" during his interrogation and that senior Security Police officers had apologised to Mr Holiday for the assaults.

The officers denied the charge under cross-examination.

The case continues. — DDC-SAPA.

MR HOLIDAY . . . at court yesterday.

325

14/11/86 Natal Merc

Doubt cast on SB's 'methods'

Mercury Reporter

PIETERMARITZBURG — Investigative methods of the Security Police could have influenced the evidence of several State witnesses in the ANC terrorism trial, Mr. George Muller, QC, defending, told Mr. Justice Howard in the Supreme Court here yesterday.

Mr. Muller, who appears for the 10 men charged with being active members of the banned ANC now on trial under the Terrorism and Suppression of Communism Acts, asked that the defence be permitted to present its case in two parts, one dealing with the alleged offences in the indictment, and the second dealing with the Security Police methods of interrogation.

He claimed the evidence of some State witnesses was "not what it seemed" as it may have been influenced by the manner of investigation and interrogation.

If the police were not satisfied with answers which did not tally with their own "preconceived ideas" the interrogation continued resulting in the witness giving evidence as fact on a matter with which he had no personal experience, Mr. Muller submitted.

Mr. Neil Rossouw SC, for the State, said the "so called investigative methods" had nothing to do with the offences mentioned in the indictment against the accused.

Mr. Justice Howard said he could not rule whether the investigative measures were admissible as evidence until he had heard the evidence when he would make his ruling. He rejected Mr. Muller's request that the defence case proceed in two parts.

Mr. Muller said he would lead evidence to show that the accused recruited African youths for trade union training and not, as alleged by the State, for military training.

"The defence is not trying to vilify the Special Branch or make political capital by its submissions and by leading evidence to show what methods of interrogation were used. We attempt merely to show that the evidence of some of the State witnesses may be unreliable due to the methods employed in interrogating," Mr. Muller said.

Mr. Muller said he wished to call Mr. Barney Dladla, former Minister for Community Affairs in the KwaZulu Government to be the first defence witness.

The trial was adjourned until tomorrow when Mr. Muller will submit an application for a further adjournment to continue and complete preparations for the defence case in the light of his request being refused.

325

Weech freed after evidence

CT 16/11/76

JOHANNESBURG. — Mr Patrick Weech, a Rand Daily Mail sub-editor, was released from police custody yesterday after being held in solitary confinement for 108 days under the Terrorism Act.

Mr Weech walked away from the Supreme Court in Pretoria a free man after giving evidence for the State at the trial of Mr Anthony Holiday, who is charged under the Terrorism and Internal Security Acts.

Asked why he had elected to give evidence for the State, Mr Weech replied: "There were certain reasons which I can't explain because they might arise in evidence as the trial proceeds."

He had no complaints about his treatment in prison, and had been accorded more privileges than he was entitled to under the terms of his detention, he said.

"There were quite a few security police who were exceptionally kind to me.

"And I would like to thank all those who did so much for me, particularly the British Ambassador, Sir David Scott, the British Consul, Mr George Hawkins, the editor of the Rand Daily Mail, Mr Raymond Louw and all my colleagues who expressed their concern," he said.

Mr Weech plans to return to his sub-editor's desk at the Mail this afternoon, after reclaiming his two cats, Louise and Jemima, from the cattery where they have been for almost four months. He has given warning to his friends to brush up their backgammon.

"I've had lots of practice playing by myself. I tried to get my jailers to play but they were not interested," he said.

325/~~333~~

Unrest: 5 acquitted in city

Argus 16/11/76

THE sons of the Peruvian Consul General in Johannesburg and a commodore in the South African Navy were two of the five young men acquitted yesterday by a Regional Court magistrate, Cape Town, on charges of attending an illegal gathering on the Grand Parade on September 8.

—Mr Barry Kinkead-Weekes, 27, son of Commodore D. Kinkead-Weekes, Mr Arthur Maree, 26, Mr Albert Wassenaar, 26, Mr John Matthew Wagner, 20, and Mr Per Anders Nillson, 20, son of Mr Uno Nillson, Consul General of Peru in Johannesburg, had all pleaded not guilty to the charge.

In granting the applications for the discharge of all five after the State had closed its case, the magistrate Mr M. M. C. Symington said there was no evidence on which a reasonable man, acting carefully, could convict the men.

MAIN WITNESS

The main State witness, Constable J. le Roux, had 'of his own free will' taken it upon himself to look out for agitators in the crowd on the Parade on September 8 said Mr Symington.

He claimed to have seen all five men at the scene and said all except Mr Nillson had been talking to the crowd.

He neither heard nor listened to what they said. His job, the magistrate added was to observe.

'This witness took it upon himself to watch and keep under observation at least 9 people under very difficult circumstances, surely a task which he was not up to,' said Mr Symington.

Mr R. A. Duraan appeared for the State, Mr N. Uys instructed by T. W. A. Koller and Co for Mr Kinkead-Weekes, Mr A. Dalling of Fuller, Moore and Son for Mr Maree and Mr Wassenaar and Mr P. Hodes instructed by Findlay and Tait for Mr Nillson and Mr Wagner.

325

Five men cleared of violence

16/11/76

Staff Reporter

THE son of the honorary Peruvian Consul-General in Johannesburg, the son of a naval commodore and three others were yesterday found not guilty and acquitted by a Cape Town regional magistrate on charges of attending an illegal gathering at the Grand Parade.

Mr Per Anders Nilsson, 20, whose parents are Peruvian diplomats, Mr Barry Kinkead-Weekes, 27, whose father is a naval commodore at Simonstown, Mr Albert Wassenaar, 26, a missionary, Mr John Wagner, 26, and Mr Arthur Marce, 26, pleaded not guilty.

The State withdrew the main count of public violence and the first alternative count of attending an illegal gathering to encourage or promote public violence.

The prosecutor, Mr R A Duraan agreed with the defence that a police reservist's evidence could not be relied on.

Mr M M C Symington was on the bench. Mr R A Dalling appeared for Mr Marce and Mr Wassenaar. Mr N Uys instructed by T W A Koller and Co appeared for Mr Kinkead-Weekes. Mr P Hodes instructed by Mr E R von Witt of Findlay and Tait appeared for Mr Nilsson and Mr Wagner.

Invisible ink a

H

PRETORIA. — An article allegedly written with invisible ink by Terrorism Act accused, Mr Anthony Holiday, was read to Mr Justice A D Davidson by a police forensic expert in the Old Synagogue, Pretoria, yesterday.

The article attacked the South African Government, White political parties, business interests and detente as part of the "imperialist onslaught" on the South African people.

Brigadier Lothar Neethling of the police forensic laboratories here, said he was given two pieces of paper, a box of zinc oxide, a bottle of caustic soda and other apparatus seized from the Cape Town flat of Mr Holiday, a member of the Cape Times editorial staff, following his arrest on July 27.

The paper was covered with zinc oxide and had been used to imprint the substance on other paper, he said.

This process created a sort of invisible ink, which could be read after caustic soda was applied to it, he said.

Pamphlets

Earlier, Mr Holiday pleaded not guilty to one count under the Terrorism Act, one under the Internal Security Act and an alternative charge under the Terrorism Act.

The charges relate to his alleged production of 12 pamphlets and articles furthering the aims of the banned African National Congress and Communist Party between November 1970 and 1972, and an alleged formation of an underground cell with Mr Patrick Weech, a Rand Daily Mail sub-editor, Mr Harry Mashabela, a reporter on the Star, and Miss Rosemary Arnold, a librarian at South African Associated Newspapers.

When State counsel, Mr P Jacobs, led evidence by which he said he hoped to prove a connection between the pamphlets allegedly produced by Mr Holiday and those put out by Dr David Rabkin and Mr Jeremy Cronin, both recently convicted for furthering the aims of the two banned organizations, defence counsel Mr George Bizos told Mr Justice Davidson he would argue later that the evidence was inadmissible.

Lieut-Col Johannes Broodryk of the security police here told the court there was a similarity between the names on the mailing list used by Dr Rabkin and Mr Cronin and people who had reported to police receiving copies of the pamphlet, Inkululeko — Freedom — allegedly put out by Mr Holiday.

Time

Lieutenant Petrus du Preez, who said he had given evidence as a police handwriting and typewriter expert for 25 years, testified there was similarity between the type-print found in letters on an earlier Terrorism Act accused, Mr Ahmed Timol, and that on the mailing list allegedly used by Mr Holiday.

In cross-examination of Captain Petrus Fourie of the Cape Town security police, Mr Bizos alleged Mr Holiday had been assaulted during the two days after his arrest, leaving "visible injuries".

Captain Fourie denied the charge.

Instead, he said, he and Sergeant Kotze had brought Mr Holiday food from their homes "for his comfort".

Mr Holiday had a swollen eye when he was detained, the security policeman said.

Questioned further, Captain Fourie said that, apart from "sacks" under Mr Holiday's eyes, he could discern no injury sustained during his interrogation.

"Black sacks?" asked Mr Bizos.

"No," said Captain Fourie.

Apology

When Mr Bizos put it to another security policeman, Major Johannes van Tonder, that he had apologized to Mr Holiday for the assaults on him which occurred "against his orders", Major Van Tonder denied both the alleged assaults and the apology.

Earlier, Mr Patrick Weech, a State witness, who was warned by Mr Justice Davidson that his immunity from prosecution depended on his giving satisfactory evidence, said he offered to help Mr Holiday in the preparation of the pamphlets. Mr Holiday had said he first needed to consult "other people".

Printed pamphlets

Mr Holiday later gave him a list of names of people to whom he should address envelopes and transcripts of articles he should type onto roneo stencils.

Mr Weech said he helped print two issues of "Revolt — a news sheet for radicals", entitled "The dialogue bluff" and "Government by terror" and one issue of "Inkululeko" at London House, Loveday Street, Johannesburg.

Mr Holiday had once told him that he was working for the ANC and had spoken with familiarity of Mr Joe Slovo and Dr Yusuf Dadoo.

Holiday's trial

Anthony Holiday, left, with attorney Mr Raymond Tucker outside the court.

two South African political exiles, Mr Weech said.

He had been urged to observe certain "counter-surveillance" measures by Mr Holiday. These included assuming that his telephone was tapped, checking for bugs in his flat by using a transistor radio and holding pamphlet envelopes on the edges to prevent fingerprint

Mr Weech said he once sent a copy of one of the pamphlets appearing on the indictment, "Revolt — the lion awakes", to the commanding officer of the security police at John Vorster Square "just to let him know such things were still going on."

He had addressed the

Cross-examined by Mr Bizos, Mr Weech said he was not aware that an attempt at disguising handwriting frequently helped police identify the writer.

Mr Holiday had told him not to discuss "Revolt" at the Rand Daily Mail, unless absolutely necessary, he said, and told the court that he

loudly and to talk in the bathroom with all the taps turned on full.

Flee

He was also told that in the event of the arrest of either Mr Holiday or Miss Arnold to leave South Africa immediately for Botswana.

In September 1971, he had played a similar part in the production of another edition of "Revolt", he told Mr Justice Davidson.

He said he had asked Mr Holiday whether the pamphlets, which bore the footnote: "This is part of a movement for the liberation of our country, please pass it on to your friends," were in fact from the ANC.

Mr Holiday had confirmed this, he said.

Mr Weech told the court that he had also been involved in the printing of another pamphlet, "Inkululeko", which Mr Holiday had described as an "urgent project".

Progressives

Mr Holiday had told him the "Inkululeko" was usually handled by others, but that they were unable to do it.

This was after Mr Ahmed Timol had died during detention, Mr Weech added, and said that he had felt that he and Mr Holiday were producing the document to create the impression Mr Timol was not involved with the publication, as it was still appearing.

In March 1972, he left Johannesburg to take a job with the Progressive Party in Cape Town, where he was visited by Mr Holiday, who had asked for the names of radicals.

"When I told him I did not come into contact with any radicals, he asked to see the lists of members of the Progressive Party movement," Mr Weech said.

Questioned by Mr Bizos, Mr Weech said sentiments were similar to those expressed in the "Revolt" pamphlets that he saw, although he found the method of expressing these sentiments rhetorical.

325

17/11/76 Argus

Holiday's counsel concedes charge

The Argus Correspondent

PRETORIA. — Defence counsel for journalist, Mr Anthony Holiday, charged under the Terrorism Act, said Mr Justice Davidson would be 'obliged' to convict Mr Holiday of terrorism.

Mr George Bizos told Mr Justice Davidson in the Old Synagogue, Pretoria, that 'with one or two reservations' the State's evidence was sufficient to convict Mr Holiday on one count under the Terrorism Act.

Mr Bizos said the time period of September 1969 to July 1976 in which Mr Holiday is alleged to have committed acts in furtherance of the aims of the banned African National Congress and Communist Party should be amended to October 1970 to November 1972.

ONE COUNT

If this was done Mr Holiday could be convicted under count one of the charges against him.

Mr Bizos said: 'I concede that during the period of October to November 1970 Mr Holiday bought a typewriter, duplicating machine and stationery to print and distribute pamphlets on behalf of the ANC or Communist Party.

'I further conceded that Mr Holiday leased an office at No 57 London House, Loveday Street, Johannesburg, and used it as a base for the production of 12 pamphlets of the two organisations.'

Mr Justice Davidson said judgment would be given at 10.30 am on Friday.

Holiday defence leads no evidence

11/11/76 Cape Times

325

PRETORIA. — The defence closed its case without leading any evidence in the summary Terrorism Act trial of a Cape Times reporter, Anthony Holiday, in the Old Synagogue here yesterday.

Mr George Bizos, defence counsel, told Mr Justice Davidson that the defence would lead no evidence on the merits of the State case, which ended when a reporter on the Star and an alleged accomplice of Mr Holiday, Mr Harry Mashabela finished testifying.

Mr Mashabela, who had been in detention since July 29, earlier rejected the help offered by a legal representative, Mr Bernard Ancey, who had been instructed by Mr Mashabela's wife through a lawyer, Mr Shunn Chetty, to advise him in the State evidence he was to give as an alleged accomplice.

"No permission"

Mr Mashabela told Mr Justice Davidson: "My wife had no permission whatsoever from me to get someone to advise me in this matter . . . while it's true I am not a legal man and so don't know what my rights are, I believe the judge in this case can advise me on them."

Mr Justice Davidson had previously overruled an order of the Transvaal Attorney General, given in terms of section 12 of the Internal Security Act, forbidding Mr Mashabela from seeing Mr Ancey.

After meeting Mr Mashabela, Mr Ancey withdrew from the case.

Mr Mashabela told the court that in early 1971 an old friend, Miss Rosemary Arnold, who is also listed in the indictment as an accomplice, said Mr Holiday wanted to see him at an office in London House, Loveday Street, Johannesburg.

After a brief political discussion at the office on the homeland policy on a Saturday afternoon, Mr Holiday told him he was in touch with the African National Congress in London and was distributing pamphlets for the ANC. The pamphlet was called "Revolt", he said.

"He asked me if I wanted to help him and I told him it was not a decision I could make off the cuff," said Mr Mashabela.

About three weeks later, another meeting at the London House office was arranged by Miss Arnold. When he arrived there, Mr Holiday was folding pamphlets into envelopes. He had gone to the office to tell Mr Holiday he was not prepared to help in his work. But, at Mr Holiday's request, he folded a few pamphlets and posted a batch in a postbox on his way home.

"Too risky"

He later told Miss Arnold the work was "too risky" and the police were bound to find out.

He had received a letter from Miss Arnold in Europe but had not communicated with either her or Mr Holiday since, he said.

Asked in cross-examination by Mr Bizos if it was not peculiar that a "mere acquaintance" such as Mr Holiday should confide that he was involved in ANC work and "bandy the name of Mr Oliver Tambo about", Mr Mashabela said: "It was strange, but that's the way it happened."

A possible explanation was his close relationship with Miss Arnold and a similar trust between her and Mr Holiday, he said.

Invisible ink

While Mr Mashabela was speaking to Mr Ancey, the State interposed Major Harry Baker of the Security Police, as a witness.

He said there was a "close similarity" between an article appearing in the African Communist number 63 of 1975 entitled "New Tactics of White Domination" and an article deciphered by police forensic experts on two pieces of paper seized from Mr Holiday's flat when he was detained.

The article was allegedly written by Mr Holiday using an invisible ink process.

Mr Justice Davidson earlier gave the press permission to disclose the identity of a former terrorist trainee Mr Karel Kleinbooi called to give State evidence in spite of a State plea that he remain anonymous "to protect his life".

Russian-trained

He said that following his training as a member of the militant wing of the ANC in Tanzania and Russia, he was able to decode a letter sequence on a piece of paper found in Mr Holiday's Cape Town flat.

An "FM" in the code stood for the Financial Mail, he said, and "Ink" stood for "Inkululeko", which is one of the pamphlets Mr Holiday is accused of having produced in furtherance of the ANC's or Communist Party's aims.

Describing Mr Kleinbooi as a "travelling witness" who was a well-known figure in political trials, Mr Bizos put it to him that "FM" could just as well stand for "Femina Weekly".

Mr Kleinbooi said he had never read a copy of the Financial Mail but denied that "FM" could stand for "Femina Monthly".

Mr Bizos submitted to Mr Justice Davidson that Mr Kleinbooi's interpretation of "FM" as standing for the Financial Mail and "Ink" as standing for "Inkululeko" were not soundly based. — Sapa

325/81.

Judgment in 4 youths' trial today

17/11/81

JUDGMENT will be given today in the Supreme Court in the trial of four youths who are appearing on two counts under the Sabotage Act, alternatively under the Terrorism Act, alternatively arson.

Bertram Leon Consalves, 18, and three UWC students from Johannesburg, Frank Leo Coutries, 19, Rudolf Leonard Knight, 19, Lesley Ivan Sekela, 22, have all pleaded not guilty.

The charges arise out of incidents on August 9 and August 11 this year when two classrooms of the Good Hope Primary School and Kasselsvlei Post Office, both in Bellville South, were set alight.

Mr Justice Van Zijl is on the bench with Mr J W van Greunen and Mr M R Hartogh as assessors.

(325)

Holiday: defence closes case

17/4/76 NM

PRETORIA — The defence closed its case without leading any evidence in the summary Terrorism Act trial of Cape Town journalist, Mr Anthony Holiday, here yesterday.

Mr G. Bizos, defence counsel, told Mr Justice Davidson the defence would lead no evidence on the merits of the State case which ended when a reporter on The Star and an alleged accomplice of Mr Holiday, Mr Harry Mashabela finished testifying.

Mr Mashabela, who had been in detention since July 29, earlier rejected a legal representative, Mr B. Ancey, who had been instructed by his wife through a lawyer to advise him in the State evidence he was to give as an alleged accomplice.

Mr Mashabela told Mr Justice Davidson: "My wife had no permission whatsoever from me to get someone to advise me in this matter. While it's true I am not a legal man and so don't know what my rights are, I believe the judge in this case can advise me on them."

The judge had previously overruled an order of the Transvaal Attorney-General, given in terms of Section 12 of the Internal Security Act, forbidding Mr Mashabela from seeing Mr Ancey.

After meeting Mr Mashabela, Mr Ancey withdrew from the case.

Mr Mashabela told the court that in early 1971 an old friend, Miss Rosemary Arnold, who is also listed in the indictment as an accomplice, said Mr Holiday wanted to see him at an office in Johannesburg.

After a brief political discussion at the office on the homeland policy, Mr Holiday told him he was in touch with the African National Congress in London and was distributing pamphlets for the ANC. The pamphlet was called Revolt, he said.

"He asked me if I wanted to help him and I told him it was not a decision I could make off the cuff," Mr Mashabela said.

About three weeks later, another meeting was arranged by Miss Arnold. When he arrived there, Mr Holiday was folding pamphlets into envelopes. He had gone to the office to tell Mr Holiday he was not prepared to help in his work. But, at Mr Holiday's request, he folded a few pamphlets and posted a batch in a postbox on his way home.

He later told Miss Arnold the work was "too risky" and the police were bound to find out. Apart from a letter he received from Europe from Miss Arnold, he had not communicated with either of them since, he said.

Asked in cross-examination by Mr Bizos if it was not peculiar that a "mere acquaintance" like Mr Holiday should confide that he was involved in ANC work and "bandy the name of Mr Oliver Tambo about," Mr Mashabela said "it was strange, but that's the way it happened."

A possible explanation was his close relationship with Miss Arnold and a similar trust between her and Mr Holiday, he said. — SAPA

325

Star 17/11/76

Holiday guilty: defence

Pretoria Bureau

Judgment will be given in the trial of Mr Anthony Holiday on Friday morning, Mr Justice Davidson said today after the defence had conceded Mr Holiday was guilty of terrorism.

Shortly after hearing Mr Bizos had conceded in the Old Synagogue, Pretoria, that Mr Holiday was guilty of one count under the Terrorism Act, the court heard evidence in mitigation of sentence, although judgement is still awaited.

Earlier, Mr Bizos said Mr Justice Davidson would be "obliged" to convict Mr Holiday of terrorism.

He said "with one or two reservations" the State's evidence was sufficient to convict Mr Holiday on one court under the Terrorism Act.

Mr Bizos said the time period of September 1969 to July 1976 in which Mr Holiday is alleged to have committed acts in furtherance of the aims of the banned African National Congress and Communist Party should be amended to October 1970 to November 1972.

If this was done Mr Holiday could be convicted under count one of the charges against him.

Mr Bizos said: "I concede that during the period of October to November 1970 Mr Holiday bought a typewriter, duplicating machine and stationery to print and distribute pamphlets on behalf of the ANC or Communist Party.

PRODUCTION

"I further concede that Mr Holiday leased an office at 57 London House, Loveday Street, Johannesburg, and used it as a base for the production of twelve pamphlets of the two organisations."

Referring to other alleged acts Mr Bizos said there was no conclusive evidence to prove that Mr Holiday had recreuited Mr Harry Mashabela, a reporter on The Star, Mr Patrick Weech, a sub-editor on the Rand Daily Mail, and a Miss Rosemary Arnold, a former librarian of the Rand Daily Mail as members of either of the two organisations.

The story of Mr Mashabela on his alleged recruitment was "a very improbable one" said Mr Bizos. Mr Weech was a "volunteer" and there was no evidence of recruitment of Miss Arnold.

"MORE DRAMATIC"

The State's allegation that Mr Holiday had formed a cell of the Anc or Communist Party was "a more dramatic and sinister term than the evidence warrants," Mr Bizos said.

No evidence had been led on the methods of operationo of the ANC or Communist Party and thus to call the relationship between Mr Holiday and his three alleged accomplices a cell was incorrect.

Referring to allegations that Mr Holiday received and used funds of the two organisations, Mr Bizos said there was only the evidence of Mr Mashabela in this regard.

Mr Mashabela said in earlier evidence that Mr Holiday told him the office at London House and the financing for the pamphlets were provided by the ANC.

Mr Bizos dismissed the State's charge that Mr Holiday had received subversive training in Britain from Stptember to December 1969 while he was a sub-editor on the London Times.

No evidence had been led on this, he said.

325/81/(39)

18/11/76

Sabotage trial: Sentence today

SENTENCE will be given today in the Supreme Court Cape Town, in the trial of four youths, three of whom are students at the University of the Western Cape, who were yesterday found guilty of sabotage.

Bertram Consalves, 18, a post office worker, and Rudolph Leonard Knight, 19, a student at UWC, were found guilty on two counts under the Sabotage Act, in that they had set fire to two classrooms of the Good Hope Primary School on August 9, this year, and to the Kasselsvlei Post Office on August 11.

Two other students Frank Leo Coutries, 19, and Lesley Ivan Seleka, 22, were found guilty of sabotage in that they had set fire to the Kasselsvlei Post Office.

The Judge President, Mr Justice Van Zijl, said in his judgment that the youths had elected not to give evidence or to challenge the evidence of State witnesses one of whom was an accomplice and the other a police informer.

From the evidence before the court and the confessions of three of the accused, they were guilty as charged.

All four youths read statements from the dock after they had been found guilty and their parents had given evidence in mitigation.

They criticized the discriminatory system in South Africa and the denial of human rights to people of colour.

Dissatisfaction

Rudolph Knight said that he had asked himself what had to be done to bring about changes or to show the Government their dissatisfaction so that the necessary changes could be brought about.

"Perhaps the manner in which I had done it was wrong but on that date I could not think of any other manner by which I could show my dissatisfaction," he said.

Mr J Slabbert, who appeared for the State, called for a minimum sentence of five years and said that the youths had not shown remorse in their statements nor did they regard themselves as criminals.

Sitting with the Judge President as assessors, are Mr J W Greunen and Mr M R Hartogh.

Mr H Levy, SC, assisted by Mr B M Kies and instructed by A M Omar and Co, appeared for Consalves and Seleka. Mr C Rogers, instructed by Essop and Co appeared for Coutries. Mr A Motala, instructed by A M Omar and Co, appeared for Knight.

325

Holiday judgment tomorrow

PRETORIA. — Judment will be given in the Terrorism Act trial of Anthony Holiday, tomorrow at 10.30am, Mr Justice A J Davidson announced yesterday after the defence had conceded that Mr Holiday was guilty of terrorism.

Soon after hearing Mr George Bizos concede that Mr Holiday was guilty of one count under the Terrorism Act, the court heard evidence in mitigation of sentence.

Mr Bizos said Mr Justice Davidson would be "obliged" to convict Mr Holiday of terrorism.

He told the judge in the Old Synagogue here, where the trial is being held, that "with one or two reservations", the State's evidence was sufficient to convict Mr Holiday on one count under the Terrorism Act.

Concessions

Mr Bizos said the period September 1969 to July 1976, in which Mr Holiday is alleged to have committed acts in furtherance of the aims of the banned African National Congress (ANC) and Communist Party should be amended to October 1970 to November 1972. If this was done Mr Holiday could be convicted under count one of the charges against him.

Mr Bizos said: "I concede that during the period of October to November 1970 Mr Holiday bought a typewriter, duplicating machine and stationery to print and distribute pamphlets on behalf of the ANC or Communist Party.

"I further concede that Mr Holiday leased an office at No. 57 London House, Loveday Street, Johannesburg, and used it as a base for the production of 12 pamphlets of the two organizations."

Referring to other alleged acts, Mr Bizos said there was no conclusive evidence to prove Mr Holiday had recruited Mr Harry Mashabela, a reporter on the Star, Mr Patrick Weech, a sub-editor on the Rand Daily Mail, and Miss Rosemary Arnold, a former librarian of the Rand Daily Mail, as members of either of the two organizations.

The story of Mr Mashabela on his alleged recruitment was "a very improbable one", said Mr Bizos.

Mr Weech was a "volunteer" and there was no evidence of the recruitment of Miss Arnold.

The State's allegation that Mr Holiday had formed a cell of the ANC or the Communist Party was "a more dramatic and sinister term than the evidence warrants", Mr Bizos said.

No evidence had been led on the methods of operation of the ANC or the Communist Party and thus to call the relationship between Mr Holiday and his three alleged accomplices a cell was incorrect.

Referring to allegations that Mr Holiday received and used funds of the two organizations, Mr Bizos said there was only Mr Mashabela's evidence in this regard.

Training

Mr Mashabela said in earlier evidence that Mr Holiday told him that the office at London House and the financing for the pamphlets were provided by the ANC.

Mr Bizos dismissed the State's allegation that Mr Holiday had received subversive training in Britain from September to December 1969 while he was a sub-editor on the London Times.

No evidence had been led on this, he said.

On State allegations that Mr Holiday instructed his three alleged accomplices in methods of counter-surveillance against detection, Mr Bizos said there was only the evidence of Mr Weech to support this contention.

These alleged security measures were only "commonsense" and did not constitute training in subversion. There was "no teacher-pupil relationship" between Mr Holiday and Mr Weech on the security measures.

Possession of materials which could be used for secret communications did not constitute an act, said Mr Bizos. He was referring to items including various chemicals seized from Mr Holiday's flat when he was arrested in Cape Town in July.

There was only the evidence on an alleged article written by Mr Holiday for the magazine "The African Communist" in 1975 to suggest that Mr Holiday had maintained contact with the two banned organizations after November 1972.

The State earlier led evidence that there was a similarity between the articles, called "New tactics of White domination", and a piece of writing allegedly deciphered by police forensic experts from two pieces of paper found during a search of Mr Holiday's flat.

Conclusive

State counsel, Mr P Jacobs, said the State had conclusively proved that Mr Holiday had furthered the revolutionary aim of the ANC and the Communist Party and was thus guilty of terrorism.

State witnesses had given "honourable and honest evidence" and their testimony should be accepted as the defence had led no evidence to contradict them.

Mr Holiday pleaded not guilty on Monday, when his summary trial opened on one count and an alternative charge under the Terrorism Act and another count under the Internal Security Act.

Arguing for Mr Holiday's conviction, Mr Jacobs drew the court's attention to admissions made by the defence that the ANC, the Communist Party and Umkhonto we Sizwe were all banned organizations and had as their aim the violent overthrow of the SA Government.

Referring to Mr P Weech's evidence Mr Jacobs said Mr Holiday had told Mr Weech he was working for the ANC and was in contact with "people in London". These included Mr Oliver Tambo and Mr Joe Slovo, two political exiles from South Africa.

This had been corroborated by Mr Mashabela.

A Mr Karel Kleinbooi had told the court that when receiving terrorist training in East Germany he had been visited by Mr Slovo and other members of the SA Communist Party. There Mr Kleinbooi had received instructions in invisible and secret ways of communication, similar to those used by Mr Holiday.

Mr Wessel de Kock, news editor of the Cape Times, where Mr Holiday was employed as a senior political journalist at the time of his arrest in July, told the judge Mr Holiday was "an excellent journalist who was highly thought of in the journalistic community".

He had known Mr Holiday for 12 years and they had worked together at the Rand Daily Mail and the Cape Times, he said.

The charges against Mr Holiday had come as a "terrible shock" to him. He had not known Mr Holiday was working for either the ANC or the Communist Party.

His stories had always been "accurate, with no significant bias". Mr Holiday had never abused his position as a newspaperman.

The Cape Times had "scored well" with a number of articles by Mr Holiday.

Referring to items taken from a confidential personnel report at the Cape Times on Mr Holiday, Mr De Kock quoted a letter from a senior assistant editor of the newspaper giving Mr Holiday a pay rise and thanking him for his "excellent work." — Sapa

---

Referring to the 12 pamphlets of the ANC and the Communist Party Mr Holiday is alleged to have produced between November 1970 and November 1972, Mr Jacobs said Major Harry Baker of the Security Police had testified that "Inkululeko" was printed in South Africa after drafts for the publication had been received secretly from overseas.

Mr Bizos had said in cross-examination of Major Baker that this was the case.

"Inkululeko" was the official organ of the Communist Party underground, Major Baker had said.

Mr Holiday is charged with producing three issues of the pamphlet.

81/325

Arson: youths get 5 years

Star 18/4/86

CAPE TOWN — In the first sabotage trial to arise from the recent unrest in the Peninsula four coloured youths were sentenced in the Supreme Court here today to a total of 30 years' imprisonment.

Bertram Leon Consalves (19), a Post Office employee from Bellville South, and Rudolph Leonard Knight (18), a University of the Western Cape law student, were sentenced to five years each on two counts of sabotage.

Mr Justice van Zyl, the Judge President, ordered that four years of each sentence would run concurrently, making an effective prison sentence of six years each.

Frank Leo Coutries (19) and Lesley Ivan Seleka (22), both UWC students, were each sentenced to the minimum sentence of five years' imprisonment after being found guilty on one count of sabotage.

SET ON FIRE

Charges were withdrawn against a fifth accused, Mr Basil Frantz (21), after he turned State witness.

The charges arose out of incidents on August 9 and 11 this year when two classrooms of the Good Hope Primary School, and the Kasselsvlei Post Office, both in Bellville South, were set on fire.

Consalves was a former pupil of the Good Hope Primary School.

Passing sentence, the Judge President said although he had heard the accuseds' story of inferior education for blacks, Consalves and Knight had destroyed two classrooms of a coloured school at a time when the State was struggling to provide enough classrooms.

325/81/307

18/11/76

Sabotage trial: Sentence today

SENTENCE will be given today in the Supreme Court Cape Town, in the trial of four youths, three of whom are students at the University of the Western Cape, who were yesterday found guilty of sabotage.

Bertram Consalves, 18, a post office worker, and Rudolph Leonard Knight, 19, a student at UWC, were found guilty on two counts under the Sabotage Act, in that they had set fire to two classrooms of the Good Hope Primary School on August 9, this year, and to the Kasselsvlei Post Office on August 11.

Two other students Frank Leo Coutries, 19, and Lesley Ivan Seleka, 22, were found guilty of sabotage in that they had set fire to the Kasselsvlei Post Office.

The Judge President, Mr Justice Van Zijl, said in his judgment that the youths had elected not to give evidence or to challenge the evidence of State witnesses one of whom was an accomplice and the other a police informer.

From the evidence before the court and the confessions of three of the accused, they were guilty as charged.

All four youths read statements from the dock after they had been found guilty and their parents had given evidence in mitigation.

They criticized the discriminatory system in South Africa and the denial of human rights to people of colour.

Dissatisfaction

Rudolph Knight said that he had asked himself what had to be done to bring about changes or to show the Government their dissatisfaction so that the necessary changes could be brought about.

"Perhaps the manner in which I had done it was wrong but on that date I could not think of any other manner by which I could show my dissatisfaction," he said.

Mr J Slabbert, who appeared for the State, called for a minimum sentence of five years and said that the youths had not shown remorse in their statements nor did they regard themselves as criminals.

Sitting with the Judge President as assessors, are Mr J W Greunen and Mr M R Hartogh.

Mr H Levy, SC, assisted by Mr B M Kies and instructed by A M Omar and Co, appeared for Consalves and Seleka. Mr C Rogers, instructed by Essop and Co appeared for Coutries. Mr A Motala, instructed by A M Omar and Co, appeared for Knight.

325

Defence admits Holiday guilty

18/11/76

PRETORIA — Judgment will be given tomorrow in the Terrorism Act trial of Mr Anthony Holiday, Mr Justice Davidson announced yesterday after the defence had conceded Mr Holiday was guilty of terrorism.

After hearing Mr G. Bizos concede Mr Holiday was guilty of one count under the Terrorism Act, the court heard evidence in mitigation of sentence.

Mr Bizos said Mr Justice Davidson would be obliged to convict Mr Holiday of terrorism.

He told the judge that "with one or two reservations," the State's evidence was sufficient to convict Mr Holiday on one count under the Terrorism Act.

Mr Bizos said the period September 1969 to July 1976, in which Mr Holiday is alleged to have committed acts in furtherance of the aims of the banned African National Congress (ANC) and Communist Party, should be amended to October 1970 to November 1972. If this was done Mr Holiday could be convicted under one count of the charges against him.

"I concede that during the period of October to November 1970 Mr Holiday bought a typewriter, duplicating machine and stationery to print and distribute pamphlets on behalf of the ANC or Communist Party.

"I further concede Mr Holiday leased an office at No 57 London House, Loveday Street, Johannesburg, and used it as a base for the production of 12 pamphlets of the two organisations," Mr Bizos said.

Referring to other alleged acts Mr Bizos said there was no conclusive evidence to prove Mr Holiday had recruited Mr Harry Mashabela, a reporter on The Star, Mr Patrick Weech, a sub-editor on the Rand Daily Mail, and Miss Rosemary Arnold, a former librarian of the Rand Daily Mail, as members of either of the organisations.

The story of Mr Mashabela on his alleged recruitment was "a very improbable one" while Mr Weech was a volunteer and there was no evidence of recruitment of Miss Arnold.

The State's allegation Mr Holiday had formed a cell of the ANC or Communist Party was "a more dramatic and sinister term that the evidence warrants," Mr Bizos said.

No evidence had been led on the methods of operation of the ANC or Communist Party and thus to call the relationship between Mr Holiday and his three alleged accomplices a cell was incorrect.

Referring to allegations Mr Holiday had received and had used funds of the two organisations, Mr Bizos said there was only the evidence of Mr Mashabela in this regard.

Mr Bizos dismissed the State's allegation Mr Holiday had received subversive training in Britain from September to December 1969 while he was a sub-editor on The London Times. No evidence had been led on this, he said.

On the allegations Mr Holiday instructed his three alleged accomplices in methods of counter-surveillance against detection, Mr Bizos said there was only the evidence of Mr Weech to support this contention.

These alleged security measures were only "commonsense" and did not constitute training in subversion.

Mr Wessel de Kock, news editor of the Cape Times, where Mr Holiday was employed as a senior political journalist at the time of his arrest in July, told the judge Mr Holiday was "an excellent journalist who was highly thought of in the journalistic community."

The charges against Mr Holiday had come as a terrible shock to him. He said Mr Holiday had never abused his position as a newspaperman. — SAPA.

325

Terror trial defence concedes guilt

Natal Mercury 18/11/76

Mercury Correspondent

PRETORIA — Defence Counsel in the Terrorism Act trial of journalist Mr. Anthony Holiday yesterday conceded that the Court was obliged to convict his client on the main charge against him — of promoting the policies and objects of the ANC and the S.A. Communist Party.

Mr. George Bizos made the concession in his final argument yesterday, but submitted that the State had not proved five of the eight acts allegedly committed by Mr. Holiday.

He also told the Court that the defence made the concession with a qualification about proof concerning the length of time — alleged by the State to have been between September 1969 and July this year — of Mr. Holiday's involvement.

He conceded that Mr. Holiday had rented an office in London House in late 1970 and had bought a duplicating machine, a typewriter and stationery to prepare "propaganda material" on behalf of the ANC and the SACP.

He accepts that the State had proved that between November 1970 and November 1972 Mr. Holiday had produced and distributed a number of the pamphlets mentioned in the indictment and had distributed them or caused them to be distributed by post or by hand.

He denied State allegations that Mr. Holiday recruited Mr. Paddy Weech, a Rand Daily Mail sub-editor, Mr. Harry Mashabela, a reporter on the Star — both alleged accomplices — and Miss Rosemary Arnold to assist him.

He described Mr. Weech as "a volunteer rather than an incitee," and submitted that the State would have to show he had used some form of persuasion to induce the three to take part in the activities alleged, in order to prove recruitment.

He agreed that Mr. Holiday had obtained Mr. Weech's consent, but submitted that under South African law, recruitment seemed to have an extended meaning of incitement to join an organisation.

There was no evidence whatsoever that he had recruited Miss Arnold, he said and told the Court Mr. Mashabela's "story" of Mr. Holiday's attempt to recruit him as "very improbable."

Judgment will be given tomorrow.

325

Holiday guilty, says Bizos

18/11/76

Pretoria Bureau

Defence counsel conceded in the Terrorism Act trial of Mr Anthony Holiday yesterday that he was guilty.

Mr George Bizos, defending, told Mr Justice Davidson in the Old Synagogue, Pretoria, he would be obliged in law to find Mr Holiday guilty of producing 12 pamphlets of the banned African National Congress and Communist Party.

NOT GUILTY PLEA

Mr Holiday had earlier pleaded not guilty to a count and an alternative charge under the Terrorism Act and another count under the Internal Security Act.

Mr Bizos however, asked the court to amend the first Terrorism Act count, under which he agreed Mr Holiday was guilty, to read that Mr Holiday had committed the offences between October 1970 and November 1972. The time period given in the indictment was September 1969 to July 1976.

VOLUNTEER

Mr Bizos rejected the submission by State counel, Mr P Jacobs that he had proved Mr Holiday guilty of another six acts of terrorism.

There was no conclusive evidence proving he had recruited two earlier state witnesses, Mr Harry Mashabela, a reporter on The Star, Mr Patrick Weech, a Rand Daily Mail sub-editor, and Miss Rosemary Arnold, who was in Europe according to State evidence.

IMPROBABLE

Mr Mashabela's story of recruitment was "improbable," he said, and Mr Weech had "volunteered."

The State had led no evidence to prove that Mr Holiday had received subversive training in Britain between September and December 1969 while working as a sub-editor.

325

Holiday jailed for six years

Star 19/11/76

Pretoria Bureau

Political journalist Anthony Holiday was jailed today for six years under the Terrorism Act.

Holiday had furthered the aims of the Communist Party and the African National Congress, both banned organisations.

In the Old Synagogue, Pretoria, Mr Justice Davidson told Holiday, "The law must set its price for your activities and I find that price very difficult to fix."

On Monday Holiday pleaded not guilty to a count and an alternative charge under the Terrorism Act and another count under the Internal Security Act.

Holiday had produced 12 pamphlets of the African National Congress and Communist Party, — had recruited a reporter on The Star, Mr Harry Mashabela, and a Rand Daily Mail sub-editor, Mr Patrick Weech; had used ANC and Communist Party funds, had instructed his recruits in counter-surveillance measures against police detection and possible escape routes from the country; had possessed materials for secret communication with the two organisations, had obtained information for use in the pamphlets and had dispatched this to the organisations overseas, the judge found.

'LOVE' SYSTEM

Referring to a statement by Holiday that he believed in creating a system of "love" in South Africa, the judge said the pamphlets put out by Holiday "reeked with sentiment which encouraged people to do anything but love people."

"You have achieved considerable position as a journalist and you have acquitted yourself honestly and fairly in your profession."

He also found Holiday had written an article in the African Communist in 1975 and this was a deciding factor in his conclusion that Holiday had indulged in his activities from 1970 until 1976.

He rejected the State allegation that Holiday had formed a "cell" of the ANC or Communist Party and that he had undergone subversive training in Britain in 1969.

Sentencing Holiday, Mr

To Page 3, Col 4

325

Holiday jailed

SAT 19/7/76

From Page 1

Justice Davidson said he felt "extreme pain." Holiday had "not been cowardly" and had given an "honest" and "heartfelt" description of his views in an earlier address to the court from the dock.

"But for the fact that your activities have been of a highly dangerous nature, I would have given you the minimum sentence of five years' imprisonment contained in the Terrorism Act."

In a statement, Holiday said he did not feel he had at all morally compromised himself in committing the acts.

TORTURED

Referring to allegations in Holiday's statement that he had been "tortured" during the early days of his four-month detention, the judge said he was not in a position to comment on the truthfulness of the allegations.

"But I condemn it roundly and with all the fervour possible. No authority should indulge in that sort of behaviour."

Arguing in mitigation of sentence, Mr George Bizos, defending asked the judge to use his discretion and impose the minimum sentence.

In matters of conscience, such as Holiday's case, there was no deterrent effect in a sentence.

In recruiting Mr Weech and Mr Mashabela there was no tremendous persuasion used, he said.

The judge should take into consideration that every day of the sentence imposed on Holiday would have to be served. There was no remission or parole when somebody was sentenced in terms of the Terrorism Act.

The judge would not be condoning Holiday's activities by imposing the minimum. Holiday had been in detention for four months before being brought to trial and this should be taken into account.

Holiday's alleged instruction of Mr Weech and Mr Mashabela in counter-surveillance measures against detection and of possible escape routes from South Africa was where the 'cloak and dagger"

FANTASY

"It had an element of childish fantasy about it," he said. "Nevertheless he accepted the evidence of Mr Weech that Holiday had given him instructions in security measures and therefore Holiday was guilty of this offence.

The judge also said the State had conclusively established that Holiday had possessed materials for secret and invisible communications with the ANC and Communist Party in exile, that he had communicated with them using these means, that he had obtained information and used mailing lists, supplied by the organisations, to put out their pamphlets and that he had dispatched information to the organisations overseas on the social, political and economic situation in South Africa.

INTELLIGENT

Turning to the allegation that Holiday had written the article "New Tactics of White Domination" in the African Communist of the Fourth Quarter of 1975, he said the police evidence on this charge had been "commendably intelligent." ligent."

He accepted the police evidence that they had found a secretly written transcript on two pieces of paper, seized during the search of Holiday's Cape Town flat on July 27 and he found that the writing corresponded with the article appearing in the African Communist.

This had an important bearing on the time period of Holiday's activities in furthering the aims of the ANC and Communist Party.

325

Sabotage: youths get 22 years

CT 17/11/76

CAPE TOWN — Four youths sentenced in the Supreme Court here yesterday to prison terms for sabotage had been treated by the court as children, the Judge-President of the Cape, Mr Justice Van Zijl said, but the time could come when children would not be treated as children any more.

The four were sentenced to serve a total 22 years' imprisonment in the first sabotage trial arising from the recent unrest in the Peninsula.

The charges related to incidents on August 9 and 11 when two classrooms of Good Hope Primary School and Kasselsvlei Post Office — both in Bellville South were set on fire.

The judge said it was tragic that the four were so immature that they had not realised their actions could lead to violence and death.

Mr B.L. Consalves, 19, a Post Office employee, and Mr R.L. Knight, 18, a University of the Western Cape law student, were sentenced to five years each on two counts of sabotage.

The judge ordered that four years of each sentence run concurrently, making an effective prison sentence of six years each.

Mr F.L. Coutries, 19, and Mr L.I. Seleka, 22, both UWC students, were each sentenced to the minimum of five years after being found guilty on one count of sabotage. — SAPA.

325

Writer faints after terror trial

Nat. Mor. 20/11/76.

Mercury Correspondent

PRETORIA — Minutes before hearing Mr. Justice Davidson pass a six-year sentence on him on charges under the Terrorism Act yesterday, political journalist Mr. Tony Holiday fainted in the dock of Pretoria's Old Synagogue.

In his judgment, Mr. Justice Davidson told the packed courtroom it was clear that Mr. Holiday had produced and distributed "highly subversive and inflammatory" pamphlets to a wide range of people, both African and White on behalf of the ANC and the SACP.

He found Mr. Holiday had secured an office in Johannesburg and obtained certain equipment to prepare pamphlets. He had, in fact, prepared and distributed 12 such pamphlets.

Recruited

The Judge also found that Mr. Holiday had, as alleged, recruited both Mr. Paddy Weech, a Rand Daily Mail sub-editor, and Mr. Harry Mashabela of the Star. He told the Court he accepted the evidence of Mr. Mashabela that he had been told by Mr. Holiday that he had received funds from the ANC for his work.

However, he found there had been no evidence to support the charge that Mr. Holiday had undergone training in subversive activities while he had been working in London, and that evidence led on allegations that Mr. Holiday had established a secret ANC or SACP cell in Johannesburg, did not justify a conviction.

In a highly moving unsworn statement from the dock before sentence was passed, Mr. Holiday told the Court: "Ethically speaking I have done no wrong."

Nightmare

He said he had pleaded not guilty to the acts of which he had been convicted as he feared "a plea of guilty would have been regarded as an admission on my part that my actions were morally reprehensible."

"The course I chose was the only one open to a patriot of my political convictions."

Speaking of his detention, which began on July 27, he said it "began in a civilised manner, but rapidly deteriorated into a nightmare."

He said he would describe assaults inflicted on him during detention as "torture," and his interrogators had threatened to arrest "a person very close to me."

Commenting on Mr. Holiday's allegations, Mr. Justice Davidson said as no direct evidence had been led on the matter, he could not accept or reject them, but if they had been proved, he would have "condemned the assaults roundly and absolutely.

"I have listened with sympathy to your statement, and I appreciate your sensitivity, but can only condemn the aims you encourage.

"But for the fact that your activities were highly dangerous in the general sense, I would have given you the minimum sentence," Mr. Justice Davidson said. The mandatory minimum sentence under the Terrorism Act is five years.

(Political Trials) 325.

Holiday sentenced to 6 years in prison

DD 20/11/76

PRETORIA — Minutes before hearing Mr Justice Davidson pass a six-year sentence on him on charges under the Terrorism Act yesterday, Mr Anthony Holiday fainted in the dock of Pretoria's Old Synagogue.

As the judge began reading his judgment on charges that the 36-year-old former Cape Times and Rand Daily Mail Journalist had promoted the aims of the African National Congress and the South African Communist Party, Mr Holiday, looking extremely pale, whispered urgently to his counsel.

Mr Justice Davidson interrupted his judgment, but as he was telling Mr Holiday he could sit in the dock, Mr Holiday fainted, collapsing onto the back of the dock.

His sister, Mrs Anne Joannides, and a number of friends rushed to his assistance, and the judge adjourned the court.

Mr Holiday was revived shortly afterwards and about 15 minutes later the court resumed.

In his judgment, Mr Justice Davidson said it was clear that Mr Holiday had produced and distributed "highly subversive and inflammatory" pamphlets to a wide range of people, both black and white, on behalf of the ANC and the Communist Party.

However, Mr Holiday had been man enough to admit his actions, he said.

The judge also found that Mr Holiday had, as alleged, recruited both Mr Paddy Weech, a Rand Daily Mail sub-editor, and Mr Harry Mashabela of The Star.

However, he found there had been no evidence to support the charge that Mr Holiday had undergone training in subversive activities while working in London.

In an unsworn statement from the dock after he was found guilty Mr Holiday said: "I am a South African and will not stand back to any man as far as my commitment to my country and all its people are concerned.

"If there is any one reason why our jails are at present teeming with dissidents, why so much blood has been shed, why the history of our country is one so crowded with strife, sacrifice and struggle, then love is that reason."

He had pleaded not guilty, he told the court, because he feared that to plead guilty would have been regarded as an admission on his part that what he had done was morally reprehensible.

"Ethically speaking, I have done no wrong," he said. "The course I chose was the only one open to a patriot of my political convictions."

Regarding his treatment in detention he said it had "begun in a civilised manner, but rapidly deteriorated into a nightmare."

He said that under the direction of Capt Fourie he had been choked, rolled on the floor, crushed against a wall, struck and had his arms and wrists twisted.

He was also forced to stand with a chair above his head while his interrogators questioned him and "flung shoes at my groin."

During his first 48 hours of detention in July he had made admissions to the police because he feared that unless he did so they would arrest someone dear to him.

His interrogators had even enacted a charade behind a closed door, imitating the sounds of a person being beaten and screaming in pain.

Shortly after the assaults Capt J. van Tonder had apologised and said they were done without his knowledge.

"I should like to believe him," he said.

He told the court that after the first 48 hours he had been treated with great kindness by some of his interrogators.

Commenting on Mr Holiday's allegations that he had been assaulted, the judge said that as no direct evidence had been led on the matter, he could not accept or reject the allegations, but if the assault had been proved, he would have condemned them "roundly and absolutely."

He told Mr Holiday it was extremely painful for him to have to pass sentence on him.

"You haven't sought refuge in any cowardly ways, but the law must have its price for your activities. That price is extremely difficult to set," he said.

"I have listened with sympathy to your statement, and I appreciate your sensitivity, but can only condemn the aims you encourage," the judge said. — DDC.

Tony Holiday faints during judgment

PRETORIA. — South African political journalist Tony Holiday was yesterday sentenced to six years' imprisonment after being found guilty under the Terrorism Act of promoting the policies of the African National Congress and the SA Communist Party.

As the judge began reading his judgment on charges that the 36-year-old former Cape Times and Rand Daily Mail journalist had promoted the aims of the ANC and the SACP, Holiday, looking extremely pale as he stood in the dock, whispered urgently to his counsel.

Mr Justice Davidson interrupted his judgment, but as he was telling Holiday that he could sit in the dock, Holiday fainted, collapsing on to the back of the dock.

His sister, Mrs Anne Joannides, and a number of friends rushed to his assistance, and the judge adjourned the court.

Recovered

Holiday was revived soon afterwards and about 15 minutes later the court resumed.

In his judgment, Mr Justice Davidson told the packed courtroom it was clear Holiday had produced and distributed "highly subversive and inflammatory" pamphlets to a wide range of people, both Black and White, on behalf of the ANC and the SACP.

However, he had been "man enough to admit to his actions," he said.

Recruits

He found that Holiday had secured an office in Johannesburg and obtained certain equipment to prepare pamphlets, and that he had in fact, prepared and distributed 12 such pamphlets.

The judge also found that Holiday had, as alleged, recruited both Mr Paddy Seeth, a Rand Daily Mail [illegible] and Mr Harry Mashabela of the Star. He told the court he accepted Mr Mashabela's evidence that he had been told by Mr Holiday he had received funds from the ANC for his work.

He said although there was "an element of childish fantasy" about Holiday's alleged instructions to Mr Weech and Mr Mashabela on security measures to be taken, he accepted the evidence that they had been instructed.

He accepted evidence that Holiday had obtained material for writing and developing secret communications.

Statement

However, he found there had been no evidence to support the charge that Holiday had undergone training in subversive activities while he had been working in London, and that evidence led on allegations that Holiday had established a secret ANC or SACP cell in Johannesburg did not justify a conviction.

In an unsworn statement from the dock before Mr Justice Davidson passed sentence, Holiday told the court: "Politically speaking, I charade" behind a closed door, imitating the sounds of a person being beaten and screaming in pain.

As a result of the threats and the implications of the charade, he told the court, he had made a short statement two days after his arrest.

Commenting on Holiday's allegation, Mr Justice Davidson said that as no direct evidence had been led on the matter, he could not accept or reject the allegations, but if they had been proved, he would have "condemned the assaults roundly and absolutely".

"No authority should have used these methods."

Not cowardly

He told Holiday it was extremely painful for him to have to pass sentence on him.

"You haven't sought refuge in any cowardly ways, but the law must have its price for your activities. That price is extremely difficult to set," he said.

The consequences of the distribution by Holiday of pamphlets encouraging people to solve their problems by violence could not be measured, he said.

"Society's problems could never be cured by those kind of actions."

Odd man out

He had little doubt, he said, that Holiday was "an odd man out" through no fault of his own, "but you seem to have given a twist to things that is not balanced in the working out of consequences".

"I have listened with sympathy to your statement, and I appreciate your sensitivity, but can only condemn the aims you encourage."

Holiday's sensitivity seemed to have turned his mind "to activities which have become extremely dangerous, not only to you but to others".

"But for the fact that your activities were highly dangerous in the general sense, I would have given you the minimum sentence," Mr Justice Davidson said.

Tony Holiday

The mandatory minimum sentence under the Terrorism Act is five years.

In mitigation Holiday's sister, Mrs Joannides, told the court Holiday had always shown exceptional concern for others. She said that in spite of his lack of formal education, partially due to a slight muscular disability which had made it difficult for him to write fast, his friends were mainly academics and he had easily held his own with them.

Mr Koos Viviers, a Rand Daily Mail assistant editor who also gave evidence in mitigation, told the court that he had known Holiday since 1967 and held him in the highest regard journalistically.

Asked whether there had been any suggestion in Holiday's work that he was introducing the ideas he had been proved to hold, Mr Viviers replied:

"Not at all. I was very surprised to learn of his arrest and the allegations against him."

I have done no wrong, Holiday tells the judge

PRETORIA. — Anthony Holiday told the court after being found guilty: "I am a South African and will not stand back to any man as far as my commitment to my country and all its people are concerned."

In a statement read from the dock in the packed court room at the Old Synagogue here, he said: "If there is any one reason why our jails are at present teeming with dissidents, where so much blood has been shed, where the history of our country is one so crowded with strife, sacrifice and struggle, then love is that reason. Love is at the bottom of it all."

He had pleaded not guilty, he told the court, because he feared that to plead guilty would have been regarded as an admission on his part that what he had done was morally reprehensible.

"Ethically speaking, I have done no wrong," he said. "The course I chose was the only one open to a patriot of my political convictions."

Beaten

Regarding his treatment in detention he said it "began in a civilized manner? But rapidly deteriorated into a nightmare."

He described how under the direction of Captain Fourie he had been choked, rolled on the floor, crushed against a wall, struck and had his arms and wrists twisted.

He was also forced to stand with a chair above his head while they questioned him and "flung shoes at my groin," he said.

Apology

Questions related mainly to matters of which he had no knowledge he said. Shortly after the assaults Captain J van Tonder had apologized and said it was done without his knowledge.

"I should like to believe him," he said.

He told the court that after the first 48 hours he had been treated with great kindness by some of his interrogators, and that under different circumstances he could imagine friendship developing between himself and them.

Speaking of his childhood and formative years he told the court that his roots in South Africa were long. From his parents he had gained a belief in the power of [illegible] and a conviction of the necessity for the rule of law [illegible] for persons and for life.

"During my formative years the indignity and inequality under which the Coloured people lived weighed heavily on my conscience."

Political activities had given a meaning to his life when he most needed it, he said.

He told the court there were many aspects of South African politico-economic life which appalled him, "but the one effect which weighed on me above all others was the disruption of family and community life, occasioned by the pass laws and influx control."

The system

"If there is hatred and violence in the hearts and minds of people of colour in South Africa, the system is at the root of it. Apologists of Government policy claim that the complex problems of race and class in South Africa should be solved on the basis that people are to be kept apart. The criterion used for separation was race.

"Isolating men from one another it seems to me is in the end to isolate them from themselves.

"If this process continues lawlessness and anarchy will plague South Africa for it is not good for men to be alone and they will commit any crime rather than endure it."

Affections

He said that during his first 48 hours of detention in July he made admissions to the police because he feared that unless he did so they would arrest someone dear to him.

What he had done in effect he said, was to value a person above the role of his movement.

"There are many revolutionaries of the old school who would condemn decisions. It could be argued that I endangered revolutionary principles by putting my affections for a single human being above my loyalty to my comrades and the course for which we commonly strive."

Love

He had spent hours in his cell trying to resolve this contradiction and he believed that he may have come up on the solution.

"Love is at the bottom of it all.

"It has been love not shrewdness or cunning which has allowed the South African Communist Party to withstand more than 50 years' struggle and persecution.

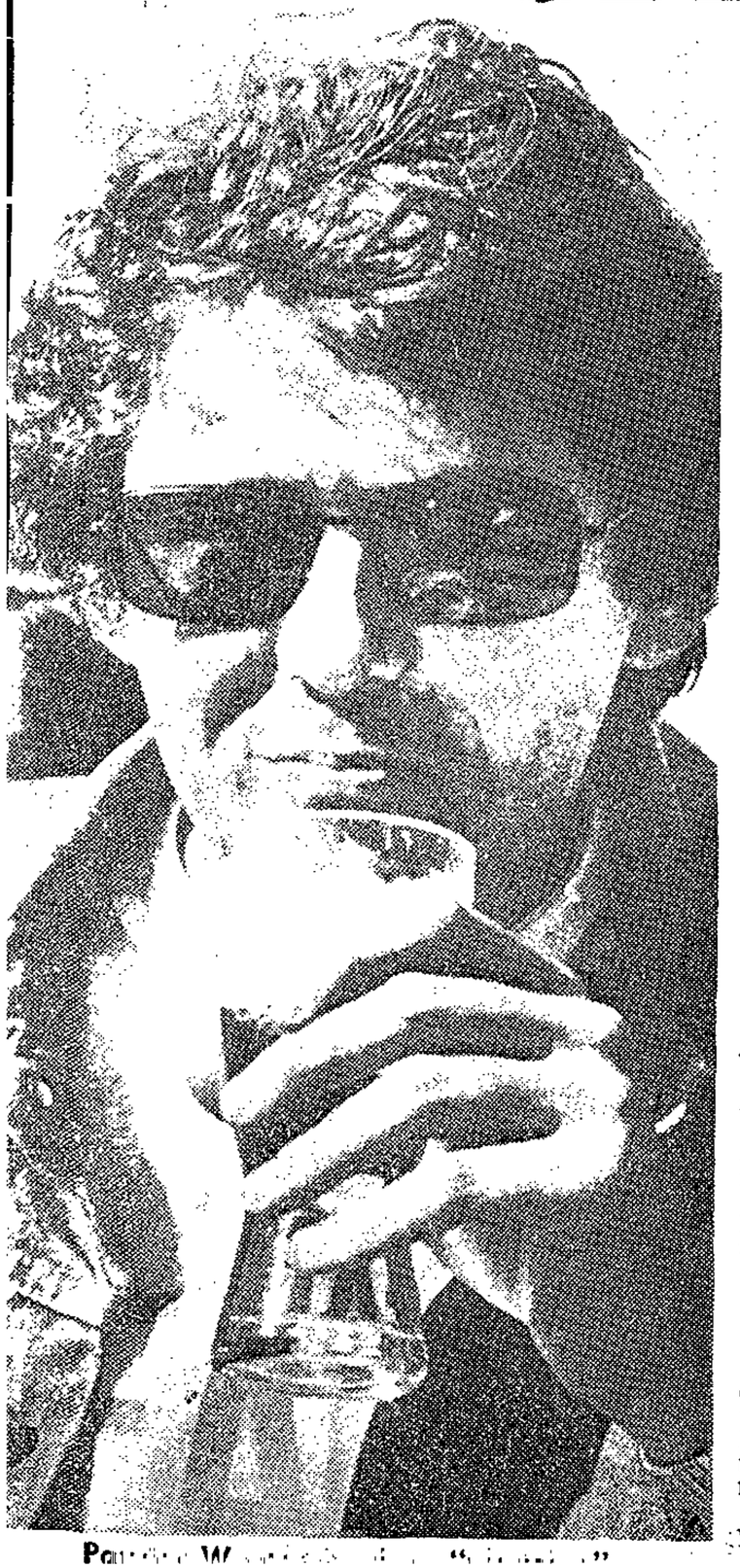
"This is the true meaning of the slogan of the Congress movement — 'Strength is ours'."

21/11/76 Sun Tim

MY FRIEND

MR PATRICK WEECH, a Johannesburg journalist who was a witness for the State in the Terrorism Act trial of a former colleague, Mr Anthony Holiday, told me this week:

By NEIL HOOPER



Pa[illegible] W[illegible] "[illegible]"

"I gave evidence against Tony because he told me to do so.

"He is the finest friend I ever had. Tony does not deserve to go to jail."

Mr Weech was released this week after being held by Security Police for 108 days.

"I know that many of my former colleagues have openly criticised me for giving evidence against Tony," he said. "However, at some stage they might just ask themselves what they would have done in the same circumstances.

"Every day for four years I have known that I could be arrested at any moment. Can they imagine what it feels like to be in that position and not be able to go to a single person for advice?

"I helped Tony in his underground activities because he appealed to me as a friend for assistance. Halfway through our active partnership it became increasingly obvious to Rosemary (a Coloured woman who was helping Holiday), and myself that eventually Tony would give us all away through his extraordinary conduct.

"He spoke quite openly about his underground activities to people who could not be regarded as sympathetic.

Relations strained

"Tony repeatedly told me that should he or Rosemary be arrested they would keep quiet for 24 hours to give me a chance to skip the country. If I was arrested I should do the same for them and then could give all the details to the police."

Their relationship became strained in 1972 when he realised that Mr Holiday was supporting the South African Communist Party.

"Tony knew I could never accept communism in [illegible]

sion at the Johannesburg station during the Soweto unrest shortly before I was detained.

"I did my best to protect Tony when I was first arrested. However, these allegations made me realise that keeping quiet would not protect Tony, nor would it help me.

"My decision to give a statement to the police, and later to agree to give evidence for the State was the most agonising I have ever had to take.

"All I can ask myself is whether he would have been in any better position if I had refused. And my answer is that he would not have been.

"But much as I try to rationalise and justify my act of betrayal, I will never know whether I have done the right thing.

"I feel wretched about my actions."

On Friday, the day Holiday was sentenced to six years' jail after being found guilty on one count under the Terrorism Act, Mr Weech resigned from the staff of the Rand Daily Mail.

Holiday, before he was sentenced, sent a message to the Sunday Times denying he had ever told Mr Weech he should turn State witness if he was arrested.

Anthony Holiday . . . denies telling Weech to turn State witness.

SUN TIMES

21/11/76

ed. He said that if he was arrested he would not disclose my name, and if I were arrested and found myself in a position where I was asked to give State evidence against him, I should do so. This was his last instruction to me.

"But when I was arrested in July the police were already in possession of the full facts of the case, which they said Tony had given them.

"This, they said, was why they had arrested me. They said Tony had told them that he had left me in charge of the activities in Johannesburg when he went to Cape Town, and that I was also responsible for a pamphlet bomb explo-

THE REASON I BETRAYED MY FRIEND

MR PATRICK WEECH, a Johannesburg journalist who was a witness for the State in the Terrorism Act trial of a former colleague, Mr Anthony Holiday, told me this week:

By NEIL HOOPER

"I gave evidence against Tony because he told me to do so.

"He is the finest friend I ever had. Tony does not deserve to go to jail."

Mr Weech was released this week after being held by Security Police for 108 days.

"I know that many of my former colleagues have openly criticised me for giving evidence against Tony," he said. "However, at some stage they might just ask themselves what they would have done in the same circumstances.

"Every day for four years I have known that I could be arrested at any moment. Can they imagine what it feels like to be in that position and not be able to go to a single person for advice?

"I helped Tony in his underground activities because he appealed to me as a friend for assistance. Halfway through our active partnership it became increasingly obvious to Rosemary (a Coloured woman who was helping Holiday), and myself that eventually Tony would give us all away through his extraordinary conduct.

"He spoke quite openly about his underground activities to people who could not be regarded as sympathetic.

Relations strained

"Tony repeatedly told me that should he or Rosemary be arrested they would keep quiet for 24 hours to give me a chance to skip the country. If I was arrested I should do the same for them and then could give all the details to the police."

Their relationship became strained in 1972 when he realised that Mr Holiday was supporting the South African Communist Party.

"Tony knew I could never accept communism in any shape or form, particularly the Russian sion at the Johannesburg station during the Soweto unrest shortly before I was detained.

"I did my best to protect Tony when I was first arrested. However, these allegations made me realise that keeping quiet would not protect Tony, nor would it help me.

"My decision to give a statement to the police, and later to agree to give evidence for the State was the most agonising I have ever had to take.

"All I can ask myself is whether he would have been in any better position if I had refused. And my answer is that he would not have been.

"But much as I try to rationalise and justify my act of betrayal, I will never know whether I have done the right thing.

"I feel wretched about my actions."

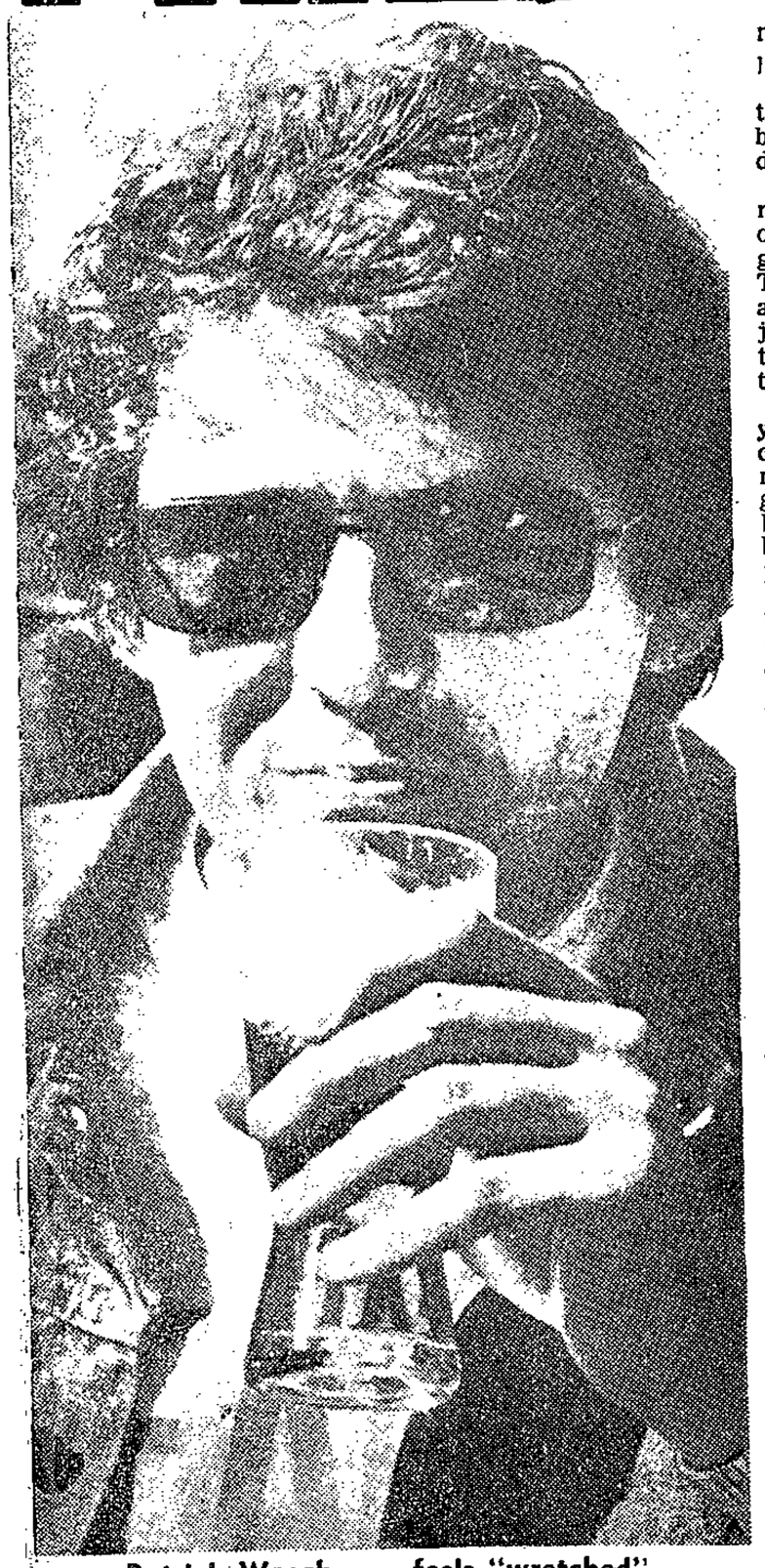
On Friday, the day Holiday was sentenced to six years' jail after being found guilty on one count under the Terrorism Act, Mr Weech resigned from the staff of the Rand Daily Mail.

Holiday, before he was sentenced, sent a message to the Sunday Times denying he had ever told Mr Weech he should turn State witness if he was arrested.

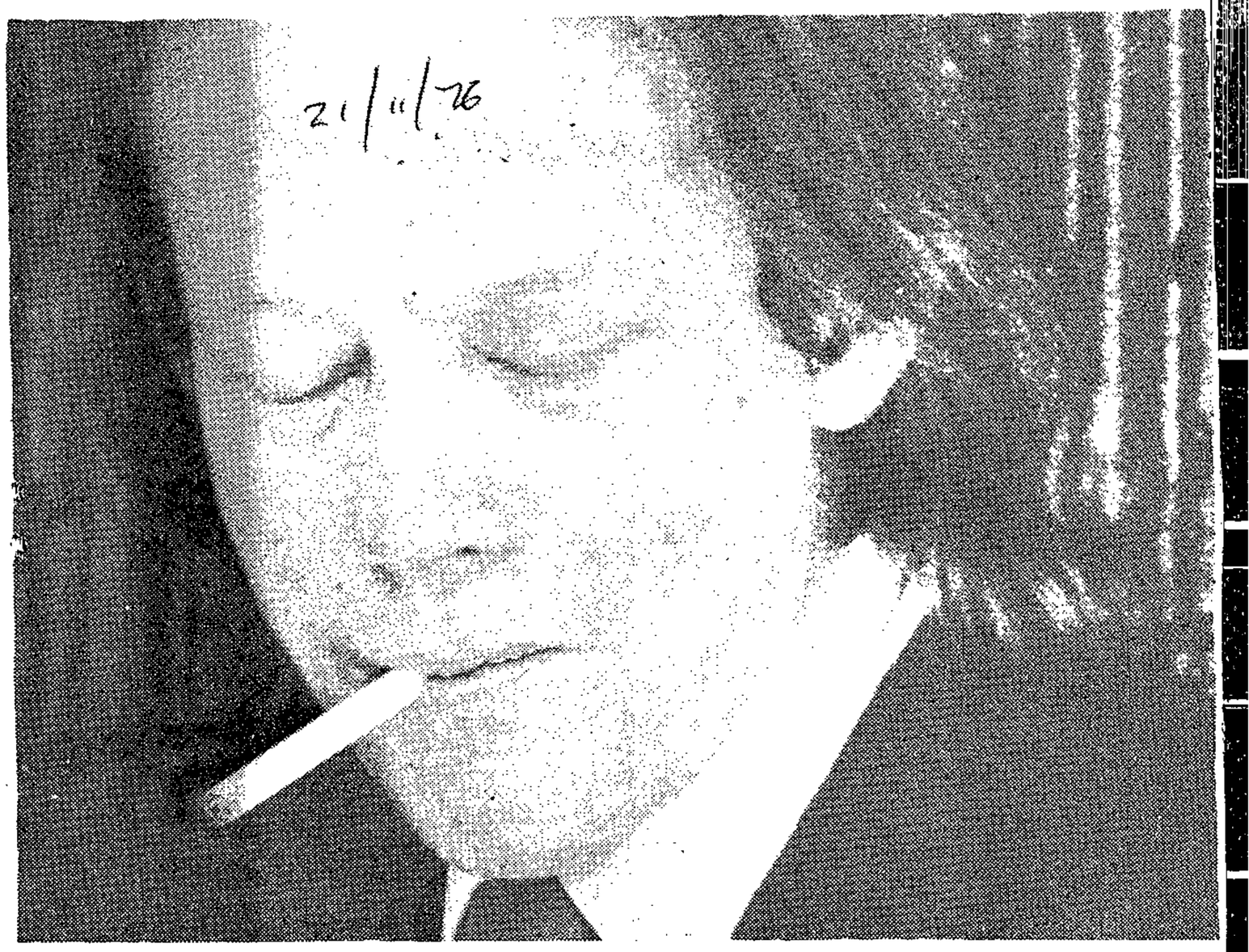
"Tony changed the procedure to be adopted if either he or I was arrested. He said that if he was arrested he would not disclose my name, and if I were arrested and found myself in a position where I was asked to give State evidence against him, I should do so. This was his last instruction to me.

"But when I was arrested in July the police were already in possession of the full facts of the case, which they said Tony had given them.

"This, they said, was why they had arrested me. They said Tony had told them that he had left me in charge of the activities in Johannesburg when he went to Cape Town, and that I was also responsible for a pamphlet bomb explo-



Patrick Weech . . . feels "wretched".



Anthony Holiday . . . denies telling Weech to turn State witness.

23/11/76
Argus

325
27

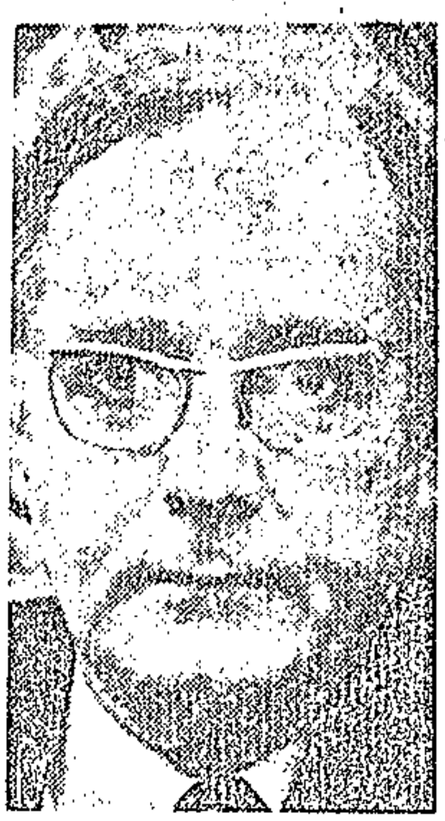
suspended sentence

PRETORIA. — Dr Theo Kotze, Cape Director of the Christian Institute, has been sentenced to four months imprisonment, suspended for three years, for refusing to testify before the Schlebusch Commission in September 1973.

Sentence was given in the Magistrates Court here by Mr G. J. V. Jordaan. No option of a fine was given and the jail term was suspended on condition Dr Kotze does not refuse to give evidence to any Government commission of inquiry.

Dr Kotze was one of seven people who refused to testify before the Schlebusch Commission, which was investigating the affairs of four organisations, including the Christian Institute.

He was first brought to court on January 13 1974. Part of the reason for the delay in passing judgment was due to the appeal made by Dr C. F. Beyers Naude National Director of the Christian Institute, against his sentence of a R50 fine or one month in jail for refusing to testify to the commission.



Dr Theo Kotze

CAUSE

In 1974 the Pretoria Supreme Court found there was sufficient cause for Dr Naude to refuse to testify before the commission. But the appeal was overturned by the Appellate Division in October this year following an appeal by the State.

A third person charged, Mr Peter Randall, former Director of Sprocas (Special Project for Christian Action in Society) is due to appear in the Magistrates Court here on Friday for judgment.

In evidence at his trial Dr Kotze said he had refused to testify before the Schlebusch Commission because he viewed the actions of the commission as of a punitive nature against the Christian Institute.

He objected to the composition of the commission being predominantly Nationalist MPs and a few Opposition members, saying he did not believe they could conduct a fair, impartial investigation into the affairs of the institute.—Sapa.

(81) (325) 309

Court told of slogans on campus

Argus 23/11/76

LARGE groups of people gathered on the campus of the University of the Western Cape on August 12, shouting 'You will regret,' 'We shall overcome,' 'God forgive them for they know not what they do' and other slogans at the police, a Bellville Regional Court Magistrate heard today.

This was the evidence of Detective Warrant Officer G. W. van Rooyen at the trial of 11 students — one from the Bellville Teachers Training College and the rest from UWC — on a charge of public violence.

The students are: Mr Herman van Wyk 19, Miss Violet le Thea, 21, Mr Wilfred Jafta, 18, Mr Charles Davis, 19, Mr Leonard Cloete, 18, Mr Trevor Rance, 19, Mr Gert Visagie, 23, Mr Victor Meissenheimer, (the BTC student), 21, Mr Eugene Visagie, 20, Mr Michael O'Neill, 20, and Mr Glynister Lawrence, 21.

NOT GUILTY PLEAS

They have all pleaded not guilty to throwing stones at police and private vehicles, assaulting police and members of the public by stoning them and encouraging public violence by their actions.

They also pleaded not guilty to alternative charges of organising, encouraging, addressing or attending a gathering prohibited by the Minister of Justice.

Warrant Officer van Rooyen told the court he first came on rioting at the university about 1 pm.

STONING

He saw Coloured people coming out of the campus, stoning passing vehicles and then retreating on to the campus.

Instructions were given to police about 4 pm to enter the campus to disperse a 'gathering' at the cafeteria.

He arrested Mr Davis after seeing him throwing stones at police and Mr Cloete after he had shouted slogans — 'You will regret' — and sang 'We shall overcome,' he said.

ARREST

Sergeant A. P. S. Treurnicht said he arrested Mr Rance, who was at the front of the group of 10 to 15 people. He was shouting: 'You will regret and we will overcome,' Sergeant Treurnicht said.

Lieutenant Colonel A. P. van Zyl, Commander of the Riot Squad, said he and his men had arrived at the university about 1.15 pm on August 12.

About 500 rioters were shouting, making a noise and throwing stones.

Mr J. Vermeulen is on the Bench, Mr D. Cronje is appearing for the State.

Mr B. M. Kies, assisted by Mr A. M. Motala, is appearing for the students. For Mr van Wyk he is instructed by Mr D. Mias and Company and for the others by Mr A. M. Omar and Company.

(Proceeding)

325

C-24/11/76

Youth guilty of public violence

Staff Reporter

A 19-YEAR-OLD youth was yesterday convicted by a Cape Town regional magistrate of throwing a half brick at a police vehicle during the recent unrest.

Sentence against Halodien Sonday, 19, who pleaded not guilty to a charge of public violence, will be passed on December 6.

Constable Andries Jacobus van der Walt told the court that a lunchtime crowd of about 1 000 gathered in Adderley Street on September 2. Sonday was in the front row of the crowd.

"I saw him throw half a brick at a passing riot van and I went and fetched him out of the crowd," he said.

Sonday told the court that he did not throw stones, but that his friends did.

He said Constable Van der Walt did not come into the crowd and fetch him.

"I was gripped by a man behind me who handed me over to the constable," he said.

Mr R H Krige was on the Bench. Mr L P van Breda appeared for the State and Mr F Fabian appeared for Sonday.

103/325

Trial hears of Marxist aims

DD 24/4/76.

UMTATA — Several personalities prominent in Transkei politics cropped up in evidence during yesterday's hearing at which five Transkeians are appearing under Suppression of Communism Act charges.

The five — Mr Dumisa Ntsebeza, 27, a Tsolo teacher; Mr Lingisile Ntsebeza, 22; Mr Meluxolo Silinga, 22, an Umtata clerk; Mr Matthew Goniwe, 30, an Umtata sales representative; and Mr Michael Mgobozi, 22, an Umtata clerk — all pleaded not guilty.

A former vice-president of Saso at Fort Hare, Mr Vuyani Gobodo, told the supreme court here yesterday that a former bank colleague wanted a Marxist government for South Africa.

Mr Gobodo said Mr Dumisa Ntsebeza often talked to him at lunchtime and on their way home when they worked together in the bank in 1975 in Umtata.

Mr Gobodo said in January 1975 he and Mr Dumisa Ntsebeza met the leader of the Democratic Party, Mr Hector Ncokazi, one lunchtime.

Mr Ncokazi had suggested the two of them form an organisation working with visitors coming to Transkei to counter propaganda given to them by pro-Government bodies.

"Mr Ncokazi felt the tourists only saw one side of the people — the Government side. He wanted them to see both sides."

Mr Gobodo said they did not trust Mr Ncokazi.

On the same day they met Mr Ncokazi, they went to a house in Norwood where Mr Ntsebeza produced a book containing the communist manifesto.

Mr Ntsebeza read this book to Mr Gobodo and then lent it to him. The next day Mr Ntsebeza demanded the book back from him.

In April 1975, Mr Gobodo went to Durban where he bought a book called War of the Flea.

He read the book and passed it on to Dr L. K. Sharpley, public relations officer of the Labour Party.

Asked about his political leanings, Mr Gobodo said his views were African Nationalist but as he was widely read, he was not influenced by any person. — DDR.

325, ~~103~~

'Farm' cell ignorance

24/11/76 MM

Mercury Correspondent

UMTATA — None of the accused in the "chicken farm" Suppression of Communism Act trial here knew anything of poultry farming.

This was admitted by the first witness, Mr. Frank Ngandi.

Five Transkeians are charged before Mr. Justice G. G. A. Munnik with forming secret cells to study and spread Marxist socialism. They are alleged to have started a chicken farm to raise funds.

All have pleaded not guilty.

He admitted under cross-examination that none of the men involved in the alleged cell in Umtata had known anything about piggeries or poultry farming when they discussed investing their money.

They had invested money in a chicken farm but most of the fowls had died.

"Did you know what happens to most investments in poultry?" asked Mr. A. Wilson SC, for the defence. "It gets lost."

Mr. Justice Munnik: "Excepting Rainbow Chickens, perhaps."

Mr. Wilson; "I venture, M'Lud, that Rainbow Chickens is the only concern that has been able to make poultry pay."

The accused and some of the witnesses were detained by the Special Branch of the South African Police in May and June under the Terrorism Act.

Some were later gaoled under proclamation R400 by Transkei Police and some have been in prison for four months.

The trial continues.

325/309.

Ex-editor fined

CT 24/11/76.

JOHANNESBURG. — A former editor of Witwatersrand University newspaper Wits Student was fined R200 (or 50 days) in the Johannesburg Magistrate's Court yesterday for producing undesirable articles and a cartoon in two editions of the newspaper.

The fine was suspended for three years.

Sean Moroney, 24, 1975 editor of the paper, pleaded not guilty before Mr O J Coetzee to publishing undesirable material in the August 8 and August 11 editions last year, and of publishing and printing an unregistered newspaper.

He was found not guilty on the latter charge.

In passing judgment, Mr Coetzee said it seemed unfair that Moroney could not argue the undesirability of his papers before either the Publications Board or the court. The court itself was bound by the board's decision, Mr Coetzee said.

"A person producing a publication must satisfy himself that it is not undesirable. Once it is produced the offence is committed," Mr Coetzee said.

In finding Moroney not guilty of publishing an unregistered newspaper, Mr Coetzee said he had been the editor, not printer and publisher. The newspaper had been distributed only to students and staff not the general public as defined in the Act, he said.

Mr E Wentzel, for Moroney, notified the court an appeal would be lodged as this was a test case. — Sapa

103 (325).

Poultry venture a failure court told

DD- 27/11/76.

UMTATA — A State witness in the Suppression of Communism Act trial here, Mr P. Maboma, said his nephew, one of the five accused, attempted to become a poultry farmer but 100 three-day-old chicks he bought in East London died within four months of his receiving them.

The five accused, Mr Dumisa Ntsebeza, 27, Mr Lungisile Ntsebeza, 22, Mr Meluxolo Filinga, 22, Mr Matthew Goniwe, 30, and Mr Michael Mgobozi, appeared before the Chief Justice of Transkei. They all pleaded not guilty.

They are facing charges on two counts under the Act. The first alleges they performed acts calculated to further any achievement of any of the aims of Communism.

The State alleges that from January 1974 to June 1976, the five men set up six cells or groups of persons to spread and establish the doctrine of Marxist socialism in the districts of Umtata, Mqaduli, Xalanga, Idutywa and Tsolo. They received and used financial aid to fulfil the objects of communism.

Further they are accused of starting a poultry farm at Cofimvaba to raise funds for their objective.

The second count accuses the five of inciting 16 people to undergo training in political instruction and indoctrination in communist ideology by study and reading communist literature.

Mr Maboma, the uncle of the two Ntsebeza brothers, said he was a trader in the Cofimvaba district. His two nephews and Mr Filinga and Mr Mgobozi visited his trading station.

Mr Dumisa Ntsebeza discussed with him the possibility of starting a poultry farm at the back of his shop. He said they felt lonely and wanted to keep themselves busy on weekends.

They bought 100 three-day-old chicks from East London, but the chicks subsequently died.

The hearing was adjourned until Monday.

DDR.

1081 (325)

T - 30/11/76

Detained TDP leader witness in terror trial

UMTATA. — The leader of the Transkei Democratic Party, Mr Hector Ncokazi, who has been in detention for 126 days under Proclamation R400, was called as a State witness at the terrorism trial in the Supreme Court here yesterday.

Mr Ncokazi, who was detained with almost all the members of his executive, was giving evidence during the trial of five Transkeians charged with plotting the violent overthrow of the South African Government.

The five are accused of trying to raise funds for their objectives and of inciting 16 people to undergo training in political indoctrination and communistic ideology by studying communist literature.

He had met one of the accused, Mr D Ntsebeza.

Mr Ntsebeza had given him a Marxist book.

Disagreed

"To me Mr Nstebeza appeared to be inclined towards socialism, the Marxist brand of socialism," Mr Ncokazi said. He had not agreed with Mr Ntsebeza's political views.

Mr Ncokazi said he had not been questioned by the Transkei police who detained him.

"I am still waiting for them to come and interrogate me. I was only approached by the South African Police in connection with this case. They confronted me with facts and information they already had from somebody else and I confirmed all I knew.

"This case has nothing to do with my detention under R400 by the Transkei police," Mr Ncokazi said.

The case continues today. — Sapa

325

The Vicar-general of South West Africa, the Rev Morrow, said he had had "numerous people come to see me claiming they have been tortured."

"We are becoming a nation of brutal people carrying out brutal acts." It had become the accepted norm on the part of the Security Police to torture people to starve them and then beat them, he said.

Bishop Zulu, Bishop of Zululand, referring to the allegation of torture said: "What we are seeing is what will become a regular characteristic of our land."

Footnote:

The Judge-President of Natal, Mr Justice James, on October 28 acquitted four members of the Security Police of culpable homicide arising from the death of ANC detainee, Mr Joseph Mdluli, but added that this important matter should not be left in its existing "highly unsatisfactory" condition.

Mr Justice James said that in view of the post mortem findings and that the man died while in police custody on March 19, it was "manifestly important" in the interest of justice, of the police force and of the public that the circumstances of death be investigated as thoroughly as possible.

If it was established that the death was caused by the unlawful acts of police officers, irrespective of rank these officers should be punished, he said.

He said he hardly needed to emphasise that the police had very wide powers of arrest and detention and this imposed a heavy responsibility on them to see that those under their control were not subjected to unlawful assaults or improper conduct. — DDC.

Blacks believe detainees killed synod told

DD. 2/12/76

GRAHAMSTOWN — There is a strong belief among Cape Town blacks that several detainees have been killed while in detention, according to Dr Margareter Nash of Cape Town.

She was speaking at the 1976 Anglican Provincial Synod, when anxiety was expressed about deaths of detainess. A motion proposed by the Bishop of Natal, the Rt Rev Philip Russel noted documents of the Judge President of Natal, Mr Justice James, on October 28 at the close of the trial of four policemen charged with culpable homicide arising from the death of Mr Joseph Mdluli.

Mr Justice James, according to the motion, said the "uncertainties surrounding Mr Mdluli's death while in detention should be cleared up."

Bishop Russel's motion stated that the synod urge the Minister of Justice, Mr Kruger, to direct that the cause of death be investigated and as a matter of public morality to bring to trial those responsible for his death. The motion was passed unopposed by the synod.

During an earlier debate on a different motion, several representatives made allegations of police brutality and torture. Dr Nash gave an account of alleged torture of a Standard 8 boy who, she said, was regarded by his fellows as being too friendly with whites.

Mrs Sheena Duncan of Johannesburg said there were "undoubted assaults by police on detainees and rapes of students in detention as well as unwarranted killings and shooting by the police."

She said families were living in fear because of uncontrolled action by the police.

325, 81

Sabotage: 4 students in court

2/12/76

CAPE TOWN — Four women students at the University of the Western Cape appeared in the Supreme Court here yesterday on a charge of sabotage arising out of the setting alight of the women's residence on the campus.

The women all pleaded not guilty to the charge as well as to the alternatives of arson and malicious damage to property.

They are three post-graduate students, Miss Josephine Vincent, 22, Miss Mathilda Morolong, 21, and Miss Miriam Klassen, 22, and a social science undergraduate, Miss Inocentia Kathar, 21.

In his opening address, the prosecutor, Mr C. du Plessis, said that during the early hours of August 30, Room No 16 at the residence was set alight.

Miss Vincent and Miss Gale Davids shared the room.

Mr Du Plessis said Miss Davids would testify that she and Miss Kathar swopped rooms in the middle of August, but on the night in question she, however, did sleep in Room 16.

She would further testify that at about 1 am the four accused women were all in Room 16 and they had petrol containers.

Miss Morolong and Miss Kathar then decided to set fire to Room 16, and newspapers were thrown on the floor and petrol was poured over the papers.

Mr Du Plessis said Miss Davids and Miss Morolong then set fire to the baggage room.

Mr Du Plessis said another witness would be Miss Bernadette Francis, a resident, who had raised the alarm after the fires had broken out.

The case continues today. — SAPA.

325
~~337~~
~~255~~

Teacher tells of police beating

C.TIMES 3/12/76

Staff Reporter

AFTER RIOT police had brutally beaten an Alexander Stinton High School teacher, they threw him into the van calling him "White trash", a Cape Town regional magistrate heard yesterday.

The teacher, Mr Robin Evans, who was found not guilty of public violence, said: "My face was bleeding profusely and I looked up at the police and said: 'But, sir, I am Coloured,' and they were taken aback."

At an earlier hearing Mr Evans had pleaded not guilty to throwing stones at police and inciting pupils at the school to do the same.

On the morning of September 3, pupils milled about on the grounds and demonstrated, but the situation was not tense, Mr Evans, who teaches biology, English and geography at the school, said.

"Pupils who were doing well in their standards remained in class and wanted to study. Only pupils with lower percentages were outside causing trouble," he said.

Shotguns

Police arrived about 10am and arrested a youth who came out of the school gate. He ran away from police and was egged on by pupils standing at the fence. When caught, the youth was beaten and thrown into the van.

"When pupils shouted to the youth: 'run run', I stood in front of them waving my arms and shouted: 'Get back get back'."

Later police fired teargas and shotguns on the school grounds and entered the building.

"A boy who did not get to safety quick enough was shot and I asked a photographer walking in from outside why he had not taken pictures of the boy being shot," Mr Evans said.

Children came stumbling down the stairs frothing at the mouth after police had fired teargas in classrooms, he said.

"I was helping them down the stairs when I heard someone shout 'vat hom' (get him) and I walked rapidly to the staff room.

Followed

"They followed me and then grabbed me and beat me with batons in front of the children. Outside the building I broke free and was half dazed," Mr Evans said.

Police then "booted" him in the face as he lay on the ground. "I remember seeing a boot in my face and blood on my chest."

Mr Evans said police stopped beating him when a senior police officer told them that a photographer was present.

"When we got to the van, one policeman said in Afrikaans: 'Throw him with the dogs, the White trash'. I could see they were mistaken and told them I was Coloured.

"While sitting in the van they poked batons at me through the mesh. My face was bleeding profusely at this stage.

"At the police station I was tripped and made to crawl to the charge office. I was arrested with another teacher and we were made to stand with our heads bowed in positions of humility," Mr Evans said.

In judgment, Mr E van Zyl said there was no direct evidence against Mr Evans.

"No one's version of what happened that day is the same as anyone else's.

"All I want to say is that in times of unrest, the general public must help to curb children that cause trouble," Mr Van Zyl said.

Mr D Cronje appeared for the State and Mr R McDougall instructed by Lionel Murray and Co appeared for Mr Evans.

325 Political trials

'Interrogation' evidence allowed

4/12/76 MM

Mercury Reporter

PIETERMARITZBURG — One of the 10 Africans charged under the Terrorism and Suppression of Communism Acts, Mr. Themba Harry Gwala (55), yesterday continued to give evidence of police interrogation methods, following a decision by Mr. Justice Howard.

The Judge ruled that evidence of interrogation methods used by the Security Branch was acceptable.

Mr. Neil Rossouw, the Deputy State Attorney, had previously objected to this evidence, claiming it was irrelevant.

Mr. Justice Howard said he was not prepared to exclude the evidence at this stage, but would make a decision later.

Mr. Gwala told how he had been interrogated for weeks by several senior police officers for many hours at a time.

Police 'knew'

On one occasion he had been made to stand throughout the night while two senior police officers told him that they knew of his activities and his connections with the ANC and that he had organised the ANC congress.

He said he had been suffering from asthma at the time and was trembling all over. When he became drowsy he was taken outside into the drizzle to freshen him up.

A Lieutenant Coetzee had, he said, walked around him "like a dog wanting to bite someone's testicles." The Lieutenant had said he would catch hold of his (Mr. Gwala's) testicles and make him "pass faeces."

Denials

Mr. Gwala said he continued to deny having recruited people for military training.

He later reached a stage when he could no longer eat, as he was being troubled by asthma attacks. He was then given an opportunity to rest and write a statement, which was continually returned to him because it was not satisfactory.

On January 7, Captain Vólliter informed him that because certain ANC papers could not be found at his house, the rest of his family would be arrested.

Some of the policemen had treated him violently, he said, and he requested that he see a visiting magistrate so that he could make his will, as he feared that he didn't have much longer to live.

He had been in custody since November 30, but it was not until December 16 that he was allowed to wash. "I was like a wild animal," he said.

The trial will continue on Tuesday.

325 dergen

Terror Act accused tells of violent interrogation

PIETERMARITZBURG — One of 10 people charged under the Terrorism and Supression of Communism Acts, Mr Themba-Gwala, 55, gave evidence yesterday of violent police interrogation methods.

Mr N. Rossouw, the Deputy state Attorney, had previously objected to evidence on police interrogation methods, claming it was irrevelant. However, Mr G Muller, for the defence, submitted that witnesses had been indoctinrated by the Security Police to give evidence.

The judge, Mr Justice Howard, said he was not prepared to exclude the evidence at this stage but would make a decision later.

Mr Gwala said he was interrogated for weeks by several senior police officers. On one occasion he had been made to stand through the night while two senior police officers told him they knew of his activities and his connections with the ANC.

He said he was suffering from asthma at the time and was trembling all over. When he became drowsy he was taken outside into the drizzle to freshen him up.

Lt Coetzee walked around him like a dog "wanting to bite someone's testicles."

He later reached a stage when he could no longer eat as he was being troubled by asthma attacks. He was then given an opportunity to rest and write a statement which was returned to him because it was not satisfactory.

The trial continues on Tuesday. DDD.

325/81.

12 years for factory sabotage

TOM MOSES, 23, was sentenced in the Supreme Court, Cape Town, yesterday to 12 years for sabotage after he burnt down part of Bakke Industries in Paarl, causing damage estimated at R350 000 on September 9 this year.

In sentencing Moses who pleaded guilty to a charge of sabotage, the Judge President of the Cape, Mr Justice Van Zijl, said that Moses must be punished for the danger in which he put the community.

"You worked at the factory for two years. You knew that the factory contained inflammable material and that there was the danger of a violent explosion. I am satisfied that you knew of the consequences."

The fire was started in the vicinity of two oil storage tanks, a reactor and gas cylinders. However, there was no explosion and the 60 workers on duty that night escaped uninjured.

He said that it was not against the law to protest and that many supported the Coloured people in their demands for change but no one could cause chaos and use violence to bring that change about.

Sitting with Mr Justice Van Zijl as assessors were Mr J W Greunen and Mr M R Hartogh. Mr D Uys prosecuted. Mr D G Scott, instructed by A M Omar and Co, appeared for Moses.

325

Major tells of songs on Parade

C.T. 4/12/76

Staff Reporter

A POLICE major told a Cape Town regional magistrate yesterday how he watched a woman "conduct" the singing of a crowd at the Grand Parade during the recent unrest.

Louise Edson, 21, of Rosmead Avenue, Wynberg, was fined R50 or 50 days for attending an illegal gathering on September 8 at the Grand Parade.

She was charged with Mr Ges Barnes, 29, but the trials were separated and Mr Barnes will appear on a charge of public violence on February 1.

Major Marthinus G Mans said he saw Edson standing on the steps of the King Edward VII statue.

"She was waving her arms and it looked as if she was conducting the singing of the people on the steps," he said.

Man preaching

He said the crowd was given five minutes to disperse, but they did not move away and Edson was arrested and taken away in a police van.

In mitigation of sentence, Edson told the court she was on her way to see her mother at the station when she saw people singing and a man preaching at the Parade.

"I am very religous and I joined in. We sang hymns and I moved my arms to keep rhythm.

"I do not think it is wrong to sing hymns," she said.

325/333.

Marching youths found guilty of public violence

C.T. 9/12/76

Staff Reporter

ELEVEN youths aged between 12 and 17 were yesterday found guilty in Cape Town Magistrate's Court of public violence.

The youths, who may not be identified, all pleaded guilty to taking part in a protest march through the streets of Cape Town last Saturday morning.

Warrant Officer Andries Botes told the court he was summoned to the Grand Parade about 10.30am, but found nothing on his arrival.

"I searched further and saw a group of about 150 youths marching through Greenmarket Square.

"They were walking and singing and giving the clenched-fist salute," he said.

Most of the marchers were carrying posters saying "To hell with all White power", "We shall oppose the economic system that keeps us in a non-ending state of poverty" and "Jimmy Kruger, Minister of Oppression — release our prisoners".

Ignored

"The marchers completely ignored me and only when another patrol van arrived did the crowd disperse. When they ran some of them threw their posters away. We chased them, but they were too fast for us," W O Botes said.

He said the marchers ignored the public, did not listen to the police and disrupted traffic in the City centre.

The mother of one of the youths said in court that her child was told that people were shot by police if they rioted.

She said she warned her daughter not to do "bad things". "She knows when she is doing bad," the mother said.

Sentence was postponed till January 7.

309 (325)

'I don't believe in violence'—student

C.T. 4/12/76

Staff Reporter

A UNIVERSITY of the Western Cape student who is appearing in the Supreme Court, Cape Town, on a charge of sabotage told the court yesterday that she did not believe in violence.

Josephine Vincent, 22, appeared with three other students, Miriam Klassen, 22, Mathilda Morolong, 21, and Inocentia Linda Kathar, 21. They all pleaded not guilty to charges of sabotage, alternatively arson, alternatively malicious damage to property.

The charges arouse out of an incident on August 30 this year when a fire was started in the women's residence on the UWC campus.

Miss Vincent said in evidence that she had stayed in the hostel at the time of the unrest and supported the boycott of lectures on the campus.

She denied being responsible for the fire.

"I don't believe in violence," she said when asked if she would go to the length of setting the room alight in spite of "supporting wholeheartedly the idea of the university closing down."

The case continues on December 6.

Two UWC students jailed for sabotage

Staff Reporter

TWO University of the Western Cape students, Paul Plaatjies and Owen Stuurman, were each sentenced to five years in the Supreme Court, Cape Town, yesterday for sabotage.

They were found guilty of planting several petrol bombs, a homemade time-bomb and a candle in the attic of the men's hostel on the campus on September 1 this year.

Mr Justice Van Winsen said: "I think I can understand why you should wish to protest but I have no sympathy with the form which your protest took."

He told the two students that he would have been inclined to suspend part of the sentences imposed but he did not have the power to do so.

Sitting with Mr Justice Van Winsen were Mr A J van Niekerk and Advocate S Frank. Mr J Slabbert prosecuted. Mr C Rogers and Mr A H Veldhuizen, instructed by A M Omar and Co, appeared for Plaatjies and Stuurman.

325 ~~gen~~ political trials

Star 1/12/77

No assault, says State witness

Pretoria Bureau

A State witness today volunteered evidence that he was not assaulted by the Security Police to force a statement from him.

Mr Frans Sello was giving evidence to Mr Justice Davidson in the Supreme Court, Pretoria, where Mr David Pule Tathe and Miss Esther Maleka pleaded not guilty to charges under the Terrorism Act of recruiting Mr Sello and another in March this year for military training outside South Africa.

"I am surprised to hear you say you were not assaulted because I have asked you no questions about that," Mr Roy Allaway, SC, said in cross-examining Mr Sello.

"It sometimes happens," Mr Sello replied, "that when you make a statement the person taking it down gets tired and starts assaulting you."

It happened to him, he added, when on a previous occasion he laid a charge against someone.

BELIEVED

The security police believed his story, he said. That was why he was brought before court.

Arrested originally under Section Six of the Terrorism Act he had been in detention a long time, he said.

Miss Maleka wanted him to go for military training, he said, but he did not want to go.

She said he would get more money from military training to send home and gave him R5 on Sunday March 21 at about 2 pm, Mr Sello said.

(Proceeding)

Mr Allaway was assisted by Mr P J van Blerk. Mr B J Bredenkamp appeared for the State.

325 gen

Pamphlet fine

A 1/12/76

JOHANNESBURG — Two men involved in the production of pamphlets "aimed at creating hostility between the different race groups of South Africa" were each fined R200 (or 200 days) in the Germiston regional court yesterday. — SAPA.

325 gen (Int. gen)

Strike charge in Terror Act trial

ARGUS 9/12/76

THREE men appeared before Mr Justice Watermeyer in the Supreme Court, Cape Town, today, charged with taking part in terrorist activities by printing and distributing a pamphlet urging people to strike.

According to the charge sheet Mr John Christopher Hoffman, Mr Jaiwoodien Parker and Mr Ismail Jackson, printed the pamphlet at Athlone on Monday, September 13.

The pamphlet, which forms part of the charge sheet reads: 'Oh my fellow oppressed countrymen, you do realise that you and I are bound to eternal oppression in our own country by unjust laws created, not by God, but by man — the White man.

'It is every human being's unquestionable right to vote and to have a say in the laws that govern their lives.

'Think! of your many brothers and sisters who have died at the mercy of the police in their attempt for liberation. They are being shot down by thoughtless police, in an attempt to cripple and scare our society into submission.

STRUGGLE

'In this vital period of a just struggle for freedom against the oppressive forces who, with ruthless and racially orientated minds have directed the destiny of 20-million people.

'Our forefathers, CRC, Indian Council, homeland and management committees have failed hopelessly in their attempts to eliminate the tyranny of this system.

'Therefore, my fellow countrymen, it is imperative that we strike while the iron's hot in order to achieve freedom for our people in this our land.

'We will start with a workers' strike, whereby we will prove that South Africa's economy is wholly dependent on the Black people.

'This is the time to strike! Don't waste this chance of gaining your freedom. Go to work at your own risk. Act now! Act on 15th and 16th of September. Don't work! Strike!'

The three counsel appearing for the accused men all applied for postponement on the ground that their clients were only informed the trial had been set down for hearing on November 30.

They said the charge was 'one of the utmost gravity' and this was one of the first cases where a call to strike formed the subject of a charge under the Terrorism Act.

The decision to apply for a postponement had not been taken lightly, since the accused men were all in detention, but they would be prejudiced if the case was not postponed to enable them to prepare adequately for the trial.

INTERESTS

Mr H. Klem, for the State, opposed the application. He said it was in the interests of the accused men that the case be heard as soon as possible.

Granting a postpoining the case for a next year, Mr Justice Watermeyer said the Terrorism Act placed a heavy onus on the accused and there was no point in postponing the case fr a day or two.

325 gen
225

DP 9/12/76

Torture claim by detained students

WINDHOEK — Black students arrested in connection with the burning of the Augustineum Training College here last month have allegedly suffered brutal police torture, including electric shock treatment, while in prison.

These allegations were repeated yesterday by a Turnhalle delegate who told how he was forced to intervene on behalf of his nephew after hearing the torture reports.

Mr E. Kuhlmann of the Nama delegation told yesterday of his two-day battle, during which he enlisted an attorney's help, to see his nephew, Frederick Isaaks, in jail.

Claims of brutal torture against Mr Isaaks and a co-student, Mr Bernardus Petrus, have been described as "absolute nonsense" by the Divisional Commissioner of Police, Brig Verster.

Mr Kuhlmann said he was forced to intervene when he heard a report that his nephew had been given electric shock treatment and severely assaulted. He said a Lt Nel was responsible for the torture, but the lieutenant denied the accusation.

"I know I can trust Frederick because I brought the boy up," Mr Kuhlmann said.

According to other reports Bernardus Petrus was allegedly assaulted so badly he could neither eat nor talk for several days.

Reports said he was tied to the burglar bars of a police office and assaulted. When he asked for water police played with water in front of him and threw it over him. He was also allegedly tied to a chair and given electric shock treatment through an iron bar.

Mr Kuhlmann said attempts to have the students examined by an independent doctor had failed because the doctor was a member of Swapo.

"I am most concerned about the students as several people have reported seeing them at the hospital where police brought them for treatment," he said. — DDC.

~~276~~ 325 Political trials.

ANC founder, 90, gives evidence

9/12/76 DD.

PIETERMARITZBURG — A founder-member of the banned African National Congress in 1912, Mr Selby Msimang, 90, gave evidence in the Supreme Court here yesterday at the trial of 10 men charged under the Suppression of Communism and Terrorism Acts.

He told Mr Justice J. A. Howard and two assessors about his endeavours to improve the conditions of black workers.

Mr Msimang said his experience in trade union work started soon after World War I.

In 1918 he organised mass meetings for the workers and, as a result, was charged.

After 1922 he went to Johannesburg where he met the president of the ANC and was asked to organise workers on the Reef. Mr Msimang, a defence witness, said he was a court messenger in 1940 and got to know Mr Harry Gwala — one of the accused — who used his office in Pietermaritzburg for trade union work.

He said he was a chief executive officer in Inkatha and had sent youths outside South Africa to study, because they could not benefit from education here.

The court heard that Mr Msimang was a founder member of the Luthuli Memorial Foundation and that in 1975, Mr Gwala had discussed a ceremony for the late Chief Luthuli.

He said he ceased to be secretary of the ANC in Natal when it was banned.

Before Mr Msimang's evidence the Deputy Attorney-General, Mr D. J. Rossouw, S C, told Mr Gwala that he started the survival of the ANC in Pietermaritzburg. Mr Gwala denied he took any active steps to overthrow the South African Government.

The hearing resumes today. — SAPA.

Star 10/12/76

'Recruit' trial to end next week

Pretoria Bureau

Judgment in the trial of two Soweto people, charged with recruiting two men to undergo military training abroad and helping them leave illegally for Botswana, will be delivered on Wednesday next week.

Mr Justice Davidson made the announcement in the Supreme Court, Pretoria, at the end of defence argument by Mr Roy Allaway, SC, in which he asked that the judge treat the two alleged terrorist recruits' State evidence with care as both Matthews Maleka and Mr Frans Sello had been detained under Section 6 of the Terrorism Act.

UNFAVOURABLE

It was possible, argued Mr Allaway, that they could have felt coerced to give a statement to Security Police which was unfavourable to the two accused, Mrs Esther Maleka and Mr David Thathe, as the Act specified they could be held until they made admissions satisfactory to police.

As accomplices of the two accused, the two alleged recruits had failed to satisfy the rules of evidence which demanded their testimony be corroborated, he said.

Mr Sello and Mr Maleka had contradicted their evidence on the dates and contents of their meetings with Mrs Maleka at which the State alleged guerilla training was discussed.

Their accounts of their trip with Mr Thathe to Mafeking on March 26 also differed.

'NO RAIN'

In State argument, Mr B J Bredenkamp said he could give no explanation why Mr Maleka should have said he was not able to keep a date with his alleged recruiter, Mrs Maleka, because of heavy rain in Soweto on March 13. Weather Bureau reports handed in by the defence showed there was no rain in the area at the time.

The two State witnesses' evidence contained inconsistencies, Mr Bredenkamp conceded, but he asked that their testimony be accepted on the whole as probable and true.

DD 10/12/76 Political Trial

Editor wins appeal case

GRAHAMSTOWN — The Editor of the Daily Dispatch of East London, Mr Donald James Woods, has won his appeal in the Supreme Court here against a six months prison sentence.

In December last year an East London magistrate sentenced Mr Woods to six months in jail when he refused to disclose the name of an informant relating to an alleged break-in by a Special Branch officer at the Black Community Programme offices in King William's Town earlier in the year.

Mr Woods told the head of the Bureau for State Security, Gen Van den Bergh, and the Minister of Justice, that he had information which linked a security police officer named Hattingh with the break-in. Mr Woods was later asked to disclose the name of his informant, but refused to do so because his informant feared reprisals.

On December 5 last year Mr Woods was subpoenaed to appear at an examination before a magistrate in East London to answer questions put to him. Again Mr Woods refused to disclose the informant's identity and he was sentenced to six months in jail.

Yesterday, Mr Justice Theal Stewart handed down a judgment in which he concurred with Mr Justice Kannemeyer, setting aside the magistrate's ruling.

Mr Justice Kannemeyer said Section 83 (1) of the Criminal Procedures Act provided that a magistrate may at the request of the public prosecutor require a person who is likely to give material evidence to appear before him.

The words "before him" were added to the section in an amendment and because they were deliberately added by the legislature the court concluded that it must give to the words their ordinary meaning.

In other words, said Mr Justice Kannemeyer, the magistrate who issued the subpoena must hold the examination. He said it was common cause that the subpoena was issued and signed by Mr P. S. Sauerman in his capacity as magistrate and that the examination was held by Mr N. R. Oosthuysen, another magistrate.

Further, the question of the validity of the subpoena and the examination was also raised on the grounds that the examination was not one under Section 83 as it was not conducted by the magistrate who issued the subpoena.

Mr Justice Kannemeyer said in his interpretation Section 83 required that the examination must be held by the magistrate who issued the subpoena and the examination in this case was not an examination held under that section. It was therefore a nullity and the necessary provisions called upon by the magistrate could not apply to it.

The ruling by the magistrate that there was no just excuse justifying Mr Woods's refusal to disclose the identity of his informant, and the sentence imposed as a result of such refusal, was accordingly set aside.

Commenting on the judgment, Mr Woods said it would be a grave disappointment to the Special Branch.

"This decision proves yet again that when the Special Branch bumps up against the law as administered by proper judges in proper courts, justice prevails," he said.

"The Special Branch are generally more successful in putting people in jail when they bypass the courts through detention without trial, because what they usually regard as evidence can seldom stand exposure to the full light of public inquiry before qualified officers of the courts.

"This year-long process against me in terms of which I faced the prospect of imprisonment was initiated by the head of the Special Branch, Gen M. Geldenhuys, who must be a disappointed man today.

"But there is still hope for Gen Geldenhuys. It is not too late for him to study some law and gain more knowledge of how normal systems of justice work when the courts are involved. In fact, the University of South Africa runs some excellent correspondence courses in law and the lecturers there would probably be only too glad to help him to learn more about orthodox legal procedures.

"Meanwhile, as far as his attempts to get me into prison are concerned, I wish him a studious Christmas and an equally unsuccessful New Year."

Mrs Wendy Woods commented: "I'm very glad that my husband's appeal has been upheld. It's definitely one in the eye for Geldenhuys and his gang. They've tried to intimidate him and it hasn't paid off." — DDC-DDR

325

RDM 16/12/76

Riot case verdict in 10 days

Staff Reporter

JUDGMENT in the four-month-long trial of 48 Mamelodi students and others in the Pretoria Regional Court will be given in 10 days' time on December 20.

The magistrate, Mr G. J. V. Jordaan postponed the trial which started in July.

The 48 are charged with taking part in riots in Mamelodi on June 21 and 22 when buildings belonging to the Central Transvaal Bantu Affairs Administration Board, private vehicles and policemen were attacked.

According to the State, all 48 made the Black power salute during the crimes. In their defence, the accused claimed they were threatened or assaulted to make confessions.

325 gen

Terror Act Trial postponement granted

Cape Times 10/12/76

Supreme Court Reporter

THE Supreme Court trial of three men who are alleged to have taken part in terroristic activities by preparing or distributing a leaflet urging a strike, was yesterday postponed at their request.

The three men are John Christopher Hoffman, Jiawoodien Parker and Ismail Jackson.

They are alleged to have prepared and/or distributed the leaflet at Athlone on September 13 this year.

The leaflet which was annexed to the charge sheet reads: "Oh my fellow oppressed countrymen, you do realize that you and I are bound to eternal oppression in our own country by unjust laws, created, not by God, but by Man — the White Man.

Unquestionable right

"It is every human being's unquestionable right to vote and to have a say in the laws that govern their lives.

"Think of your many brothers and sisters who have died at the mercy of the police in their attempts for liberation. They are being shot down by thoughtless police, in an attempt to cripple and scare our society into submission.

"In this vital period of a just struggle for freedom against the oppressive forces who, with ruthless and racially orientated minds have directed the destiny of 20 million people.

"Our forefathers, CRC, Indian Council, Homeland and Management Committees have failed hopelessly in their attempts to eliminate the tyranny of this system.

Freedom

"Therefore, my fellow countrymen it is imperative that we strike while the iron's hot, in order to achieve freedom for our people in this our land.

"We will start with a workers' strike, whereby we will prove that South Africa's economy is wholly dependent on the Black people.

"This is the time to Strike! Don't waste this chance of gaining your freedom. Go to work at your own risk.

"Act now! Act on 15 and 16 September. Don't work! Strike!"

Counsel defending the three men applied for a postponement of the trial when proceedings began in a packed court.

Prejudicial

They submitted that they had not had enough time to prepare defences and that to begin the trial would be prejudicial to the interests of their clients who could be sentenced to death if convicted.

Mr H G Klem, who appeared for the State, opposed the application. He submitted that it was in the three men's interests that the case be heard as they were being held in custody.

It was necessary, he said, that cases arising out of the unrest be heard as soon as possible.

After listening to argument Mr Justice Watermeyer postponed the trial to February 8.

Mr Hoffman, Mr Parker and Mr Jackson are being held under the Internal Security Act and will remain in prison.

Mr M Seligson SC, instructed by A M Omar and Co, appeared for Mr Hoffman. Dr W E Cooper SC, instructed by Frank Fabian, appeared for Mr Parker. Mr L Weinkove, instructed by Frank, Bernardt and Joffe, appeared for Mr Jackson.

325 def

RDM 10/12/71

Detainee hurt, say diplomats

By CLIVE EMDON

WEST German consular officials in Johannesburg have confirmed that Mr Kwezi Khadalie, 22, being held under the Terrorism Act at John Vorster Square police headquarters, was found to have an eye injury a week ago.

The chairman of Amnesty International, the Rev Paul Oestreicher, told the Rand Daily Mail in a telephone conversation from London this week that Mr Khadalie's parents had been told by embassy officials in West Germany that his injury had been caused after he slipped in the shower.

But this week the West German Consul-General in Johannesburg, Dr G. Sperl, said that according to the report on the visit by one of his officers to Mr Khadalie on November 30, when asked about his injury Mr Khadalie at first refused to answer, but then said "there are too many reasons."

Dr Sperl said Mr Khadalie had a blue eye.

Yesterday the head of the Security Police, Major-General Mike Geldenhuys, told the Rand Daily Mail: "He has bags under the eyes, but he hasn't got a black eye."

Mr Khadalie emigrated to West Germany.

Mahlatsi Mpiyam

325 general

ury, Saturday, December 11, 1976.

BRUTAL POLICE CLAIMS 'UNTRUE'

Mercury Reporter 11/12/76

PIETERMARITZBURG — An ANC terror trial defendant said yesterday it was not true he had been severely assaulted several times by the Security Branch, as stated in a document supporting a R5 000 civil claim against the Minister of Police.

William Khanyile (40) is one of 10 people appearing in the Supreme Court on charges under the Terrorism and Suppression of Communism Acts.

Mr. Khanyile said in cross examination by Mr. Neil Rossouw, the Deputy State Attorney, that he had been assaulted once by security policemen at their offices in Fisher Street.

Allegations made in support of the civil action that he had been assaulted several times between December 5 and May 14 this year at Umbilo, Wentworth and Point police stations were incorrect.

Mr. Khanyile suggested there may have been a mistake by his attorneys, who had taken a statement from him about the assaults.

Kicked

Mr. Justice Howard asked Mr. Khanyile in what manner he had been assaulted at Fisher Street.

Mr. Khanyile said he had been struck with a fist and kicked. The Judge told him to think carefully and say precisely what he had told the District Surgeon "because it is possible that the Magistrate and District Surgeon will be called to give evidence."

Mr. Khanyile said although he did not remember clearly, he had told the doctor he had an injured ear.

The hearing continues.

Rossouw

325 gr

11/12/76 DD

ANC trial man sues for R5 000

PIETERMARITZBURG — The Deputy-Attorney General for Natal, Mr D. J. Rossouw SC, told the Supreme Court here yesterday that Mr William Khanyile, 40, one of the ten accused in the ANC trial, had filed a R5 000 damages claim against the Minister of Police, Mr Kruger.

The claim was in respect of alleged assaults on Mr Khanyile by Security Branch officers between December 5 and May 14.

Mr Justice Howard said the allegations were serious and the court was determined to get to the bottom of them.

Mr Khanyile said, however, he had only been assaulted once — on December 5 and that it would be incorrect to say he had been assaulted more than once.

Mr Khanyile said there might have been a mistake in the particulars drawn up by his attorney.

Ending his cross-examination, Mr Rossouw suggested to Mr Khanyile the main prerogative last year was to revive the ANC and the recruitment of people for military training.

Mr Khanyile denied this. He also denied a suggestion that there was an effort to see if the South African Congress of Trade Unions could be revived because the ANC and SACTU worked together.

The trial continues on December 13. — SAPA.

Tot. Pol. Trials

312

Bid to free Saso accused

R.D.M. 13/12/75

Staff Reporter

THE Pretoria Supreme Court may be asked to discharge all nine Saso terrorism trial accused when the trial resumes in February, more than a year after their first appearance in court.

Shortly before their trial was adjourned yesterday, Mr Roy Allaway, senior defence counsel, gave notice that applications for discharge on a number of the counts against the accused would be submitted next year.

He said defence counsel would try to submit the applications before the trial resumed on February 2.

The application would be made before the defence case began.

The defence is likely to request the discharge of at least five of the accused, — Mr Nkwenkwe Nkomo, Mr Phandelani Nefolorhodwe, Mr Kaborone Sedibe, Mr Zituelele Cindi and Mr Strini Moodley — but it is possible the application will ask for the discharge of all nine.

The nine originally appeared with four other Saso and BPC members last February.

In June, when the first indictment against them was withdrawn, two of the 13 were released, and two charged individually.

Mr Rubin Hare, one of the two charged individually, was subsequently released, and all charges against him dropped.

The other man charged individually, Mr Sadecque Variava, is to appear in court in March.

325
gen
256

Star 14/12/76

How angry can one get and still be legitimate?

The judgment tomorrow in the Saso terrorism trial could leave our political scene with important rulings on what is legitimate political activity, and not only for radical black groups, reports HOWARD BARRELL of The Star's Pretoria Bureau.

When Mr Justice Boshoff delivers judgment tomorrow in what has become known as "the Saso terror trial," South Africa could find herself with an interpretation of the Terrorism Act with far-reaching consequences on her political life.

The implications of the test case could extend further than deciding in terms of the widely phrased Act what is legitimate political acitivity merely for radical movements such as the South African Students Organisation (Saso) and the Black People's Convention (BPC).

For, among the distinctions Mr Justice Boshoff is called on to make, are:

- when is articulation of anger incitement?
- what constitutes an "intent to endanger the maintenance of law and order" in pamphlets put out by legal organisations when there are no charges of armed acts of terrorism? and,
- when is there a difference between an "exploratory" and a "policy" document put out by a body whose office-bearers face terror charges for performing executive acts?

A court of law is seldom empowered to inquire what caused a man's actions when it is considering the likely effects of them. Nonetheless, Mr Justice Boshoff has been subject to a great deal of pleading by both the defence team and the accused that they were articulating black anger and frustration, not inciting with "intent to endanger the maintenance of law and order."

The fact that the trial has dominated the criminal session in Pretoria's Palace of Justice for two years — since shortly after the detention of the nine accused following the nation wide "viva Frelimo" rallies in September 1974 — has not flattered the issues at stake.

There are no armed acts of terrorism alleged against the former officials of Saso, BPC and the SRC of the University of the North, Turfloop, in the 82-page indictment.

Instead, the 13 counts cover their alleged organisation of the rallies despite the ban by the minister of Justice, and alleged conspiracy to endanger the maintenance of law and order, and individual charges relating to documents, political poems and speeches, some delivered at Sharpeville commemoration meetings.

In seeking convictions, on 12 of the counts, the State team — led by newly-appointed Natal Attorney-General, Mr Cecil Rees, SC — has relied largely on the schedule of presumed "likely results" of acts of terrorism, contained in Section 2(2) of the Terrorism act.

According to the section, they are, among others, to:

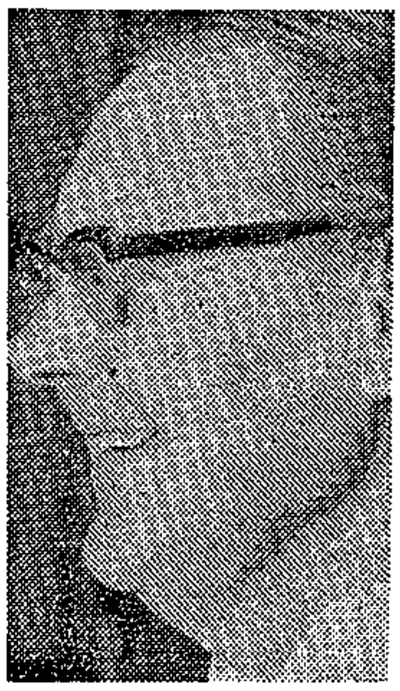
- Embarrass the administration of the affairs of state,
- Promote general dislocation, disturbances or disorder,
- Further feelings of racial hostility between the white and other inhabitants of the Republic,
- Hamper or deter any person from assisting in the maintenance of law and order, and,
- Cause substantial financial loss to any person or the State.

Thus, the onus is on the defence to prove, not that the men's actions did not have these results, but that they were not likely to.

With one proviso: the judge said that State must prove that their actions were "capable of" endangering the maintenance of law and order.

Alternatively, the State could ignore the presumptions and try to prove outright that the men intended to endanger law and order.

The intention to endanger the maintenance of law and order, however, must be proved by the State on the conspiracy count against eight of the men, the judge said, as the State had "clumsily" not specified acts constituting the objects of the alleged conspiracy and could thus not rely on any "likely results" of them.



Mr Justice Boshoff — the trial has lasted two years since the "Frelimo" rallies.

Mr Justice Boshoff also said that, to endanger law and order an act would have to be directed at either "the constituted authority" or "the general body of reasonable, law-abiding people."

On this legal test for the accuseds' actions, the State argued that their acts should be viewed in context. Would a group commemorating the shooting of blacks by police at Sharpeville constitute a body of "reasonable people," gathered as they were for a potentially evocative meeting?

Apart from disputes of fact, the defence team of Mr David Soggot and Progressive Reform Party MP for Durban North, Mr Harry Pitman, has argued that the language of the black consciousness leaders on trial was legitimate political expression of grievance. It was not incitement and had no basic "intent to endanger the maintenance of law and order."

Illustrating this, Mr Soggot quoted a speech by Chief Gatsha Buthelezi — much maligned as a "sell-out" by the accused — to show that strong polemic emanates as much from nongoma as from the volatile black campuses.

325 del

'7 hours of hell'

LDM 14/2/76

Staff Reporter

A SECOND journalist on The World was detained and interrogated by Security Police for seven hours yesterday.

Mr Derrick Luthayi, a sports writer, was detained by the same policeman who raided Mr Qoboza's home. He was picked up en route from Mr Qoboza's home to Protea Police Station.

Like Mr Qoboza, he was questioned about activities in Soweto and in particular about African students in the township.

Describing the interrogation as "seven hours of hell," Mr Luthayi said: "I was not allowed to sit down and had to stand up all the time."

A third man was questioned at the same police station.

He is Mr Kgomotso Modise, manager of the National Professional Soccer League. He was not available for comment last night.

He was not picked up in the early hours. A note was left at his home asking him to report to the police station.

1) MIDD

Lecturers:

Professor A. Lennox-Short; Mr B.S. Lee

Course Description:

A literary, textual and dialectal study of selected Middle English texts.

Prescribed Books:

Ed. F.N. Robinson, The Works of Geoffrey Chaucer (Oxford paperback).

Eds. J.A.W. Bennett & G.V. Smithers, Early Middle English Verse and Prose (Oxford, second edition).

Ed. K. Sisam, Fourteenth Century Verse and Prose (Oxford)

2) LITERATURE OF THE RENAISSANCE AND BAROQUE PERIODS

Lecturers:

Mr G. Beiner; Mr P.H. Knox-Shaw

Course Description:

The course will be divided into two sections: the first half of the course will concentrate on three stages of style: Renaissance, Mannerism, Baroque, from Spenser - Donne, some Jacobean drama, Crashaw - Milton. The focus will be on the relationship between content and form, and on a consideration of genre. The second section will be a chronological survey of major figures of the period, centring on the non-dramatic verse and prose of the English Renaissance and the 17th century.

Prescribed Books:

Spenser, Poetical Works ed. J.C. Smith & E. de Selincourt (Oxford paperback)

Donne, Complete Poetry and Selected Prose ed. J. Hayward (Nonesuch)

Gardner, H. The Metaphysical Poets (Penguin)

Shakespeare, Hamlet (Signet preferred)

/1 .....

328 gen

EDM 14/2/87

'My mind slipped after constant questions'

Own Correspondent

MARITZBURG. — One of the 10 accused in the ANC terror trial told the Supreme Court yesterday his mind started to slip while under constant interrogation and he often played with mosquitoes.

Mr Mathew Mayiwa, 52, who pleaded not guilty to charges under the Terrorism and Suppression of Communism Acts, was giving evidence in his defence before Mr Justice Howard and two assessors.

Mr Mayiwa said he had been arrested on December 5 last year and taken to the Loop Street police station.

He said Security Police had threatened to refuse him food parcels and that he would be kept in his cell until he rotted if he did not answer questions the way they wanted.

"We were not allowed exercise or talk to the other prisoners. My cell light was kept burning constantly. To keep myself occupied I would sing, and eventually my mind started to slip," he said.

Mr Mayiwa said the police had tried to make him confess he was planning to revive an ANC cell in Hammarsdale, and that the cell was planning to stage an uprising to coincide with the Day of the Covenant celebrations on December 16.

"They asked me why Blacks were causing trouble by wanting the same rights as the Whites. They said Blacks should remain under conditions as they are and that I was being used by the communists."

In January this year he was removed to the Maritzburg Prison to a filthy cell infested with cockroaches, he said.

The hearing continues.

325 gen

PRISONER: MY MIND STARTED TO SLIP

NM 14/12/76

Mercury Reporter

PIETERMARITZBURG — One of the ten accused in the ANC terror trial said in the Supreme Court yesterday that his mind "started to slip" while under constant interrogation.

Mr. Mathew Mayiwa told the Court he was arrested on December 5 last year and taken to the Loop Street Police Station.

Security police threatened to refuse him food parcels and said he would be kept in his cell until "he rotted" if he did not answer questions "the way they wanted."

"We were not allowed to exercise or to talk to other prisoners. My cell light was kept burning constantly. To keep myself occupied I would sing, and eventually my mind started to slip," he said.

Mr. Mayiwa said police attempted to make him confess planning to revive an ANC cell in Hammarsdale, and planning to stage an uprising to coincide with the Day of the Covenant celebrations on December 16.

"They asked me why Blacks were causing trouble by wanting the same rights as Whites. They said Blacks should remain under conditions as they are, and that I was being used by the communists."

He was later moved to a "filthy" cell infested with cockroaches in Pietermaritzburg.

The hearing continues.

325 pol trials Kertion

Star 14/12/76

260-page Saso trial judgment

Pretoria Bureau

Saso and BPC wanted the liberation of blacks "by the total involvement of blacks in a total struggle for a total change of the South African system," Mr Justice Boshoff said in the Supreme Court, Pretoria, today.

Reading sections of his 260-page judgment in the Saso terror trial he continued: "This liberation is to be achieved by a process of inculcating black consciousness in people and thereby creating black solidarity and generating black power.

"Black consciousness implies the desire to engage people in an amancipatory process in an attempt to free them from bondage."

Earlier there was singing and "black power" salutes from both the nine accused men and the crowd of more than 200 people who packed the courtroom to overflowing.

The men ended their singing by shouting the slogan: "amandla awethu" (power is ours).

INTENT

Dealing with the main conspiracy counts against the men, the judge said the onus of proving intent to endanger the maintenance of law and order, and that the accused's actions were capable of that result, rested with the State.

Because a charge of conspiracy widened the admissibility of circumstantial evidence a conspiracy of common enterprise among the accused could be shown circumstantially.

Reading long extracts from the more than 1 000 pages of documentary evidence, the judge said that the papers should be divided into four categories in determining their adminssibility on the State's conspiracy charge.

The alleged conspiracy was mainly to be inferred from policy and interpretative documents, he said, but exploratory and other documents were valid circumstantial evidence in proving the scope of the alleged conspiracy.

INCIDENTS

He listed several incidents, allegedly part of the conspiracy:

- The reading of the poem "Dedication" by Mr Gert Saths Cooper at a Sharpville commemoration meeting in March 1972;
- A statement by Mr Strini Moodley, an accused, to the effect that Indians and coloureds were part of the black community and should be involved in the struggle for black liberation:
- An obituary written by Mr Zitulele Cindi for the funeral of Mr Abraham Tiro who died in a parcel bomb blast in Botswana in which Mr Cindi said: "30-million blacks will reap liberation from the soil fertilised by Tiro's blood."

(Proceeding)

ירמיהו ל[illegible] להתנגד לעמו.

הנביא הרגיש שה[illegible] ה הלא ישפוך על

"עולם בחוץ ולפ[illegible] בין היה "לנתש ולנתוץ

להאבידם להרוס."

להיות נגד כל העם.

"ואנכי נתתיך היום [illegible]

לעם הארץ."

כל הארץ, למלכי יהודה לשריה לכהניה

כה קל[illegible]

ה ניק בין ירמיהו לעמו גם האשמות

ולגם האישומים העם שחשב טובות על עצמו ועתידו.

ירמיהו הלהיר [illegible]רבן בית המקדש ולגלות. "מצמון תפתח

הרעה." הלא [illegible]ה שבטחון בבית המקדש אין לו כל

אין ה'

בסיס, היה תק[illegible] היה (בית מקדש) אבל כה לא הועיל לעם

ולפי יהודיב [illegible] הנב[illegible] מצאו חן בעיני

העם כי נת[illegible] אמרו שר[illegible]ם רבה להאמין

בלה. הם [illegible]ל ה, היכל ה' "שלום, שלום!"

אל[illegible]ירוליה בעבדה שקשרים של

ירמיהו הי[illegible] הלא היה מעדיף לקרוא "שלום, שלום,

325
pol trials

Star 14/12/86

Two jailed for terror

Pretoria Bureau

A man and a woman found guilty today under the Terrorism Act were given the minimum sentence of five years.

The couple were said to have incited two men to do military training outside South Africa.

In passing sentence on Esther Maleka and David Pule Thathe in the Supreme Court, Pretoria, Mr Justice Davidson said he took into account a plea by the defence counsel Mr P J van Blerk, that the two were looking at things from the bottom of the pit."

The judge said he suspected, however, that the case had a "cynical aspect." The two accused intended sending to their destruction two young men who had no interest in politics.

Their sentences, he said, expressed the law's disapproval of not only what they were doing to whites but also to blacks.

RECRUITED

The judge said he also suspected Thathe and Maleka recruited Mr Frans Sello and Mr M M Maleka for personal gain.

Were they not in the position of hired assassins? the judge asked Mr van Blerk. He said he could understand someone who had political motives, such as Tony Holiday who had appeared before him.

Mr van Blerk said one had to take into account that the accused came from Soweto and suffered certain disabilities which made them more susceptible to committing such an offence.

An application for leave to appeal against the sentence will be heard on January 20 next year.

~~276~~
~~309~~
325 Political Trials.

RDM 15/12/76

Saso terror trial ends today

By DAVID NIDDRIE

THE Saso Terrorism Act trial, the longest terrorism trial in South African history, will come to an end this morning when the nine accused stand in the dock of Pretoria Palace of Justice to hear the 260-page judgment.

The trial, which has cost over R400 000 in defence expenses, began last July.

The accused are: Mr Saths Cooper, 25, banned former BPC public relations officer; Mr Muntu Myeza, 24, former Saso national president; Mr Mosioua Lekota, 27, former Saso permanent organiser, Dr Aubrey Mokoape, 30, banned former BPC branch chairman; Mr Mkwenkwe Nkomo, 23, former BPC official; Mr Phandelani Nefolovhodwe, 28, Saso president at the time of his arrest; Mr Gaborone Sedibe, 24, former Turfloop University SRC president; Mr Zitulele Cindi, 24, BPC secretary general, and Mr Strini Moodley, 30, who is banned.

They were arrested in Security Police swoops which followed the banning of Viva Frelimo rallies planned by Saso and BPC to celebrate Mozambique independence in 1974.

The present indictment against them, which alleges their adherence to a conspiracy to commit acts to bring about change to the South African system, is the second to be brought against them since they were detained.

In March, 1975, 13 Saso and BPC men, including the nine accused were handed an indictment of 105 pages alleging activities aimed at overthrowing the State during a six-year period from 1968.

After days of intricate legal argument by State and defence counsel, and many postponements, the State withdrew the indictment against the 13 without asking them to plead, after the judge, Mr Justice Boshoff, said the indictment was "vague."

Two of the 13, Mr Solly Ismail and Mr Lingham Moodley, the brother of one of the remaining accused now studying in London, were discharged, but the remaining 11 were kept in detention.

In June last year, two of the 11, Mr Rubin Hare and Mr Sadecque Variava, were charged under the Terrorism Act, while the remaining nine were handed a joint indictment, alleging 13 contraventions of the Act.

The charges against Mr Hare were withdrawn and he is now detained under the Internal Security Act. Mr Variava, who was granted R5 000 bail, is expected to stand trial early next year.

140
359

RDM 15/12/76

Sactu lives on, says terror accused

Own Correspondent

MARITZBURG. — The South African Congress of Trade Unions (Sactu) still lived on in the hearts of Black workers, Mr Matthew Mayiwa, an accused in the ANC terror trial said in the Maritzburg Supreme Court yesterday.

Mr Mayiwa is one of 10 Africans appearing before Mr Justice Howard on charges under the Terrorism Act and Suppression of Communism Act.

He told Mr Gert Engelbrecht under cross-examination that Sactu did not die through the wishes of the people but because it was forced to disband.

Referring to a meeting held at the Edendale home of another accused, Mr Harry Gwala, last year, Mr Mayiwa said he had arrived unexpectedly and had been invited to join in the discussion.

He said Mr Gwala had not introduced him to other people at the meeting — held to discuss the re-establishment of Sactu — because other matters were being discussed.

Replying to a suggestion by Mr Engelbrecht, he said it was not possible that other people at the meeting were Security Branch policemen.

He knew the other people had been invited by Mr Gwala.

Mr Mayiwa said no decisions were taken at the meeting, but it was felt that youths should be sent out of the country for training in trade union matters so that the movement could be revived in Natal.

It was envisaged that 12 organisers would operate in the major centres of the province.

The trial continues today.

325 General

Terror two gaoled

PRETORIA — Two Africans who recruited trainees for the ANC "army of liberation" were yesterday gaoled for five years under the Terrorism Act.

Esther Maleka and Daniel Pule Thathe, both of Soweto, were given the minimum sentence at the Pretoria Criminal sessions.

Mr. Justice Davidson allowed them to apply for leave to appeal.

The Court found that they induced Matthews Maleka and Frans Sello to undergo military training in Botswana and Lusaka and to fight the South African Government.

Passing sentence the Judge said it was understandable why they reacted as they had against the present order of things in the country.

328 gen

Saso verdict: nine guilty

Mercury Correspondent

PRETORIA — The mammoth Saso-BPC trial ended yesterday after two years of court proceedings with a verdict of guilty under the Terrorism Act for all nine accused.

There was a barely audible murmur from the gallery, packed with 180 seated, kneeling and standing people, when Mr. Justice Boshoff pronounced those charged guilty of endangering the maintenance of law and order in the Republic.

The Judge found that neither the South African Students' Organisation nor the Black Peoples' Convention had the characteristics of revolutionary groups.

Although the Judge found the State had proved its case in two of the counts, and had failed to prove 11, all now face a mandatory minimum of five years' gaol. The trial was postponed till Tuesday when the defence will state whether it wishes to lead evidence in mitigation.

The nine found guilty are Satha Cooper (25), Muntu Myeza, Mosioua Lekota, Nchaupe Aubrey Mokoape, Nkwenkwe Nkomo, Phandelani Nefolouhodwe, Kaborane Sedibe, Zitulele Cindi and Strini Moodley.

Eight of the nine were found guilty of conspiring to endanger the maintenance of law and order on the first count.

Seven were found guilty of endangering law and order, and acting in concert, on the second count.

All were found not guilty on counts three to 13.

"It was indeed one of the objects of the conspiratorial agreement of the eight accused to achieve total liberation of the Black people and to bring about a total change of the political, social and economic system of the Republic," the Judge said.

All the accused felt that grave injustices had been done to the Blacks by Whites, that the Blacks were numerically superior and with an historical and natural right to rule the country.

That right had been usurped by the Whites who really had no business to be here at all, in their view. The Whites clung tenaciously to their political power and privileged positions and had proved themselves to be intransigent.

"The conspirators realised that political action was necessary to mobilise and prepare the Blacks to involve them in a total struggle for a total change.

"This was to be achieved under the banner of Black consciousness by means of conscientisation."

There had to be a vision of the utopia which would result from total change, and that vision was of an open, egalitarian society, organised on a basis of Black communalism."

The Judge said Black consciousnesness was an attitude of mind, which indicated that Blacks must reject all value systems that sought to make them foreigners and reduce their basic human dignity.

Blacks had to build up their own value systems, and see themselves as self - defined and not defined by others.

Cohesion and solidarity were important because Black consciousness implied awareness by Blacks of the power they wield as a group, economically and politically.

Condemned

"The practical effect of this was that appropriate language was used by the conspirators to condemn Whites as the oppressors of the Blacks, and everything associated with Whites, especially its institutions and the police."

In the process language was used which caused and encouraged feelings of hostility where they did not exist, or furthered such feelings where they did exist, between Blacks and Whites.

Blacks were persuaded that violence against the Whites and their system was morally justified because the Whites were inherently violent and unjust, and had robbed the Blacks of the heritage by force of arms.

All reasonable requests by the Blacks were cruelly suppressed by armed force — the whole system of Government of Whites was based on violence.

"Although it was the avowed policy to have no confrontation with the Whites, the evidence suggested the position for the first three years while BPC was building up its membership and worked on the conscientisation of the Black people," the Judge said.

Violence

"A violent confrontation was welcomed at Turfloop and in Durban. The organisers continued to hold the rally in spite of the fact that they knew the police were on the scene to prevent the holding of the rally. They expected and desired a violent confrontation.

"The conspirators decided upon and organised the holding of the rallies to embarrass the Government and to exploit the emotions which the success of the Frelimo roused in the breasts of the Blacks."

Considered in its totality, the method of obtaining total liberation of the Black people and bringing about a total change of the political, social and economic system was also designed to cause, encourage or further feelings of hostility between the Whites and Blacks, thus creating a hostile power block orientated for action — particularly political violence.

The defence had contended that the nine were merely busy with normal political activity and wanted to build a power base for effective bargaining with the Government and envisaged change in the normal constitutional way.

"There was nothing in the evidence to suggest that there was any genuine desire to bargain," the Judge said.

is high or when the rate of interest is very low.

In other words there is an increased demand for money to hold. (Not for spending). When M is increased in conditions of widespread unemployment and general lack of business confidence, V may fall. (K is increased). This occurred in the Great Depression of the 30's, when the Federal Government trying to bring about an increase in the price level, increased the quantity of money (by lowering bank rate, O.M.O. etc.) and devaluing the dollar. But prices did not rise and prosperity did not return. The extra money went into hoards and banks were neither willing to lend or public willing to borrow. Banks had excess reserves.

Another reason why V may fall while M rises would occur in war-time with large increases in M (Government spending) but where price controls, rationing, shortage of goods effectively reduced V and caused people (reluctantly) to add to their cash balances.

Also M can fall or remain the same and V can rise if the existing stock of money circulates faster. When monetary authorities are imposing a credit squeeze (tight money) there can be a more intensive utilisation of money, greater inter-firm lending (often through the grey market) more self-financing (i.e. V rises as idle balances become active) and greater use of near-money. This would be true if business conditions were favourable to expectations and future profits optimistic.

4. Prices are not proportional to total spending. If M rises while the economy is depressed, the volume of real output (T, or R) can rise while general price level need not rise at first. Later, when the economy reaches full employment, prices will begin to rise. So the direction of change here is from M to T(R).

5. T can change independently e.g. poor harvest, famine, import restrictions to cause P to rise.

6. A change in P can occur independently of a change in M (e.g. higher wages in an important sector of the eco[illegible]ice) and this may cause a change in T, M or V. this is wha[illegible] as a COST-PUSH inflation.

7. Also expected changes in [illegible]
e.g. if there was a general [illegible]
increase and prices will [illegible]

8. Will prices necessarily [illegible]
pletely flexible in the dow[illegible]

The strength of monopolies a[illegible]
selling and buying [illegible]
policy to maintain agricultu[illegible]
and the effect of reducing M[illegible]
even lead to higher prices e[illegible]
costs formed a very large pr[illegible]

9. In conclusion, the quanti[illegible]
assumed thatmoney was only ne[illegible]
that there was perfect compet[illegible]
do change. The whole proble[illegible]
consideration [illegible]

12th August, 1976, at
Lapiara Ahum, 10, Old Chemistry Building.

DD 16/12/76

Two ANC recruiters jailed for 5 years

PRETORIA — Two blacks who recruited trainees for the ANC "army of liberation" were jailed yesterday for five years under the Terrorism Act.

They are Esther Maleka and Daniel Pule Thathe, both of Soweto, who were given the minimum sentence under the Act at the Pretoria Criminal Session yesterday.

Mr Justice Davidson allowed them to apply to the court on January 20 next year for leave to appeal to the Appellate Division in Bloemfontein.

The court found that in March this year Maleka and Thathe induced Matthews Maleka and Frans Sello to undergo military training in Botswana and Lusaka and to fight the South Africa Government.

Passing sentence the judge said it was understandable why the accused reacted as they had against the present order of things in the country.

He said people pf the way of life and standing of Maleka and Thathe saw life from the bottom of the pit, to use the words of their counsel.

But, the judge said, their actions could not be condoned and the court had to doubt that they deserved the minimum sentence of five years laid down by the Terror Act. — DDC.

325 gr

Songs as Saso men convicted

* 16/12/76

Pretoria Bureau

Spectators in the Supreme Court, Pretoria, yesterday gave clenched-fist salutes and sang as the nine accused in the Saso Terrorism Act trial were convicted.

It took Mr Justice Boshoff five hours to read extracts from his 260-page judgment, which climaxed a trial which sat for 136 days over a two-year period.

The judge found Saths Cooper, banned former public relations officer of the Black Peoples Convention; Muntu Myeza, ex-president of Saso; Mosioua Lekota, ex-permanent organiser of Saso; Aubrey Mokoape, banned ex-chairman of BPC's Durban branch; Nkwenkwe Nkomo, former BPC general secretary, and Pandelani Nefolovhodwe, former Saso president, guilty on two counts under the Terrorism Act.

The counts were conspiracy with intent to endanger the maintenance of law and order and organisation of the nation-wide "Viva Frelimo" rally on September 25 1974 despite a banning order on the rallies by the Minister of Justice, Mr Kruger.

Strini Moodley, banned ex-Saso newsletter editor, and Mr Zitulele Cindi, former BPC secretary-general were convicted on only the conspiracy count. Kaborane Sedibe, former president of the SRC of the University of the North, Turfloop, was convicted on the rally count.

Cooper was acquitted on four counts mainly concerned with pamphlets issued by him. The remaining seven counts were rejected by the judge who said the men had no case to answer on them.

The judge allowed a defence request for a postponement to Tuesday next week for possible evidence in mitigation, and sentence.

'Power is ours'

* 16/12/76

Emotional scenes greeted the nine Saso terror trial men when they rose from the cells into the packed Pretoria Supreme Court hearing, singing "Asikathale" ("The burden is heavy"), before Mr Justice Boshoff started reading his lengthy judgment yesterday.

Facing the gallery, packed to overflowing with 200 friends and relatives, a sea of black fists answered the men's shouts of "Amandla" with a chorus of "Awethu".

This means "Power is ours". The courtroom also contained a large contingent of security policemen and uniformed police numbering about 30. Diplomatic representatives listened to the 260-page judgment from the jury box.

When the crowd left the building six police vehicles and a contingent of police with dogs were on hand to prevent any outbreaks of unrest.

A distraught Mrs Vino Cooper, banned wife of Saths Cooper, left the building with other relatives of the convicted men immediately judgment had been given.

325 gen 309

Saso nine found guilty under Terror Act

Staff Reporter

HE mammoth Saso-BPC ial ended yesterday after vo years of court proceed-gs with a verdict of lity under the Terrorism ct for all nine accused.

There was a barely udible murmur from the allery packed with 150 eople kneeling, sitting nd standing in the Pre-oria Supreme Court as Ir Justice Boshoff ended the State versus Saths ooper and eight others" y finding all nine accu-ed guilty of committing cts capable of endanger-ng the maintenance of w and order."

Although the judge ound the State had prov-1 its case in two of the ounts, and had failed to rove 11 counts, all now ace a mandatory mini-um of five years' jail. he court was adjourned ntil Tuesday when the efence will state whether ey wish to lead evidence mitigation.

In his judgment Mr Justice Boshoff found that the eight Saso and BPC members in the dock charged with conspiracy to bring about revolutionary change by violence or the threat of violence had not done so.

Mr Kaborane Sedibe was not charged with being part of the conspiracy because he is not a Saso or BPC member.

Neither Saso nor BPC had the characteristics of revolutionary groups, the judge said. They were protest groups.

The judge found them guilty of conspiring to commit acts capable of endangering the maintenance of law and order, and thus contravening the Terrorism Act.

He also found seven of the nine, including Mr Sedibe, guilty of charges relating to the organisation of Viva Frelimo rallies in Durban and Turfloop in September, 1974.

"It was [illegible] ratorial agreement of the eight accused to achieve total liberation of the Black people and to bring about a total change of the political, social and economic system of the Republic," the judge said.

However, revolutionary groups organise secretly, and usually plan to seize power using sabotage, terrorist tactics and armed actions. They rarely make use of rallies, demonstrations and strikes.

"In the case of the Blacks we must remember that if they use language which may seem to be unnecessarily strong, they have no effective voice or vote and can only protest against what they might regard as grievances," he said.

All the accused felt that grave injustices had been done to the Blacks by Whites, that the Blacks were numerically superior and with an historical and natural right to rule the country.

That right had been usurped by the Whites who really had no business to be in South Africa at all, in their view, Mr Justice Boshoff said.

The Whites clung tenaciously to their political power and privileged positions and had proved themselves to be intransigent.

Attempts, even violent ones, to regain the "alleged birthright" of the Blacks, had all been failures.

"The conspirators believed that the reasons for the failures were that the Blacks had not been properly motivated, that they were always divided and the Whites succeeded in keeping them divided, that the Blacks did not realise the extent of their own misery, the extent of crimes of the Whites, the potential power that was locked up in the Black masses, and the utopia that could be gained by eliminating the Whites," the judge said.

"There were always traitors who informed on any group that presented a real threat to the Whites. The Blacks were too afraid to take meaningful action.

"The conspirators realised that political action was necessary to mobilise and prepare the Blacks to involve them in a total struggle for a total change.

"This was to be achieved under the banner of Black consciousness by means of conscientisation," the judge said.

"The Blacks had to be made to realise the extent of their misery, that their present condition was a far cry from that which was theirs by right, that the source of their misery was the Whites.

"Anything offered to the Blacks in the line of, for instance, political institutions, was in fact an effort to divide and rule, so as to keep the Blacks in perpetual servitude."

There had to be a vision of the utopia which would result from total change, and that vision was of an open, egalitarian society, organised on a basis of Black communalism.

The judge said Black consciousness was an attitude of mind, which indicated that Blacks must reject all value systems that sought to make them foreigners and reduce their basic human dignity.

Blacks had to build up their own value systems, and see themselves as self-defined and not defined by others.

Cohesion and solidarity were important because Black consciousness implied awareness by Blacks of the power they wield as a group, economically and politically.

"The practical effect of this was that appropriate language was used by the conspirators to condemn Whites as the oppressors of the Blacks, and everything associated with Whites, especially their institutions and the police."

In the process language was used which caused and encouraged feelin[illegible] tility where they exist, or further feelings where t[illegible] exist, between Blacks and Whites.

Blacks were persuaded that violence against the Whites and their system was morally justified because the Whites were inherently violent and unjust, and had robbed the Blacks of the heritage by force of arms.

All reasonable requests by the Blacks were cruelly suppressed by armed force — the whole system of government of Whites was based on violence.

"Although it was the avowed policy to have no confrontation with the Whites, the evidence suggests that that was to be the position for the first three years while BPC was building up its membership and worked on the conscientisation of the Black people," Mr Justice Boshoff said.

Evidence showed that two people cited as co-conspirators, who were not charged, had opposed the holding of the Frelimo rallies after they had been banned under the Riotous Assemblies Act, not because it was not the policy of the BPC to go ahead when confrontation seemed inevitable but because BPC was not ready as yet for a violent confrontation.

"A violent confrontation was welcomed at Turfloop and in Durban. The organisers continued to hold the rally despite the fact that they knew that the police were on the scene to prevent the holding of the rally. They expected and desired a violent confrontation.

"The conspirators decided upon and organised the holding of the rallies to embarrass the Government and to exploit the emotions which the success of Frelimo roused in the breasts of the Blacks", the judge said.

Considered in its totality, the method of obtaining total liberation of the Black people and bringing about a total change of the political, social and economic system is also designed to cause, encourage or further feelings of hostility between [illegible] Whites and Blacks, [illegible] creating a hostile power bloc orientated for action — particularly political violence, he said.

The defence had contended that the nine were merely busy with normal political activity [illegible] wanted to build a power base for effective bargaining with the Government and envisaged change [illegible] the normal constitutional way.

"There is nothing in the evidence to suggest that there was any genuine desire to bargain," the judge said.

The court was satisfied that Saso and BPC were protest groups, politically and their methods were capable of endangering the maintenance of law and order in the prevailing circumstances and constituted participation in terroristic activities.

Mrs Gwen Mokoape, wife of convicted BPC man Dr Aubrey Mokoape, with their children in Pretoria yesterday.

Picture: RONNIE KWEYA

THE Saso nine are:

- **Saths Cooper, 25, former BPC public relations officer and Black Allied Workers Union official.**
- **Muntu Myeza, 24, former South African Black amateur boxing champion. Saso national president, 1973, Saso secretary general, 1974.**
- **Mosioua Lekota, 27 Saso's permanent organiser at the time of the rallies.**
- **Nchaupe Aubrey Mokoape, 30, banned former BPC Durban branch chairman.**
- **Nkwenkwe [illegible] 23, former per[illegible] organiser and s[illegible] general of BPC former Daveyton chairman.**
- **Phandelani [illegible] hodwe, 28, call[illegible] "general" by his [illegible] gues. He follow[illegible] za as Saso pres[illegible]**
- **Kaborane Sed[illegible] former Turfloo[illegible] president.**
- **Zitulele Cin[illegible] who immediatel[illegible] ceeded Nkomo [illegible] secretary genera[illegible]**
- **Strini Moodl[illegible] banned former [illegible] publications dir[illegible]**

Singing and salutes as armed police stand guard

RDM 16/12/76

Staff Reporter

BEFORE yesterday's hearing about 200 Blacks and a handful of Whites — mainly Nusas leaders — packed into the courtroom to watch the nine, most of whom have been in custody for more than two years, file into the dock singing "Asikathale" (We don't care).

As the nine reached the dock from the cells below the court, the crowd in the public gallery stood and, returning the Black Power salute of the accused, sang with them.

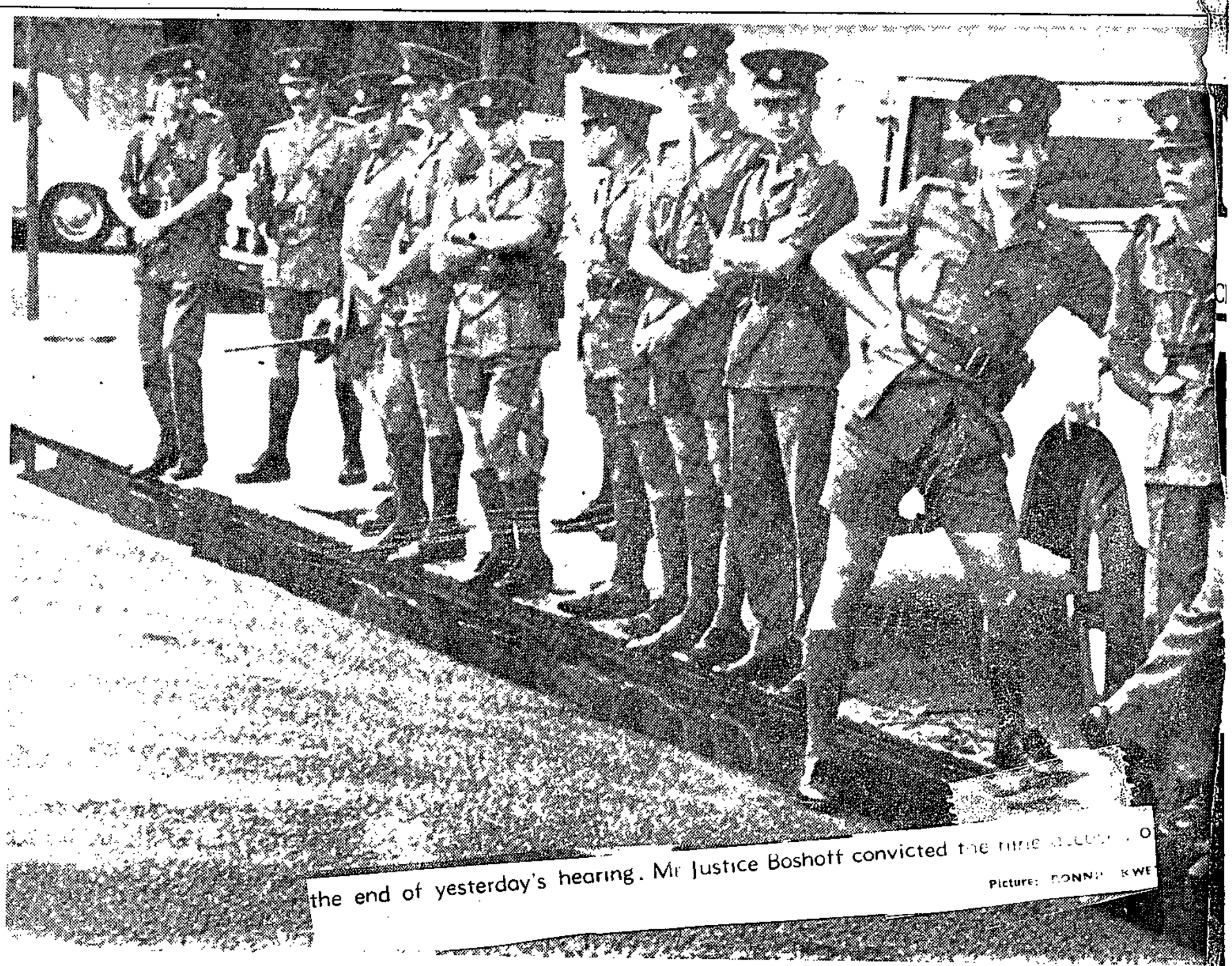
Throughout yesterday's hearing about 30 uniformed police armed with batons and pistols were on duty at the court, with at least 15 standing between the dock and the public gallery whenever the nine were in court.

At least 15 security policemen, including, for a short time, the head of the security police, General Mike Geldenhuys, sat in on the hearing.

Mr Richard de Villiers, Wits SRC president and a former Nusas president, one of the few Whites to attend the trial, said:

"One despairs when one sees people being jailed when they seem to be seeking a viable alternative to apartheid, without violence."

Immediately after the hearing about 250 people crowded into the street outside the Palace of Justice. As the van taking the nine to Pretoria Central Prison drove past they gave the Black Power salute and returned the shouts of "amandala" coming from the van.



the end of yesterday's hearing. Mr Justice Boshoff convicted the nine accused of offences under the Terrorism Act.

Picture: BONNIE KWE

Part of the large contingent of Police at the Saso/BPC trial wait outside the Pretoria Palace of Justice shortly bef

325 political trials

DD 16/12/77

Nine SASO accused found guilty

PRETORIA — The nine men in the SASO-BPC terror trial were found guilty by Mr Justice Boshoff in the Palace of Justice here yesterday. The defence will argue in mitigation on Tuesday.

The nine are: Mr Saths Cooper, 25, banned former BPC public relations officer; Mr Muntu Myeza, 24, former SASO national president; Mr Mosioua Lekota, 27, former SASO permanent organiser; Dr Aubrey Mokoape, 30, a former BPC branch chairman; Mr Nkwenkwe Nkomo, 23, former BPC official; Mr Phandelani Nefolovhodwe, 28, SASO president at the time of his arrest; Mr Gaborone Sedibe, 24, former Turfloop University SRC president Mr Zitulele Cindi, 24, BPC secretary-general and Mr Strini Moodley, 30.

A packed gallery made a barely audible murmur after Mr Justice Boshoff found the men guilty of a conspiracy to endanger the maintenance of law and order.

The judge found neither SASO nor BPC had the characteristics of a revolutionary group.

There was a conspiratorial agreement among the nine, who are all members of BPC or SASO or active supporters.

Eight of the nine were fould guilty of conspiring to endanger the maintenance of law and order on the first count.

Seven were found guilty of endangering law and order, and acting in concert, on the second count.

All were found not guilty on 10 other counts.

"It was indeed one of the objects of the conspiratorial agreement of the eight to achieve total liberation of the black people and to bring about a total change of the political, social and economic system of the Republic," the judge said.

However, revolutionary groups organise secretly, and usually plan to seize power using sabotage, terrorist tactics and armed actions. They rarely make use of rallies, demonstrations and strikes.

"In the case of the blacks, we must remember that if they use language which may seem to be unnecessarily strong, they have no effective voice or vote and can only protest against what they might regard as grievances."

All the accused felt grave injustices had been done to blacks by whites, that blacks were numerically superior and with a historical and natural right to rule the country.

That right had been usurped by the whites who really had no business to be here at all, in their view. The whites clung tenaciously to their political power and privileged positions and had proved themselves to be intransigent.

Attempts, even violent ones, to regain the "alleged birthright" of blacks, had been failures.

"The conspirators believed the reasons for the failures were that the blacks had not been properly motivated, they were always divided and the whites succeeded in keeping them divided, that blacks did not realise the extent of their own misery, the extent of crimes by the whites, the potential power that was locked up in the black masses, and the utopia that could be gained by eliminating the whites.

"The conspirators realised political action was necessary to mobilise and prepare the blacks to involve them in a total struggle for a total change.

"This was to be achieved under the banner of black consciousness by means of conscientisation.

"Blacks had to be made to realise the extent of their misery, that their present condition was a far cry from that which was theirs by right, that the source of their misery was the whites. . .

"Anything offered to the blacks in the line of, for instance, political institutions, was in fact an effort to divide and rule so as to keep the blacks in perpetual servitude."

Cohesion and solidarity were important because black consciousness implied awareness by blacks of the power they wield as a group, economically and politically.

"The practical effect of this was the appropriate language was used by the conspirators to condemn whites as the oppressors of blacks, and everything associated with whites, especially its institutions and the police."

In the process, language was used which caused and encouraged feelings of hostility where they did not exist, or furthered such feelings where they did exist, between blacks and whites.

Blacks were persuaded that violence against whites and their system was morally justified because the whites were inherently violent and unjust, and had robbed the blacks of the heritage by force of arms.

All reasonable requ[illegible] by the blacks were cr[illegible] suppressed by a[illegible] force — the whole sys[illegible] of government of whi[illegible] was based on violence.

The defence had [illegible]tended the nine we[illegible] merely busy with no[illegible] political activity a[illegible] wanted to build a po[illegible] base for effective barg[illegible]ing with the Gover[illegible] and envisaged change [illegible] the normal constituti[illegible] way.

"There was nothing [illegible] the evidence to sug[illegible] there was any genu[illegible] desire to bargain," [illegible] judge said.

"Although it was avowed policy to have confrontation with whites, the evide[illegible] suggests that that w[illegible] be the position for first three years [illegible] BPC was building up membership and wo[illegible] on the conscientisati[illegible] the black people," judge said.

The court was sai[illegible] SASO and the BPC [illegible] protest groups, politi[illegible] and their methods [illegible] capable of endang[illegible] the maintenance of [illegible] and order in the p[illegible]ing circumstances [illegible] constituted partici[illegible] in terroristic activi[illegible] DDC.

325 Political Trials

The trial of Black Power

THE terrorism trial of the Saso nine which ended at Pretoria's Palace of Justice yesterday is more than just the longest Terrorism Act trial in South Africa. It has been the trial of Black Consciousness itself.

The nine were arrested, with almost 100 others, in the weeks following the banning — on the day they were to be staged — of Saso and BPC rallies throughout the country to celebrate Mozambican independence.

At the time, the nine accounted for almost the entire leadership of both Saso and BPC and of a number of Black Consciousness organisations, too.

The detentions produced strong reaction throughout South Africa with calls on the Government to charge or release the detainees coming from churches, both parties in the Coloured Representative Council, the Progressive Party and the Black Sash.

A petition signed by 700 Black women demanding their release was handed to the State President.

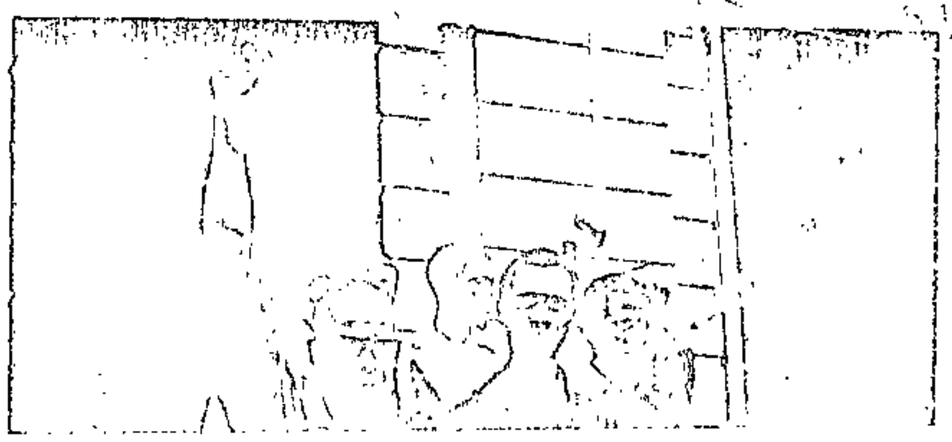
However, none of the detainees appeared in court for the next five months, and the protests gradually died down.

During this period, Mr Shun Chetty, now the attorney for the nine, filed an urgent application in the Pretoria Supreme Court to restrain police from assaulting or "employing any undue or illegal pressure" on the detainees.

Parents of five detainees, including a Transkeian Cabinet Minister, filed supporting affidavits.

In his affidavit, Mr Chetty spoke of "brutal assaults" on the detainees to force statements from them.

The application was dismissed, but the court found that because of the terms of the Terrorism Act, it could not make a ruling on an alternative application that statements from the detainees concerned be placed before the court.



DAVID NIDDRIE: Pretoria

With the first appearance of the detainees (nine were those in the dock yesterday, three others have since been discharged and the other is still awaiting trial on R5 000 bail) came renewed public interest.

There was a fight between the accused and police guards who tried to stop them talking to their families and friends in court after the brief hearing.

The excitement generated by the 13, with their matching black garb, Black Power salutes and singing as they entered the dock made headlines throughout the country and kept interest for the next three or four appearances.

But as the pre-trial argument dragged on, first for days and then weeks, public interest again flagged and the crowds that had overflowed the courtroom into the corridors shrank to a handful of relatives and close friends.

Only in August last year, after the State had withdrawn its first indictment — shortly after the judge, Mr Justice Boshoff, had described it as vague — and two of the 13 were discharged, did the trial actually begin.

Since then, during the 136 court days, over 9 000 pages of evidence has been given, 1 000 pages of documents have been handed in as exhibits and over 800 pages of final argument heard.

Financially too, the trial has been something of a record, with defence costs alone running to almost R500 000.

A novel aspect of the trial and probably one of the reasons for its length is that no acts of physical terrorism or recruitment for military training are alleged by the State.

A major issue in the trail has been the interpretation of the Black Consciousness philosophy and "conscientisation" as practised by the two organisations.

Much of the indictment is concerned with speeches and pamphlets issued from 1971 to 1974 and their effect on the Black population.

In June this year, Mr Cecil Rees SC argued for the State that cross-examination on the rioting and its causes was relevant to the trial as this was "the type of propaganda Saso says it will use to infiltrate schools."

The State alleged in its indictment that the accused conspired to commit acts to bring revolutionary change in South Africa, and were involved in "a course of preparation" which aimed at recruiting Blacks to form a Black Power bloc hostile to Whites and to the State.

To prove these aims, it relied heavily on inferences to be drawn from statements, written articles, poems and official Saso and BPC newsletters and documents.

In argument, defence counsel Mr David Soggot asked whether the accused [illegible] for [illegible] and not [illegible] Julius [illegible] the [illegible] he [illegible] con- [illegible] plied, [illegible] had [illegible] happen [illegible]

Although [illegible] contact between the accused and their prosecutors and police guards brought an atmosphere of light-hearted tolerance into the court, obvious antagonism between the two groups has marked much of the trial.

Since the brawl during the first appearance, similar, less-dramatic incidents have occurred regularly.

On three occasions uniformed police have been ordered to use force as accused chatted to spectators after an appearance.

During the evidence, too, antagonism was occasionally evident. While cross-examining Mr Saths Cooper, one of the accused, Mr Rees, suggested that Saso believed Whites were "mad dogs to be shot on sight."

Mr Cooper replied: "If that was true, I would have tried to kill you when I first saw you."

Mr Rees: "You wouldn't have the courage."

Mr Cooper: "That's a matter for dispute."

On another occasion, Mr Rees told the court that Mr Harry Pitman, one of the defence counsel, was "threatening to assault me."

The trial was not without its lighter moments, however. On September 25 last year, the first "anniversary" of the planned rallies, the nine accused crowded around Mr Rees and presented him with a cake bearing one candle.

They then laughingly demanded that the blushing prosecutor sing "for they are jolly good terrorists" for them.

All the above factors add up to:-

4.6 Empathy. This is the ability to put yourself in the other person's shoes.

4.7 Eye Contact. This helps to develop a bond between the speaker and his audience and the speaker is able to check that he is being understood.

4.8 Self-confidence. Constant practice brings about the development of self-confidence, which is vital for good public speaking.

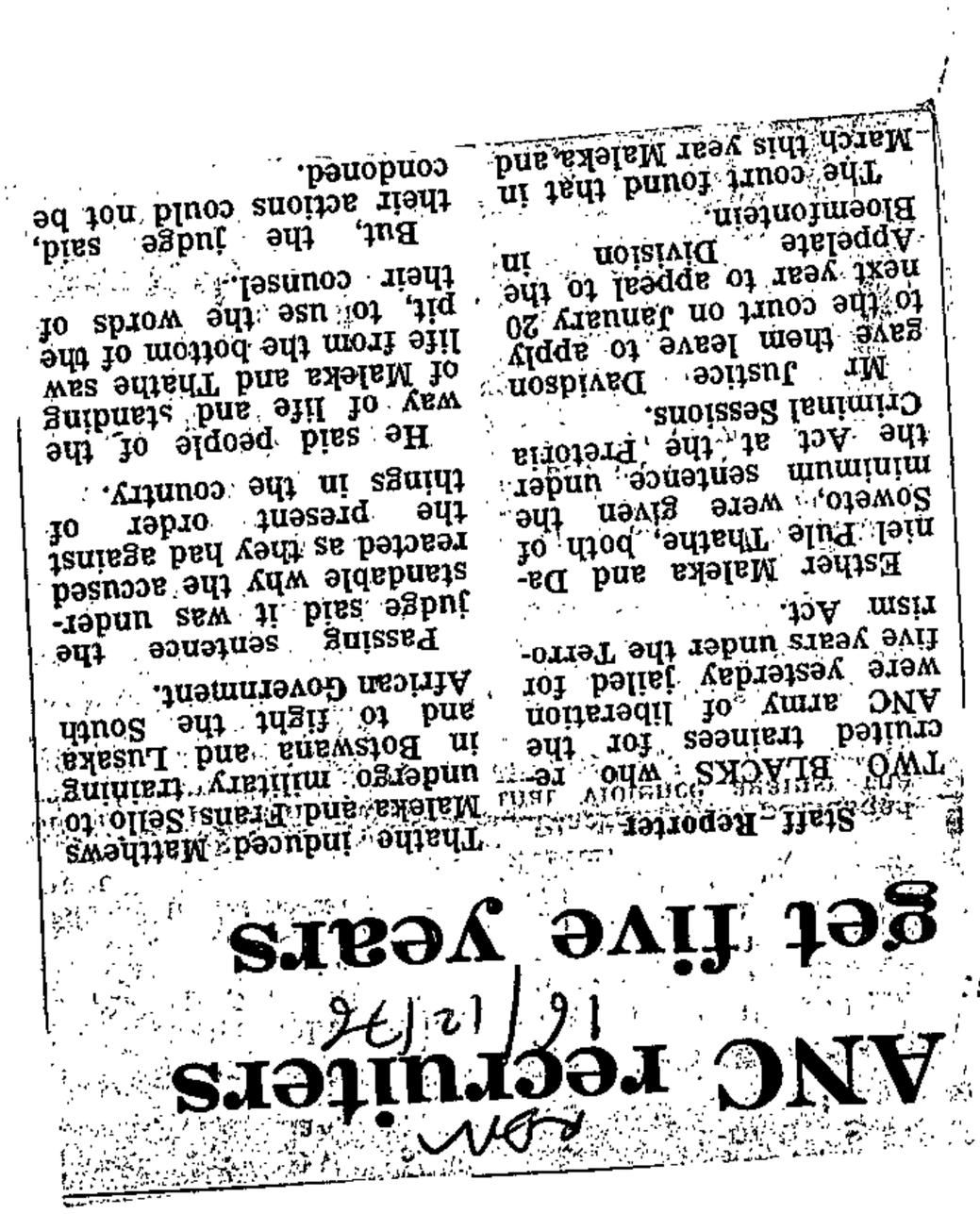
4.9 Concentration. The speaker must concentrate on his material to stimulate his audience.

4.10 Willingness. The listener must be willing to accept the message and to respond flexibly - The speaker must be willing to allow for feedback.

4.11 Self-control. The speaker should aim at a calm delivery and self-control if he is to transmit his message successfully.

4.12 Relaxation. A relaxed speaker can direct his energy and attention towards his purpose.

4.13 Attitudes. Don't get put off by an irritating audience.



ANC recruiters get five years

16/12/76

Staff Reporter

TWO BLACKS who recruited trainees for the ANC army of liberation were yesterday jailed for five years under the Terrorism Act.

Esther Maleka and Daniel Pule Thathe, both of Soweto, were given the minimum sentence under the Act at the Pretoria Criminal Sessions.

Mr Justice Davidson gave them leave to apply to the court on January 20 next year to appeal to the Appelate Division in Bloemfontein.

The court found that in March this year Maleka and Thathe induced Matthews Maleka and Frans Sello to undergo military training in Botswana and Lusaka and to fight the South African Government.

Passing sentence the judge said it was understandable why the accused reacted as they had against the present order of things in the country.

He said people of the way of life and standing of Maleka and Thathe saw life from the bottom of the pit, to use the words of their counsel.

But, the judge said, their actions could not be condoned.

325 gen pol. trials

DD 16/12/76.

Wives: freedom fight goes on

MRS COOPER. . . tremendous sense of loss.

PRETORIA — "My daughters have understood for some time the white man is going to take their father away for a long time," was the grim reaction of the wife of one of the nine SASO terror trial accused to the judgment yesterday.

Mrs Gwen Mokoape, wife of Dr Aubrey Mokoape, said she had been steeling herself and her two daughters — one was born two weeks after Dr Mokoape was detained — for the worst for some time.

She said she was still committed to the struggle for freedom.

"There is no turning back now," she said.

Mrs Cynthia Lekota, who was married to Mr Mosioua Lekota while he was in custody, said she could not believe the nine were guilty of terrorism.

"We will keep hoping and appeal against the conviction," she said.

Mrs Vino Cooper, wife of Mr Saths Cooper, said: "For two years we have been forcing ourselves to live in hope, and now a tremendous sense of loss has begun to come over us."

She would be returning to Durban after the trial and would continue her support of BPC.

Before yesterday's hearing almost 200 blacks and a handful of whites — mainly Nusas leaders — packed into the courtroom to watch the nine, most of whom have been in custody for more than two years, filing into the dock singing "Asikathale" (We Don't Care).

As they reached the dock from the cells below the court, the entire crowd in the public gallery stood and, returning the black power salute, sang with them.

Throughout the hearing about 30 uniformed police armed with wooden batons and pistols were on duty at the court, with at least ten standing between the dock and the public gallery whenever the nine were in court.

At least 15 security policemen, including the head of the Security Police, Gen Mike Geldenhuys, sat in on the hearing for a short while.

Despite the police presence, the nine hugged and kissed close relatives from the dock, in what might be the last opportunity for such close contact before they are sentenced.

Immediately after the court adjourned for lunch yesterday, Mr Muntu Myeza lifted his twin sons — born shortly before he was detained — into the dock. Police ordered him to pass the children back to his wife, Thandi, shortly afterwards. — DDC.

325 Pol. Trials

Judge gives reasons for Saso convictions

A 17/12/76

Pretoria Bureau

The democratic freedom of speech might best serve its high purpose when it induced a condition of unrest, created dissatisfaction, or even stirred people to anger.

This was said by Mr Justice Boshoff in his marathon judgment on the nine accused in the Saso trial in the Supreme Court, Pretoria, this week.

In the case of the blacks, he said later, it had to be remembered that if they used language which might seem unnecessarily strong, they had no effective voice or vote in the authoritative allocation of values, and could only protest against what might be regarded by them as grievances.

But, he said, opinions or beliefs could be expressed only within the limits of the laws — not for instance in contravention of the riotous assemblies act.

9 000 PAGES

The judge struck this balance in his 260 page judgment, one of the longest decisions to have been delivered in South African courts, and itself following the longest trial yet to have been held under the Terrorism Act.

It came after a sitting of 136 court days, during which 61 state witnesses and 21 defence witnesses testified. To prepare his judgment, Mr Justice Boshoff had to re-sift 9 000 pages of court records, 1 000 pages of documentary evidence, 800 pages of state and defence argument.

The resulting judgment is regarded as an important document in South Africa's legal hostory, on what is legitimate political activity — important not only to black radical groups but to everyone in South Africa with an opinion or a feeling to express.

CONFLICTS

In his judgment, Mr Justice Boshoff said the prosecution suggested that the accused were contemplating unconstitutional means in conspiring to bring about a revolutionary change in South Africa.

The defence admitted that the accused were working for a total change of the political, economic and social systems of the country, but in doing so were engaged in normal legal political activities, the aim of which was to bargain from a position of strength.

The judge said that many a system managed to persist in the face of far-reaching and intensive conflicts, and added that they need not even shake its foundations, much less dislodge the system entirely from its basic structure or practices.

RHETORIC

"In our country we have democratic regime norms, and freedom of speech and assembly play an important part in our party system, which is based on opposing views and consequent dispute of ideas.

"It may best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger.

"Rhetoric plays an important part and speech is often provocative and challenging.

"It might strike at prejudices and preconceptions and have a profound unsettling effect as it presses for acceptance of an idea.

"In the case of the blacks we must remember that if they use language which may seem to be unnecessarily strong, they have no effective voice or vote in the authoritative allocation of values and can only protest against what may be regarded by them as grievances.

"While freedom of speech and assembly must be regarded as fundamental in our democratic society, it does not mean that everyone with opinions or beliefs to express may address a group at any public place and at any time.

HOSTILITY

"They may only do so within the limits of our laws — for example, when a person expresses views which promote feelings of hostility between blacks and whites as racial groups, it is only an offence if it were done at a meeting prohibited under the Riotous Assemblies Act (No 17 of 1956), or in contravention of the Bantu Administration Act (No 38 of 1927), that is, with the intention of promoting racial hostility, or in contravention of the Terrorism Act (No 83 of 1967), with the intention of endangering the maintenance of law and order."

Mr Justice Boshoff said that protest groups and revolutionary groups which were responsible for political violence had certain common characteristics and certain distinguishing properties.

SECRECY

Their common characteristics were in respect of objectives, organisation and tactics. Their objectives were to remedy grievances by changing the allocation of political power, material goods and/or status.

Revolutionary groups demanded the destruction of the existing political, economic and social systems and sometimes demanded the escape from the political system and increased autonomy for their own group.

"They organise secretly with clandestine meetings, their officers and members are secret and membership is restricted to tested loyalists.

"They plan for the seizure of power and usually make use of sabotage, terrorist attacks and armed actions. They rarely make use of rallies, demonstrations and strikes."

The court was satisfied that neither Saso nor BPC had the characteristics of a revolutionary group.

CRUCIAL

It was not one of the objects of the conspiratorial agreement to bring about a revolutionary change by unconstitutional or violent means or by the threat of such means.

The crucial questions which remained to be considered were whether the prosecution established that the common method and means resorted to were capable of endangering the maintenance of law and order, and that the agreement had been entered into with that intention.

"There is no direct evidence of the intention of the conspirators and this question must consequently be resolved on the circumstantial evidence. It will be considered in conjunction with the first-mentioned question," said the judge.

Relevant factors included the concern of the conspirators about the political situation in South Africa.

INJUSTICE

"They felt that grave injustices had been done to the blacks by the whites, the blacks being a numerical majority had an historical and natural right to rule the country, but that right had been usurped by the whites who really had no busines to be here at all. The whites cling tenaciously to their political power and their privileged position and have proved themselves to be intransigent."

There had been attempts, even violent attempts, by other organisations in the past to regain the alleged birthright of the blacks, but all had been failures.

The conspirators believed that these attempts had failed because the blacks had not been properly motivated.

"The conspirators realised that political action was necessary of the kind devised by Saso and BPC, not to ameliorate the position of the blacks but to mobilise and prepare the blacks to involve them in a total struggle for a total change.

"This was to be achieved under the banner of black consciousness by means of conscientisation."

Black consciousness was by definition an attitude of mind, a way of life, the basic tenet of which was that the blacks must reject all value systems that sought to make them foreigners of the land of their birth and reduce their basic human dignity. Blacks must build up their own value systems, see themselves as self-defined and not defined by others.

The concept of black consciousness implied the awareness by the blacks of the power they wielded as a group, both economically and politically. Hence group cohesion and solidarity were important facets of black consciousness.

"The practical effects of this was that appropriate language was used by the conspirators to condemn whites as the oppressors of the blacks, and everything associated with whites, especially its institutions and the police," said the judge.

PERSUADED

"In the process language was used which caused and encouraged feelings of hostility where they did not exist, or furthered feelings of hostility where they did exist between the blacks and the whites as inhabitants of the republic.

". . . and the blacks were persuaded that violence against the whites and their system was morally justified because the whites were inherently violent and unjust."

The conspirators clearly felt hostility towards the whites and referred to them in documents and declarations as murderers, oppressors, exploiters, fascists, robbers, rapists and enemies, in an emotional sense to communicate that hostility to the black people.

POWER BLOCK

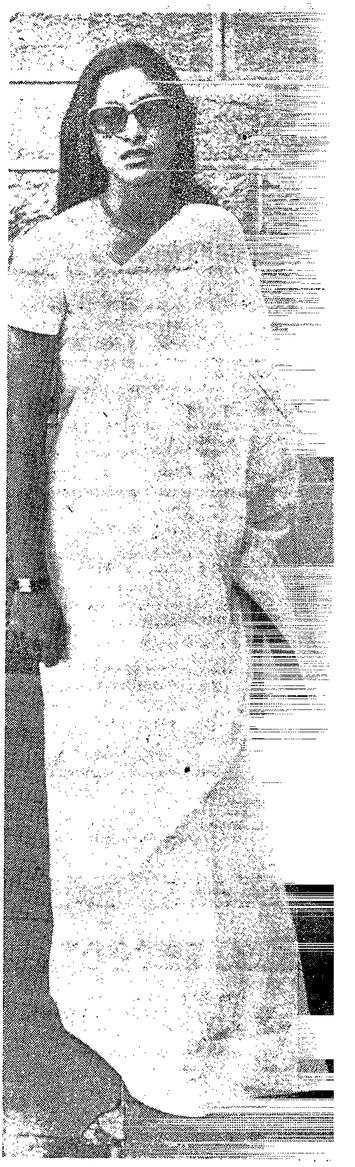
The methods and means employed were designed to create among the blacks a hostile power block orientated for action, more particularly political violence.

Referring to the defence contention that the accused envisaged change in the normal constitutional way, Mr Justice Boshoff said there was nothing in the evidence to suggest there was any genuine desire to bargain.

★ *It is possible for the judge to say more on the subject of political activity when he passes sentence*

This judgment is an important document in South African legal history on what is legitimate legal activity in this country — important not only to black radical groups but to everyone in South Africa with an opinion or a feeling to express.

Mrs Helen Joseph, who was formerly under house arrest, talks to the Rev Aelf Stubbs of Johannesburg on the steps of the Palace of Justice in Pretoria during a break in the Saso terror trial



Mrs Vino Cooper, banned wife of banned former BPC public relations officer, Saths Cooper, who was convicted on two counts under the Terrorism Act.

325 Political Trials

* 21/12/76

No regrets, say four Saso men

From Page 1

mit Cooper's statement is very relevant in argument in mitigation."

Mr Justice Boshoff: Either you argue in mitigation or you are going to give evidence.

Mr Pitman: Cooper wants to express certain facts which are relevant.

The judge: Cooper's statement that the black community has been rejected is not a statement which can be tested as evidence.

Mr Pitman: If he makes a statement which expresses the feelings of blacks, then it shows whether the convicted men were an isolated, conspiratorial group or representative of a vast number of blacks.

NOT ALOWED

The Judge: I am not going to allow him to express any opinion of my judgment. I will not allow him to make any statement inconsistent with the judgment. If he disagrees with it, he can take it to appeal.

Mr Pitman: Cooper is not criticising the judgment but showing its effect. He is showing his degree of culpability.

The Judge: "We have to differentiate between a political speech and a statement in mitigation. But, if he wants to use this opportunity to make a political speech, he will not be allowed to.

Mr Pitman: In the case of the State against Hugh Lewin (convicted for sabotage in the 1960s), Lewin said he wasn't asking the court to give him any privileges, but to allow him to explain how it came about that he did what he did.

The judge: But that was different. Is Cooper's statement for the benefit of the gallery or court? Do you know, Mr Pitman, what he is going to say?

ADJOURNED

Mr Pitman: I have not had an opportunity to examine all the convicted men's statements closely.

The court then adjourned for the defence to examine the statements to be made by the convicted men.

When the court resumed, several of the convicted men testified about what had moved them to take part in the activities of Saso or the BPC.

Nkwenkewe Nkomo read two texts from the Bible. He said he was brought up by a Christian family and read out chapter 6 verse 10 of the Book of Matthew — "Thy Kingdom come, they will be done."

When he became involved in the activities of the BPC, he said, he became involved in a quest for the righteousness of God. Everybody in South Africa should be free, as God had instructed.

CHANNEL

The BPC was a viable channel through which black people could achieve freedom. The organisation stood for a love for mankind.

Under cross-examination, Mr Nkomo said he was convinced that all the objectives of the BPC were in conformity with the teachings of the Bible. He agreed with a resolution which said Christ was a revolutionary and the first freedom fighter.

There was no call for him to regret what he had done for the BPC. He was still a member of BPC and supported Saso.

Cross-examined further, Nkomo agreed that black-white relations were an explosive issue in South Africa.

Next to speak, Zitulele Cindi, a former secretary-general of the BPC, said that when he was growing up he was appalled by the political situation here. He saw the BPC as a means through which black people could work towards a viable solution.

He said everybody should be equal and there should be respect for human dignity. Black people were not being heard.

PROBLEMS

The BPC was aware of South Africa's problems, which could either be solved round the conference table or on the battlefield.

An equal society should be brought about, he said.

There was nothing he wanted to retract in his evidence before the court about BPC activities. He had no regrets about taking part and was proud to have made a contribution to the liberatory struggle.

He said he was a member of BPC and a supporter of Saso. The relationship between black and white could be solved by people coming together and working towards a viable solution.

OPPRESSION

Saths Cooper, the banned former BPC public relations officer, said he was 26 and had known only oppression in South Africa.

He now found himself at the receiving end of the system of oppression.

● Two University of Cape Town students detained for questioning by police after handing out pamphlets at the trial were released after two hours of interrogation by security police today.

The students are Miss Susan Cullinan, secretary of the University of Cape Town SRC, and Mr Steven Kotze, son of the Rev Théo Kotze, head of the Christian Institute in the Western Cape.

Interviewed after their release they said they were taken to the Compol Building, Pretoria, where they were searched and questioned on the pamphlets, which were headed "Soweto" and "Victory or Death."

(Proceeding)

No regrets, say four Saso men

* 21/12/76

Pretoria Bureau

Four of the nine men convicted in the Saso Terrorism Act trial told Mr Justice Boshoff in the Supreme Court, Pretoria, today that they had no regrets about taking part in the activities of Saso or the Black Peoples' Convention.

Police kept a strict security ring around the courthouse.

Earlier, the trial was adjourned briefly after the judge had objected to a "political speech" from the dock by Saths Cooper, one of the convicted men.

Mr Justice Boshoff said he would not allow Cooper to make a "political speech for the benefit of the gallery."

Cooper would have to assist the court with factual statements which could be taken into account in mitigation of sentence.

Before Cooper began his statement, Mr David Soggott said the defence would make submissions in mitigation after each of the men had read statements from the dock.

INTERRUPTED

Mr Justice Boshoff interrupted Mr Cooper's speech and suggested to Mr Harry Pitman, the other defence counsel, that the court be adjourned to allow Mr Pitman to examine the statements of the other convicted men, to see if they would "assist the court" or "constitute unhelpful political speeches."

In his speech Cooper said: "Today the entire black community of South Africa will be finally rejected and totally alienated. Since September 1974 nobody has been able to make political speeches."

Mr Justice Boshoff interrupted Cooper by saying: "I do not want political speeches. I want statements of fact."

Mr Pitman said: "I sub-

To Page 3, Col 6

* 81/12/76

325
gen

RDM 21/12/76

Record of 19 terrorism trials this year

STAFF REPORTER

SIXTY-NINE people have appeared in 21 trials involving security legislation this year.

In the most widespread use of the measure since its introduction in 1967, there have been 19 trials under the Terrorism Act heard this year.

The most publicised was the marathon Saso trial in Pretoria in which the nine accused were convicted last Wednesday.

The accused were detained at the end of 1974, shortly after pro-Frelimo rallies in Durban and at the University of the North which were banned by the Minister of Justice, Mr Jimmy Kruger.

Initially 13 people were charged. Charges against three of them were withdrawn in 1975 and the other, Sadeque Variava, has been charged separately. He is appearing with another person in a Terrorism Act trial.

Sentences on the Saso nine will be passed today by Mr Justice Boshoff in the Pretoria Palace of Justice.

The 13 people sentenced this year under the Terrorism Act, have received a total of 83 years in jail. Mrs Susan Rabkin, who was charged under both the Terrorism Act and the Internal Security Act, was convicted under the Internal Security Act and sentenced to a year in jail, 11 months of which were suspended.

The Terrorism Act carries a mandatory minimum sentence of five years and the judge has no discretion to suspend any part of the sentence.

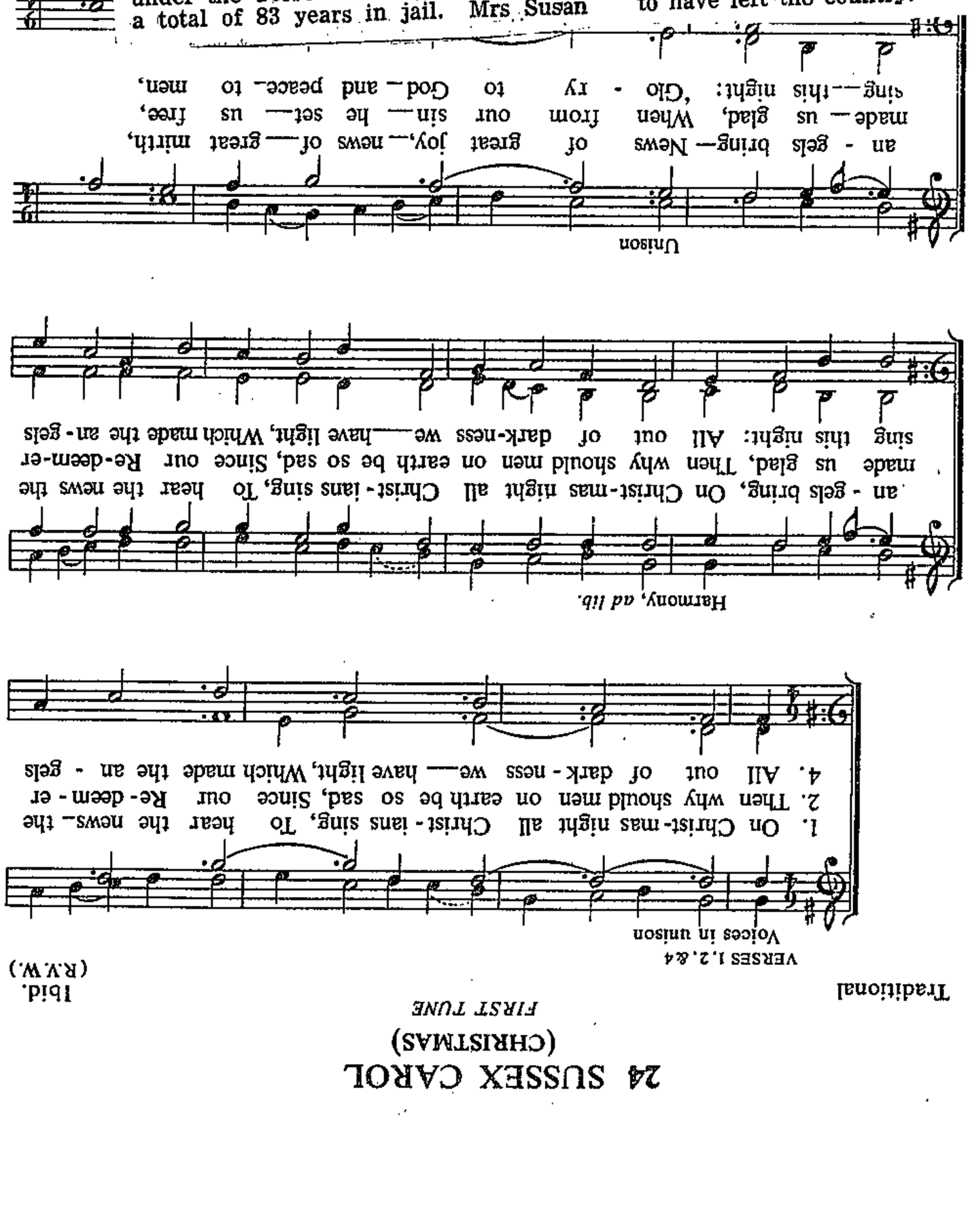
Of the 69 charged this year, 19 people in nine separate trials have been acquitted or have had the charges withdrawn.

Seven trials involving 27 accused are proceeding.

During the year, 159 people detained under the various pieces of security legislation had been released without having charges brought against them.

The spate of banning orders issued in the past month under provisions of the Internal Security Act, has brought the number of people banned this year up to 37.

There are a total of 144 people who have been served with Internal Security Act orders. Twenty of these are thought to have left the country.



325 gen

DD 24/2/76

Trial adjourned

UMTATA — The trial in which five men are charged under the Suppression of Communism Act has been adjourned until February 21.

The five — Mr Dumisa Ntsebeza, 27, Mr Lungisile Ntsebeza, 22, Mr Meluxolo Silinga, 22, Mr Matthew Gonie, 30, and Mr Michael Mgobozi, 22, have all pleaded not guilty to charges on two counts of of the Act.

The court heard yesterday how South African security policemen, seconded to the Transkei Police, had raided the homes of the accused in June this year and arrested them under Proclamation R400 for belonging to a Marxist group.

Sgt D. Raymond, of the South African Security Police, said that on July 13, he searched the rooms of Mr Ntsebeza and Mr Silinga in Norwood, Umtata.

Inside a gas heater he found the book "Time Longer Than Rope" by Prof E. Roux.

In a suitcase he recovered a newspaper cutting entitled "China changes tactics on South African dialogue."

The Attorney-General, Mr G. Titterton, who is leading the State case, said the State had called all the witnesses it needed at present. — DDR.

325 gen

21/12/76 RDM

At least five years for Saso trialists

By DAVID NIDDRIE

THE Saso nine, whose 130-day trial has been the longest under the Terrorism Act, face a minimum of five years' imprisonment when the hearing resumes this morning.

All nine were found guilty of charges under the Terrorism Act by Mr Justice Boshoff in Pretoria's Palace of Justice last week.

The Act carries a mandatory minimum sentence of five years.

The nine have been in police custody for two years and were detained in countrywide Security Police swoops following the banning of "Viva Frelimo" rallies planned by Saso and BPC in September 1974.

It is not yet clear whether defence counsel will lead evidence in mitigation today but it seems likely that immediately the nine have been sentenced, their advocates will apply for leave to appeal against the sentences.

In his 260-page judgment last Tuesday, the judge found that eight of the nine charged with conspiracy to commit acts to bring about revolutionary change by violent means — or the threat of such means — had not done so.

He found that the acts they had committed — including the publication and preparation of Saso and BPC documents — had been capable of endangering the maintenance of law and order and were thus offences in terms of the Terrorism Act.

He found seven of the nine, including Mr Kabor-ane Sedibe who was not charged with conspiracy, guilty of charges relating to the organisation of the "Viva Frelimo" rallies.

He found that neither Saso nor BPC had the characteristics of revolutionary groups which organised secretly and usually planned to seize power using terrorist tactics, sabotage and armed action.

Instead, he found that Saso and BPC were protest groups.

22/12/76 DD

Nine Saso trialists imprisoned

325

PRETORIA — Six of the nine Saso trialists were sentenced yesterday to six years imprisonment and the remaining three to five years for offences under the Terrorism Act.

And in one of the tensest days at the trial — the longest ever Terrorism Act trial — antagonism between the 200 spectators — mainly black — and the 30 uniformed police on duty at the trial flared as police used dogs to force the spectators into queues outside the court room.

Earlier, three white students were detained by Security Police for questioning. They were released a few hours later.

After the hearing there were a number of incidents as spectators and rush-hour pedestrians stood outside the Palace of Justice waiting for the van carrying the nine convicted men to leave the building.

Police again used dogs as they battled to keep the crowds off the streets.

A black photographer's camera was confiscated by police after he took pictures of an incident between the wife of one of the nine, Mrs Vino Cooper, and a police officer who ordered her to move away from the vehicle entrance.

Immediately afterwards, a large part of the crowd surged around Mrs Cooper and the policeman, some shouting at him to "leave her alone."

At the start of the hearing yesterday the nine filed into the packed court clean shaven — almost all had grown beards during the trial — and seven with shaven heads. They did not sing as they had done in the past, but giving the black power salute shouted "amandla." The spectators rose and returned the salute.

The court adjourned only a few minutes later, however, after the judge, Mr Justice Boshoff told the court he did not want "political speeches" from the dock, after hearing a few words of an unsworn statement by the first accused, Mr Saths Cooper.

He adjourned the court to allow defence counsel to consult the nine about their statements.

During this adjournment, one of the white students, Miss Sue Cullinan, a member of the University of Cape Town SRC, was approached by a policeman and then led out of the court by three security policemen, after allegedly handing out small stickers — some bearing the word "Soweto" — to some of those in the public gallery.

She was taken to Security Police headquarters in Pretoria for questioning, but was released shortly afterwards.

A third student, Mr Andrew Merriefield, a Witwatersrand University building science student, was also detained by police. Both were released shortly afterwards.

During the luncheon adjournment, court officials locked the court room, and a crowd of spectators formed outside the court's double door to wait for it to be re-opened, in order to ensure a place in the packed courtroom.

About 20 minutes before the court was due to resume, police began ordering the crowd away from the door and into queues at either side of it.

After a number of angry exchanges between police and members of the crowd, three dog handlers brought their dogs into the building. Using the dogs, police forced the crowd into the queues.

Immediately the nine had been sentenced, the spectators moved towards the dock to speak to the accused, as police tried to hurry them downstairs.

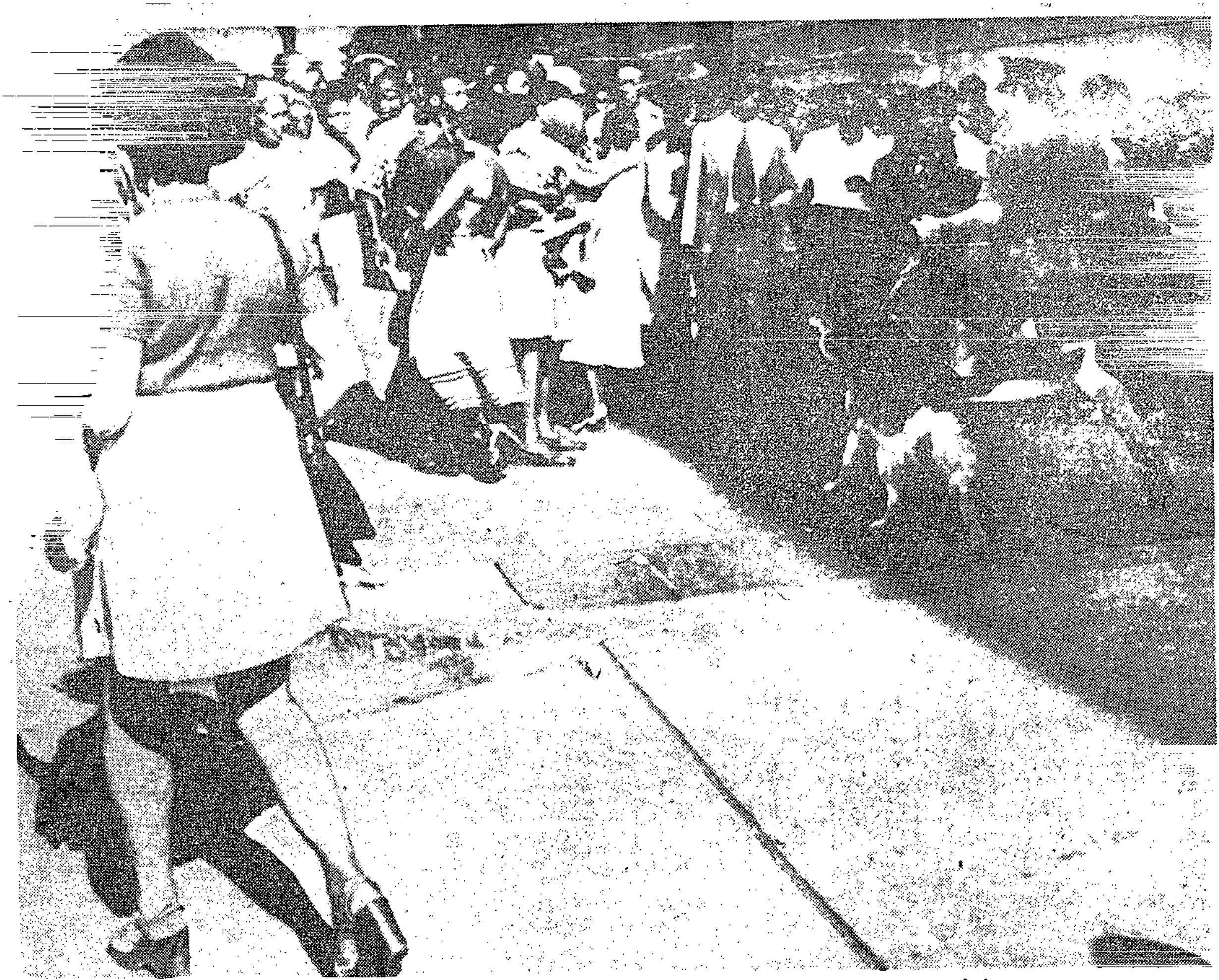
One of the nine, Mr Muntu Myeza, stood on the dock and above the noise of the spectators and the crowd shouted, "We can loose a thousand times; they can only loose once."

The spectators then moved to the back of the Palace of Justice to await the van taking the nine men away. They were joined by hundreds of pedestrians.

A shout of "amandla" went up from the crowd as the van drove away. The crowd dispersed shortly afterwards. — DDC.

Judge objects to speech, page 11.

Slice the bread in 10 mm slices. Cut slices into rounds 3½ cm



A police dog handler controls the crowd outside the Pretoria Supreme Court where sentence was being passed in the Saso trial yesterday.

~~275~~

325 Political Trials

Six Saso men get 10 years

NM 22/12/76

PRETORIA — Mr. Justice Boshoff yesterday sentenced six of the nine Saso members on trial here to a total of 10 years' imprisonment on two counts under the Terrorism Act. The remaining three were sentenced to five years' imprisonment — the mandatory minimum — on the one count under which they were found guilty.

banned former BPC public relations officer (six years' imprisonment), Muntu Myeza (26), former Saso national president and secretary - general, and one-time South African Black amateur boxing champion (six years), Mosioua Lekota (28), former Saso permanent organiser (six years), Aubrey Mokoape (28), a medical doctor and banned former BPC branch chairman in Durban (six years), Nkweni Nkomo (24), former BPC permanent organiser and secretary - general (six years), Phandelani Nefolovhodwe (29), former Saso president (six years), Kaborane Sedibe (26), former Turfloop SRC president (five years), Zitulele Cindi (23), former BPC secretary - general (five years) and Strini Moodley (30), banned former Saso publications director (five years).

However, the Judge said that for the six accused sentenced to 10 years, four years would run concurrently with the first five-year sentence.

The effect of this would be they would serve six-year sentences.

In one of the tensest days at the trial — the longest Terrorism Act trial — antagonism between the 200 spectators — mainly non-White — and the 30 uniformed police on duty at the trial flared as police used dogs to force the spectators into queues outside the court room.

Earlier, three White students were detained by Security Police for questioning, but were released a few hours later.

After the hearing there were a number of incidents as spectators and rush-hour pedestrians stood outside the Palace of Justice waiting for the van carrying the nine convicted men to leave the building.

Police again used dogs as they battled to keep the crowds off the streets.

A Pretoria news reporter, Mr. Allan Dunn, was bitten by one of the dogs as he walked past it.

A photographer for the non-White newspaper, the World, Mr. Shadderak Nkomo, had his camera confiscated.

Hit by car

In another incident, a police dog handler was hit by a tin can thrown from the back of a crowd which he had ordered to move off the road.

The nine on trial were:

325 pol. trials

Star 22/12/76

Saso trialists get up to 10 years

Pretoria Bureau

The nine Saso terror trialists were jailed yesterday for terms ranging from five to 10 years by Mr Justice Boshoff in the Supreme Court, Pretoria.

Six of the men received an effective sentence of six years each and the remaining three were jailed for five years.

Those imprisoned for six years after conviction on two counts under the Terrorism Act were: Saths Cooper, Muntu Myeza, Mosioua Lekota, Aubrey Mokoape, Knwenkwe Knomo, and Pandelani Nefolovhodwe.

The counts were conspiracy with intent to endanger the maintenance of law and order and organisation of the "Viva-Frelimo" rallies in 1974 with intent to encourage racial hostility.

CONCURRENT

Zitulel Cindi and Strini Moodley, convicted on the conspiracy count, received five years and Kaborane Sedibe, convicted on the rally count, also five years.

Mr Justice Boshoff sentenced the six men convicted on two counts to a total of 10 years each, but ruled that four years on the second count would run concurrently with the five years' sentence on the conspiracy counts. The effective sentence is thus six years.

All the men are former officials of the South African Students' Organisation, the Black Peoples' Convention and the SRC of the University of the North, Turfloop.

Passing sentence at the end of South Africa's longest Terrorism Act trial, Mr Justice Boshoff, said:

"The conspiratorial agreement entered into by the men was basically a common enterprise between Saso and BPC, whose primary object was the liberation of black people. This was to involve total change in the political, economic and social areas of South African society and total struggle which entailed total involvement of all blacks.

"POLITICAL SPEECH"

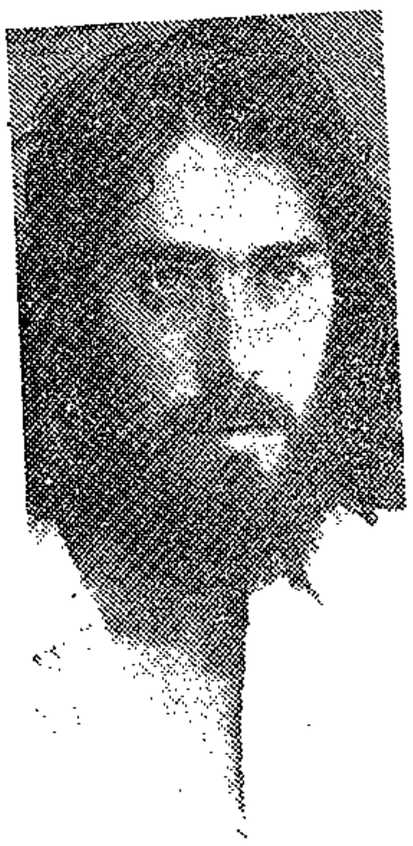
"One of the methods to be employed was conscientisation which was to be directed at children, nurses, high school teachers, students, workers, Sunday School teachers and blacks at grass root level."

Before sentence was passed, Mr Justice Boshoff and one of the defence counsel, Mr Harry Pitman, debated whether a statement by Saths Cooper was "a political speech for the benefit of the gallery" or a submission in mitigation.

After two adjournments the judge banned all statements from the dock.

Each of the men, with the exception of Kaborane Sedibe, then gave evidence in mitigation.

They said they had no regrets about the action which led to their conviction.



Mr Steven Kotze, son of the director of the Christian Institute in the Western Cape, the Rev Theo Kotze, was one of two University of Cape Town students held for allegedly handing out pamphlets.

Miss Susan Cullinan, a member of the University of Cape Town's Student Representative Council, was interrogated for two hours yesterday after allegedly handing out pamphlets at the trial.

Security in court strict

Shouts of "Amandla" by the nine convicted men were met with a chorus of "Awethus" from a packed gallery of about 200 people after sentence was passed.

Stringent security measures had been in operation and two University of Cape Town students were detained for two hours by Security Police after they had been found handing out pamphlets to spectators.

The two Mr Steven Kotze and Miss Susan Cullinan.

The pamphlets read: "Soweto" and "Victory or Death."

Police dogs were used when spectators had an altercation with police guarding the courtroom door.

325
~~309~~

9 jailed in Saso terrorism trial

ARGUS 22/12/76

The Argus Bureau

PRETORIA. — The nine Saso terrorism trialists were jailed yesterday for a total of 51 years by Mr Justice Boshoff in the Supreme Court, Pretoria.

Six of the men each received an effective sentence of six years, and each of the remaining three were jailed for five years.

Those imprisoned for six years after conviction on two counts under the Terrorism Act were Saths Cooper, Muntu Myeza, Mosioua Lekota, Aubrey Mokoape, Nkeweni Nkomo and Phandelani Nefolovhodwe.

The counts were conspiracy with intent to endanger the maintenance of law and order and organisation of the 'Viva Frelimo' rallies in 1974 with intent to encourage racial hostility.

CONSPIRACY

Zitulele Cindi and Strini Moodley, convicted on only the conspiracy count, received five years, and Kaborane Sedibe, convicted on the rally count, was also jailed for five years.

Mr Justice Boshoff sentened the six men convicted on two counts to a total of 10 years each. But ruled that four years on the second count would run concurrently with the five years sentence on the conspiracy count. The effective sentence is six years.

The Terrorism Act stipulates a minimum five-year sentence on conviction.

All the men are former officials of the South African Students Organisation, the Black People's Convention and the SRC of the University of the North, Turfloop.

Passing sentence at the end of South Africa's longest Terrorism Act trial, Mr Justice Boshoff, said: 'The conspiratorial agreement entered into by the men was basically a common enterprise between Saso and BPC, whose primary object was the liberation of Black people, which was to involve total change in the political, economic and social areas of South African society and a total struggle which entailed total involvement of all Blacks.'

SUBSTANTIAL

Mr Justice Boshoff said 'Every member of society had a real and substantial interest in the maintenance of law and order and it was an essential requirement of good government that law and order be maintained.

'The accused have been proved to be party to the conspiracy by their participation and involvement in the activities of Saso and BPC.

'The men are young, intelligent and articulate members of the Black community and they are no doubt concerned with the liberation of Blacks. But the course they followed promises strife, violence and loss of life for the entire Black community.'

RESISTANCE

Referring to 'Viva-Frelimo' rallies organised in Durban and the University of the North, on September 25, 1974, the judge said: 'They had the probable results of encouraging forcible resistance to the government, furthering feelings of racial hostility between sections of the South African population and consequently endangering the maintenance of law and order.'

Arguing in mitigation of sentence, Mr David Soggot, defence counsel, said it was not surprising that Blacks used strong language to redress their grievances as they had no effective voice or vote, 'in the authoratative allocation of values.'

2 students questioned

The Argus Correspondent

JOHANNESBURG. — Two University of Cape Town students, detained for questioning by police after pamphlets were handed out at the SASO terrorism trial, were released after two hours of questioning by security police.

The students are Miss Susan Cullinan, secretary of the University of Cape Town SRC, and Mr Steven Kotze, son of the Rev. Theo Kotze, head of the Christian Institute in the Western Cape.

325 detention

Dead man had head injuries, inquest told

By DICK EPSTEIN

AN inquest magistrate was told yesterday that injuries to the back of an African's head were almost inexplicable if the police version of how he was injured was correct. The man had died within three hours of being arrested.

Mr T. R. Steenkamp had been told by police witnesses at a previous hearing at Krugersdorp that Mr Big Boy Tembo Mngomezulu, 28, was arrested at Evaton on May 31 as a suspect in a R70 000 Vereeniging robbery.

He was handcuffed and was taken to Krugersdorp by Warrant Officer William Charles Landman, Constable C. J. Botha and Constable Sonnyboy Walazi.

On the way, Warrant Officer Landman had stopped about 18 km from Krugersdorp to inspect a car.

WO Landman and Const Botha were standing near the other car while the prisoner sat beside Const Walazi in the back of the police car.

Mr Mngomezulu jumped out of the car and tried to escape, according to the police.

The Warrant Officer chased him over what he described as rough ground. He said he stopped the fleeing man by jumping on his back. The prisoner fell face downward.

The policeman said he helped the prisoner back to the car and that he looked unwell. Const Botha administered artificial respiration but when they reached the Leratong Hospital, a doctor said Mr Mngomezulu was dead.

Professor J. J. F. Taljaard, professor of forensic medicine at Wits University and chief State pathologist for Johannesburg, said in his post mortem report that death was due to head injuries. This

TO PAGE 2

32 [redacted] Koyen

RDM 24/12/72

How man died

FROM PAGE 1

finding was supported by Dr J. Gluckman.

Prof Taljaard said yesterday that Mr Mngomezulu had two black eyes which might have been caused by blood seeping back into them after death. He also had bruises at the back of the right eye and lacerations of the inner lips and bruising of the forehead.

Prof Taljaard said the man could have died from injuries caused by what the police said had happened. He said he had received an affidavit from Const Walazi in which the policeman said the prisoner had got out of the car to urinate and then tried to escape.

Cross-examined by Mr Peter Soller, Prof Taljaard said that if the man had fallen on his face, as described by the police, the injuries to the back of his head were inexplicable unless he had been hit by a hard object or a fist.

Mr Soller asked Const Walazi why he said in court that the prisoner had jumped out of the car to escape while in an affidavit he had sworn that he got out of the car to urinate and then tried to escape.

The constable admitted he had lied in his affidavit.

The hearing was adjourned to January 6.

328 detention

Freed journalist tells of assaults

DD 30/12/76

LONDON — A Rand Daily Mail photographer, Mr Peter Magubane, who was among those released from detention on Wednesday, told the BBC here yesterday he had been assaulted twice by police.

The first time had been with a revolver butt. This had put him in hospital for five days.

"On my release a week after that I was detained," he said.

"I have laid charges but nothing has come out of that. We are still waiting."

Mr Magubane said he had been "put behind bars because of the truth my pictures were telling about the Soweto riots."

He had taken pictures of "children being shot, adults being shot, lying dead . . ."

On the first day of his arrest a Maj Visser had shown him a copy of the Rand Daily Mail which had published a picture of two dead bodies lying in the road.

The Major had asked him if he thought it was a good picture. Mr Magubane had replied it was a good news picture.

Mr Magubane said he had been let out because Soweto was quiet. "There isn't anything happening at all. The only place that is hot news now is Guguletu."

In Cape Town, Prof Ismael Mohamed, former head of the mathematics faculty at the University of the Western Cape, has been released from detention under the Internal Security Act. — DDC-SAPA.